

APPENDIX K

NOTICE OF INTENT TO PREPARE AN EIS AND SCOPING COMMENTS

K.1 INTRODUCTION

The National Environmental Policy Act (NEPA) requires in 40 CFR 1501.7 "... an early and open process for determining the scope of issues to be addressed and for identifying significant issues related to the proposed action." Furthermore, Federal Aviation Administration (FAA) Order 5050.4A, *Airport Environmental Handbook*, indicates that a well choreographed scoping period will result in an Environmental Impact Statement (EIS) that is not only refined, but also well focused on pertinent issues.¹ The FAA uses scoping to ensure that the EIS documents and addresses the concerns of both the public as well as other governmental agencies. FAA Order 1050.1E1, *Environmental Impacts: Policies and Procedures*, (Chapter 2, Paragraph 208c), states that public input is important in defining the scope of FAA NEPA documents.²

The following Attachments are included in this Appendix:

LIST OF ATTACHMENTS

Attachments	Items
Attachment K-1: Notice of Intent to Prepare an EIS	Published in the <i>Federal Register</i> on October 7, 2002, October 31, 2002, and November 7, 2002
Attachment K-2: Scoping Letters	Twenty-eight letters received by FAA during the Scoping process. See Table K-1 for a summary of these letters

K.2 EIS PUBLIC SCOPING AND COMMENT PROCESS

The proposed replacement airport at St. George is a federal action that requires the preparation of an EIS. NEPA gives all persons, organizations, and government agencies the right to review and comment on proposed federal actions that are evaluated by an EIS. This is known as the Scoping Process. Scoping for a proposed project must occur early in the process, before the EIS is prepared.

The FAA first announced in the October 7, 2002 *Federal Register*, the Notice of Intent to prepare an EIS for the development of a proposed replacement airport at St. George, Utah. This Notice was also posted in the October 31, 2002 and November 7, 2002 issues of the *Federal Register*. The first two notices required that all comments regarding the proposed replacement airport be received by November 14, 2002. The November 7th notice extended the comment deadline to December 9, 2002. Copies of the notices from the Federal Register are included in **Attachment K-1**.

¹ FAA Order 5050.4A, *Airport Environmental Handbook*, October 8, 1985.

² FAA Order 1050.1E1, *Environmental Impacts: Policies and Procedures*. June 8, 2004.

At the time of the first announcement, the FAA made the *2001 Final Environmental Assessment (2001 FEA)*³ available to any person wishing to review the document in order to better understand the proposed replacement airport.

Scoping comments were received from six Federal agencies, four local governments, three environmental interest groups, and twelve individuals or private companies, as shown in **Table K.1**. Copies of the letters received during Scoping are included in **Attachment K-2**.

Table K.1
SCOPING COMMENT SUMMARY

Comment Number	Submitting Agency, Organization	Date Submitted	Submitter Name	Submitter Title
1	U.S. Army Corp of Engineers-St. George Regulatory Office	Oct. 8, 2002	Grady L. McNure	Chief
2	Individual	Aug. 8, 2002	Maryellen Williams	N/A
3	Individual	Oct. 21, 2002	Donald Falvey	N/A
4	U.S. Department of the Interior Fish & Wildlife Services-Utah Field Office	Oct. 25, 2002	Henry R. Maddux	Utah Field Supervisor
5	Town of Rockville, UT	Oct. 18, 2002	Dan McGuire	Mayor
6	Dixie Transportation Planning Office	Nov. 12, 2002	Lowell Elmer	Director
7	Grand Canyon Trust	Nov. 27, 2002	Tom Robinson	Director of Government Affairs
8	Individual	Dec. 2, 2002	Sandy Bell	N/A
9	Washington County Commission	Dec. 6, 2002	Alan D. Gardner	Acting Chairman
10	U.S. Department of the Interior Grand Canyon-Parashant National Monument	Dec. 5, 2002	Dennis Curtis	Monument Manager
11	U.S. Department of the Interior-National Park Services-Zion National Park	Dec. 3, 2002	Martin C. Ott	Superintendent
12	U.S. Department of the Interior -National Park Service-Intermountain Region	Dec. 3, 2002	Karen P. Wade	Director, Intermountain Region
13	Individual	Dec. 6, 2002	Britton L. Mace, Ph.D.	Assistant Professor of Psychology, Southern Utah University
14	Town of Springdale, UT	Dec. 5, 2002	Glenn E. Hill	Town Manager
15	Town of Springdale, UT	July 28, 2000	Darren Hatch	Mayor Pro Tem
16	Individual	Dec. 4, 2002	Leo Gallia	N/A
17	Individual	Dec. 5, 2002	Marcel Rodriguez	N/A
18	City of Washington City, UT	Dec. 9, 2002	Jim McGuire	City Planner

³ Final Environmental Assessment for the Proposed Replacement Airport at St. George, Utah. Prepared by Creamer & Noble, Engineers and Barnard Dunkelberg & Company. January 30, 2001.

Table K.1, Continued
SCOPING COMMENT SUMMARY

Comment Number	Submitting Agency, Organization	Date Submitted	Submitter Name	Submitter Title
19	Gallian, Westfall, Wilcox & Welker, L.C., representing Calneva and Grand Circle Enterprises	Dec. 9, 2002	Russell J. Gallian	Attorney at Law
20	Sierra Club, Subcommittee on Noise/Aviation-Recreation Issues Committee	Dec. 9, 2002	Dick Hingson	Chair
21	The National Parks Conservation Association	Dec. 9, 2002	Steven E. Bosak	Director, Motorized Use Program
22	Individual	Dec. 5, 2002	Nina Fitzgerald	N/A
23	Individual	Dec. 3, 2002	Michelle King	N/A
24	U.S. Department of the Interior, Fish & Wildlife Service, Utah Field Office	Dec. 10, 2002	Henry T. Maddux	Field Supervisor
25	Individual	Dec. 8, 2002	Cathy O'leary & John Carry	N/A
26	Individual	Dec. 9, 2002	C. Jeffery Morby	N/A
27	NEPA, Office of Ecosystem Protection and Remediation	Dec. 17, 2002	Cynthia Cody	Director
28	Sierra Club, Subcommittee on Noise/Aviation-Recreation Issues Committee	April 13, 2003	Dick Hingson	Chair

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ATTACHMENT K-1

NOTICE OF INTENT TO PREPARE AN EIS

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burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on September 30, 2002.

Judith D. Street,

FAA Information Collection Clearance Officer, Standards and Information Division, APF-100.

[FR Doc. 02-25472 Filed 10-4-02; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Prepare Draft and Final Environmental Impact Statements

AGENCY: Federal Aviation Administration, DOT

ACTION: Notice.

The Northwest Mountain Region, Airports Division, Federal Aviation Administration, acting as lead agency, intends to prepare Draft and Final Environmental Impact Statements (EIS) for the construction of a replacement airport at St. George, Utah.

Background

On January 30, 2001, the Federal Aviation Administration (FAA) issued a Record of Decision/Finding of No Significant Impact document for the construction of a replacement airport at St. George, Utah. On December 22, 2001, the Grand Canyon Trust filed suit against the FAA in the U.S. Circuit Court of Appeals for the District of Columbia Circuit. On May 24, 2002, the court issued its decision on the issues. In summary, the court found that "the FAA must evaluate the cumulative impact of noise pollution on the Park as a result of construction of the proposed replacement airport in light of air traffic near and over the Park, for whatever airport, air tours near or in the Park, and the acoustical data collected by the NPS in the Park in 1995 and 1998 mentioned in comments on the draft Environmental Assessment (EA)." The court remanded the case [to the FAA] "because the record is insufficient for the court to determine whether an EIS is required".

The purpose of the Draft and Final EIS's will be to address the court's issues and any other environmental issues that have changed since issuance of the final environmental assessment in January of 2001.

Proposed Action and Alternatives

The proposed action is the construction of a replacement airport at St. George, Utah. Alternatives to be evaluated include:

- a. No-Build (continue using the existing airport as is).
- b. Build a replacement airport at the preferred site (which is a combination of alternatives sites 1 and 1A), and
- c. Alternative sites 1, 1A, and 2 as described on pages 32-40 of the final EA.

Scoping Process

The proposed action was the subject of a Final Environmental Assessment (FEA) report prepared in January 2001. Persons wishing to review the FEA in order to better understand the proposed action or provide comments regarding environmental concerns may review the FEA at the following locations:

Federal Aviation Administration, Airports Division, ANM-600, 1601 Lind Avenue, SW., Renton, Washington, 98055-4056.
Denver Airports District Office, 26805 E. 68th Ave., Suite 224, Denver, CO 80249-6361.

City of St. George, Public Works Office, 175 East 200 North, St. George, UT 84770.

Washington County Library, St. George Branch, 50 S. Main, St. George, Utah.

In order to insure that all significant issues related to the proposed action are identified and given consideration, letters containing environmental concerns must be received by Dennis Ossenkop, 1601 Lind Ave. SW., Suite 315, Renton, WA 98055-4056 by November 14, 2002.

Release of Draft EIS

Approximate Release of Draft EIS: Unknown at this time.

Point of Contact for Information

Dennis Ossenkop, 1601 Lind Ave. SW., Suite 315, Renton, WA 98055-4056, Telephone: 425-227-2611.

Dated: September 27, 2002.

Lowell H. Johnson,

Manager, Airports Division, Northwest Mountain Region.

[FR Doc. 02-25317 Filed 10-4-02; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In July 2002, there were 11 applications approved. Additionally, four approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph (d) of § 158.29.

PFC Applications Approved

Public Agency: Asheville Regional Airport Authority, Asheville, North Carolina.

Application Number: 02-02-C-00-AVL.

Application Type: Impose and use a PFC.

PFC Level: \$4.50.

Total PFC Revenue Approved in This Decision: \$4,977,794.

Earliest Charge Effective Date: October 1, 2002.

Estimated Charge Expiration Date: November 1, 2006.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators filing FAA Form 1800-31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Asheville Regional Airport.

Brief Description of Projects Approved for Collection and Use:

Install fire alarm system.

Flight information display.

Construct runway safety area, runway 16, phase I.

Construct runway safety area, runway 16, phase II.

Rehabilitate terminal sidewalks.

Modify access road.

Construct perimeter security road.

Construct aircraft rescue and firefighting road.

Install perimeter fencing.

Construct runway safety area, runway 16, phase III.

Replace terminal roof.

Install emergency generators.

Replace chiller.

Update master plan.

Install baggage belt.

Modify loading bridge.

Construct baggage facility.

Rehabilitate runway lights.

Improve runway/taxiway safety area.

Expand baggage claim.

Department Of State with a statement and their name, organization, address, phone number, and e-mail. Margaret Wilson can be contacted at the U.S. Department of State, Office of Environmental Policy (OES/ENV), Room 4325, 2201 C Street NW., Washington DC 20520, phone 202-647-4833, fax 202-647-5947, WilsonMA2@state.gov.

Dated: October 25, 2002.

Jeff Lunstead,

Director, Office of Environmental Policy, Bureau of Oceans, International Environment, & Scientific Affairs, Department Of State.

[FR Doc. 02-27713 Filed 10-30-02; 8:45 am]

BILLING CODE 4710-09-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Revision to Advisory Circular 21-19A, Installation of Used Engines in New Production Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice announces the availability of proposed Advisory Circular (AC) 21-19A, Installation of Used Engines in New Production Aircraft, for review and comments.

The proposed AC 21-19A provides information and guidance concerning an acceptable means, but not the only means, of demonstration compliance with the requirements Title 14, Code of Federal Regulations part 21, Certification Procedures for Products and Parts.

DATES: Comments submitted must identify the proposed AC 21-19A and be received by December 30, 2002.

ADDRESSES: Copies of the proposed AC 21-19A can be obtained from and comments may be returned to the following: Federal Aviation Administration, Production Certification Branch, AIR-210, Production and Airworthiness Division, AIR-200, Aircraft Certification Service, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Johnnie Smith, Production Certification Branch, AIR-210, Production and Airworthiness Division, Room 815, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. (202) 267-8361.

SUPPLEMENTARY INFORMATION:

Background

The proposed revised AC 21-19A provides information and guidance to

FAA Production approval applicants or holders allowing the use of used engines in new production aircraft under certain specified criteria. This revision updates the guidance in accordance with current formatting and plain language standards. It also updates all cited references, and provides definitions relevant to the guidance provided. Additional guidance is also provided to the manufacturer who wants to install a used aircraft engine.

Comments Invited

Interested persons are invited to comment on the revised AC 21-19A listed in this notice by submitting such written data, views, or arguments as they desire to the aforementioned specified address. All communications received on or before the closing date for comments specified above will be considered by the Director, Aircraft Certification Service, before issuing the final AC.

Comments received on the proposed AC 21-19A may be examined before and after the comments closing date in Room 815, FAA headquarters building (FOB-10A), 800 Independence Avenue, SW., Washington, DC 20591, between 8:30 a.m. and 4:30 p.m.

Issued in Washington, DC, on October 4, 2002.

Frank Paskiewicz,

Manager, Production and Airworthiness Division.

[FR Doc. 02-27730 Filed 10-30-02; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Revised Notice of Intent to Prepare Draft and Final Environmental Impact Statements for a Replacement Airport at St. George, UT

AGENCY: Federal Aviation Administration, DOT.

ACTION: Revision to October 7, 2002, Federal Register Notice.

Background

In the October 7, 2002, issue of the **Federal Register** Vol. 67, No. 194, at page 62513, the Northwest Mountain Region, Airports Division, Federal Aviation Administration (FAA), announced it intends to prepare Draft and Final Environmental Impact Statements (EIS) for the construction of a replacement airport at St. George, Utah. The following quote was included in that notice: "the FAA must evaluate the cumulative impact of noise pollution on the Park as a result of

construction of the proposed replacement airport in light of air traffic near and over the Park, from whatever airport, air tours near or in the Park, and the acoustical data collected by the NPS in the Park in 1995 and 1998 mentioned in comments on the draft Environmental Assessment (EA)". The FAA wishes to clarify that the referenced "Park" is Zion National Park.

In order to insure that all significant issues related to the proposed action are identified and given consideration, letters containing environmental concerns must be received by Dennis Ossenkop, 1601 Lind Ave. SW., Suite 315, Renton, WA 98055-4056 by November 14, 2002.

Point of Contact for Information

Dennis Ossenkop, 1601 Lind Ave., SW., Suite 315, Renton, WA 98055-4056, *Telephone:* (425) 227-2611.

Dated: October 24, 2002.

Lowell H. Johnson,

Manager, Airports Division Northwest Mountain Region.

[FR Doc. 02-27728 Filed 10-30-02; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2002-61]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption, part 11 of title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a certain petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before November 20, 2002.

ADDRESSES: Send comments on the petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Proposed Advisory Circular (AC) 145-MAN, Guide for Developing and Evaluating Repair Station and Quality Control Manuals**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of a proposed AC and request for comments.

