

U.S. Department of Transportation  
**FEDERAL AVIATION ADMINISTRATION**  
Western-Pacific Region

**FINDING OF NO SIGNIFICANT IMPACT**  
**and**  
**RECORD OF DECISION**

for the

Modification to the Las Vegas Four-Corner Post Plan  
Las Vegas TRACON  
Las Vegas, NV

November 2006

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**I. INTRODUCTION**

This document serves as a Finding of No Significant Impact (FONSI) and Record of Decision (ROD) for the Federal Aviation Administration's (FAA) proposed federal action to approve the proposed modification of an existing departure procedure implemented as part of the Four Corner-Post Plan at McCarran International Airport (LAS), Las Vegas, Nevada, in October 2001. The original Four Corner-Post Plan was developed and implemented to address growing airspace and air traffic control inefficiencies caused by increases in air traffic in the Las Vegas TRACON airspace.

The FONSI/ROD is based on the environmental impact information contained in the Final Supplemental Environmental Assessment (FSEA) dated November 2006. The supplement to the 2001 Final Environmental Assessment (FEA) was prepared to study only the potential environmental impacts associated with modifying the existing STAAV RNAV SID (the proposed action) to accommodate eastbound departures from Runway 25 at Las Vegas McCarran International Airport (LAS). The proposed modification changes the flight procedure within Las Vegas Terminal Radar Approach Control (TRACON) boundaries to increase safety, efficiency, and ultimately reduce delays.

This FONSI/ROD will describe the purpose and need of the project, the actions to be taken by the FAA, the alternatives examined in the Final Supplemental Environmental Assessment (FSEA), the environmental effects of the alternatives, and the decision action. The nature and extent of the decision is clearly stated in this FONSI/ROD, which is a decision document.

The FSEA was prepared pursuant to the provisions of the National Environmental Policy Act (NEPA) of 1969, and the Council on Environmental Quality (CEQ) regulations (40 C.F.R. parts 1500-1508). Additionally, the FEA meets the guidelines identified in the Department of Transportation Order 5610.1C, *Procedures for Considering Environmental Impacts*, and FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*.

**II. PURPOSE AND NEED**

The purpose of the Four Corner-Post Plan at LAS (LAS 4CP) was to enhance airspace and air traffic control efficiency by eliminating airspace conflicts and reducing controller workload. It

was intended to increase safety and efficiency and lead to a reduction in aircraft delay by realigning the Standard Terminal Arrival Route (STAR) and Standard Instrument Departure (SID) procedures. It was further intended to take full advantage of technology developments. The procedures in use prior to the LAS 4CP created airspace conflicts because they required arrivals and departures to use the same flight path corridors. The result was that departing aircraft were unable to climb unrestricted to cruising altitude and arriving aircraft were unable to descend in a timely manner. This operation required rigorous attention by the air traffic controllers to monitor altitudes, ensure safe separation was maintained, and ensure aircraft remained within delegated airspace.

In 2001, implementation of the LAS 4CP met the purpose and need described above. However, rapid aviation growth at the airport revealed an unexpected constraint on departures. The following section identifies the airspace problem (the *need* for the proposed project) and the proposed solution to the problem (the *purpose* of the proposed project) associated within Las Vegas TRACON boundaries. The purpose and need for the project are detailed in Chapter One, Section 1.5, Purpose and Need, of the FSEA.

**Need for the proposed project:**

Aviation activity at LAS recovered from the events of September 11, 2001 faster than at other U.S. airports and annual operations are projected to increase at this elevated rate over the coming years. Since 2001, LAS has moved from the 9<sup>th</sup> busiest airport to the 5<sup>th</sup> busiest airport in the country.

Before the implementation of the LAS 4CP in 2001, aircraft departing Runway 25 for eastern destinations maintained runway heading until four miles west of the Airport, then turned right before starting another right turn to their eastern destinations. This was the requirement of both the MEAD and OVETO SIDs and had been in use for many years.

After implementation of the LAS 4CP, approximately 95% of the aircraft turn left after departing Runway 25. These departures and the departures from Runway 19 converge on a single waypoint (a geographical location used by pilots in navigating the aircraft) southwest of the airport. As a result of this traffic flow, Air Traffic Controllers need to provide sufficient time between departures to ensure adequate separation and spacing over that waypoint between the departures off of Runways 25 and 19. The continual increase in traffic demand, combined with constraint of the routing over a single waypoint, has caused increasing delays for departures.

**Purpose of the proposed project:**

The proposed solution to the problem is the modification of an existing right turn departure procedure (STAAV RNAV SID) to accommodate some eastbound traffic from LAS. The purpose of the Proposed Action is to address the air traffic and airspace inefficiencies for departure traffic resulting from increased demand at LAS, and to recapture the efficiency that was lost from the reduction in the use of the right-turn procedure from Runway 25 as part of the 2001 LAS 4CP. Modification of the STAAV departure procedure to accommodate eastbound departures will provide an additional route for some eastbound departures, and reduce the time needed between successive departures, resulting in improved airspace efficiency and reduced departure delays.

