

RECORD OF DECISION
FOR
O'HARE MODERNIZATION

AT
CHICAGO O'HARE INTERNATIONAL AIRPORT
CHICAGO, ILLINOIS

September 2005



DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
GREAT LAKES REGION
DES PLAINES, ILLINOIS

Appendices

APPENDIX A

RESPONSE TO COMMENTS

The FAA conducted a 30-day Final EIS public comment period to provide an opportunity for interested parties to formally comment on those portions of the Final EIS that contain updated and/or refined information from the Draft EIS. The Final EIS public comment period commenced on August 5, 2005 and ended on September 6, 2005. Additionally, the Final EIS was made available to the public via FAA's website and by placement of the document in a number of local libraries around O'Hare on July 28, 2005. The FAA made a commitment to review and respond to comments received after the close of the comment period, to the extent practicable, prior to the issuance of this Record of Decision and has accordingly included responses to late-filed comments.

Several hundred pages of comments were received on the Final EIS. In response, the FAA drafted each section of the main body of the Record of Decision after having given full consideration to the comments. In Appendix A, the FAA has published all comments received on the Final EIS with FAA responses.

A section listing of Appendix A is provided below:

- Section A.1 – Agency Comments;
- Section A.2 – Public Comments;
- Section A.3 – City of Chicago Public Hearing Comments;

A tabular index is provided, in the form of **Tables A-1**. **Table A-1** lists all the comment documents received; **Table A-1** is organized by the three sections A.1, A.2, and A.3. Each document has a "code" that indicates the date and number of the document. For example, the United States Environmental Protection Agency letter is dated September 6, 2005, and the code for the letter is 050906_10, where "05" represents 2005, "09" represents September, and "06" represents the sixth day of the month. The last three digits "10" simply represent the 10th document received on that date.

TABLE A-1 – INDEX OF COMMENTS IN APPENDIX A

No.	Affiliation	Name	Section	Page number	Code
1	Department of Interior	Taylor	A.1	A.1-1	050701_01
2	United States Environmental Protection Agency	Mathur	A.1	A.1-4	050906_10
3	Illinois Department of Natural Resources	Flattery	A.1	A.1-7	050829_01
4	Illinois Environmental Protection Agency	Scott	A.1	A.1-8	050906_11
5	United States Army Corps of Engineers	Isoe	A.1	A.1-10	050916_01
6	Sac & Fox Nation of Missouri	Bahr	A.1	A.1-12	050526_01
7	Sac & Fox Nation of Missouri	Bahr	A.1	A.1-13	050526_02
8	Cherokee Nation	Allen	A.1	A.1-14	050804_01
9	Sac & Fox Tribe of the Mississippi in Iowa	Buffalo	A.1	A.1-15	050829_02
10	Keweenaw Bay Indian Community	Cohen	A.1	A.1-16	050906_14

TABLE A-1 – INDEX OF COMMENTS IN APPENDIX A

No.	Affiliation	Name	Section	Page number	Code
11	Kaw Nation Indian Tribe	Douglas	A.1	A.1-17	050920_01
12	United States Congress	Mica	A.2	A.2-1	050203_01
13	Public	Blomberg	A.2	A.2-5	050405_01
14	Public	Bekeleski	A.2	A.2-9	050523_01
15	Public	Kinnard	A.2	A.2-10	050728_01
16	Public	Ellenbaum	A.2	A.2-11	050729_01
17	Public	Russell	A.2	A.2-12	050730_01
18	Public	Taylor	A.2	A.2-13	050730_02
19	Public	Pulcioni	A.2	A.2-18	050731_01
20	Public	Sachau	A.2	A.2-20	050801_01
21	Public	Garner	A.2	A.2-21	050801_02
22	Public	Paganis	A.2	A.2-22	050801_03
23	Public	McElligott	A.2	A.2-23	050801_04
24	Public	Sobieski7@aol.com	A.2	A.2-25	050802_01
25	Public	Sonntag	A.2	A.2-26	050802_02
26	Public	Mulholland	A.2	A.2-30	050805_01
27	Public	Lehman	A.2	A.2-31	050806_01
28	Public	Lehman	A.2	A.2-38	050808_01
29	Public	Palaha	A.2	A.2-42	050811_02
30	Public	Doering	A.2	A.2-43	050812_01
31	Public	Schalliol	A.2	A.2-46	050812_02
32	Public	Engelking	A.2	A.2-47	050812_03
33	Public	Treesii	A.2	A.2-48	050814_01
34	Public	Valente	A.2	A.2-49	050815_01
35	Public	Santoyo	A.2	A.2-50	050816_01
36	Public	Bermudez	A.2	A.2-53	050816_02
37	Civic Committee of the Commercial Club of Chicago	Martin	A.2	A.2-54	050817_01
38	Village of Arlington Heights	Mulder	A.2	A.2-59	050825_01
39	Public	Becque	A.2	A.2-60	050829_03
40	Public	Drake	A.2	A.2-61	050902_01
41	Public	McGovern	A.2	A.2-62	050903_01
42	Public	Blomberg	A.2	A.2-63	050905_01
43	Chicago Air Cargo Managers Association	Gadow	A.2	A.2-65	050906_01
44	Karaganis-Cohn	Karaganis-Cohn	A.2	A.2-70	050906_02
44A	Le affidavit (a)	Le	A.2	A.2-98	050906_04
44B	Campbell affidavit (a)	Campbell	A.2	A.2-101	050906_05
44C	Fleming affidavit (a)	Fleming	A.2	A.2-151	050906_06
44D	Campbell-Hill Exhibits (a)	Campbell	A.2	A.2-183	050906_07
44E	Karaganis, White and Magel (a)	Karaganis	A.2	A.2-202	050623_01
44F	Karaganis, White and Magel (a)	Karaganis	A.2	A.2-210	050805_02
44G	Karaganis, White and Magel (a)	Karaganis	A.2	A.2-212	050826_01
44H	Department of Transportation Office of Inspector General (a)	Mead	A.2	A.2-214	050721_01
45	Public	Kolodziej	A.2	A.2-234	050906_03
46	Alliance of Residents Concerning O'Hare	Saporito	A.2	A.2-242	050906_08
47	Public	Baker	A.2	A.2-277	050906_09
48	Public	Sell	A.2	A.2-279	050906_12
49	Public	Solis	A.2	A.2-281	050906_13
50	Public	Gorski	A.2	A.2-282	050906_15
51	O'Hare Noise Compatibility Commission	Mulder	A.2	A.2-283	050906_16