SUMMARY: This notice announces the availability of a proposed AC which provides an acceptable means, but not the only means, of developing manuals that are required by regulation for aeronautical repair stations. This notice is necessary to give all interested persons the opportunity to present their views about the proposed AC.

DATES: Comments about the proposed AC must be received on or before November 22, 2002.

ADDRESSES: Send comments about the proposed AC to Diana L. Frohn, General Aviation and Commercial Branch (AFS-340), Room 827, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267-7027; e-mail: diana.frohn@faa.gov. You can also submit comments electronically using the Internet on the "Draft AW documents" page at <http://www.opspecs.com>. Comments may be inspected at the above office between 9 a.m. and 4 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Diana L. Frohn at the above address, e-mail address, or telephone number.

Availability of the Proposed Advisory Circular

You can get a copy of the proposed AC by contacting the person named under **FOR FURTHER INFORMATION CONTACT**. You can also get an electronic copy of the proposed AC using the Internet on the "Draft AW documents" page at <http://www.opspecs.com> or on the FAA's "Regulatory Guidance Library" page at http://www1.airweb.faa.gov/Regulatory_Guidance_Library/rgDAC.nsf/MainFrame?OpenFrameSet.

Comments Invited

Interested persons are invited to comment about the proposed AC by sending written data, views, or arguments. Commenters should indicate AC 145-MAN, Guide for Developing and Evaluating Repair Station and Quality Control Manuals, in the comment and send comments to the

address specified above. The Continuous Airworthiness Maintenance Division will consider all comments before issuing the final AC.

Background

This proposed AC is the result of an amendment to part 145 of Title 14, Code of Federal Regulations (14 CFR), published in the **Federal Register** on August 6, 2001. The final rule changed procedures and requirements for aeronautical repair stations and requires repair stations to develop a repair station manual and a quality control manual. The current AC (AC 145-3, dated February 13, 1981) does not incorporate these new procedures and requirements, nor does it reflect industry practices used by certificated repair stations today. FAA, therefore, finds it necessary to discard current guidance material and proposed new guidance material. This proposed AC would replace AC 145-3.

The proposed AC incorporates several examples of quality systems that repair stations may choose from to determine which best suits their individual needs. The proposed AC also incorporates several "checklists" to determine if the repair station has fully considered all its options and requirements. Further, this AC aids in the development of procedures and programs to assist the harmonization efforts of FAA with the European Joint Aviation Authority and other regulatory authorities.

FAA will consider each comment about the proposed AC and incorporate appropriate changes. This proposed AC will be reviewed in conjunction with the regulatory requirements of 14 CFR parts 43, 65, and 121, as applicable. This proposed AC would not change, add, or delete any requirement or authorize any deviation from part 43, 65, or 121.

Dated: Issued in Washington, DC, on October 29, 2002.

Louis C. Cusimano,

Deputy Director, Flight Standards Service.

[FR Doc. 02-28376 Filed 11-6-02; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Third Party War Risk Liability Insurance**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of extension of Aviation Insurance.

SUMMARY: This notice contains the text of a memo from the Secretary of Transportation to the President regarding the extension of the provision of aviation insurance coverage for U.S. flag commercial air carrier service in domestic and international operations.

DATES: Dates of extension from October 16, 2002 through December 15, 2002.

FOR FURTHER INFORMATION CONTACT: Helen Kish, Program Analyst, APO-3, or Eric Nelson, Program Analyst, APO-3, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, telephone 202-267-9943 or 202-267-3090. Or online at FAA Insurance Web site: <http://insurance.faa.gov>.

SUPPLEMENTARY INFORMATION: On October 15, 2002, the Secretary of Transportation authorized a 60-day extension of aviation insurance provided by the Federal Aviation Administration as follows:

Memorandum to the President

"Pursuant to the authority delegated to me in paragraph (3) of Presidential Determination No. 01-29 of September 23, 2001, I have extended that determination to allow for the provision of aviation insurance and reinsurance coverage for U.S. Flag commercial air carrier service in domestic and international operations for an additional 60 days.

Pursuant to section 44306(c) of Chapter 443 of 49 U.S.C., Aviation Insurance, the period for provision of insurance shall be extended from October 16, 2002, through December 15, 2002."

/s/ Norman Y. Mineta

Affected Public: Air Carriers who currently have Third Party War-Risk Liability Insurance with the Federal Aviation Administration.

Issued in Washington, DC, on October 30, 2002.

Nan Shellabarger,

Deputy Director, Office of Aviation Policy and Plans.

[FR Doc. 02-28375 Filed 11-6-02; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Extension of Scoping Comment Period, Until December 9, 2002, on the Notice of Intent To Prepare Draft and Final Environmental Impact Statements for a Replacement Airport at St. George, UT**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

The Northwest Mountain Region, Airports Division, Federal Aviation Administration (FAA), announces it has extended, until December 9, 2002, the scoping comment period pertaining the FAA Notice of Intent to prepare Draft and Final Environmental Impact Statements (EIS) for the construction of a replacement airport at St. George, Utah.

Background

On January 30, 2001, the Federal Aviation Administration (FAA) issued a Record of Decision/Finding of No Significant Impact document for the construction of a replacement airport at St. George, Utah. On December 22, 2001, the Grand Canyon Trust filed suit against the FAA in the U.S. Circuit Court of Appeals for the District of Columbia Circuit. On May 24, 2002, the court issued its decision on the issues. In summary, the court found that "the FAA must evaluate the cumulative impact of noise pollution of the Park (Zion National Park) as a result of construction of the proposed replacement airport in light of air traffic near and over the Park, from whatever airport, air tours near or in the Park, and the acoustical data collected by the NPS in the Park in 1995 and 1998 mentioned in comments on the draft Environmental Assessment (EA)". The court remanded the case [to the FAA] "because the record is insufficient for the court to determine whether an EIS is required".

The purpose of the Draft and final EIS's will be to address the court's issues and any other environmental issues that have changed since issuance of the final environmental assessment in January of 2001.

In previously issued notices (**Federal Register** and *The Spectrum Newspaper*, St. George, Utah) some misunderstanding may have existed regarding the use of the word "Park" in the Background text. This notice clarifies that the Park in question is Zion National Park. Further, the FAA has extended the scoping comment period until December 9, 2002, to insure an adequate comment period with a clear understanding that the "Park" is Zion National Park.

Proposed Action and Alternatives

The proposed action is the construction of a replacement airport at St. George, Utah. Alternatives to be evaluated include:

- No-Build (continue using the existing airport as is).
- Build a replacement airport at the preferred site (which is a combination of alternative sites 1 and 1A), and

c. Alternative sites 1, 1A, and 2 as described on pages 32–40 of the final EA.

Scoping Process

The proposed action was the subject of a Final Environmental Assessment (FEA) report prepared in January 2001. Persons wishing to review the FEA in order to better understand the proposed action or provide comments regarding environmental concerns may review the FEA at the following locations:

Federal Aviation Administration, Airports Division, ANM-600, 1601 Lind Avenue, SW., Renton, Washington, 98055-4056.
Denver Airports District Office, 26805 E. 68th Ave., Suite 224, Denver, CO 80249-6361.
City of St. George, Public Works Office, 175 East 200 North, St. George, UT 84770.
Washington County Library, St. George Branch, 50 S. Main, St. George, Utah.

In order to insure that all significant issues related to the proposed action are identified and given consideration, letters containing environmental concerns must be received by Dennis Ossenkop, 1601 Lind Ave. SW., Suite 315, Renton, WA 98055-4056 by December 9, 2002.

Release of Draft EIS

Approximate Release of Draft EIS:
Unknown at this time.

Point of Contact for Information

Dennis Ossenkop, 1601 Lind Ave. SW., Suite 315, Renton, WA 98055-4056, Telephone: 425 227 2611.

Dated: October 29, 2002.

Lowell H. Johnson,

Manager, Airports Division, Northwest Mountain Region.

[FR Doc. 02-28377 Filed 11-6-02; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 03-10-C-00-BNA To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Nashville International Airport, Nashville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Nashville

International Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before December 9, 2002.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 3385 Airways Boulevard, Suite 302, Memphis, Tennessee 38116-3841.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Raul Regalado, President of the Metropolitan Nashville Airport Authority at the following address ONE Terminal Drive, Suite 501, Nashville, Tennessee, 37214. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Metropolitan Nashville Airport Authority under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Cynthia K. Wills, Program Manager, Memphis Airports District Office, 3385 Airways Boulevard, Suite 302, Memphis, Tennessee 38116-3841, (901) 544-3495. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Nashville International Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On October 29, 2002, the FAA determined that the application to impose and use the revenue from a PFC submitted by Metropolitan Nashville Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than February 11, 2003.

The following is a brief overview of the application.

Proposed charge effective date:
October 1, 2004.

Proposed charge expiration date:
March 31, 2007.

Level of the proposed PFC: \$3.00.
Total estimated PFC revenue:
\$8,883,800.

Brief description of proposed project(s): Land Acquisition (East Side); Land Acquisition (Extended Runway Approach Areas), Public Address System, Security Enhancements, Airfield Pavement Rehabilitation, Widen Three (3) Taxiway Fillets, Airport Vehicle Driving Simulator.

ATTACHMENT K-2

SCOPING LETTERS

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

①

October 8, 2002

Regulatory Branch (199850589)

Mr. Dennis Ossenkop
Environmental Protection Specialist
Federal Aviation Administration
Northwest Mountain Region
1601 Lind Avenue, S.W.
Renton, Washington 98055-4056

Dear Mr. Ossenkop:

I am responding to your letter dated September 11, 2002 concerning your lead agency status for the preparation of an Environmental Impact Statement (EIS) for the construction of a replacement airport at St. George, Washington County, Utah. The Sacramento District previously commented on this project in response to an Environmental Assessment by the City of St. George.

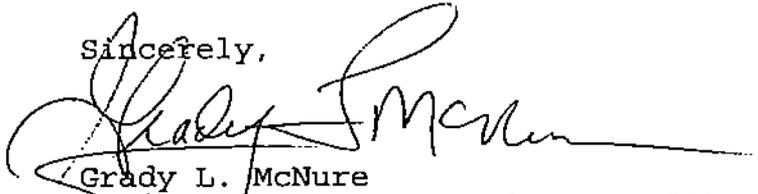
We regulate discharges of dredged and fill material in waters of the United States under the authority of Section 404 of the Clean Water Act. Waters of the United States includes, but is not limited to, rivers, creeks, washes, lakes, ponds, reservoirs, and wetlands. Waters of the United States may be permanent, intermittent or ephemeral. A regulated discharge would include, but is not limited to, any placement of dredged material or fill material in waters of the United States for roads, runways, and private and public development. A Department of the Army permit must be obtained from the Corps of Engineers prior to commencing a discharge of dredged and fill material in waters of the United States.

Please refer to our District Regulatory website for more detailed information about our permit program, including jurisdiction, evaluation criteria, and types of permits. The address is <http://www.spk.usace.army.mil/cespk-co/regulatory>. I especially direct your attention to nationwide general permit number 14 for linear transportation projects and its terms and conditions.

We request that you include the Corps of Engineers, Sacramento District as a cooperating agency in the preparation of your EIS. We will not be able to prepare any portions of the document but we can offer comments and guidance relating to our permit program. Being a cooperating agency will allow us to hopefully adopt your EIS as our own "NEPA" document.

I will be the Sacramento District's Regulatory project manager and point of contact for this project. We assigned number 199850589 to this project. Please refer to this number in any future correspondence with this office concerning this project. If you have any questions, please contact me at e-mail address, Grady.McNure@usace.army.mil, or telephone number (435) 986-3979.

Sincerely,

A handwritten signature in black ink, appearing to read "Grady L. McNure", written over a horizontal line.

Grady L. McNure
Chief, St. George Regulatory Office
321 North Mall Drive, Suite L-101
St. George, Utah 84790-7310

Copy Furnished:

City of St. George, Public Works Office, 175 East 200 North, St.
George, Utah 84770



Maryellen Williams
08/08/2002 03:49 PM

To: Dennis Ossenkop/ANM/FAA
cc:
Subject: St. George Utah Decision

2

nothing else

4

3

DONALD A. FALVEY

October 21, 2002

Dennis Ossenkop (FAA)
1601 Lind Ave., SW
Suite 315
Renton WA 98055-4056

Dear Mr. Ossenkop,

I understand that the Federal Aviation Administration (FAA) has issued a Notice of Intent to prepare a Draft and a Final Impact Statement for construction of a replacement airport at St. George, Utah. I served as the Superintendent of Zion National Park from August 1991 until July 1, 2000 and reviewed the draft environmental assessment for the replacement airport during its preparation. I have now retired from the National Park Service but continue to have an interest in Zion National Park and the protection of its resources.

My concerns were included in a letter dated March 16, 2001 to the Council on Environmental Quality and in an editorial titled "The St. George Airport, Zion National Park and You" which was published in The Spectrum on June 3, 2001. I have attached copies of these documents for your use in identifying issues to be addressed in the Impact Statements. I have also attached a handout I prepared entitled "Aircraft Overflights at Zion National Park" which presents the actions Zion National Park has taken to address the aircraft overflights issue.

The over-riding objective is preservation of the natural quiet resource in the park. Please note the mitigating measures I have suggested:

- Reroute air traffic around the park
- Show Zion National Park on aeronautical charts and route maps
- Educate pilots about impacts of flying over the park
- FAA and NPS meet with airport managers to discuss NPS policies and concerns

I appreciate the opportunity to provide this information and look forward to reviewing the impact statements.

Sincerely,


Donald A. Falvey

DON AND CAROLE FALVEY

March 16, 2001

Dinah Bear, General Counsel
Council on Environmental Quality
722 Jackson Place NW
Washington, D. C. 20503

Dear Ms. Bear,

I have reviewed the final environmental assessment (EA) and record of decision for the proposed replacement airport in St. George, Utah and have some concerns that merit your attention. The environmental assessment, dated January 2001 was prepared for the City of St. George, Utah by the consulting firm of Creamer & Noble, Inc. The Record of Decision was signed on January 30, 2001 by FAA's Regional Administrator for the Northwest Mountain Region, Lawrence B. Andriesen.

I am now retired but served as the superintendent of Zion National Park from August 1991 until July 1, 2000 and provided review comments during the preparation of this document so I have some degree of familiarity with this particular proposal. During my tenure at the park, I also provided oversight and direction for the park's General Management Plan/ Environmental Impact Statement (GMP/EIS) which has recently been released to the public.

I want to emphasize that neither the park nor the National Park Service was or currently is in opposition to a relocated airport serving the St. George area. My concern is that the impacts on the park and its resources were not properly considered and inadequate mitigation efforts are being proposed. I offer the following observations for your consideration:

1. The Record of Decision states that "the project is consistent with existing plans of public agencies for development of the area surrounding the airport." The park's GMP/EIS placed a great emphasis on regulating visitor use to protect park resources. One of those resources is natural quiet. The desired condition specified in the GMP/EIS is for natural sounds to predominate with visitors having opportunities throughout the park to experience natural sounds in an unimpaired condition, confining the sounds of civilization to developed areas.