### III. ALTERNATIVES

The FAA explored and objectively evaluated reasonable alternatives which were considered practical and feasible in meeting the purpose and need for the proposed project.

Chapter Two of the FSEA describes the criteria that established the initial alternatives, the evaluation of the initial alternatives, the alternatives carried forward for further environmental evaluation, alternatives received during the comment period, and the alternatives excluded from further consideration and the reasons for such exclusion. These same criteria were used for the evaluation of the alternatives in the 2001 FEA, and are described in Section 2.2 of the FSEA.

One of the criteria included compatibility with the LAS Airport Noise Compatibility Program (NCP), which includes informal noise abatement procedures and a preferential runway-use program. The program and procedures were established prior to implementation of the 2001 LAS 4CP, in an effort to minimize aircraft noise impacts on surrounding communities. The 2001 LAS 4CP procedures are compatible with the LAS NCP.

Three alternatives were proposed and analyzed in the FSEA. These consisted of Alternative 1 (No Action), Alternative 2 (Proposed Action), and Alternative 3 (Develop RNAV SID for Runway 25 Eastbound Departures, Flying 10 Miles West of the Airport Before Turning East). Only Alternative 1 (No Action) and Alternative 2 (Proposed Action) were carried forward for further evaluation.

A detailed explanation of each alternative is provided in the FSEA and will not be repeated herein. Please note that the No Action alternative is always required to be analyzed in accordance with the Council on Environmental Quality (CEQ) regulation 40 CFR § 1502.14. A short description of the three alternatives and their advantages and disadvantages follows:

#### **Alternative 1: No Action**

*General description:* The No Action alternative would make no changes to current air traffic procedures or airspace structure within Las Vegas TRACON. Please refer to Chapter Two, Section 2.3.1. of the FSEA for a complete description of the No Action alternative.

*Advantages:* No controller training.

*Disadvantages:* The airspace inefficiency and departure delay issues identified in the proposed project will not be addressed. It would not ensure that LAS can meet its forecasted future demand.

*Conclusion:* A No Action alternative would ultimately reduce air traffic movement, reduce efficiency, reduce controller productivity, and reduce the airport's ability to accommodate demand. It would not meet the purpose and need of the project.

#### **Alternative 2: Proposed Action**

*General description:* This Proposed Action alternative would modify the existing STAAV RNAV SID to accommodate eastbound departures from Runway 25. The proposed procedure

would emulate the OVETO SID, which was used for many years prior to 2001. The proposed action would allow approximately 33% of the departures from Runway 25 to make a right turn after departure. Prior to 2001, over 60% of the departures from Runway 25 made a right turn after departure (OVETO SID). Please refer to Chapter Two, Section 2.3.2. of the FSEA, for a detailed description of the Proposed Action alternative.

*Advantages:* Modifying the STAAV RNAV SID procedure for eastbound departures from Runway 25 at LAS would improve airspace efficiency by providing an alternative route for eastbound departures that does not conflict with the existing departure route, or other flight patterns, and is compatible with special use airspace. This would recapture the efficiency that was lost from the reduction in the use of the right-turn procedure from Runway 25 with the implementation of the LAS 4CP, and reduce the potential for departure delays. It would ensure that LAS can meet forecasted future demand. The procedure would also be compatible with the LAS NCP.

*Disadvantages:* Implementing the changes will require investments in air traffic controller training. This training will require a temporary increase in overtime and impose a one-time cost to the FAA. By reinstating the right hand turn, communities west and northwest of the airport will experience more overflights. However, the level of overflight traffic will be about half of the overflights experienced with pre-LAS 4CP procedures.

*Conclusion:* Alternative 2 meets the purpose and need of the project.

### **Alternative 3: Develop RNAV SID for Runway 25 Eastbound Departures, Flying 10 Miles West of the Airport Before Turning East**

*General description:* Alternative 3 would develop a new RNAV SID for Runway 25 eastbound departures to fly 10 miles west of the airport before starting a right hand turn. Please refer to Chapter Two, Section 2.3.3., *Alternative 3: Develop RNAV SID for Runway 25 Eastbound Departures, Flying 10 Miles West of the Airport Before Turning East*, for a detailed description of Alternative 3.

*Advantages:* Alternative 3 would provide an alternative departure route for eastbound departures that does not conflict with the existing departure route. It would reduce airspace congestion southwest of the airport.

*Disadvantages:* The proposed procedure would: 1) route departures close to rapidly rising terrain, 2) conflict with other flight patterns, and 3) conflict with special use airspace. It would not provide airspace efficiency. The alternative would create safety concerns not associated with the current procedure or the Proposed Action alternative. The procedure would not be compatible with the LAS NCP. Communities west and northwest of the airport would experience more overflights. However, the level of overflight traffic will be about half of the overflights experienced with pre-LAS 4CP procedures.