TABLE A-1 – INDEX OF COMMENTS IN APPENDIX A

No.	Affiliation	Name	Section	Page number	Code
52	Karaganis, White and Magel	Karaganis	A.2	A.2-285	050906_18
53	Public	Thorson	A.2	A.2-288	050907_01
54	Chicago Public Schools	Murphy	A.2	A.2-289	050916_02
55	Public	Kahler	A.2	A.2-290	050926_01
56	Public	Venegas	A.3	A.3-3	050906_17
57	Karaganis, White and Magel	Karaganis	A.3	A.3-3	050906_17
58	Public	Sell	A.3	A.3-14	050906_17
59	Public	Horn	A.3	A.3-16	050906_17
60	Public	Tralewski	A.3	A.3-18	050906_17
61	Public	Adamowski	A.3	A.3-21	050906_17
62	Public	Taylor	A.3	A.3-25	050906_17

Note:

- (a): These documents were submitted as 8 attachments to the Karaganis-Cohn September 6, 2005 comments on the FEIS, document 050906_02. While the bulk of the documents received were published in chronological order, these documents were placed immediately following the Karaganis-Cohn September 6, 2005 comments on the FEIS.

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050701_01



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



ER 05/468

JUL 01 2005

Mr. Barry Cooper
Chicago Area Modernization Program Office Manager
Federal Aviation Administration
2300 East Devon Avenue
Des Plaines, Illinois 60018

Dear Mr. Cooper:

As requested, the U.S. Department of the Interior (Department) has reviewed the draft Section 4(f) and 6(f) Evaluation for the **Chicago O'Hare International Airport** (O'Hare) modernization project, Cook and DuPage Counties, Illinois. The Department offers the following comments and recommendations for your consideration.

SECTION 4(f)/6(f) COMMENTS

The Federal Aviation Administration (FAA) is the lead agency, responding to a request by the City of Chicago (City) to approve an amendment to the City's Airport Layout Plan (ALP) to modernize O'Hare. Through a screening of potential alternatives, prior to and following the release of the draft Environmental Impact Statement (EIS), three action alternatives were carried through an evaluation of properties within the study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)) and Section 6(f)(3) of the Land and Water Conservation Fund Act (L&WCF; 16 U.S.C. 4601-8(f)(3)). The properties to be directly impacted by the three build alternatives include two city parks (Schuster Park and Bretman Park in Bensenville), two historic cemeteries (St. Johannes and Rest Haven), a historic building (roadside gas service station in Bensenville), a historic farmstead (Schwedtfeger Farmstead in Chicago), and one county forest preserve (DuPage County Forest Preserve District property Silver Creek). The three build alternatives would indirectly impact a locomotive museum (Railroad Monument and Park in Bensenville) through increased aircraft noise levels.

In addition to the properties above, 113 locally important sites were identified as indirectly impacted by the three build alternatives, primarily by aircraft noise impacts. These locally important sites are not typically considered Section 4(f) resources unless the FAA decides to consider them. These sites include a church, a historic log house (used as a museum), and many historic residences in several surrounding towns. The Department appreciates the FAA's consideration of impacts to these properties despite the lack of a requirement to do so.

1

Comment	Response
1	The USDO I comments are noted.

Mr. Barry Cooper

2

Also considered are properties that have received assistance in the form of L&WCF grants. Assistance from L&WCF places restrictions on actions that convert the use of the property from recreational activities. Specifically, Section 6(f)(3) states:

"No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

The document identifies only Bensenville's Schuster Park as having received L&WCF assistance and will be directly impacted by all build alternatives.