The EA indicated that, on an average day, approximately 250 IFR aircraft overflights not associated with the St. George airport occur over the park. Presently 31 IFR aircraft overflights occur that are associated with the airport. This number is expected to more than double – to 69 – in a twenty year period. In addition, it is expected that the size and type of aircraft using the new airport would change, accommodating 737 jets. The EA further describes the noise level from aircraft using the St. George airport to be between 45 and 65 dBa, significantly above the ambient levels of around 20 dBa measured in the park.

Clearly there is an negative impact to the visitor experience and the park's resources and the project is not consistent with the park's planning documents.

2. The Record of Decision states that "there would be a negligible change in sound impacts at points inside Zion National Park resulting from construction and operation of the preferred alternative. The FAA has therefore determined there would be a negligible change in sound impacts upon Section 4(f) lands and therefore no constructive use of those lands." Based on the discussion above, I believe this conclusion to be erroneous.
3. The EA (p.98) refused to use natural ambient sound levels measured in the park, depending instead on average day-night sound levels and time-above metrics. There also was a reliance on levels of noise that are annoying to people rather than recognizing levels and types of sound that conform to the visitor experience that is compatible with the park's GMP/EIS.
4. As noted earlier, there is no objection to a replacement airport in St. George, but there should be a consideration for protection of the nationally significant resources found in Zion National Park. The FAA (p. 99) has agreed to work with the airport owner to educate pilots in visual flight rule conditions about avoiding flight over the park and to participate with the NPS in a Utah airport managers meeting to outline NPS policies and concerns with aircraft overflights. While these efforts are commendable, they fall short of providing the park with adequate protection from impacts of overflights. Mitigation should include a rerouting of the designated air routes to avoid air traffic over the park. It should be noted that the Utah Aeronautical Map and the FAA low altitude and high altitude route maps do not even show the location of the national parks in Utah.

Please feel free to contact me by mail at the above address, by telephone at (435) 326-4268 or by email at dfalvey@color-country.net if you desire additional information or clarification on any of the issues mentioned above. Thank you for whatever help you can provide in effecting these mitigation measures.

Sincerely,

Donald A. Falvey

Cc: Superintendent, Zion National Park

THE ST. GEORGE AIRPORT, ZION NATIONAL PARK AND YOU

As the former superintendent of Zion National Park, I had the privilege for nine years of guiding the park in its role of providing visitor services and protecting its resources. Zion plays a key role in the economy of this region and it is vitally important that the park continue to be the magnet it has been over the years, a place where people can experience those attributes that make it special – including the ability for people to hear the natural sounds that prevail throughout much of the park. So it was with a great deal of interest that I noted the response to the question in the May 10 Answer Line asking about the progress of the new airport for St. George indicated that “things are rolling along as planned”. That is not the case, I have since learned. The project is being held up pending resolution of an appeal filed by the Grand Canyon Trust of the environmental assessment and its record of decision approving the replacement airport for St. George. Why did this happen? Why would anyone object to the construction of this airport which has received such strong community support? The answer, I believe, has two parts.

First, the park: There is a real concern for preserving the ability of visitors to Zion National Park to experience the natural sounds that are unique to that area. The special nature of Zion was recognized in a presidential executive memorandum dated April 22, 1996 which directed the Secretary of Transportation to establish a framework for managing air traffic over national parks, and identified several, including Zion, as priorities for 1) resolving airspace issues and 2) maintaining or restoring natural quiet. The park, in turn, has implemented a variety of noise reduction policies throughout the park. Examples include relocating the park’s helipad operations to Coal Pits Wash to avoid impacting the main visitor center area and adjacent communities, providing electrical hookups in the campground to eliminate noise from RV generators, and specifying noise-deadening features on the new shuttle vehicles. The park’s general management plan also includes a proposal to prepare an air tour management plan and outlines a desired visitor experience, including the ability to hear natural sounds, to be achieved in various areas throughout the park. Noise studies revealed that the background noise levels at the park are around 20 decibels. The environmental assessment for the replacement airport indicated that by the year 2018, it is estimated that 69 aircraft (including jets) will fly over or near the park, up from the current number of 31. They will each produce a noise level of between 45 and 65 decibels, significantly altering the natural quiet found within the park. It is interesting to note that the FAA in their record of decision found that there was no significant environmental impact to be mitigated.

Second, the communities: Both Rockville and Springdale passed a resolution last April which recognized the economic value of Zion National Park to their town as well as all the towns and cities in Washington County. The resolution also recognized the need for a new airport to serve the area but identified potential adverse impacts caused by an increase in air traffic over their towns and over the park. The resolution further called upon all affected parties – federal, state, county and local – to work together to resolve this issue. The concerns of air traffic over Springdale were previously mentioned at a Congressional field hearing on air tours conducted by Congressman Hansen in St. George a few years ago. Mayor Phillip Bimstein testified of the threats to Springdale’s economy

by aircraft noise and the resulting degradation of the experience and the setting that attracts so many visitors to this area.

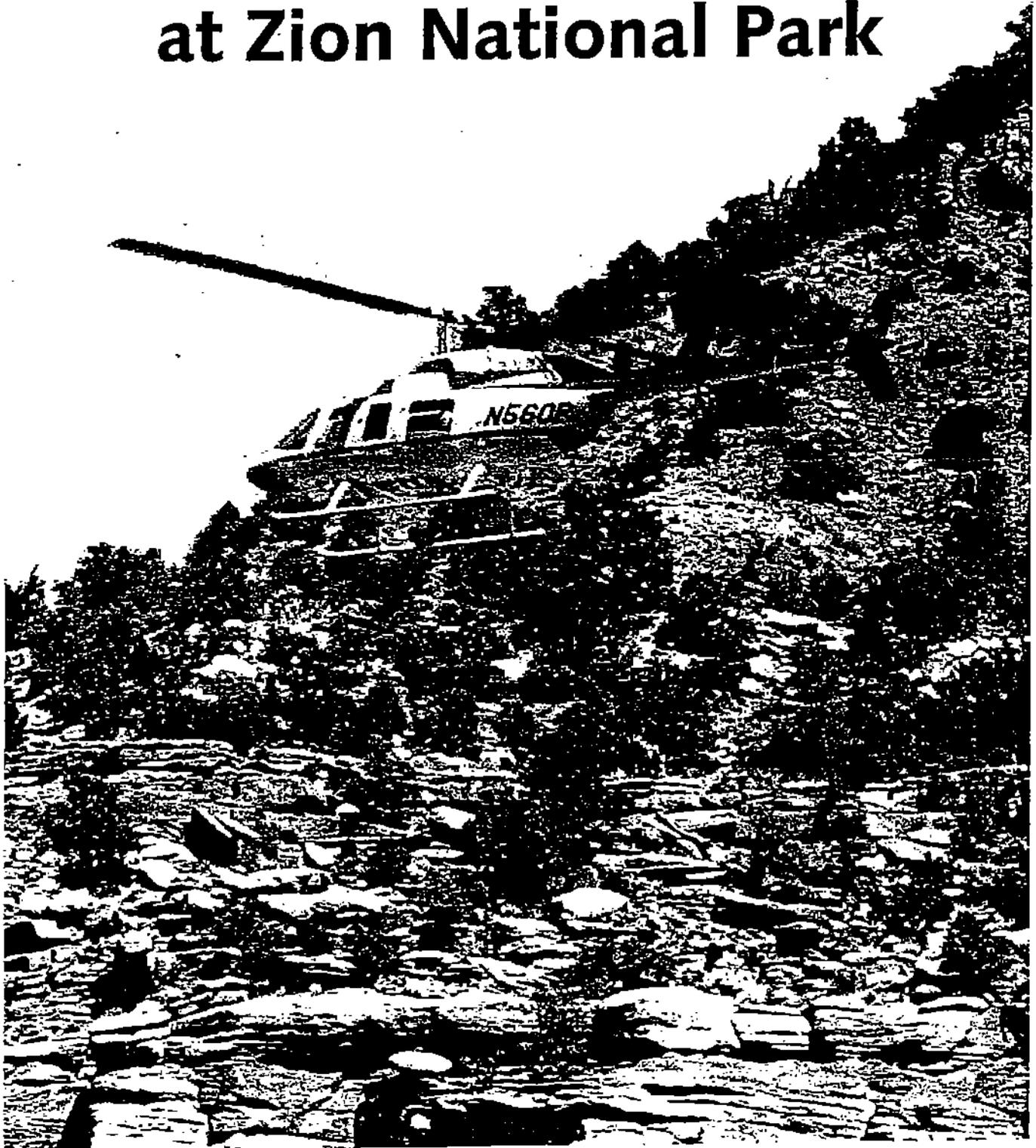
Now what? Now it is your turn as concerned citizens. Please urge your elected representatives to assist in resolving this matter. Several actions that could be taken include:

- Seek support of the FAA to reroute air traffic around the park. The FAA is the agency that controls our nation's airspace and is the only entity that can direct the establishment of new air routes or change the location of existing ones. Changing the flight patterns of aircraft using the St. George airport could eliminate this noise problem over the park and the surrounding communities.
- Seek to have Zion National Park and other noise sensitive areas shown on the Utah Aeronautical Chart and on the FAA low altitude and high altitude route maps so that pilots and navigators can be aware of their location and voluntarily avoid flying over them.
- Seek to implement the mitigation measures identified in the environmental assessment and record of decision for the replacement airport, specifically for FAA to work with airport owners to educate pilots about avoiding flights directly over the park and for FAA to work with the National Park Service in meeting with airport managers to outline NPS policies and concerns.

With your support and with the mutual cooperation of the various federal, state, county and local officials, I believe this issue can be resolved quickly, allowing the construction of the replacement airport to proceed while providing for the protection of the incredible assets we are all privileged to enjoy.

Donald A. Falvey

Aircraft Overflights at Zion National Park



AIRCRAFT OVERFLIGHTS AT ZION NATIONAL PARK

MANDATES

The National Park Service was created in 1916 by Congress to: "...promote and regulate the use of Federal areas known as national parks...[so as to] conserve the scenery and the national and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

An amendment to this act, the Redwoods Act of 1978 defined resource preservation as the primary responsibility of the National Park Service.

The Management Policies of the National Park Service recognize the value of natural quiet as a resource. "The National Park Service will strive to preserve the natural quiet and the natural sounds associated with the physical and biological resources of the parks. Activities causing excessive or unnecessary unnatural sounds in and adjacent to parks, including low-elevation aircraft overflights, will be monitored, and action will be taken to prevent or minimize unnatural sounds that adversely affect park resources or values or visitors' enjoyment of them. In accordance with 36 CFR 2.12 the operation of motorized equipment or sound devices that create unreasonable audio disturbances will be prohibited."

The 1964 Wilderness Act, among other attributes, identified wilderness areas as places which have "...outstanding opportunities for solitude or a primitive and unconfined type of recreation." In 1974, a legislative proposal was completed for Zion National Park which identified over 90 percent of the land area as suitable for designation as wilderness. According to NPS policies, these legislatively proposed areas are to be managed as wilderness, conforming to the provisions of the Wilderness Act and the NPS Management Policies.

The National Park Overflights Act of 1987, Public Law 100-91, required the National Park Service to prepare a study report on the impacts of aircraft flights over units of the National Park System. This report, completed in 1994, identified Zion National Park as one of nine park areas where maintaining natural quiet is an immediate priority. The report also listed several problem solving methods for resolving airspace/park use issues: Voluntary Agreements, Spatial Zoning, Altitude Restrictions, Operating Specifications for Air Tour Operators, Treatment of Air Tour Operators as Concessioners, Noise Budgets and Limits on Times of Operations. The report noted the role of FAA in administering airspace and the role of NPS in managing the ground-based resources and the necessity of the two agencies to work together so each agency can achieve their respective missions.

A presidential executive memorandum, issued on Earth Day, April 22, 1996, directed the Secretary of Transportation to issue a notice of proposed rulemaking to "...establish a framework for managing air traffic over those park units (Zion included) identified in the 1994 NPS study, as priorities for (1) resolution of airspace issues and (2) maintaining or restoring natural quiet." NPOWG, the National Parks Overflights Working Group Council, has been organized in response to this executive order and has prepared a national rule which is under consideration as part of the legislation (H.R. 1000 and S.82) re-authorizing the Federal Aviation Administration and as free standing legislation (H.R. 717). The focus of this rulemaking effort is on air

tours only and includes a provision of establishing Air Tour Management Plans for units of the NPS.

FAA Rules

The FAA has issued Advisory Circular 91-36c which requests all air traffic to stay a minimum of 2000 feet above the ground over national park units. Part 91 of the Federal Aviation Regulations defines minimum safe altitudes as 1000 feet above congested areas, 500 feet above other areas with helicopters exempted from these requirements.

Low altitude and high altitude route maps have been published and approved by the Department of Defense, the Federal Aviation Administration and the Department of Commerce. Military training routes are shown; locations of some national park service areas, including Zion, are not. The Utah Division of Aeronautics has also issued an aeronautical chart identifying airspace routes.

Zion National Park Actions

- Implemented noise reduction policies, e.g., restricting use of NPS motorized equipment, relocating park helipad operations to Coal Pits Wash area to avoid impacting neighboring communities of Springdale and Rockville, using the GIS system to map peregrine falcon nesting areas as flight-free zones, providing electric hookups in the campground to eliminate RV generator noise and specifying noise-deadening features on the new shuttle vehicles and eliminating diesel tour coaches in the upper Zion Canyon area. Park policies also prohibit idling of tour coaches as a means of controlling noise.
- Criteria for issuing commercial filming permits has been revised to restrict instances where aerial filming will be approved as part of the permit.
- Developed a voluntary agreement with Scenic Airlines to fly at an altitude of 10,000 feet above mean sea level, and to fly 3 statute miles away from the main canyon area, including Springdale and the Zion Lodge.
- Conducted baseline noise data studies to assess noise levels at various locations within the park. These data will be used to assess changes in noise levels over time.
- Met at various times with adjacent communities who share concerns of low flying aircraft: Springdale, Rockville, Virgin, and Zican. They have identified concerns with overflights and their safety, noise, and economic impacts.
- Developed management prescriptions in the draft General Management Plan for use of Zion's backcountry/wilderness areas to allow visitors to experience natural sounds and achieve the solitude as described in the Wilderness Act.
- The draft General Management Plan proposes the park prepare an Air-Tour Management Plan, incorporating concepts discussed with air tour operations in the focus group meetings held while gathering public input as part of the scoping process.

- Have identified potential concerns about impacts on the park from aircraft flying over the park related to the proposed St. George Airport, and offered to work with the FAA and airport proponents in the early stages of planning and design to ensure that the potential concerns are addressed to the mutual benefit of the park and airport..



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

October 25, 2002

4

Dennis Ossenkop
Environmental Protection Specialist
Federal Aviation Administration
Northwest Mountain Region
1601 Lind Avenue, S.W., Suite 315
Renton, WA 98055-4056

Dear Mr. Ossenkop:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of September 11, 2002 announcing your intent to prepare an EIS on the construction of a replacement airport in St. George, Utah. The purpose of the project is to construct a new regional airport for southern Utah. We are providing the following comments for your consideration in your EIS.