*Conclusion:* Alternative 3 does not meet the purpose and need of the project and was not carried forward for detailed evaluation.

## **Other Alternatives considered but excluded from further study**

In addition to the airspace modification alternatives, a number of other initial alternatives were developed and considered during the projects planning process. These alternatives included the use of other modes of transportation (e.g., rail, bus, automobile) and the use of other airports in the region. These alternatives were found either not feasible or did not meet the purpose and need of the proposed project. Consequently, these initial alternatives were excluded from further consideration.

Also, in response to review of the Draft SEA, members of the public proposed the use of several alternate departure procedures at LAS. These procedures were considered but removed from further consideration due to the operational, safety, and practicality issues. Another proposal was made to re-examine the entire Four Corner-Post Plan with a focus on avoiding populated areas. Since LAS is located within an urban environment, it is not possible to avoid overflights of populated areas regardless of the direction of flight.

All of these other alternatives and reasons they were excluded from further consideration are detailed in Chapter 2, Section 2.7 of the FSEA.

## **Conclusion**

Based on information disclosed in the FSEA, the FAA has determined that Alternative 2 demonstrates the best ability to meet the need of the LAS TRACON to reduce airspace congestion and complexity, with the least adverse environmental effects and the best compliance with the LAS NCP. Therefore, the FAA, in this FONSI/ROD, has determined that Alternative 2, the Proposed Action, is the FAA's preferred and selected alternative. In arriving at this decision, the FAA considered all pertinent factors including the environmental impacts as well as the FAA statutory charter in the Federal Aviation Act of 1958, as amended, to encourage and foster the development of civil aeronautics (49 U.S.C. § 40101).

## **Environmentally Preferred Alternative**

In accordance with 40 C.F.R. §1505.2(b), the environmentally preferred alternative should be identified in the FONSI/ROD. The environmentally preferred alternative is the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves and enhances historic, cultural and natural resources. (See CEQ Memorandum, Questions and Answers about the NEPA Regulations, 46 Fed. Reg. 18026, March 23, 1981, as amended, 51 Fed. Reg. 15618, April 25, 1986, Question Number 6a). After considering these factors, including the long-term consequences, the FAA has determined the environmentally preferred alternative is Alternative 2, the Proposed Action, for the reasons discussed in this FONSI/ROD, Section IV, *Environmental Consequences*.

## **IV. ENVIRONMENTAL CONSEQUENCES**

### **A. Potential Impact Resource Categories**

The proposed departure procedure modification (the Proposed Action) has the potential to impact the following resource categories:

#### **Noise**

The greatest environmental consequence of operating an airport in an urban community is noise. Likewise, aircraft noise is often the most noticeable and controversial aspect of any proposed airspace or air traffic procedural change. As a result, the study of noise, and the Federal thresholds for significant noise levels, becomes the hardest to explain and understand.

The FAA's criteria for evaluating the impact of "noise energy exposure" are expressed in terms of yearly day/night average sound level (DNL). The Federal law that establishes a "significant noise impact" is defined as a 1.5 decibel (or greater) increase within the 65 DNL contour over any noise sensitive area. Additionally, FAA's Air Traffic requirements call for evaluating potential noise level increases down to the 45 DNL contour. Applying the above criteria, the environmental study modeled potential noise level increases for years 2004 (current traffic level, when the study was initiated), 2005 (traffic level at procedure implementation), and 2010 (future traffic level) conditions for Alternative 1 (No Action) and Alternative 2 (Proposed Action).

This study found that there were no areas of an increase of 1.5 decibel (or greater) within the 65 DNL noise exposure contour resulting from the proposed action for 2005 or 2010 conditions and, thus, no significant noise impacts.

In the 60 DNL contour, there is one area that would be exposed to noise increases of 3.0 decibels (dB) for both the 2005 and 2010 conditions. FAA policy indicates that a 3.0 dB increase of noise within the 60DNL areas should be considered for mitigation when a 1.5 dB noise increase is found within the 65 DNL contour. Since this trigger was not found for the project, the 3.0 dB area is provided for informational purposes only. Because this impact is not considered a significant impact, no mitigation measures are required.

Between the 45 and 60 DNL contours, two areas of 5 dB increase were found around the airport as a result of the proposed modification to the procedure. Again, these areas of change are only considered to be slight to moderate and do not represent a significant impact. They are shown only for informational purposes.

Neither Alternative 1 (No Action) nor Alternative 2 (Proposed Action) will result in significant noise impacts, therefore no mitigation is required.