The FAA has not identified a Preferred Alternative; and it has not yet completed determinations of eligibility for inclusion in the National Register of Historic Places for the cemeteries above. Normally, it would be premature for the Department to provide a complete statement on concurrence with any determination on Section 4(f) resources as long as the lead agency had yet to determine the Preferred Alternative. However, since all of the Section 4(f) and Section 6(f) properties would be affected by any of the three build alternatives, there would be no lessening of impacts through the selection of a Preferred. The Department would concur with a determination that there are no prudent or feasible avoidance alternatives. Each of the proposed alternatives would result in impacts to the Section 4(f)/6(f) properties; there are no alternatives avoiding impacts to the identified properties. The Department would likely agree that all measures to minimize harm to Section 4(f)/6(f) resources have been employed since the mitigation discussion in the document is complete for the most part. The mitigation presented in the evaluation is very specific and the consultations necessary to determine the acceptability of these measures is completed, at least to the point that the other parties appear to be in agreement with the mitigation. In terms of the Section 6(f) property, Schuster Park, the FAA is working directly with the National Park Service and the responsible State representative, but the selection of the final replacement property is not presented in the draft evaluation. The consultation on the historic status of the cemeteries has yet to be concluded, as well as a decision by the State Historic Preservation Officer (SHPO) on an agreement with the proposed mitigation for all historic sites. The Department would likely support the mitigation provided a final resolution of the issue can be obtained with the SHPO.

SUMMARY COMMENTS

The Department has a continuing interest in working with the FAA, ensuring that impacts to resources of concern to the Department are adequately addressed. For Section 4(f) matters, please contact Regional Environmental Coordinator Nick Chevance, National Park Service, Midwest Regional Office, 601 Riverfront Drive,

Comment	Response
2	FAA appreciates USDOJ's acknowledgment of the FAA's analysis of the locally important sites. In addition, FAA agrees with USDOJ's statements regarding the requirements of mitigation for properties funded under L&WCF such as Schuster Park, the only Section 6(f) property that would be impacted.
3	Since the receipt of this letter, FAA has identified a preferred alternative in the Final EIS. FAA appreciates USDOJ's comment: "[t]he Department would concur with the determination that there are no prudent or feasible avoidance alternatives." Further, the FAA has consulted with the NPS and IDNR regarding the impacts to Schuster Park. FAA also has consulted with SHPO, the ACHP, and affected parties concerning a Memorandum of Agreement (MOA) for impacts on the two cemeteries as a part of the Record of Decision (ROD). See the MOA in Appendix B of the ROD.

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Mr. Barry Cooper


3

Omaha, Nebraska 68102. He may be reached on 402-661-1844. For issues related to Section 6(f), please contact Jim Krejci at the same address, telephone 402-661-1560.

4

Comment	Response
4	The FAA has a continuing interest in working with the USDOJ and acknowledges the contacts provided by it.

Sincerely,



Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:

Mr. Michael W. MacMullen
Airports Environmental Program Manager
Federal Aviation Administration
Chicago Airports District Office
2300 East Devon Avenue
Des Plaines, Illinois 60018

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 6
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

SEP 06 2005

REPLY TO THE ATTENTION OF
 R-19J

Mr. Philip Smithmeyer
 Chicago Airports District Office Manager
 Federal Aviation Administration, Chicago Airports District Office
 2300 East Devon Avenue
 Des Plaines, Illinois 60018

Re: Comments on the O'Hare Airport Modernization Final Environmental Impact Statement (FEIS), Cook and DuPage Counties, Illinois, EIS No. 20050316

Dear Mr. Smithmeyer:

I am providing comments on the O'Hare Airport Modernization Final Environmental Impact Statement (FEIS), consistent with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. The Federal Aviation Administration (FAA) evaluated several O'Hare build alternatives in detail in the FEIS and identified Alternative C, the airfield configuration proposed by the City of Chicago known as the O'Hare Modernization Program, as the preferred alternative.

1

As we indicated in our comments on the Draft Environmental Impact Statement (DEIS), dated April 6, 2005, the U.S. Environmental Protection Agency (U.S. EPA) has worked with FAA on the environmental impact analysis for O'Hare improvements for over three years. Due to that early coordination, many analytical issues and general concerns about the project were addressed during planning. The DEIS reflected that work, so U.S. EPA focused on providing recommendations for improving the analysis, improving public disclosure, and mitigating potential adverse environmental impacts regarding air quality (criteria pollutants and hazardous air pollutants), wetlands, stormwater, noise, and environmental justice. U.S. EPA recommended specific mitigation measures for wetlands, noise, and air impacts.

2

FAA and the City of Chicago responded well to our comments on the DEIS. With respect to analysis or informational gaps, FAA provided information in the FEIS that addressed our concerns regarding water quality, noise, environmental justice, and alternatives analysis. Regarding air quality analysis and informational gaps, we acknowledge FAA's work on general conformity, inclusion of airport related emissions for particulate matter 2.5 microns or less (PM2.5), and dispersion analysis of PM2.5. U.S. EPA previously identified a concern regarding the selection of one year of meteorological data as representing worst-case weather conditions, rather than the use of five full years. Information was presented in the FEIS to support the choice of 1990 as the worst-case meteorological year for criteria pollutant dispersion modeling. Based on the information included in the FEIS together with Illinois

Comment	Response
1	The FAA has identified Alternative C (the City of Chicago's proposed O'Hare Modernization Program) as the FAA's Preferred Alternative in Section 3.7 of the FEIS, and its selected alternative in Section 7 of the ROD.
2	The FAA appreciates the USEPA's continued efforts on the EIS to date, and input on improving the EIS analysis, improving public disclosure, and mitigating potential adverse environmental impacts, including air quality, wetlands, stormwater, noise, and environmental justice. Specific mitigation and reduction measures have been identified in Section 9.3 of the ROD.