Because there are no wetlands within the proposed project area, our concerns for wildlife focus on Federally listed, candidate, and conservation agreement species. To help you fulfill your responsibilities under Section 7 of the ESA, we are providing an updated list of threatened (T), endangered (E) and candidate (C) species that may occur within the area of influence of your proposed action.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Dwarf Bear-Poppy	<i>Arctomecon humilis</i>	E
Holmgren Milkvetch	<i>Astragalus holmgreniorum</i>	E
Shivwits Milkvetch	<i>Astragalus ampullarioides</i>	E
Siler Pincushion Cactus	<i>Pediocactus sileri</i>	T
Virgin River Chub ⁴	<i>Gila seminuda</i>	E
Woundfin ⁴	<i>Plagopterus argentissimus</i>	E
Desert Tortoise ⁴	<i>Gopherus agassizii</i>	T
Bald Eagle ³	<i>Haliaeetus leucocephalus</i>	T
California Condor ⁷	<i>Gymnogyps californianus</i>	E
Mexican Spotted Owl ^{1,4}	<i>Strix occidentalis lucida</i>	T
Southwestern Willow Flycatcher ¹	<i>Empidonax traillii extimus</i>	E
Western Yellow-billed Cuckoo	<i>Coccyzus americanus occidentalis</i>	C

¹ Nests in this county of Utah.

³ Wintering populations (only four known nesting pairs in Utah).

⁴ Critical habitat designated in this county.

⁷ Experimental nonessential population.

The proposed action should be reviewed and a determination made if the action will affect any listed species or their critical habitat. If it is determined by the Federal agency, with the written concurrence of the Service, that the action is not likely to adversely affect listed species or critical habitat, the consultation process is complete, and no further action is necessary.

Formal consultation (50 CFR 402.14) is required if the Federal agency determines that an action is "likely to adversely affect" a listed species or will result in jeopardy or adverse modification of critical habitat (50 CFR 402.02). Federal agencies should also confer with the Service on any action which is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat (50 CFR 402.10). A written request for formal consultation or conference should be submitted to the Service with a completed biological assessment and any other relevant information (50 CFR 402.12).

Candidate species have no legal protection under the Endangered Species Act (ESA). Candidate species are those species for which we have on file sufficient information to support issuance of a proposed rule to list under the ESA. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing resource managers to alleviate threats and, thereby, possibly remove the need to list species as endangered or threatened. Even if we subsequently list this candidate species, the early notice provided here could result in fewer restrictions on activities by prompting candidate conservation measures to alleviate threats to this species.

Only a Federal agency can enter into formal Endangered Species Act (ESA) section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

Your attention is also directed to section 7(d) of the ESA, as amended, which underscores the requirement that the Federal agency or the applicant shall not make any irreversible or irretrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable and prudent alternatives regarding their actions on any endangered or threatened species.

Please note that the peregrine falcon which occurs in all counties of Utah was removed from the federal list of endangered and threatened species per Final Rule of August 25, 1999 (64 FR 46542). Protection is still provided for this species under authority of the Migratory Bird Treaty Act (16 U.S.C. 703-712) which makes it unlawful to take, kill, or possess migratory birds, their parts, nests, or eggs. When taking of migratory birds is determined by the applicant to be the only alternative, application for federal and state permits must be made through the appropriate authorities. For take of raptors, their nests, or eggs, Migratory Bird Permits must be obtained through the Service's Migratory Bird Permit Office in Denver at (303) 236-8171.

We recommend use of the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Román and Muck, January 2002) which were developed in part to provide consistent application of raptor protection measures statewide and provide full compliance with environmental laws regarding raptor protection. Raptor surveys and mitigation measures are provided in the Raptor Guidelines as recommendations to ensure that proposed projects will avoid adverse impacts to raptors, including the peregrine falcon.

The following species may occur within the project area and is managed under a Conservation Agreement/Strategy.

Virgin Spinedace

Lepidomeda mollispinis mollispinis

Conservation Agreements are voluntary cooperative plans among resource agencies that identify threats to a species and implement conservation measures to proactively conserve and protect species in decline. Threats that warrant a species listing as a sensitive species by state and federal agencies and as threatened or endangered under the ESA should be significantly reduced or eliminated through implementation of the Conservation Agreement. Project plans should be designed to meet the goals and objectives of these Conservation Agreements.

Our office has worked extensively with you on this project in the past and will gladly continue to offer technical guidance on fish and wildlife matters, as needed. We appreciate the opportunity to provide these comments. If you need further assistance, please contact Randy Swilling, Ecologist, at the letterhead address or (801) 975-3330 ext.132.

Sincerely,


for Henry R. Maddux
Utah Field Supervisor

cc: UDWR - Cedar City



TOWN OF ROCKVILLE

PO Box 630206
Rockville, UT 84763
Phone/Fax - (435) 772-0992

Founded 1862
Incorporated June 30, 1987

October 18, 2002

5

Mr. Dennis Ossenkop
1601 Lind Ave. S.W.
Suite 315
Renton, WA 98055-4056

Ref: EIS for St. George Replacement Airport

Dear Mr. Ossenkop:

In response to your letter dated September 11, 2002, the Town of Rockville, Utah has identified several environmental concerns relative to the proposed St. George Airport.

At a meeting of the Rockville Town Council on October 16, 2002, members of the Council were asked to express any concerns that they may have about the proposed airport.

Collectively, our concerns are:

1. Landing and take-off flight paths of airplanes using the airport.
2. The attendant noise if flight paths bring aircraft over or near Rockville.
3. Allowing scenic overflights of Zion National Park and the surrounding area.

Thank you for allowing us the opportunity to be considered in such an important decision.

Sincerely,

Dan McGuire
Mayor

Suzanne Allen
Chair, Transportation Executive Council
Larry Bullock
Chair, Transportation Advisory Committee
Lowell Elmer
Transportation Planning Office

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November 12, 2002

Dennis Ossenkop
Environmental Protection Specialist
FAA- NW Mountain Region
1601 Lind Ave., S.W.
Renton, WA 98055-4056

Re: EIS, City of St. George Replacement Airport

Dear Mr. Ossenkop:

The Governor of Utah recently designated the Dixie Metropolitan Planning Organization to carry out the transportation planning process for the St. George Urbanized Area, determined by the US Census Bureau on May 1, 2002. The Executive Council of the Dixie MPO is dedicated to President Bush's current agenda to streamline the environmental process and expedite the development and construction of much needed transportation infrastructure. St. George is home to SkyWest Airlines, the nation's largest independent regional airline operating through Delta Connection, and is the centrum city of this newest and fast growing metropolitan area of Utah.

The City of St. George has recently submitted a request to Secretary Norman Mineta, for their airport project to be nominated for inclusion in this streamlining process. Any leverage your agency can muster in nomination of this project would be appreciated. Regardless of nomination, the Dixie MPO must strongly urge that you and your process complete a thorough study as quickly as possible. Delays only add to the construction costs, compound safety issues, and throw needless impacts on the local economy and tax payers who overwhelmingly support their local elected officials and business leaders in this proposed replacement airport, which has been through various planning stages for nearly ten years.

Sincerely,

Lowell Elmer, Director
Dixie Transportation Planning Office

November 27, 2002

7

Mr. Dennis Ossenkop
Federal Aviation Administration, DOT
1601 Lind Ave, SW, Suite 315
Renton, WA 98005-4056

Dear Mr. Ossenkop:

The Grand Canyon Trust appreciates this opportunity to respond to your intent to prepare a Draft EIS for the construction of a replacement airport in St. George, Utah.

The Grand Canyon Trust challenged the FAA's initial EA because we believed the analysis of the potential noise impacts such a replacement airport and the associated air traffic would have on the natural soundscape of Zion National Park was inadequate.

On May 24, 2002, the Federal Appeals Court for the District of Columbia agreed with the Trust. In summary, the court found, "The FAA must evaluate the cumulative impact of noise pollution on ("Zion") Park as a result of construction of the proposed replacement airport in light of air traffic near and over the Park, for whatever airport, air tours near or in the Park, and the acoustical data collected by the NPS in the Park in 1995 and 1998 mentioned in comments on the draft Environmental Assessment (EA)." The Court remanded the case (to the FAA) "because the record is insufficient for the court to determine whether an EIS is required."

First, we do not oppose the idea of replacing St. George's existing airport. Our sole concern has been, and continues to be, the potential impacts that increased commercial aviation will have on Zion National Park, which the National Park Service has identified as a high priority for the protection of its natural soundscape. Because of Zion's elevated status within the National Park Service the agency was authorized to conduct sophisticated sound monitoring in 1995, 1998, and 2001.

The FAA did not use this acoustical data in its initial EA, and it was this omission that formed the basis of our legal challenge. We believe the NPS possesses unique expertise in evaluating impacts on park resources it is entrusted to protect. Had the FAA worked more closely with the NPS in the preparation of its initial EA, the city of St. George would not be experiencing this expensive procedural delay.

Natural quiet is a resource that visitors to our national parks expect to experience and thus a resource the NPS is expected to preserve and restore. We believe it is possible for St. George residents to have a new airport along with a national park that provides them with the same peace and tranquility that their ancestors experienced when they settled the area.



Scope of Analysis

Because the FAA has chosen to satisfy the court's mandate by conducting a full EIS, we believe this presents an excellent opportunity to do a thorough noise impact assessment across the landscape, both north and south of Zion National Park. This region, defined by Bryce Canyon in the north to Grand Canyon National Park in the south, is the most noise sensitive region in the United States. It is characterized by stunning scenery, low ambient noise conditions, and topography that magnifies whatever noise it is subjected to.

In the 1987 Overflights Act and again in the 2000 National Parks Overflights Act, Congress directed the park service to treat natural quiet as a natural resource to be preserved and/or restored. It is expected that the park service will work closely with the FAA to accomplish this goal.

The Federal Appeals Court for the District of Columbia made it clear in its August 2002 opinion on Grand Canyon overflights that all types of aviation noise, including commercial, military, and air tours, must be considered when determining noise levels. In conjunction with the park service, the FAA must measure the sound conditions in Zion National Park and the surrounding region and then demonstrate that the changes in these conditions are the result of the St. George replacement airport, other proposed new airports, and proposed increases in air tour operations.

The Grand Canyon Trust does not believe that all aviation noise can be fully mitigated in a region so sensitive to noise. However, we do believe that some mitigation is possible, which will require a thorough analysis comparing ambient sound levels with proposed and predicted impacts. It will also involve a noise impact comparison of topographical sensitivity with legal mandates to protect natural quiet. Zion National Park is a noise sensitive environment and there are legal mandates requiring protection of its natural quiet.

Our main concerns in this scoping process are that the FAA: 1) draw as wide a circle as possible around this very noise sensitive region; 2) analyze all possible scenarios; and 3) utilize the very best and latest acoustical data to determine impacts on Zion National Park and other sensitive areas to the north and south.

We believe that the FAA, the NPS, elected officials, and the public will be able to develop appropriate mitigation measures once the data is presented.

Thank you for your consideration.

Sincerely,



Tom Robinson
Director of Government Affairs

December 2, 2002



Mr. Dennis Ossenkop
Federal Aviation Administration
1601 Lind Avenue SW Suite 315
Renton, Washington 98055-4056

Dear Mr. Ossenkop,

I understand you are preparing an Environmental Impact Statement regarding overflights near Zion National Park for the proposed St. George airport in southwestern Utah. I want to voice my opinion regarding these possible flight patterns. I live in Springdale, Utah which is the gateway community of Zion National Park. Our small community very highly values our natural quiet, our unobstructed night sky, and the natural beauty encompassing us which is Zion National Park. I would seriously consider the impacts to our quality of life, our economy which is based on maintaining a natural experience for visitors, and the wildlife and natural surroundings that currently thrive.

Please seriously consider these points in your EIS:

- 1) the impact of noise on our natural soundscape in and near Zion National Park
- 2) the affects of increased air traffic and flight patterns in and near Zion National Park
- 3) the adverse impacts on our economy and park resources which rely on the natural quiet to attract visitors to our area.
- 4) mitigation to protect Zion National park and our community values

While I support the relocation and expansion of the St. George airport, I would very seriously consider the impacts of flight patterns and increased traffic anywhere near Zion National Park. It is a treasure to our community and to the millions of visitors who come to enjoy the natural experience Zion offers them. I would appreciate your efforts on our behalf.

Sincerely,

Sandy Bell

MAILING ADDRESS

P. O. Box 296
Springdale, Utah
84767

SHIPPING ADDRESS

37 Big Springs Road
Springdale, Utah
84767

TEL 435-772-3748

FAX 435-772-3021

E-MAIL

sbell@infowest.com



WASHINGTON COUNTY

197 East Tabernacle • St. George, Utah 84770

Telephone: (435) 634-5700 • FAX: (435) 634-5753

COMMISSION

GAYLE M. ALDRED
Chairman
galdred@washco.state.ut.us

ALAN D. GARDNER
adgardner@washco.state.ut.us

JAMES J. EARDLEY
jeardley@washco.state.ut.us

December 6, 2002

9

Mr. Dennis Ossenkop
Environmental Protection Specialist
Federal Aviation Administration
1601 Lind Avenue, S. W.
Renton, Washington

Dear Mr. Ossenkop:

Washington County is aware of the need to further extend the environmental Impact Statements for the construction of a replacement airport at St. George, Utah. We appreciate the opportunity to comment on this announcement. We cannot stress too much the critical need of this airport to the future of Washington County. While the airport is located within the City of St. George boundaries, it is of equal importance to every other City in the County and to the County as a whole.

We strongly support the development of the airport and have no other significant issues to address over and above that which has already been covered and that which was dictated by the Court that should be covered in order to satisfy the questions raised by the Court hearing.

We would encourage your office to move ahead expeditiously in preparing and providing the necessary information in order that this project can move forward as quickly as possible. It obviously takes many years to develop a project such as this. Realizing that the need is now, we extend our support in any way we can be of help to see that this project continues as is presently planned, and that the necessary information is provided to allow the project to be developed.

Sincerely,

Handwritten signature of Alan D. Gardner in cursive.

Alan D. Gardner, Acting Chairman
for the Washington County Commission

ADG:jw



**UNITED STATES DEPARTMENT OF THE INTERIOR
 GRAND CANYON-PARASHANT NATIONAL MONUMENT**

345 East Riverside Drive
 St. George, Utah 84790
 Phone: (435) 688-3345 Fax: (435) 688-3388

10

In Reply Refer To:
 (AZ-100) 1793

December 5, 2002

Mr. Dennis Ossenkop
 Federal Aviation Administration, DOT
 1601 Lind Ave. SW, Suite 315
 Renton, WA 98055-4056

Dear Mr. Ossenkop:

Thank you for the opportunity to provide comments regarding the November 7, 2002 Federal Register NOI for the proposed replacement airport at St. George, Utah. The Grand Canyon-Parashant National Monument, jointly managed by the Bureau of Land Management and the National Park Service, is located approximately 25 air miles from the proposed replacement airport. While we do not oppose the location or need for the new airport, there are some issues and potential impacts we ask you to address in the environmental impact statement.