#### **Air Quality**

Air quality impacts from the implementation of a federal action are assessed as part of an environmental study due to the potential harm some air pollutants may cause to human health, especially to the human respiratory system. Of particular concern in Clark County, Nevada, and more specifically to the Las Vegas Valley, which includes the City of Las Vegas and the Airport

(LAS), are emissions of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC). NO<sub>x</sub> and VOC are referred to as ozone precursor pollutants because they contribute to the formation of ozone, a pollutant for which Las Vegas Valley has been designated as non-attainment by the U.S. Environmental Protection Agency (USEPA). A portion of Clark County, including the City of Las Vegas and LAS, is also non-attainment for emissions of carbon monoxide (CO) and coarse particulate matter (PM<sub>10</sub>). These pollutants, along with fine particulate matter (PM<sub>2.5</sub>), nitrogen dioxide (NO<sub>2</sub>), and sulfur dioxide (SO<sub>2</sub>) are emitted from aircraft engines and other airport-specific sources at airports and all are considered potentially harmful to human health.

An evaluation of the current contribution of aircraft emissions at McCarran International Airport (LAS) under the No Action scenario (baseline conditions - 2004) was prepared. Also, comparative aircraft emissions inventories were prepared to determine the net emissions caused by the Proposed Action in 2005 and 2010. Under the Proposed Action, total taxi time would be expected to decrease because of increased efficiency in the use of the right-turn procedure from Runway 25 for eastbound traffic. Departure queue delay would be expected to decrease under the Proposed Action as compared to the baseline conditions because modified use of the STAAV departure procedure would allow more efficient use of the airfield. Any decrease in taxi or departure delay time decreases the time aircraft engines are operating at reduced thrust thereby reducing overall emissions at the airport. Consequently, a decrease in taxi and delay time under the Proposed Action at LAS would cause a decrease in aircraft emissions of all the criteria and precursor pollutants at the airport, particularly emissions of CO.

Since the Proposed Action would cause a decrease in aircraft emissions of all the criteria and precursor pollutants, there would be no air quality impacts, no mitigation measures would be required, and no further analysis or reporting would be required under NEPA or CAA regulations. Implementation of the No Action alternative would result in no changes to existing conditions, and there would be no decrease in aircraft emissions.

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

The procedures that would result from implementation of the Proposed Action are limited to adding an additional departure route to transition aircraft from LAS to the existing en-route structure. Because there would be no changes to the existing en-route structure, aircraft departures from LAS would continue to overfly the following Section 4(f) lands:

- Jimbilnan Wilderness Area
- Muddy Mountains Wilderness Area
- Pinto Valley Wilderness Area
- Lake Mead National Recreation Area
- The 10-acre portion of the reservation of the Las Vegas Paiute Tribe, which is located within the City limits of Las Vegas, Nevada

With the implementation of the Proposed Action, aircraft overflights of the Muddy Mountains Wilderness Area would be at or above 10,000 feet AGL with a DNL of 23.0 for 2005 and 23.8 for 2010. Aircraft overflights of the Lake Mead National Recreation Area would be at or above 16,000 feet AGL with a DNL of 28.4 for 2005 and 29.1 for 2010. The Proposed Action would



not increase the area exposed from the existing conditions or add additional areas. Further, the Proposed Action would not *take, use, or substantially impair* Section 4f lands, therefore, no adverse impacts would result, and no mitigation measures are required. Implementation of the No Action alternative would result in no change from existing conditions and no adverse impacts would result.

### **Historic, Architectural, Archaeological and Cultural Resources**

The Nevada State Historic Preservation Officer (SHPO) was consulted regarding the proposed project. It received a Project Coordination letter dated August 11, 2005. In its first response to the FAA, dated September 12, 2005, the Nevada SHPO stated its "...concurrence with the FAA's determination that the efforts outlined in their Aug. 11, 2005 (agency coordination) letter are adequate to identify historic properties." In its second response to FAA, dated November 3, 2005, the Nevada SHPO stated its "...concurrence with the FAA's determination that the proposed undertaking has no potential to cause effects on historic properties in Nevada."

The Study Area for the Proposed Action includes ten-acres of the Las Vegas Paiute Tribe Reservation. That portion of the Las Vegas Paiute Reservation was overflowed by departure traffic both before and after implementation of the Four Corner-Post Plan. No potential impacts were identified during the project coordination process with the agencies, tribes, and official representatives. The Proposed Action would not establish new air traffic routes over Native American Communities. No effects on the Las Vegas Paiute Reservation are anticipated as a result of the Proposed Action, and no mitigation measures are required. Under the No Action alternative, there would be no impacts to historical, architectural, archaeological or cultural resources since no construction would take place.

### **Visual Impacts**

On clear nights, the aircraft's blinking beacons or their landing lights may become visible. These visual elements do not linger and therefore are not permanent or an impairment to the area. The Proposed Action mimics flight patterns utilized both before and after implementation of the Four Corner-Post Plan. Therefore, the Proposed Action will not result in any adverse impacts, and no mitigation measures are required. Under the No Action alternative, there would be no adverse visual impacts.