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Environmental Protection Agency's (EPA) involvement on this issue, we concur with your use of 1990 as the worst-case meteorological conditions for the five-year period under consideration for this project. However, use of five years of meteorological data remains our accepted practice and we anticipate that FAA would also rely on this standard for use in future FAA projects unless explicitly exempted.

With respect to mitigation, we are pleased that FAA has included most of U.S. EPA's recommendations; however, FAA has not established commitments for such mitigation. As indicated in the FEIS, we expect that firm commitments will be made in the Record of Decision (ROD) for the project. We note that the FAA has quantitatively analyzed components of a diesel emissions reduction program by evaluating sulfur dioxide, particulate matter 10 microns or less (PM10), and volatile organic compound (VOC) reductions associated with low sulfur fuel and particulate traps for construction equipment. We also note that the FEIS reiterates the City's commitment to electrify/modernize gates at O'Hare. U.S. EPA's recommendation to address Ground Support Equipment (GSE) was one measure that was not included on the list of possible mitigation actions in the FEIS. We continue to recognize the potential positive impact of either retrofitting existing diesel GSE or replacing or converting GSE to electric power or alternative fuels. We urge FAA to include GSE mitigation in the ROD. The FEIS includes the provision that three air quality monitors would be purchased and installed at O'Hare. U.S. EPA supports installation of ambient air monitors and looks forward to working with FAA, IEPA, and others to provide any assistance that we can, including determining sampling locations, schedules, and parameters.

On wetland impacts, the FEIS reflects 447.4 acres of wetland mitigation credits, based on ratios U.S. EPA recommended in the DEIS comments. We believe the process for establishing appropriate wetlands compensation under Section 404 of the Clean Water Act, combined with the multi-agency review team approval, will result in the selection and establishment of high quality wetland mitigation sites that will replace the functions and values of those wetlands lost due to implementation of the project. The noise mitigation proposal included in the FEIS responds to our DEIS comments on noise. We are pleased to note the inclusion of multi-family housing in the mitigation plan. More importantly, we commend the FAA and the City of Chicago for the use of two sound contours (build-out year and build-out year plus five years) for targeting noise mitigation and the aggressive timeframe established for achieving the mitigation goals.

As stated above, the FEIS does not specifically commit to the array of mitigation options it contains. Although the list of such options is extensive, there is a lack of firm commitments to implement specific mitigation measures. Without explicit commitments, it is not clear whether the project will include all, some, or none of the mitigation measures listed in the document. For this reason, we retain environmental concerns regarding mitigation for the project.

We are pleased to note that the City has incorporated in the FEIS its Sustainable Design Manual and Green Airport Initiatives Best Management Practices Manual. We look forward to their incorporation into the ROD. We agree that the City, once again, has the opportunity to be an environmental leader by incorporating green airport design, construction, operation,

Comment	Response
3	The FAA notes the EPA's statement that the FAA and the City of Chicago responded well to their comments on the DEIS and addressed their concerns for water quality, noise, environmental justice, and alternatives and acknowledged the FAA's work on air quality including PM2.5. The FAA appreciates USEPA's agreement with the "use of 1990 as the worst-case meteorological conditions for the five-year period under consideration for this project."
4	As the preferred alternative does not violate national air quality standards, and is compliant with the requirements of the Clean Water Act, no formal mitigation actions are required. However, emission reduction measures have been identified and are included in Section 9.3 of the ROD, including additional information on Ground Support Equipment (GSE) emission reduction measures and commitments. The FAA notes USEPA's support for the purchase and installation of three air quality monitors in the O'Hare environs as an emission reduction measure, as included in Section 9.3 of the ROD, and appreciates USEPA's commitment to work with and assist the FAA, IEPA, and others on implementing this measure.
5	The FAA agrees with the restatement of the number of wetland mitigation credits, which were based, in part, on previous comments received from USEPA. The FAA also concurs with the USEPA's favorable assessment of the wetland mitigation process, and that ongoing multi-agency review by the wetland Mitigation Review Team (MRT) will ensure the selection and establishment of high quality wetland mitigation sites as part of the Section 404 wetland permitting process. The FAA notes the EPA's commendation for its use of sound contours for the build out year and the build out plus five years and appreciates USEPA's agreement with the noise mitigation measures and associated required timeframe, including mitigation for multi-family residences, as defined in the Final EIS.
6	Formal mitigation commitments for all environmental resources where impacts were identified, with appropriate implementation timeframes, are included in Section 9 of the ROD.

3

and maintenance practices at O'Hare. At the time of the DEIS, U.S. EPA recommended that the City of Chicago consider implementation of an Environmental Management System (EMS). The FEIS states that the City has agreed to monitor green airport design, construction, operation, and maintenance activities and that FAA will oversee the City's progress. At this time, we do not know what the FAA or the City's plans will be in this regard. We would like to work with FAA and the City of Chicago to develop a mechanism to track environmental performance at O'Hare. An EMS can provide a mechanism to track long-term mitigation measures associated with this project and document measurable environmental results. Regardless of the approach that is committed to in the Record of Decision (ROD), we recommend that it include commitments to share relevant information, including environmental data, as appropriate, with us, other interested agencies, and the public.