Our concerns relate to increased air traffic over the monument, with potential adverse impacts to the natural sound environment and visitor experience. The monument contains the most remote and isolated land in the continental United States, with four designated wilderness areas and a significant proportion of recommended wilderness. The area comprises a vast recreational and wildland setting that visitors enjoy in a variety of ways, including the opportunity to escape the hustle and bustle of city life, and to experience remoteness and natural quiet. >

We are currently developing the Grand Canyon-Parashant National Monument Management Plan that will guide the management of the area for the next 15-20 years. Our mission statements identify the preservation of natural quiet as an emphasis at key destination points. In addition, during our recent public scoping period, we received comments from the public regarding their desire to protect natural quiet in the monument. >

We ask that you consider the impacts from existing and increased air traffic on monument resources and visitors. This analysis should assess the effects of increased air traffic, flight paths, altitudes, and frequencies over the monument. >

The EIS should also address the effects of existing and increased air tour traffic that will likely occur with the anticipated growth of the St. George area. The National Parks Air Tour Management Act of 2000 was signed into law on April 5, 2000. The Act requires all persons >

operating, or intending to operate a commercial air tour operation to apply to FAA for authority to conduct such activity. The Act further requires the FAA and the NPS to develop an Air Tour Management Plan for each unit of the National Park System or tribal land that does not have a plan in effect at the time a person applies for authority to conduct such an operation. In anticipation of preparing an Air Tour Management Plan, it is important for the FAA to begin to identify all commercial air tour operators operating out of the St. George Airport and to accurately characterize their air tours, including the number of flights, type of aircraft and the flight routes and destinations. While the National Parks Air Tour Management Act does not apply to Bureau of Land Management lands within the monument, impacts of air tours over BLM lands is of concern, and we would like these impacts to be considered.

We are also concerned about the cumulative impacts of the St. George proposed airport in conjunction with the proposed airport developments in nearby Mesquite, NV and Cedar City, UT. We ask that the EIS address the planned development of the other airports in the vicinity, and the cumulative effects of the increased air traffic. >

Once again, we do not oppose the proposed airport relocation. The Grand Canyon-Parashant National Monument needs to ensure protection of our valuable resources, and continue to provide our public the opportunity to experience natural quiet in key areas of the monument. We ask that the EIS address anticipated impacts of all alternatives on monument resources and visitors. If any of the EIS alternatives indicate potential adverse effects to these values, we would like to work with you to evaluate possible mitigation options. Thank you again for the opportunity to comment.

Sincerely,



Dennis Curtis
Monument Manager

cc:

Manager, FAA Denver Airports District Office
Director, NPS Intermountain Region
Chief, NPS Air Resources Division, Denver
Superintendent, Lake Mead National Recreation Area
Manager, Bureau of Land Management, Arizona Strip Field Office



United States Department of the Interior

NATIONAL PARK SERVICE

Zion National Park
Springdale, Utah 84767



11

L38 (ZION – RM&R)
x L7621

December 3, 2002

Mr. Dennis Ossenkop
Federal Aviation Administration
1601 Lind Avenue, SW
Suite 315
Renton, Washington 98055-4056

Dear Mr. Ossenkop:

We appreciate the opportunity to respond to the November 7, 2002 Federal Register Notice of Intent to prepare an environmental impact statement (EIS) for the proposed replacement airport at St. George, Utah. We provided comments throughout the preceding environmental assessment (EA) process for this project. We also understand that the rationale for engaging in this EIS process is to address the issues resulting from the U.S. Circuit Court of Appeals remand of the earlier EA and decision. The National Park Service (NPS) does not oppose, nor take any specific position, regarding the location or need for the replacement airport. However, the impacts of operations of a replacement airport, when considered cumulatively with the existing overflights situation, must be carefully evaluated and mitigated.

Our primary concern relates to increasing numbers of aircraft operations over the park that could adversely affect the natural ambient sound environment, also referred to as the natural soundscape or natural quiet, in national park units. As provided for under 40 CFR 1502.16 (c), impacts should be assessed in relation to park management zones and noise sensitive areas in order to determine to what degree the EIS alternatives might conflict with the Zion National Park General Management Plan. This is particularly important in Zion National Park where over 90 percent of the park has been recommended to Congress for inclusion in the National Wilderness Preservation System. The ability for visitors to experience solitude in a natural environment is one of the primary attributes for which wilderness areas are managed. Indeed, the very name of the park, Zion, refers to a place of peace and tranquility.

We are also concerned about the project's cumulative impacts on other park natural and cultural resources and visitor experience when combined with existing air traffic and the other proposed airport projects in the region, including their associated flight patterns, growth in operations, and other airspace management changes that may result.

Specifically the environmental impact statement must address:

- the accumulated, or total, incremental impacts of various mechanical man-made noises, existing and projected, as they affect the park natural resources, cultural resources, soundscape, and visitor enjoyment of the park, in order to assess the cumulative "noise-load" and the project's contribution to it.

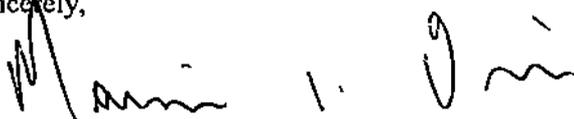
- the impact to noise sensitive areas, resources, and park visitors from existing and increased high and low altitude air traffic and any conflicts with low altitude aircraft (including air tours) near or over the park.
- the affects of existing and predictable increases in air tour operations upon noise-sensitive park resources, values and visitor experience.
- flight patterns, aircraft altitudes in those flight patterns, flight timing, and noise and visual intrusions as they affect park resources and visitor enjoyment.
- all impacts, including the cumulative impact of noise in the park as a result of activities such as the planned expansion of both St. George and other regional airports that may generate flights near or over the park.
- use of acoustical data collected by the NPS in Zion in 1995 and 1998 as mentioned in comments on the draft environmental assessment; and more recent data collected in 2001.
- how the increased passenger traffic at the new airport may affect regional tourism including visitation at Zion.
- for each EIS alternative which demonstrates potential adverse impact to the park resources or visitors, address mitigation strategies to protect park values.

The NPS has "special expertise" (as defined in 40 CFR 1508.26) in evaluating impacts on park resources, visitor experiences, and related values. During the earlier EA process for the project, the information we provided related to this expertise was not fully utilized. This resulted in disagreement over appropriate metrics, thresholds and analyses used. Resolution of these issues will require close coordination between the NPS and the Federal Aviation Administration (FAA) as the EIS is being developed.

Again, the NPS does not oppose, or take any specific position on the proposed relocation of the St. George Municipal Airport. The NPS simply seeks an accurate assessment of impacts to Zion National Park and an evaluation of viable mitigation options (as required under the National Environmental Policy Act and Department of Transportation Section 4(f) regulations) to minimize or eliminate impacts. We renew our offer to assist FAA in meeting those responsibilities.

These comments are offered in addition to comments from the NPS Intermountain Regional Office. Comments from all NPS offices are intended to be helpful to FAA and should be collectively considered in the analysis.

Sincerely,



Martin C. Ott
Superintendent

cc (continued on next page):

Manager, FAA Denver Airports District Office
Chief, NPS Air Resources Division, Denver

NPS Associate Director, Natural Resources and Science, Washington Office
NPS Regional Director, Intermountain Region
Chief, NEPA Unit, Environmental Protection Agency, Denver
Assoc. Director, Council on Environmental Quality, Washington
Mayor, City of St. George
Public Works Director, City of St. George
Superintendent, Intermountain System Support office, Denver
Superintendent, Bryce Canyon National Park
Superintendent, Grand Canyon National Park
Superintendent, Lake Mead National Recreation Area
Superintendent, Cedar Breaks National Monument
Superintendent, Pipe Spring National Monument
Manager, Grand Staircase-Escalante National Monument
Manager, Grand Canyon-Parashant National Monument
Manager, Bureau of Land Management, St. George Field Office
Manager, Bureau of Land Management, Arizona Strip Field Office
Forest Supervisor, Dixie National Forest
Mayor, Town of Springdale
City Manager, Town of Springdale
Mayor, Town of Rockville
Regional Director, National Parks Conservation Association
Senior Program Manager, National Parks Conservation Association
Chair, Sierra Club, Utah Chapter
Executive Director, Grand Canyon Trust
Greater Zion Representative, Grand Canyon Trust



United States Department of the Interior

**NATIONAL PARK SERVICE
INTERMOUNTAIN REGION**
12795 West Alameda Parkway
PO Box 25287
Denver, Colorado 80225-0287



12

December 3, 2002

Dennis Ossenkop
Federal Aviation Administration, DOT
1601 Lind Ave. SW, Suite 315
Renton, WA 98055-4056

Dear Mr. Ossenkop:

The National Park Service (NPS) encloses comments and environmental concerns in response to the Federal Register Notice of Intent (NOI) published November 7, 2002 regarding the proposed replacement airport at St. George, Utah. Comments are provided with the understanding that the rationale for engaging in this environmental impact statement (EIS) process is to address the issues resulting in the U. S. Circuit Court of Appeals for the District of Columbia (May 24, 2002) remand of the earlier environmental assessment (EA) and decision. As stated in the NOI, these include the preparation of an analysis of noise cumulative impacts on a unit of the National Park System, and the use of available acoustical data in the impact analysis for Zion National Park. The NPS assumes that the Federal Aviation Administration (FAA) will attend to the instructions of the court as necessary in the EIS process. Since lands managed by the National Park Service are potentially affected by the proposed action, NPS notes for the record that it has jurisdiction by law and special expertise in evaluating impacts on the park resources, visitor experiences, and related values.

Proposed Action and Scope of Analysis

From the proposed action shown in the NOI, it is unclear what FAA intends as the scope of analysis and the range of alternatives to be considered. The NPS therefore assumes that the scope of analysis remains open and dependent upon the receipt of comments responding to this NOI. From NPS' standpoint, the scope of analysis should include the full range of likely impacts that might be expected over and above the existing condition. Impacts will result not only from airport construction but also from connected actions. Connected actions could include: increased air traffic; different types of air traffic that may be accommodated; increased air tour demand; or alterations in flight paths, altitudes, frequencies, and times that might be proposed. Any unit of the national park system that may be impacted by actions connected to any new airport alternative should be within the scope of analysis. This could include Zion, Bryce Canyon, and Grand Canyon National Parks; and Cedar Breaks, Pipe Spring, and Grand Canyon Parashant National Monuments.

Purpose and Need For Action and the Range of Alternatives to be Considered

The NOI does not provide information on the purpose and need for which the proposal is being made, or why the airport replacement is necessary and what FAA is trying to achieve by it. The purpose and need for action should set the parameters for a range of alternatives and mitigation to be evaluated in the EIS. Without the purpose and need for action, NPS cannot make specific recommendations for other alternatives or mitigation that should be considered in light of potential impacts on units of the national

park system. It can recommend that the purpose and need in the EIS should be detailed and specific to the existing versus the desired conditions relative to the airport and its service area, as well as the mitigation or prevention of additional impacts from that facility. The range of alternatives should be responsive to the purpose and need, or in finding alternative means for addressing needs and achieving purposes. With this in mind, NPS encourages FAA to consider any reasonable alternatives for meeting the purpose and need that are beyond the agency's jurisdiction (per CEQ regulations at 40 CFR 1502.14(c)).

Impact Analysis

Analysis of alternatives should be straightforward in assessing direct, indirect and cumulative impacts on natural and cultural resources, visitor experiences, and values of potentially affected national parks or monuments. It should include in the analysis both similar and connected actions that affect these units, to avoid understating the total impact on them.

Following the determination of a range of preliminary alternatives, FAA should consider under its 4(f) requirements any unit of the national park system that may potentially be impacted by this proposed project, as stated earlier. The use of any airspace over a unit of the national park system could constitute a direct adverse impact on an area that is significant by definition, and whose mandated purpose includes protection of resources including natural soundscapes. For any such units, FAA should also consider similar actions such as the current flight operations, and any reasonably foreseeable operational changes following construction, reconstruction or reconfiguration of any other airport facility that could affect them. It should in the same fashion consider any reasonably foreseeable new airport facility. An example of a similar action is the planning for a new Mesquite Airport facility that would contribute to the total air traffic load affecting national park units in the area.

The primary park resource directly at risk from impacts of the proposed action – or alternatives to it – is the natural soundscape. Indirect impacts that should be considered are those on cultural and natural resources, and visitor experiences that are related to the soundscape resource. It is incumbent on FAA to evaluate, by alternative, the effect of air traffic (number, type, frequency, duration, route, altitude, and timing) relative to these impact topics. The evaluation should be quantified in terms allowable by current modeling techniques and existing data, with interpretations as to audibility within areas of the affected parks. Further, where the air traffic is audible there should be a quantified assessment of sound pressure level and other appropriate acoustical metrics. All appropriate metrics should be displayed to show the full variability of impact over time, including growth in enplanements and aircraft operations at a new facility. These quantified impacts should be discussed in the context of management zones or noise sensitive resource areas in the parks to indicate if and to what degree the alternatives conflict with NPS plans, policies or controls within its jurisdiction (40 CFR 1502.16(c)).

Where potential direct and indirect adverse effects from the proposed action (and alternatives to it) are predicted to occur within park units, FAA should evaluate the total cumulative impact of connected actions, or other actions or sources having similar impacts on the natural soundscape resource. Within the range of such actions are those that presently occur, and those that may reasonably be expected to occur in the future. Sources of impact would include all other air traffic that might affect those areas, including general and commercial aviation, air tours, military flights, and park air operations. Other sources that can affect the target soundscape resources in a cumulative way include ground-based park operations, concession operations (buses), wheeled-vehicle traffic, or noise generated from other lands and facilities adjacent to parks. To the extent possible, the total cumulative impact of the proposed action (previous paragraph), similar and connected actions, and other noise sources should be quantified for each park area. The analysis should reveal the total cumulative impact in a way that allows comparison between alternatives. The NPS suggests that adequate disclosure can be provided in looking at total numbers, types, altitudes, routes, and temporal distribution of flights, along with numbers and types of other noise sources. Further disclosure of the total cumulative area within the parks where noise is audible, the level

at which noise occurs where audible, and the temporal distribution of noise (day and night), would be very meaningful.

It should be highlighted that both Zion and Bryce Canyon National Parks are presently affected by air tours. These parks are slated for air tour management planning as a cooperative effort between NPS and FAA within two years. Managers in both parks are concerned about existing impacts of air tours and general aviation on the parks and on visitors. Clearly, these are actions having impacts on a receptor that is common for actions/impacts proposed in this EIS – national park soundscapes.

Mitigation of Impacts

Following analysis of direct, indirect and cumulative impacts on parks, FAA can choose to include final alternatives in the EIS having minimal or no impact on national park units. Or, for alternatives in the EIS that demonstrate potential adverse impacts on any of these units, FAA will need to consider how and to what extent the impacts can be mitigated. The clearest and most obvious mitigation would consist of an alternative routing of all flights into areas that do not contain national parks or monuments, while providing sufficient horizontal buffers around those units in closest proximity. Mitigation in other alternatives could consist of limiting the number of flights over such areas, scheduling flights so they do not occur over the park during critical times of day, and prescribing a flight path or minimum elevation which can be judged as having an acceptable impact on the parks or monuments.