### **B. Resource Impact Categories Unaffected by the Proposed Action**

The proposed modification to the Four Corner-Post Plan (the Proposed Action) involves aircraft route changes, and does not involve any physical construction activities. Therefore, many of the resource impact categories listed and described in FAA Order 1050.1E, Chapter 4, Paragraph 403, *Impact Categories*, and Appendix A, *Analysis of Environmental Impact Categories*, would not be affected.

As stated in the FSEA, Section 4.1.2, *Resource Impact Categories Unaffected by the Proposed Action*, the following additional environmental consequences are briefly discussed. For each of these impact categories discussed below, implementation of the No Action alternative would result in no changes from existing conditions and no adverse impacts would result.

## **Coastal Resources**

No coastal zone management areas or coastal barriers have been identified within the Study Area for the Proposed Action. Therefore, with implementation of the Proposed Action, no ground disturbing activities are proposed and no coordination under the *Coastal Barriers Resources Act (CBRA)*, the *Coastal Zone Management Act (CZMA)*, or Executive Order 13089, *Coral Reef Protection*, is required.

## **Compatible Land Use**

FAA Order 1050.1E, Appendix A, Section 4, *Compatible Land Use*, states that "...the compatibility of existing and planned land uses in the vicinity of an airport is usually associated with the extent of noise impacts related to that airport. Potential noise impact areas were applied to city and county land use and zoning maps for a determination of compatibility. Additionally, the noise analysis described in Chapter 4, **Section 4.2, Noise**, concluded that the Proposed Action does not exceed the thresholds for a significant impact on noise-sensitive land use. Thus, the Proposed Action is considered to have no adverse impact on noise-sensitive land uses and no analysis will be conducted for land use compatibility issues.

## **Construction Impacts**

The Proposed Action consists of changes in flight patterns and would not result in the construction or demolition of new or existing on-ground facilities. Therefore, there are no potential construction impacts to evaluate. Further, implementation of the Proposed Action Alternative would result in no change from existing conditions. No adverse impacts would result and no mitigation measures are required.

## **Farmlands**

Implementation of the Proposed Action would not result in land acquisition or construction activities that would take or alter the use of existing farmed land. Therefore, the Proposed Action would have no affect on farmland and coordination under the *Farmland Protection Policy Act* is not required.

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

Implementation of the Proposed Action would not result in activities that would change existing land cover patterns, remove or alter terrestrial or aquatic habitats, or result in jeopardizing the continued existence of federal or state-listed threatened or endangered species and/or their respective critical habitats. Coordination took place with the U.S. Fish and Wildlife Service, the Nevada Department of Wildlife, and the State Nevada Department of Conservation and Natural Resources. It was determined that there are no federal or state-listed threatened or endangered species with known habitats located within the Study Area for the Proposed Action. Therefore, further consultation under the *Endangered Species Act (ESA)* is not required.

## **Floodplains**

Implementation of the Proposed Action would not result in land acquisition or construction activities and no floodplains would be affected, therefore there are no potential impacts to evaluate and *Executive Order 11988, Floodplain Management*, and DOT Order 5650.2, *Floodplain Management and Protection*, do not apply to the Proposed Action.

## **Hazardous Materials, Pollution Prevention, and Solid Waste**

Implementation of the Proposed Action would not affect the amount of solid waste generated by LAS nor would it necessitate additional waste disposal means or locations. In addition, implementation of the Proposed Action would not affect the current management plans for hazardous materials or pollution prevention at LAS. Therefore, there are no potential impacts of the Proposed Action on hazardous materials, pollution prevention, or solid waste to evaluate and coordination under the *Resource Conservation and Recovery Act* (as amended), the *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)* (as amended), the *Community Environmental Response Facilitation Act*, and Executive Order 12088, *Federal Compliance with Pollution Control Standards* (as amended) is not required.

## **Light Emissions**

Because there are already existing flight patterns established over the Study Area and implementation of the Proposed Action would not result in a change in lighting equipment or configuration at LAS, therefore, no potential impacts of light emissions to evaluate.

## **Energy Supply and Natural Resources**

Because the implementation of the Proposed Action consists of changes in flight patterns that would decrease fuel usage by aircraft with the right-turn for eastbound departures from Runway 25 at LAS, and would not result in the construction or demolition of new or existing on-ground facilities, no increase in energy supply or construction materials would be required, and Executive Order 13123 is not applicable.

## **Secondary (Induced) Impacts**

Because the implementation of the Proposed Action consists of changes in flight patterns and would not result in the construction or demolition of new or existing on-ground facilities, the Proposed Action would not cause shifts in patterns of population movement and growth, public service demands, or change in business and economic activity. Further, there would be no significant noise impacts over noise sensitive areas caused by the implementation of the Proposed Action. Therefore, there are no secondary (induced) impacts to evaluate.