Thank you for the opportunity to comment on the FEIS for this project. We will continue to work closely and collaboratively with FAA and the City of Chicago. We will be interested in seeing your response to our comments in the forthcoming ROD. As always, we are willing to meet and discuss our concerns with you. If you have any questions, please contact me. The staff person assigned to this project is Sherry Kamke; she can be reached at (312) 353-5794 or via email at kamke.sherry@epa.gov.

Very truly yours,



Bharat Mathur
Deputy Regional Administrator

Comment	Response
7	<p>The components of the City's O'Hare Modernization Program Sustainable Design Manual, and Green Airport Initiatives Best Management Practices Manual, have been incorporated into the ROD for construction impact mitigation and air quality emission reduction measures, to the extent practical and feasible.</p> <p>The FAA welcomes USEPA's commitment to work with the FAA and the City of Chicago to develop a mechanism to track environmental performance at O'Hare. At this time the FAA anticipates the City will continue past practices regarding tracking of environmental compliance within its programs.</p>
8	<p>Comment noted. The FAA appreciates USEPA's comments and looks forward to working closely and collaboratively with the EPA.</p>

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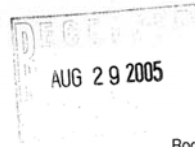
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**Illinois Department of
Natural Resources**

One Natural Resources Way • Springfield, Illinois 62702-1271
http://dnr.state.il.us



Rod R. Blagojevich, Governor
Joel Brunsvold, Director

Comment	Response
1	The FAA notes the IDNR comments on the Final EIS. The FAA notes the IDNR statement that, "no state threatened or endangered species currently exist within the project boundaries, thus no adverse impacts will occur."

August 25, 2005

Mr. Michael W. MacMullen
Federal Aviation Administration
Chicago Airports District Office
2300 E. Devon Avenue
Des Plaines, Illinois 60018

RE: Notice of Availability if
the O'Hare Modernization
Final EIS, Final Sec. 4(f) and
6 (f) Evaluation

Dear Mr. MacMullen:

Thank you for sending the above document for final review and comment. The Illinois Department of Natural Resources (IDNR), Transportation Review Program, has reviewed the above referenced report and concurs that no state threatened or endangered species currently exist within the project boundaries, thus no adverse impacts will occur.

Thank you for the opportunity to comment on this environmental document. If you have any questions on the above, please contact Steve Hamer, Transportation Review Program Manager, at 217-785-5500.

Sincerely,

Tom Flattery, Director
Office of Realty & Environmental Planning

cc: Joel Brunsvold, Director, Illinois Department of Natural Resources
Steve Hamer, Transportation Review Program Manager

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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September 6, 2005

Michael W. MacMullen
 Airports Environmental Program Manager
 Federal Aviation Administration, Chicago Airports District Office
 2300 East Devon Avenue
 Des Plaines, IL 60018

Subject: Comments on the Federal Aviation Administration's Final Environmental Impact Statement for the Proposed O'Hare Modernization Program.

Dear Mr. MacMullen:

The Illinois Environmental Protection Agency (Illinois EPA) appreciates the opportunity to comment on the Final Environmental Impact Statement (EIS) prepared for the proposed O'Hare Modernization Program (OMP).

As stated in our comments on the Draft EIS for the OMP, the Illinois EPA appreciates the comprehensive analyses conducted within the Draft EIS. In the Final EIS, the Federal Aviation Administration (FAA) has supplied information on emissions and air quality that exceeds that required by the National Environmental Policy Act (NEPA). Our comments on the Draft EIS also expressed appreciation for the commitment of the FAA and the City of Chicago to incorporate strategies intended to reduce such emissions from the construction and operation of the O'Hare Modernization Program. The Illinois EPA is gratified to see that the Final EIS contains an extensive list of possible control measures, both for air quality and water quality improvement, which could be implemented.

We encourage you to the maximum extent possible to implement these measures, especially those that will have the effect of reducing ozone precursor and particulate matter emissions. Particularly, we encourage the FAA and the City of Chicago to attempt to mitigate construction emissions through the use of ultra-low sulfur diesel fuel and the newest and cleanest possible construction equipment engines or the installation of additional emissions control equipment on construction equipment. Further, we encourage that the City of Chicago implement the construction scenario that produces lowest practicable level of excavation material removal.

Comment	Response
1	Comment noted. The FAA notes the IEPA's appreciation of the comprehensive analysis contained within the DEIS and that the FEIS supplied information on emissions and air quality that exceeds that required by NEPA.. Formal commitments for all environmental resources where impacts were identified, including for air quality and water quality, are included in Section 9 of the ROD.
2	Formal commitments to air quality emission reduction measures are included in Section 9.3 of the ROD. These measures include, among others, (1) the use of newer, cleaner, and more fuel efficient engines for construction equipment, (2) the use of ultra low sulfur fuel for off-road and on-road diesel equipment as soon as possible, and (3) the use of diesel emission traps and oxidation catalysts for off-road diesel equipment during construction, to the extent practicable and feasible. Additionally, the FAA shares IEPA's concern that the City should implement the construction scenario that lowers construction haul trips, and overall emissions, by utilizing onsite materials and balancing earthwork and excavation to the maximum extent possible.