Conclusion

The proposed action represents a potential for significant, adverse, direct and indirect impacts on park natural soundscape resources, or other resources, visitor experiences, and values that are dependent upon a natural setting. These impacts could result from the proposed action, or other alternative actions that might be considered in the EIS. Further, these impacts could exacerbate the total impact of other noise sources that currently affect the park soundscape, wildlife habitat, or visitor experiences. All sources are important in the analysis from the standpoint of cumulative impacts. The purpose and need for this proposed action should incorporate a desire to decrease the total noise load in affected park units. The EIS should then provide an alternative that meets this desired condition, other than in the "no build" scenario. Minimally, the EIS should disclose the anticipated effects of all alternatives on all potentially affected NPS units, and how those effects conflict with park plans, policies or controls.

In aid of the recommendations or needs presented above, NPS is willing to provide clarification, information, data, analysis, or other assistance, as FAA may need to perform the requested tasks. The initial contact person for such assistance is: Jeff Bradybaugh, Chief of Resource Management and Research, Zion National Park, 435-772-0208, Jeff_Bradybaugh@nps.gov.

Sincerely,



Karen P. Wade
Director, Intermountain Region

cc: FAA Regional Director

13

December 6, 2002

Dennis Ossenkop, Environmental Protection Specialist
Federal Aviation Administration
1601 Lind Avenue, SW, Suite 315
Renton, Washington 98055

Dear Mr. Ossenkop,

As you prepare the full EIS on the St. George Airport's possible noise impact on Zion National Park, I urge you to consider numerous research methodologies used by environmental psychologists studying aircraft overflights in your analysis. Included in this analysis should be an assessment of the potential psychological effects and interpretation of the landscape that may be affected by exposure to jet aircraft noise.

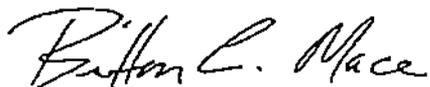
I have conducted numerous laboratory and field investigations over the past few years assessing the impact of helicopter noise in National Parks on ratings of annoyance, solitude, tranquility, naturalness, freedom, and landscape beauty and preference. My colleagues and I have found statistically significant effects on aesthetic, affective, and cognitive scale ratings when helicopter noise is present at 40 A-weighted decibels (dB(A)), 60 dB(A), and 80 dB(A). Results suggest that helicopter noise, even at a relatively quiet 40 dB(A), interferes with many attributes considered to be important to the visitor experience, and even affects the perceived aesthetic quality of landscapes. (see Mace, Bell, and Loomis, 1999, for a summary of the methodology and results).

More generally, psychological research suggests that aftereffects of noise may be as important as effects during exposure. Perhaps interference with the restorative function of the nature experience helps explain some consequences of the impingement of urban stressors on natural areas. A negative experience may lead to certain psychological needs remaining unfulfilled, especially when considering the reasons people seek out natural areas (Driver, Nash, & Haas, 1987; Driver et al., 1991; Ulrich, 1993). Certain cognitive dimensions associated with a variety of recreational activities and experiences may be negatively affected both at the time of the visit, and when recalled in the future. For example, McDonald et al. (1995) using a mail-back survey asked over 15,000 visitors both at the time of visit and a month later about their level of annoyance associated with aircraft. A month following their visit, respondents reported seeing and hearing more aircraft, being more annoyed, and having their enjoyment and attainment of natural quiet significantly impaired. These findings suggest that exposure to aircraft noise in national parks has negative long-term consequences.

According to Bronzaft et al. (1998), in the past twenty years little has been done to remedy the national problem of aircraft noise. These authors argue there is a need to develop research that will not only provide a sound database, but will also contribute to and influence legislation and policy decisions if any headway is to be made on these problems. Psychologists can and should provide lawmakers with empirical data, which should be used by legislators and others as a part of their decision making process (Kaplan, 1995). It is not just physical quantities

of noise that have impact. Factors such as predictability, control, and attributions influence the impact, yet these factors are not addressed in policy. Environmental psychologists have greatly increased our understanding of ambient stressors in urban environments. These same stressors are now prominent in natural areas that were once pristine. Preservation of these areas requires attenuation of the stressors--and not just in physical quantity--for the sake of the environment itself and for the quality of the visitor experience. As you prepare the EIS for the St. George airport I urge you to use the environmental psychology literature and methodology so that a full and complete EIS is conducted. Thank you for your time.

Sincerely,



Britton L. Mace, Ph.D.
Assistant Professor of Psychology
Southern Utah University
Cedar City, UT 84720
(435) 865-8569

References

- Bronzaft, A. L., Ahern, K. D., McGinn, R., O'Connor, J., & Savino, B. (1998). Aircraft noise: A potential health hazard. Environment and Behavior, 30(1), 101-113.
- Driver, B. L., Nash R., & Haas, G. (1987). Wilderness benefits: A state-of-knowledge review. In Proceedings, National Wilderness Research Conference: Issues, State of Knowledge, Future Directions. Fort Collins, CO, compiled by R. C. Lucas, USDA Forest Service General Technical Report INT-220, 294-319.
- Driver, B. L., Tinsley, H. E. A., & Manfredi, M. J. (1991). Leisure and recreation experience preference scales: Results from two inventories designed to assess the breadth of the perceived psychological benefits of leisure. In The benefits of leisure, B. L. Driver, P. J. Brown, & G. L. Peterson (eds.), pp. 263-287. State College, PA: Venture Publishing, Inc.
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- Mace, B. L., Bell, P. A., & Loomis, R. J. (1999). Aesthetic, affective, and cognitive effects of helicopter noise on natural landscape assessment. Society and Natural Resources, 12, 259-276.
- McDonald, C. D., Baumgartner, R. M., & Iachan, R. (1995). National Park Service aircraft management studies. National Park Service, USDI, Report No. 94-2, Denver, CO.
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14

December 5, 2002

Dennis Ossenkop
Federal Aviation Administration
1601 Lind Avenue, SW
Suite 315
Renton, Washington 98055-4056

Dear Mr. Ossenkop:

This letter is written on behalf of the Springdale Mayor and Town Council, to respond to the November 7, 2002 Federal Register Notice of Intent to prepare and environmental impact statement for the proposed St. George replacement airport.

The Town of Springdale submitted comments during the environmental assessment process for this project. I have enclosed a copy of those comments. The Town of Springdale is located within Zion Canyon but just outside of the Zion National Park. Consequently, the Town shares many common interests with the National Park. Although, the Town of Springdale does not oppose the St. George replacement airport in principal, its concerns regarding the potential impact of flight patterns and aircraft noise on the existing soundscape and the natural quite remain.

The Town shares the National Park's concerns regarding the cumulative impacts on other natural and cultural resources and visitor experience when combined with existing air traffic and the other proposed airport projects within the region, including their associated flight patterns, growth in operations and other airspace management changes that may occur. The Town believes that any flight patterns in or near the canyon and Springdale are unacceptable. The environmental impact process is designed to identify such problem areas and find a suitable method of mitigation. The Town of Springdale supports that process and believes that reasonable mitigation efforts could resolve these concerns.

These concerns are submitted for your review and response. We are hopeful that all issues can be resolved to the satisfaction of all interested parties.

Sincerely,

Glenn E. Hill
Town Manager



TOWN OF SPRINGDALE

July 28, 2000

Larry Bulloch, Public Works Director
City of St. George
175 East 200 North
St. George, Utah 84770

Dear Mr. Bulloch:

This letter is written on behalf of the Springdale Mayor and Town Council and it will serve as the Town's formal comments regarding the St. George Municipal Airport project, the draft environmental assessment and supplemental noise analysis. The Town has reviewed the draft environmental assessment (DEA) and the supplemental noise analysis. The Town is concerned with some of the findings and conclusions, contained in these documents.

The Town of Springdale understands the need and necessity to relocate the St. George Municipal Airport and are not opposed to the project in principal. However, the airport will serve the region and it will have regional impacts. The purpose of the present process is to identify those negative impacts and to find an agreeable method of mitigation.

The Town of Springdale is located approximately 25 miles from the proposed airport site. Springdale is adjacent to Zion National Park and is part of the Zion Canyon area. Visitors are attracted to this area for the natural beauty of the canyon, the clean air and the peaceful and quiet environment. Residents likewise have chosen this canyon as their home for those same reasons. The existing peace and quite offers an unmatched quality of life. The local economy is similarly dependent upon the quality of life in this canyon to insure future visitors and the continued satisfaction of local residents.

The Town's initial concern, with the proposed airport, relates to the approach/departure patterns and the associated flight routes. The Town has serious concerns regarding the impact of increasing numbers of flights over or near our community and the park and the effect such operations would have on the natural and existing soundscape. Reasonable mitigation efforts are necessary to eliminate or at least minimize these overflights. However, these mitigation efforts have not been addressed in the draft environmental assessment.

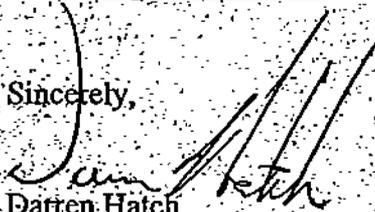
The Town has become aware, after consulting with sound consultants and Park Service engineers, that the Noise Analysis contains significant deficiencies; which have resulted in the inaccurate assessment of the impact of the proposed project on the natural and existing soundscape within Zion Canyon. These deficiencies include;

- (1) The use of day night noise level (DNL) analysis which has been designed for residents of urban airport environments. This analysis will have little relevance for Zion Park or the Zion Canyon area.
- (2) Park Service research has been generally misrepresented and inappropriately applied in both the Noise Analysis and the draft environmental assessment. In addition, the acoustic data collected at Zion National Park was given no consideration.
- (3) The assumption of a 45 dBA level for the existing or ambient soundscape for Zion National Park is without scientific basis.
- (4) The socioeconomic analysis has failed to fully address the impact of increased passenger traffic and its affect upon regional tourism.
- (5) The constructive use of Zion National Park lands associated with aircraft noise requires the completion of a Section 4(f) analysis and determination.

Based upon these concerns and the questionable content of the draft environmental assessment, the Town of Springdale requests that the analysis be redone to correct its errors in content, finding and conclusions

If you should have any follow-up questions or need additional information please contact our Town Manager, Glenn Hill. The manager can be reached by email at sdaletwn@infowest.com or by phone at (435) 772-3434.

Sincerely,



Darren Hatch
Mayor Pro Tem

Leo Gallia
P O Box 58
Springdale, UT 84767
December 4, 2002

16

Dennis Ossenkop
FAA
1601 Lind Ave. S. W., Suite 315
Renton, WA 98055-4056

RE: EIS St. George, UT

Dear Mr. Ossenkop,

I have a second home here in Springdale. The beauty of Zion Canyon and its relatively quiet ambient sound are important to me.

The canyon walls reverberate and magnify any noise. I ask that in addressing the environmental impact of a new airport in St. George, you try to mitigate the noise that may come from additional air traffic over the Town of Springdale and Zion National Park .

Air traffic patterns hopefully can be routed to the south and the west of St George to preserve the natural quiet of Zion Canyon.

Sincerely,



Léo Gallia

DEC 5, 2002
P.O. BOX 465
SPRINGDALE
UT 84767

17

MR. DENNIS OSSENKOP
FEDERAL AVIATION
ADMINISTRATION
1601 LIND AVE. S.W.
SUITE 315
RENTON
WA 98055-4056

DEAR MR. OSSENKOP;

I AM WRITING TO COMMENT ON THE PROPOS-
REPLACEMENT AIRPORT IN ST. GEORGE, UTAH.

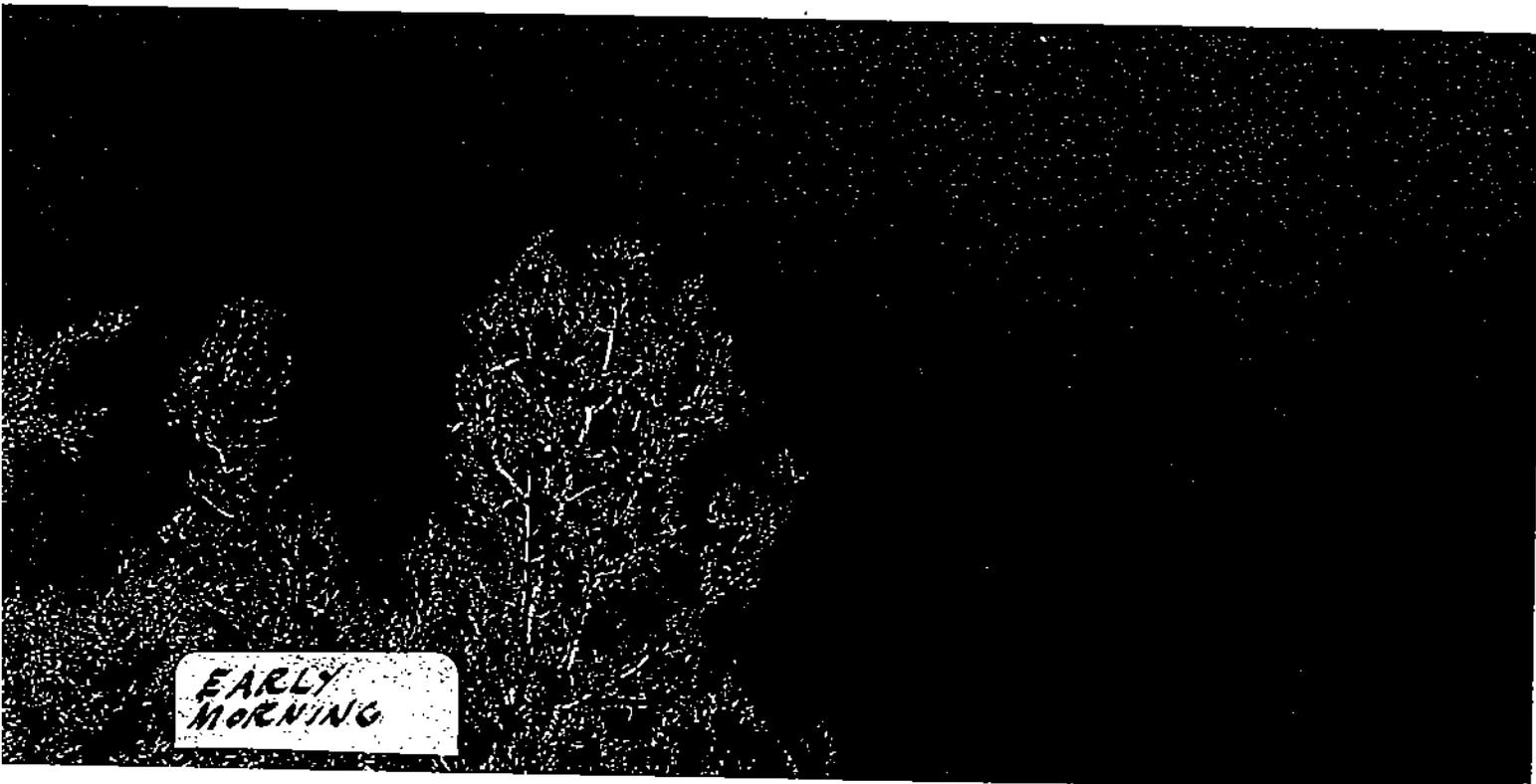
I WOULD PLEAD WITH THE FAA TO SELECT
LANDING AND TAKE-OFF PATTERNS THAT WILL MINIMIZE
NOISE OVER ZION NATIONAL PARK. AS A RANGER IN
THE PARK I KNOW HOW MUCH VISITORS APPRECIATE
ITS SOUTHWESTERN SUNSHINE AND THE QUIET.