## **Socioeconomic Impacts**

Implementation of the Proposed Action consists of changes in flight patterns and would not result in the construction or demolition of new or existing on-ground facilities, would require no property acquisition or relocation of residents or businesses, nor would it disrupt local traffic patterns or create substantial losses in the community tax base. Further, there would be no

significant noise impacts over noise sensitive areas caused by the implementation of the Proposed Action. Therefore, there are no potential socioeconomic impacts of the Proposed Action to evaluate.

### **Environmental Justice**

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations* requires all federal agencies to identify and address disproportionate and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Executive Order also directs federal agencies to incorporate environmental justice into their overall missions by conducting their programs and activities in a manner that provides minority and low-income populations an opportunity to participate in agency programs and activities.

U.S. Department of Transportation (DOT) Order 5610.2, *Environmental Justice in Minority Populations and Low-Income Populations*, was issued to implement the President's Executive Order 12898.

In determining whether a proposed project or activity is in compliance with Executive Order 12898, two factors must be considered. The first is whether the proposal is likely to have adverse effects on minority or low-income populations. The second is to determine whether the adverse impacts are disproportionately high on minority or low-income populations. The DOT Order defines "adverse effects" as "...the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects..." The DOT Order defines "disproportionately high and adverse effects" as those that are "predominately borne by a minority population and/or a low-income population, or will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population."

In response to Executive Order 12898, implementation of the Proposed Action would introduce additional aircraft overflights over areas of densely populated, low-income, minority residents. However, based on the analyses included in the FSEA, there would be no significant impacts as a result of the Proposed Action. Therefore, within these areas it would not be required to acquire land or displace people, nor would these areas be disproportionately impacted as compared to areas underlying the existing departure paths from LAS.

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

Pursuant to Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, federal agencies are directed, as appropriate and consistent with the agency's mission, to make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children.

In response to Executive Order 13045, implementation of the Proposed Action would not create environmental health risks or safety risks for any persons, regardless of age. Therefore, there are no potential children's environmental health and safety risks to evaluate.

## **Water Quality**

Because the implementation of the Proposed Action consists of changes in flight patterns and would not result in land acquisition, construction, or demolition of new or existing on-ground facilities, no surface or ground water resources including aquifers, wetlands, streams, rivers, or floodplains would be affected by the Proposed Action. The coordination requirements under the *Federal Water Pollution Control Act* and the *Fish and Wildlife Coordination Act* do not apply to the Proposed Action.

## **Wetlands**

Because the implementation of the Proposed Action consists of changes in flight patterns and would not result in land acquisition, construction, or demolition of new or existing on-ground facilities, implementation of the Proposed Action would not impact wetland areas. Therefore, coordination under Executive Order 11990, *Protection of Wetlands*, Department of Transportation (DOT) Order 5660.1A, *Preservation of the Nation's Wetlands*, the *Rivers and Harbors Act of 1899*, and the *Clean Water Act* is not required.

## **Wild and Scenic Rivers**

Because the implementation of the Proposed Action consists of changes in flight patterns and would not result in land acquisition, construction, or demolition of new or existing on-ground facilities, coordination under the *Wild and Scenic Rivers Act of 1968* is not required. Further, no designated Wild and Scenic Rivers or rivers with the potential for designation have been identified within the Study Area for the Proposed Action.

## **C. Cumulative Impacts**

The recently completed and planned future development projects at LAS and at airports in its vicinity would not impact or conflict with the Proposed Action. Beyond the planning horizon of this study (2010) there would be no foreseeable impacts other than those disclosed in the FSEA.

The proposed Southern Nevada Regional Heliport and the proposed Supplemental Airport in Southern Nevada would acutely reduce aircraft operations at LAS and ultimately reduce aircraft noise in and around the vicinity of the airport. The proposed relocated Mesquite Airport and the Proposed Action would have no effect on each other.

Further, implementation of the STAAV 3 RNAV SID (the Proposed Action) would mimic the route of the OVETO SID, which was in place prior to implementation of the Four Corner-Post Plan in October 2001. Additionally, since the implementation of the Four Corner-Post Plan, eastbound traffic has been radar vectored along a flight path that closely resembles the Proposed Action flight path. As aircraft have always flown in the general vicinity of the proposed STAAV 3 RNAV SID flight path, implementation of the Proposed Action would not contribute to any cumulative impacts of past, present or reasonably foreseeable future actions.

#### **D. Consistency with Community Planning**

The proposed modification to the Four Corner-Post Plan (the Proposed Action) involves aircraft route changes in navigable airspace. The United States Government has exclusive sovereignty of airspace in the United States. 49 U.S.C. §40103(a). Congress has provided extensive and plenary authority to the FAA concerning the efficient use and management of the navigable airspace, air traffic control, air navigation facilities, and the safety of aircraft and persons and property on the ground. 49 U.S.C. §40103(b)(1) & (2). Therefore, any applicable community planning initiatives may be preempted by Federal law. To the extent applicable, the Proposed Action is consistent with the plans, goals and policies for the area and with the applicable regulations and policies of Federal, State and local agencies.