1

2

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The Illinois EPA also recommends the use of diesel- powered ground service equipment be converted to use of electricity or cleaner-burning alternative fuels to the greatest extent practicable. The Illinois EPA stands ready to work with the City of Chicago other on the submittal of a Voluntary Airport Low Emission (VALE) program application to FAA to provide funding for such a program.

3

The Illinois EPA is currently reviewing the application package submitted for the anti-degradation assessment and Section 401 Water Quality Certification pertaining to the project-related impacts to wetlands and waters of the United States. The wetland mitigation plan submitted is currently under review by the Mitigation Review Team (MRT) and is awaiting publication of a public notice by the U.S. Army Corps of Engineers. The Illinois EPA will continue its review of the application and associated mitigation plan, and intends to complete that review following an evaluation of any pertinent public comments received as a result of the notice on this matter. Construction activities that would impact wetlands and waters of the United States are not authorized until the Section 401 water quality certification is issued.

4

Again, the Illinois EPA appreciates the level of cooperation received from the FAA and its third party contractors throughout the EIS process. We look forward to working together during the implementation of the OMP to assist in reducing its potential environmental impacts.

If you have any questions about these comments please contact Mike Rogers at (217) 524-4408.

5

Very truly yours,

Douglas P. Scott
 Douglas P. Scott
 Director

cc: City of Chicago

Comment	Response
3	Comment noted. As an air quality emission reduction measure, the City will encourage the use of alternate fuel and retrofits for internal bus/shuttle transport, as well as for Ground Service Equipment (GSE) to the extent practicable and feasible. The FAA notes that most of the GSE at the Airport is owned and operated by the airlines. Accordingly, the City does not have direct control over the airline's equipment, and the decisions they make regarding modifications or purchases of GSE.
4	Comment noted. Construction activities that would impact wetlands and non-wetland Waters of the US are not authorized until a 404 permit is approved by USACE in consultation with IEPA and 401 certification are issued.
5	The FAA appreciates IEPA's comments and continued cooperation with the FAA during the EIS process.



DEPARTMENT OF THE ARMY
 CHICAGO DISTRICT, CORPS OF ENGINEERS
 111 NORTH CANAL STREET
 CHICAGO, ILLINOIS 60606-7206

REPLY TO
 ATTENTION OF:

Technical Services Division
 Regulatory Branch
 200301000

SEP 23 2005

16 SEP 2005

SUBJECT: Response to Notice of Availability of the O'Hare Modernization Final Environmental Impact Statement, Final Section 4(f) and Section 6(f) Evaluation, and Final General Conformity for Development of O'Hare Modernization Program Located at O'Hare International Airport in Chicago, Cook and DuPage Counties, Illinois

Michael MacMullen
 Department of Transportation, Federal Aviation Administration
 Chicago Airport's District Office
 2300 East Devon Avenue
 Des Plaines, Illinois 60018

Dear Mr. MacMullen:

This letter is to provide comment on the Final Environmental Impact Statement (FEIS) for the above-referenced project. As a cooperating agency in the review of the Draft Environmental Impact Statement (DEIS) and the FEIS for the project, the U.S. Army Corps of Engineers (USACE) has agreed to adopt and incorporate the FEIS into our decision-making process with respect to key issues such as the 404 (b)(1) Guidelines, public interest factors, site constraints, etc. This office concurs that there are no less damaging alternatives to construct the project, and that the proposed alternative site configurations will directly impact a majority of the on-site waterways and wetlands.

In addition, this office has worked in cooperation with other permitting agencies such as the Illinois Environmental Protection Agency (IEPA), the Illinois Department of Natural Resources (IDNR), and the Illinois Historic Preservation Agency (IHPA) in the review of the DEIS and the FEIS. This coordination has facilitated early consideration of key issues and an understanding of the proposed actions and associated environmental impacts.

Comment	Response
1	The FAA appreciates the comments from the USACE on the FEIS. The FAA notes the USACE statement that, "there are no less damaging alternatives to construct the project." In addition, the FAA appreciates and concurs with the USACE statement that "coordination has facilitated early consideration of key issues and an understanding of the proposed actions and associated environmental impacts."

1

If you have any questions, please contact Kathy Chernich of the Regulatory Branch, telephone number (312) 846-5531.

Sincerely,



Mitchell A. Isoe
Chief
Regulatory Branch

Copies Furnished:

O'Hare Modernization Program, Executive Director (R. Andolino)
Illinois Environmental Protection Agency (Yurdin)
Illinois Department of Natural Resources (Schanzle)
Illinois Historic Preservation Agency (Haacker)

050526_01



Sac & Fox Nation of Missouri in Kansas & Nebraska

305 North Main St., Reserve, KS 66434
Phone: (785) 742-7471 Fax: (785) 742-3785

May 26, 2005

Michael W. MacMullen
Airports Environmental Program Manager
Federal Aviation Administration
Chicago Airports District Office
2300 East Devon Avenue
Des Plaines IL 60018

Dear Mr. MacMullen;

Thank you for your letter, which is in compliance with Section 106 of the National Historic Preservation Act, and Section 110. I apologize for the late response to your letter.