ON MANY DAYS WHEN ATMOSPHERIC CONDITIONS
ARE "WRONG" THE PARK LOSES THAT FAMOUS SOUTHWEST-
ERN LIGHT TO JET CONTRAILS.

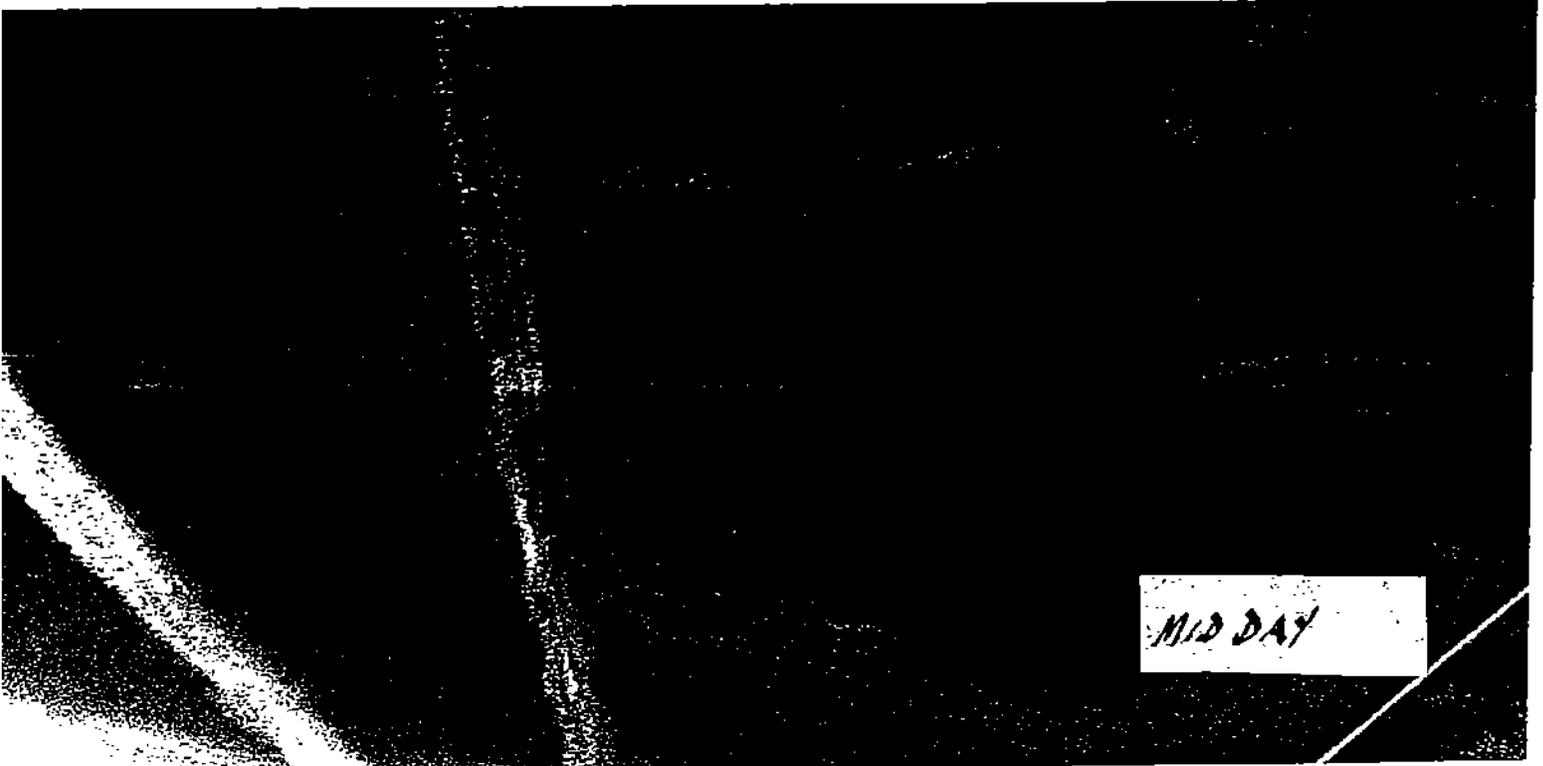
I KNOW NOTHING CAN BE DONE TO MITIGATE
OUR "CONTRAIL" WEATHER BUT PLEASE DON'T TAKE
OUR PRECIOUS QUIET TOO. DESIGN FLIGHT PATTERNS
THAT WILL BYPASS THE PARK IF AT ALL POSSIBLE.

RESPECTFULLY

Marcel Rodriguez
MARCEL RODRIGUEZ



EARLY
MORNING

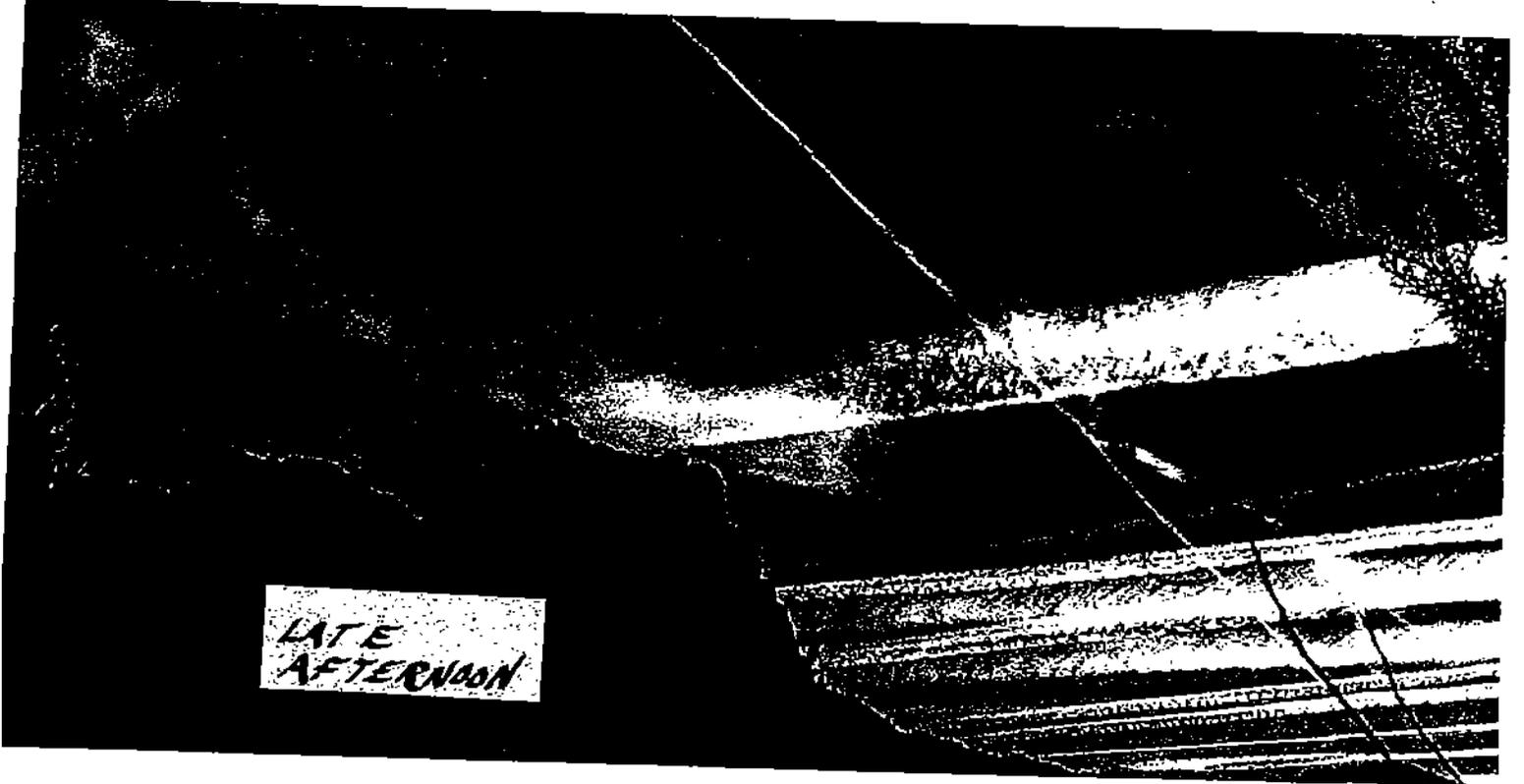


MID DAY

AFTERNOON



LATE
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Washington City

Terrill Clove
MAYOR

Kevin Watt
CITY MANAGER

111 North 100 East
Washington, Utah 84780

Office: (435) 656-6300
FAX: (435) 656-6370

December 9, 2002

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Dennis Ossenkop
Environmental Protection Specialist
U.S. Department of Transportation
Federal Aviation Administration
Northwest Mountain Region
1601 Lind Avenue, S.W., Suite 315
Renton, Washington 98055-4056

RE: Scope of Draft and Final Environmental Impact Statements for the construction of a replacement airport at St. George, Utah

Dear Mr. Ossenkop:

I appreciate the opportunity to express the concerns of Washington City for you to consider in formulating the scope of the Draft and Final Environmental Impact Statements for the construction of a replacement airport at St. George, Utah. I reviewed the January 2001 Final Environmental Assessment for the St. George Municipal Airport in order to determine whether the concerns initially expressed by Washington City were adequately addressed in that document. As you are aware, included in Appendix J (Comments and Responses) of the Environmental Assessment are letters, a memorandum and a resolution submitted by Washington City expressing the need for an Environmental Impact Statement to address the replacement airport's impacts on Washington City and its residents, and that Washington City is opposed to the selected site of the replacement airport unless substantial evidence shows that the impacts will not be materially adverse.

Since Draft and Final Environmental Impact Statements are now required to be prepared, that portion of Washington City's concerns is being addressed. However, the actual issues identified in Appendix J by Washington City need to be included in the Environmental Impact Statements. Other than the impacts to St. George City, the greatest impacts by the replacement airport at the selected site will be felt by Washington City. Zion National Park has concerns about the cumulative impacts that could affect the Park, but Washington City has concerns about the direct impacts. We realize that there could be positive impacts as well as negative impacts to Washington City and its residents, but

in order for the City to reconsider its position on whether to support the replacement airport at the selected site (as most of the other cities in Washington County and Washington County have), the concerns previously identified by the City must be adequately addressed.

I have attached the portion of Appendix J of the Environmental Assessment concerning Washington City. Numbered responses were made to Washington City's comments and this portion of my letter comments on the adequacy of those responses. Most of the responses were adequate, and the request for an Environmental Impact Statement is now a moot point, but additional analysis and/or information need to be provided for the following (the numbers correspond to the numbered responses):

2. The response is adequate for safety-related issues, but not necessarily for the noise and over-flight issues. Plus there are residential uses planned for the area.
3. The response is generally adequate, but more detail is expected of the EIS.
4. The response is generally adequate, but more detail is expected of the EIS.
5. As previously mentioned, other than St. George City, Washington City will feel the greatest impacts (the areas of unincorporated Washington County will eventually be annexed by the two cities), so there needs to be more analysis on the impacts to Washington City.
7. Except for the response to #5, the other responses to #3-#6 were adequate.
10. The response is adequate, but hopefully agreements with the affected property owners and Washington City can be reached amicably.
12. The response is adequate, but further analysis in the EIS would hopefully give Washington City reason for cooperation.
13. The response is adequate, but if further analysis in the EIS shows that the impacts to Washington City will not be materially adverse, Washington City may be willing to adopt a new resolution of support.
14. It was stated in the EA that the parties of interest in the Red Hawk project have expressed a desire to resolve their issues with the replacement airport location. Washington City needs to know the status of the Red Hawk issues to see if they are being resolved and if an amendment to their Planned Unit Development needs to be considered.
17. The Washington City General Plan emphasizes open space and agricultural preservation, but also states that when the infrastructure is available, the residential target density in this part of Washington City shall be 4 dwelling units per acre.
18. The development concepts discussed here can be implemented, but the approved PUD (Red Hawk) does not reflect airport compatibility in its entirety. There should be a cooperative effort to amend the PUD for compatibility.
19. This response is inadequate as stated in comments #2, #17 and #18 herein.
21. The response is adequate, but again there should be a cooperative effort among the affected property owners, and Washington City should be willing to implement zoning that will be compatible with an airport.

23. This response was adequate in referencing the response in #22, but the EA was inaccurate about the displacement of future planned homes.
24. The response is adequate, but again there should be a cooperative effort among the cities for land use compatibility planning.

In addition to the comments addressing the responses cited above, the Record of Decision states that the project is consistent with existing plans of public agencies for development of the area surrounding the airport, that the interests of the community in or near the project have been given fair consideration, that the proposed new airport will not disrupt or divide the community nor impede its orderly development, and is not in conflict with the comprehensive planning and goals of Washington County and the City of St. George, and that the adoption of zoning laws has been or will be taken to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations, with zoning plans being addressed in the Site Selection and Master Plan. In making those statements, it does not appear that Washington City's plans were reviewed and evaluated, or that its interest, orderly development, planning and goals were considered. Again, further analysis in the EIS may provide enough information to change Washington City's position and the City may be willing to implement an Airport Overlay Zone for land use compatibility. Previously, the City was not able to make such commitments because of the lack of analysis and information.

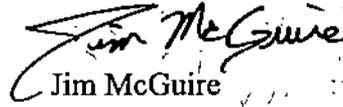
Another item that appears to be inaccurate is in Appendix E (Supplemental Noise Study) of the EA. Figure 9a shows a grid point analysis location for Washington City proper (RES 5) and Table 5 shows that the noise levels will decrease in 2008 from the existing airport site to the replacement airport site. Table 8 also shows that the noise levels will decrease in 2018 from the existing airport site to the replacement airport site. Figures 10a and 10b show existing airport flight paths, and Figures 11a and 11b show replacement airport flight paths which are more toward and over Washington City, especially over the Washington Fields area. Is this a correct representation, and if so, is it because the flights are at a higher altitude over Washington City proper or that the aircraft of 2008 and 2018 will be designed to be less noisy? What about other portions of Washington City (the jurisdiction other than St. George City that will be impacted the greatest)? Obviously there will be portions of Washington City that will be less impacted with the replacement airport than what is currently being experienced with the existing airport. Washington City would like to see additional comparisons.