The FSEA (Section 4.7.2) considered the existing Airport Noise Compatibility program at LAS. It found that both the No Action and the Proposed Action would have no adverse impacts on noise-sensitive land uses and are therefore considered to be consistent with the LAS Part 150, Airport Noise Compatibility Program. Appendix B, Section B 3.3.1 provides the analysis applied to Federal Aviation Regulation (FAR) Part 150 to determine Land Use Compatibility with yearly day-night average (DNL) sound levels.

#### **E. Consistency with Tribal lands**

The analysis contained within Section 4.5 concludes that neither the No Action nor the Proposed Action would adversely impact Native American Lands. The study area for the Proposed Action included ten-acres of the Las Vegas Paiute Tribe Reservation. Because the Proposed Action would utilize existing flight paths over the Reservation, and would not result in a take or use of any of the Reservations land, no adverse impacts would result. Therefore, the No Action and the Proposed Action would remain consistent with current Reservation land use planning conditions.

#### **V. PUBLIC AND AGENCY INVOLVEMENT**

The Notice of Intent to prepare a Supplemental Environmental Assessment (SEA) for the Proposed Action and Draft SEA documents were circulated to all applicable Federal, State, and local governmental agencies which have environmental jurisdiction by law; have special expertise with respect to any potential environmental impacts identified; or which are authorized to develop and enforce environmental standards. Local Native American Indian tribes were included because potential project impacts may have an effect on their reservation. Additionally, the above documents were provided to all elected officials, local libraries, and any individual, agency, or organizations that submitted a notice of interest that might be affected by the proposed project. Public informational workshops, and one public meeting, were conducted to provide the general public information regarding the proposed project. These meetings/workshops allowed the public to ask questions, receive answers, and to submit written comments. The Draft SEA was also posted on the internet.

#### **Notice of the Proposed Action**

On August 8, 2005, the FAA's Western-Pacific Region issued a "Notice of Intent to Prepare a Supplemental Environmental Assessment for the proposed modification of the Las Vegas Four

Corner-Post Plan. The intent of this scoping "Notice" was to solicit Federal, State, and local government agency comments regarding known environmental resources or potentially sensitivities associated with or affected by the proposed project. This information would assist the FAA as to the scope and content of the SEA and the level of analysis that should be accomplished for the SEA document.

### **Notice of Availability for the Draft EA**

On November 22, 2005, the Federal Aviation Administration (FAA) issued a Notice of Availability (NOA) of the Draft Supplemental Environmental Assessment (DSEA) for the proposed modification to the Four Corner-Post Plan at Las Vegas McCarran International Airport. The NOA included information on the two public workshops and advised that the public comment period would end on December 30, 2005. While legal notices announcing the availability of the DSEA were immediately published in the local media, the actual publication of the NOA in the Federal Register did not occur until December 5, 2005. Therefore, the decision was made to extend the comment period to January 13, 2006, to allow for more than 30 days of public comment following the initial publication in the Federal Register. On January 13, 2006, the FAA again extended the public comment period to March 14, 2006 to allow additional time for public comment. Both extensions of the Public Comment Period were advertised in the Federal Register and in the Las Vegas Review Journal.

On November 22, 2005, copies of the DSEA were sent to the same distribution list that received the Notice of Intent to Prepare a SEA. Copies of the DSEA were sent to libraries throughout the Las Vegas area, and to all interested parties requesting said copy. The document was also posted on the FAA Western-Pacific Region web site, and FAA's Public Affairs office issued an FAA News Bulletin to all news media outlets.

### **Notice of Public Informational Workshops and Meeting for the DSEA**

The legal notice appeared in *The Las Vegas Review Journal* (December 6 and December 8, 2005) announcing the location and times for the public workshops. The notice also appeared on the FAA Western-Pacific Region web site and FAA's Public Affairs office issued an FAA News Bulletin to all news media outlets. The purpose of these workshops was to explain the proposed project, allow the public to ask questions and take written comments on the DSEA. Two public workshops were held December 12 – 13, 2005. In addition, on February 14, 2006, the FAA announced that a public meeting would be held on February 27, 2006, to provide the public an additional opportunity to learn more about the proposed action, to ask questions, and to provide comments. The notice appeared on the FAA Western-Pacific Region web site and FAA's Public Affairs office issued an FAA News Bulletin to all news media outlets. The times and locations of the public workshops and meeting are as follows:

- **Public Workshop #1**, Monday, December 12, 2005, 6:00 – 9:00 PM  
Sierra Vista High School, 8100 W. Robindale Rd., Las Vegas, Nevada
  - **Public Workshop #2**, Tuesday, December 13, 2005, 6:00 – 9:00 PM  
Centennial High School, 10200 Centennial Parkway, Las Vegas, Nevada
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- **Public Meeting**, Monday, February 27, 2006, 6:00 – 9:00 PM  
Veteran’s Memorial Center, 101 North Pavilion Center, Las Vegas, Nevada.