Project: Notice of Availability of the Draft O'Hare Modernization Section 303/4(f) and Section 6(f)

The Sac and Fox Nation of Missouri in Kansas and Nebraska NAGPRA department have determined the above project as:

No objections. However, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify NAGPRA representative Deanne Bahr, at the address above.

There are two other bands of Sac and Fox that also need to be contacted, the Sac and Fox Nation of Oklahoma and the Sac and Fox of the Mississippi in Iowa.

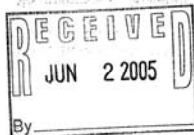
Johnathan Buffalo
Sac and Fox of the Mississippi in Iowa
349 Meskwaki Rd.
Tama, IA 52339-9629

Sandra Massey
Sac and Fox Nation of Oklahoma
Rt. 2, Box 246
Stroud, OK 74079

If you have any questions, please contact me at the number or address above.

Sincerely,

Deanne Bahr
Sac and Fox Nation of Missouri in Kansas and Nebraska
NAGPRA Contact Representative



Comment	Response
1	<p>FAA acknowledges that the Sac & Fox Tribe of Missouri in Kansas and Nebraska has raised no objection in their response to the Section 4(f) and Section 6(f) Evaluation. If human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the NAGPRA Representative of the Sac & Fox Tribe of Missouri in Kansas and Nebraska will be notified.</p> <p>The FAA also notes that the Final Section 4(f) and Section 6(f) Evaluation is contained in Appendix L of the Final EIS. Further the FAA notes that both the Sac & Fox Tribe of the Mississippi in Iowa and the Sac & Fox Tribe of Oklahoma were contacted.</p>

050526_02



Sac & Fox Nation of Missouri in Kansas & Nebraska

305 North Main St., Reserve, KS 66434
Phone: (785) 742-7471 Fax: (785) 742-3785

May 26, 2005

Michael W. MacMullen
Airports Environmental Program Manager
Federal Aviation Administration
Chicago Airports District Office
2300 East Devon Avenue
Des Plaines IL 60018

Dear Mr. MacMullen;

Thank you for your letter, which is in compliance with Section 106 of the National Historic Preservation Act, and Section 110. I apologize for the late response to your letter.

Project: Notice of Availability of the Draft Air Quality General Conformity Determination for O'Hare Modernization Environmental Impact Statement

The Sac and Fox Nation of Missouri in Kansas and Nebraska NAGPRA department have determined the above project as:

No objections. However, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify NAGPRA representative Deanne Bahr, at the address above.

There are two other bands of Sac and Fox that also need to be contacted, the Sac and Fox Nation of Oklahoma and the Sac and Fox of the Mississippi in Iowa.

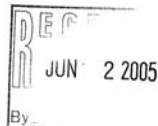
Johnathan Buffalo
Sac and Fox of the Mississippi in Iowa
349 Meskwaki Rd.
Tama, IA 52339-9629

Sandra Massey
Sac and Fox Nation of Oklahoma
Rt. 2, Box 246
Stroud, OK 74079

If you have any questions, please contact me at the number or address above.

Sincerely,

Deanne Bahr
Sac and Fox Nation of Missouri in Kansas and Nebraska
NAGPRA Contact Representative



Comment	Response
1	<p>FAA acknowledges that the Sac & Fox Tribe of Missouri in Kansas and Nebraska has no objection to the Draft Air Quality General Conformity Determination. If human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the NAGPRA Representative of the Sac & Fox Tribe of Missouri in Kansas and Nebraska will be notified.</p> <p>The FAA also notes that the Final Air Quality General Conformity Determination is contained in Appendix J of the Final EIS. Further the FAA notes that both the Sac & Fox Tribe of the Mississippi in Iowa and the Sac & Fox Tribe of Oklahoma were contacted.</p>

050804_01

Comment	Response
1	FAA acknowledges that the Cherokee Nation has no interest in the states comprising the FAA Great Lakes Region.



"Richard Allen"
<Richard.Allen@cherokee.org
>
08/04/2005 05:54 PM

To: 9-AGL-600-OMPEIS/AGL/FAA@FAA
cc
bcc
Subject: Cherokee Nation Response to O'Hare Modernization

Dear Mr. MacMullen:

The Cherokee Nation has no interest in any of the states listed within the Great Lakes Region. Thank you for your notation.

1

Sincerely,

Dr. Richard L. Allen
Policy Analyst
Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465
(918) 456-0671 Ext. 2466

050829_02

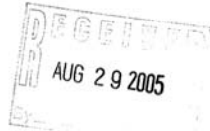


Sac & Fox Tribe of the Mississippi in Iowa

349 Meskwaki Road, Tama, IA 52339-9629 • (641) 484-4678 FAX (641) 484-5424

"MESKWAKI NATION"

August 18, 2005



Mr. Mike MacMullen
Federal Aviation Administration
2300 East Devon Ave.
Des Plaines, IL 60018

Dear Mr. MacMullen:

Thank you for your letter of July 27, 2005 concerning the project:

**O'Hare Modernization Final Environmental Impact Statement,
Final Section 4(f) and Section 6(f) Evaluation, and Final General Conformity Determination**

At this time, the Historical Preservation Department of the Sac and Fox of the Mississippi in Iowa has determined the above listed has:

- No interest in the area geographically
- No comment on the proposed undertaking
- No objections. However, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify the NAGPRA Representative, Johnathan L. Buffalo.
- Have an objection or require additional project information. Please send the following: _____

Sincerely,

Johnathan L. Buffalo
Historical Preservation Coordinator
Sac and Fox of the Mississippi in Iowa

Cc: File

Comment	Response
1	FAA acknowledges that the Sac & Fox Tribe of the Mississippi in Iowa has no objection to the Final EIS, Final Section 4(f) and Section 6(f) Evaluation and Final Conformity Determination. If human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the NAGPRA Representative of the Sac & Fox Tribe of Mississippi in Iowa will be notified.

050906_14

KEWEENAW BAY INDIAN COMMUNITY

2005 TRIBAL COUNCIL

SUSAN J. LAFERNIER, President
 WARREN C. SWARTZ, JR., Vice-President
 LARRY J. DENOMIE III, Secretary
 GARY F. LOONSFOT, SR., Asst. Secretary
 JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
 107 Beartown Road
 Baraga, Michigan 49908
 Phone (906) 353-6623
 Fax (906) 353-7540

DOREEN G. BLAKER
 FRED DAKOTA
 WILLIAM E. EMERY
 MICHAEL F. LAFERNIER, SR.
 ELIZABETH D. MAYO
 TONI J. MINTON
 SHAWANUNG

August 30, 2005

Mr. Mike MacMullen
 Federal Aviation Administration
 2300 East Devon Avenue
 Des Plaines, Illinois 60018

Re: O'Hare Modernization Final Environmental Impact Statement, Final Section 4(f) and Section 6(f) Evaluation, and Final General conformity Determination

Dear Mr. MacMullen:

The Keweenaw Bay Indian Community (KBIC) received your requests for comments or interest on the above-mentioned projects. KBIC has no interests documented at this time in the proposed project areas. If the scope of work changes in any way or if artifacts or human remains are discovered, please notify KBIC immediately so we can assist in making an appropriate determination.

Please forward a copy of any request for future opportunities to review and comment to Summer Sky Cohen, Coordinator, Tribal Historic Preservation Office, at the address listed below. Please keep us informed of future projects as KBIC plans to increase our efforts to identify and document sites in the area.

Thank you for this opportunity to review and comment.

Respectfully,

Summer Sky Cohen
 Summer Sky Cohen, Officer
 Tribal Historic Preservation Office
 Keweenaw Bay Indian Community
 107 Beartown Road
 Baraga, Michigan 49908
 906.353.6272
 906.353.6869 fax

LAKE SUPERIOR BAND OF CHIPPEWA INDIANS

Comment	Response
1	FAA acknowledges that the Keweenaw Bay Indian Community has no objection to the Final EIS, Final Section 4(f) and Section 6(f) Evaluation and Final Conformity Determination. If the scope of work changes or human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the NAGPRA Representative of the Keweenaw Bay Indian Community will be notified.



1

050920_01



U.S. Department
of Transportation
**Federal Aviation
Administration**

Great Lakes Region
Illinois, Indiana, Michigan,
Minnesota, North Dakota,
Ohio, South Dakota,
Wisconsin

2300 East Devon Avenue
Des Plaines, Illinois 60018

May 20, 2005

Ms. Wanda Stone
Chair
Kaw Business Committee
Drawer 50
Kaw City, OK 74651

Re: Notice of Availability of the Draft O'Hare Modernization Section 303/4(f) and Section 6(f) Evaluation and Notice of Public Comment Period

Dear Ms. Wanda Stone:

The Federal Aviation Administration (FAA) has prepared a Draft O'Hare Modernization Section 303/4(f) and Section 6(f) Evaluation for the O'Hare Modernization Environmental Impact Statement. The Section 303/4(f) and Section 6(f) Evaluation documents the consideration of impacts to Section 303/4(f) lands and DOT Section 6(f) lands that could be impacted by build alternatives proposed at Chicago O'Hare International Airport.

We are seeking comments from Federal, State, and local agencies, and the public on the Draft O'Hare Modernization Section 303/4(f) and Section 6(f) Evaluation. Enclosed is a copy of the Notice of Availability that will be published in the Federal Register on or about May 20, 2005. The entire document is available on the internet at www.agl.faa.gov/OMP/DEIS.htm.

Please send your written comments to Mr. Mike MacMullen, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; (847) 294-7046 (facsimile); or via email: ompeis@faa.gov; by the close of business July 5, 2005.

Thank you for your time and consideration in this matter.

Sincerely,

Barry Cooper
Manager, Chicago Area Modernization Program Office

Enclosure

Examination of historic files find no properties
documented within project area that meet criteria of
additional value. Archaeological materials or Human
remains could likely be encountered which requires
immediate notification.

Date: 7-20-05

Project ID # _____

Approved By: *Crystal Douglas*
KAW NATION INDIAN TRIBE
NAGPRA Director

Comment	Response
1	FAA acknowledges that the Kaw Nation Indian Tribe has no objection to the Draft Section 4(f) and Section 6(f) Evaluation. If the scope of work changes or human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the NAGPRA Representative of the Kaw Nation Indian Tribe will be notified.

1

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