### **Notice of Availability for the Final SEA**

Upon signature of this FONSI/ROD, a legal notice will appear in the *Las Vegas Review Journal* announcing FAA's decision and the availability of the Final SEA. A Notice of Availability will also be published in the Federal Register. The Notice will be sent to each person and/or agencies that provided written comments. The Final SEA and FONSI/ROD will be sent to all Mayors and applicable Federal, State, and local governmental agencies. Local area libraries will receive the Notice along with a copy of the final document. The FAA's Public Affairs office will issue the Notice as a FAA News Bulletin to the news media. This FONSI/ROD and Final SEA will also appear on the FAA web site. There will be no public comment period for the Final SEA or FONSI/ROD.

### **VI. INTERAGENCY COORDINATION**

Interagency coordination was accomplished during the preparation of the SEA. Applicable Federal, State, and local government agencies were consulted in accordance with 40 CFR 1503.1. The projects coordination Distribution List for such agencies is found in Appendix D of the Final SEA.

### **VIII. POLICY CONSIDERATIONS**

In the consideration of alternatives, the FAA has been mindful of its statutory charter to encourage and foster the development of civil aeronautics and air commerce in the United States (49 U.S.C.U.S.C § 40104). This project is specifically designed to enhance air traffic safety and efficiency.

The project is subject to the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended. NEPA does not mandate particular substantive results, but instead imposes only procedural requirements. As a result of these procedural requirements, NEPA intends to insure that federal agencies make decisions with full knowledge of the environmental consequences of such actions. The Supplemental Environmental Assessment (SEA) for modification of the Las Vegas Four Corner-Post Plan was performed in accordance with DOT Order 5610.1, *Procedures for Considering Environmental Impacts* and FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*.

### **IX. PROPOSED FEDERAL ACTION**

The FAA recognizes its environmental responsibility under NEPA, Council of Environmental Quality (CEQ) regulations, and its own directives. The FAA also has the responsibility to enhance, develop, and improve the safety, efficiency, and utility of the national air transportation system, including the establishment of navigational facilities on the airports.

The proposed Federal Action being considered by this SEA includes the modification of air traffic procedures within the boundaries of the Las Vegas Terminal Radar Approach Control



(TRACON). More specifically, the proposed Federal Action would modify the existing STAAV RNAV SID to accommodate eastbound departures from Runway 25. The proposed procedure would emulate the OVETO SID, and allow approximately 33% of the departures from Runway 25 to make a right turn after departure.

## **X. AGENCY FINDINGS**

The project is consistent with NEPA and FAA's directives and will not significantly affect the quality of the human environment (40 C.F.R. §1508.13). The Supplemental Environmental Assessment contains a discussion, in sufficient detail, of the probable environmental consequences and has been made available to the general public. Fair consideration has been given to the interests of communities in or near the project location (49 U.S.C. §47106(b)(2)) and to ensuring environmental justice (E.O. 12898).

The project has rigorously explored and objectively evaluated all reasonable alternatives. After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal Action is consistent with existing national environmental policies and objectives as set forth in section 101 of the NEPA and other applicable environmental requirements and will not significantly affect the quality of the human environment or otherwise include any condition requiring any additional consultation pursuant to section 102(2)(C) of NEPA. As a result, FAA will not prepare an EIS for this action.

Based on the FSEA that was prepared, this combined Finding of No Significant Impact and Record of Decision has been issued. The FSEA is hereby incorporated into this decision.

## **XI. DECISIONS AND ORDERS**

The FAA recognized its responsibilities under NEPA, CEQ regulations, and its own directives. Recognizing these responsibilities, the FAA has carefully considered the objectives of the proposed project in relation to aeronautical and environmental factors at and around McCarran International Airport (LAS). Based upon the above analysis, the FAA has determined that the Proposed Action meets the purpose and need of the proposed project, best implements the necessary route modifications to support the Las Vegas Four Corner-Post Plan, and improves airspace efficiency and safety.

Having carefully considered the aviation safety and operational objectives of the project, as well as being properly advised as to the anticipated environmental impacts of the proposal, under the authority delegated to me by the Administrator of the FAA, I find that the project is reasonably supported. Therefore, I direct that the actions outlined under Alternative 2, and any applicable mitigation measures identified under Alternative 2, or made part of this FONSI/ROD, be implemented. This decision signifies that applicable Federal environmental requirements relating to the proposed modification to the Las Vegas Four Corner-Post Plan have been met, and enables FAA to complete its implementation of the proposed action.

This action is directed to be taken under the authority of 49 U.S.C. Chapter 401 and 49 U.S.C. §47101. This decision constitutes an order of the Administrator subject to review in the Circuit Court of Appeals in accordance with the provisions of 49 U.S.C. §46110. Any party to this