In summary, a more comprehensive analysis on the impacts to Washington City should be provided in the Draft and Final Environmental Impact Statements. We would like to see what the increased impacts (noise, flight patterns and altitudes, change in traffic and aircraft type, etc.) will be at a minimum of three different locations; preferably the Red Hawk development area, the Coral Canyon development area, and at an area between the two developments. We also think it would be prudent to show what the decreased impacts will be at various locations in Washington City. The current status on the willingness of the parties of interest in the Red Hawk project to amend their PUD to more airport compatibility land uses would also be helpful. If the additional analysis and information show that the impacts to Washington City and its residents will not be

materially adverse, and, in some instances, beneficial, the City may be in a position to support the replacement airport at the selected location and work toward airport compatibility planning and zoning.

Again, I appreciate the opportunity to express Washington City's concerns. If you have any questions about our concerns or if you need us to provide you with the information needed for your analysis, I may be reached by calling (435) 656-6323.

Sincerely,



Jim McGuire
City Planner

Encl: pp. J-163 - J-241a from SGI E.A., Jan. 2001

cc: Mayor Terrill Clove
Washington City Council
Kevin Watt, City Manager
Larry Bulloch, St. George City Public Works Director
David Ulane, St. George City Airport Manager

Washington City

Terrill Clove
Mayor

Ralph Y. McClure
City Manager

Carla Mitchell
City Treasurer



111 North 100 East
Washington, Utah 84780
Office: (435) 656-6300
Fax: (435) 656-6370

July 18, 2000

Mr. Larry Bulloch, Public Works Director
City of St. George
175 East 200 North
St. George, UT 84770

Re: Statement and accompanying Memorandum regarding the
Environmental Assessment

Dear Mr. Bulloch:

Washington City respectfully submits this letter and the attached Memorandum prepared for presentation at the July 18, 2000, public hearing regarding the Draft Environmental Assessment prepared for the proposed St. George City airport.

It is Washington City's position that the Draft Environmental Assessment is incomplete and does not adequately assess the significant impact of the airport on Washington City and its residents. In addition, Washington City believes that additional analysis in the form of an Environmental Impact Statement is essential to adequately assess the airport's impact and to comply with federal regulation.

Please feel free to call with any questions or concerns.

Sincerely,

Wynn Turek
Washington City Mayor pro tem

Enclosure
WT/clh

**MEMORANDUM IN SUPPORT OF
WASHINGTON CITY'S POSITION THAT
THE DRAFT ENVIRONMENTAL ASSESSMENT IS INADEQUATE
AND THAT PREPARATION OF
AN ENVIRONMENTAL IMPACT STATEMENT IS ESSENTIAL.**

Prepared for presentation at the Draft
Environmental Assessment Public Hearing held on July 18, 2000.

Overview

It is Washington City's position that the Draft Environment Assessment (EA) prepared for the proposed St. George City airport is clearly inadequate. While the EA addresses a majority of the areas of impact required under the National Environmental Policy Act (NEPA), its analysis of the airport's impact on the surrounding area is woefully incomplete. In addition, the EA's analysis of the airport's impact on Washington City is insufficient and, in some aspects, clearly untrue. Finally, because the proposed airport will significantly impact Washington City and the surrounding area, preparation of an Environmental Impact Statement is essential for adequate NEPA compliance.

While Washington City considers the EA to be inadequate as a whole, the City has identified eleven particular areas of concern:

1. The proposed airport would have a significant environmental impact on Washington City and the surrounding area. In addition, the FAA has routinely required preparation of an Environmental Impact Statement prior to construction of new airports. Because of this, further environmental analysis in the form of an Environmental Impact Statement is essential.
2. The EA's stated scope of analysis is ambiguous and confusing.

3. A fundamental premise of the EA, namely that St. George can acquire land lying within Washington City limits for the proposed site, is flawed.
4. The EA mis-states Washington City's position on the Preferred Replacement Airport site in complete disregard of Washington City's clear communication on the matter.
5. The EA fails to state that construction of an airport on the preferred site conflicts with the Washington City General Plan and the EA contains no analysis of those ramifications.
6. The EA:
 - a. Fails to state that use of the preferred site as an airport would require re-zoning by Washington City;
 - b. Fails to analyze the consequences of Washington City's refusal to re-zone; and
 - c. Fails to analyze the impact on Washington City and its residents, should the City choose to re-zone to accommodate the proposed airport.
7. The EA erroneously states that use of the preferred site would not displace any approved residences.
8. The 'Airport Influence Area' analyzed by the EA (and created by St. George City) is inaccurate and misleading.
9. The EA fails to analyze the impact of construction and traveler traffic on Washington City, its residents and municipal services.
10. The EA fails to assess the impact of increased population and economic growth on Washington City.
11. The EA is inadequate in form and fails to comply with NEPA requirements.

- I. **The proposed airport would have a significant environmental impact on Washington City and the surrounding area. In addition, the FAA has routinely required preparation of an Environmental Impact Statement (EIS) prior to construction of new airports. Because of this, further environmental analysis in the form of an Environmental Impact Statement is essential.**

A. EA statements

The EA makes no statement regarding the need for an Environmental Impact Statement.

B. Reasons for EA insufficiency on this point

1. The NEPA compliance process

The Federal Government requires compliance with the National Environmental Policy Act for any project involving a "[1] major federal action that [2] significantly affects the quality of the human environment".¹ As an initial assessment to determine whether a proposed project would significantly affect the quality of the environment, NEPA requires the preparation of an Environmental Assessment, or EA. Once it has been determined that a project *will* significantly impact the environment of land surrounding a project, preparation of an Environmental Impact Statement, or Environmental Impact Statement, is required.

2. EA insufficiencies

Preparation of an Environmental Impact Statement, in compliance with NEPA, is necessary prior to construction of the proposed St. George airport

¹ 42 U.S.C. §§ 4321 to 4370(e) (2000) (*numbering added for clarity*).

because the construction of the proposed airport constitutes a 'major federal action' that will 'significantly impact' the human environment. St. George is clearly requesting a "federal action" because of the various federal agencies and agency decisions are involved in the project. The Draft Environmental Assessment states in pertinent part that:

There are a number of Federal actions necessary to implement this project. The initial action includes approval of the Master Plan and Airport Layout Plan (ALP), the environmental document and issuance of the Record of Decision (ROD) and approval of Federal funding for the eligible airport development projects.²

In addition, the title-page to the Draft Environmental Assessment states that, "this environmental assessment becomes a Federal document when evaluated and signed by the responsible FAA official." Thus, NEPA applies and both the FAA, as the 'lead agency' involved, and the City of St. George, as airport sponsor, must comply with it.

To further substantiate the need for an Environmental Impact Statement, FAA Order 5050.4A suggests that an Environmental Impact Statement be prepared prior to construction of a commercial service airport.

In addition, state planning agencies have stated that the St. George region is to be designated a standard metropolitan statistical area (SMSA) by the year 2005. Because the proposed airport will substantially impact a metropolitan area, an Environmental Impact Statement is necessary.

² Draft Environmental Assessment p. 22.

In a study conducted by the Airport Development Group, a Denver based aviation consulting group, it was found that the FAA has consistently required preparation of an Environmental Impact Statement for new commercial service airports built within the last ten years. The mere preparation of an EA has not been sufficient. Examples of airports built within approximately the last ten years for which Environmental Impact Statements were prepared are:

1. Replacement airport for Fayetteville, Arkansas (Northwest Arkansas Regional Airport);
2. New Austin, Texas Airport (AF Base conversion);
3. Global Transpark in North Carolina;
4. Ft. Meyers, Florida; and
5. Denver International Airport.

A polling of FAA environmental specialists in eight of the nine FAA regions all stated that an Environmental Impact Statement would be required for a new commercial service airport. The Alaskan Regional Office was not polled.³

Furthermore, Federal case law requires preparation of an Environmental Impact Statement when a major federal action conflicts with local land use.⁴ The preferred site for the airport includes land within Washington City limits and Washington City has spent considerable time and effort to insure that use of the land complies with the General Plan for the benefit of City residents.

³ The Airport Development Group conducted this poll in July 2000.

⁴ Sierra Club v. Marsh, 769 P.2d 868 (1st Cir. 1985) (Environmental Impact Statement required when federal project significantly altered local land use).

Proposed use of the land includes open space, green space, parks, trails and other environmentally protective features. Because of this, the proposed airport is necessarily in direct conflict with this environmentally protective planning and preparation of an Environmental Impact Statement is required.

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Finally, preparation of an Environmental Impact Statement is required when the cumulative impacts arising out of a federal action significantly affect the surrounding area. In this case, the growth and development that will occur as a result of the airport (i.e. highway construction, industrial and commercial growth, residential growth and the resulting strain on municipal services) will be significant. Clearly an Environmental Impact Statement is necessary.

Because the proposed airport is considered a major federal action that will significantly affect the environment of the surrounding area, preparation of an Environmental Impact Statement is essential for adequate NEPA compliance.

C. Washington City's position

It is Washington City's position that preparation of an Environmental Impact Statement is essential for adequate NEPA compliance. The FAA has consistently required preparation of an Environmental Impact Statement prior to construction of commercial service airports; the proposed action directly conflicts with the Washington City General Plan, thus necessitating an Environmental Impact Statement; and the cumulative impacts from the

proposed airport will be significant, again requiring preparation of an Environmental Impact Statement.

D. Necessary modifications

To adequately comply with NEPA, preparation of an Environmental Impact Statement is essential; the present EA is inadequate.

II. The EA's stated scope of analysis is ambiguous and confusing.

A. EA statements

In the section entitled "Proposed Action and Alternatives", the EA lists the parameters used for selection of the airport site. These parameters state in pertinent part that: "The area to be served by the airport is St. George City;"⁵ and "since the proposed airport is a replacement airport for the existing St. George airport, it is being evaluated as a replacement airport and it is not intended to serve as a regional airport."⁶ The EA also states that some of the sites initially examined were discarded because of driving time to the site (i.e. distance from the area to be served—St. George City).⁷

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In contradiction to previous statements that the airport will serve only St. George City (thus inferring only St. George will be environmentally affected), the EA, in its chapter entitled "Affected Environment", states that because "the airport is an integral component of the transportation infrastructure of the

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⁵ Draft Environmental Assessment p. 26.

⁶ Id. p. 29.

⁷ Id. p. 26.

Southwestern Utah area, the effects of the airport will necessarily affect the entire area."⁸ This statement acknowledges the reality of the airport's regional service and also the reality of the airport's regional environmental impact.

B. Reasons for EA insufficiency on this point

With these conflicting statements the EA has failed to designate a clear scope of analysis for its assessment. In so doing, the EA has failed to state whether the affected area is limited to St. George City or the entire regional area. Thus, the EA has failed to comply with federal regulation and is unacceptable.

If the stated purpose of the EA is unclear and ambiguous, one cannot even hope that the analysis will be clear. Indeed, the majority of the EA's analysis is limited to the airport's impact on St. George City, with only a few scattered comments addressing the airport's impact on the surrounding area. Analysis of the airport's impact on land within Washington City limits (which land will presumably be annexed if the airport is built and which also lies adjacent to the proposed airport) is practically non-existent.

If the area served/impacted by the airport will be confined to St. George City, then the EA's analysis is appropriately limited and comments regarding the airport's impact on the region are superfluous. If, however, the area served/impacted will be both St. George City and the surrounding area, then the EA's analysis is woefully incomplete.

⁸ Id. p. 47.

C. Washington City's position

It is Washington City's opinion that the airport will serve not only St. George City but also the entire Southwest Regional Area. Because of this, the airport will necessarily impact the environment of the entire area—including Washington City, whose boundaries lie adjacent to the proposed site.

If Washington City chooses to permit St. George to annex land for the proposed site, construction of the airport would clearly affect both the use and environment of the annexed land as well as the use and environment of the land within Washington City limits lying adjacent to the airport. It is Washington City's position that the entire area, especially land within Washington City limits which adjoins the airport, must be included in the environmental analysis. In its present state, the EA is clearly insufficient and preparation of an Environmental Impact Statement is necessary.

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Furthermore, because the Airport will be serving the entire region, it is not reasonable to insist that the site be located within St. George City. Other available sites within the regional area should be considered by the EA as viable options. (see infra, p. 35).

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D. Necessary modifications

In order to comply with federal regulation and to accurately represent the reality of the issues at hand, the EA must contain a clear statement of its scope of analysis. The area included in the EA's scope must encompass not only St. George City, but also the Cities in the surrounding areas, more especially

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Washington City whose current City limits extend onto the proposed site. The entire area within the scope of the EA must be properly analyzed in accordance with NEPA regulations.

In addition, additional airport sites convenient to the entire region, as well as those sites previously discarded because of their distance from St. George City, should be examined as viable options.

Finally, because the proposed airport will significantly impact Washington City and the surrounding areas, an Environmental Impact Statement must be prepared for adequate NEPA compliance.

III. A fundamental premise of the EA, namely that St. George can acquire land within Washington City limits for the proposed site, is flawed.

A. EA statements

The EA is based on the premise that Washington City is willing to de-annex the land to St. George City. The EA states that "the City of St. George owns approximately 184 acres of land within the preferred site airport boundary. The City of St. George would have to acquire the remaining land (approximately 1,274 acres) located within the boundaries of the Cities of St. George and Washington and in Washington County . . ."⁹

Nothing in the EA states that Washington City is not willing to de-annex the land, and nothing in the EA alludes to Washington City's publicly voiced opposition to de-annexing the land. In addition, nothing in the EA states that

⁹ Draft Environmental Assessment p. 78.

St. George may not be able to otherwise acquire the land for the proposed airport site.

B. Reasons for EA insufficiency on this point

NEPA requires the EA to accurately state the facts as they are, and a biased or untruthful statement renders the EA unacceptable. The present EA analysis contains nothing about Washington City's opposition to de-annexing land for the airport site. In addition, the EA fails to consider that St. George City may not have the power to obtain land within Washington City limits. If the land currently within Washington City boundaries is not available to St. George City for annexation, the proposed airport cannot be built on that site.

Furthermore, in accordance with federal regulation, the FAA cannot approve the proposed site until St. George City shows that it owns good title to the site.¹⁰ Because this vital factor is omitted from the EA analysis, the EA is both inaccurate and unacceptable.

C. Washington City's position

Washington City opposes the preferred airport site and has publicly stated its opposition since 1997. In addition, Washington City is not prepared to permit St. George to annex land within Washington City limits. Furthermore, Washington City believes that St. George does not have the requisite power under Utah law to annex portions of Washington City without Washington City's consent.

¹⁰ 49 C.F.R. § 47106(b).

D. Necessary modifications

The EA must clearly and truthfully acknowledge Washington City's position on the matter. The EA must further recognize the likelihood that St. George will be unable to annex the portion of the preferred site owned by Washington City. The EA must also address the impact on the project should Washington City refuse to de-annex the land, and also must state possible mitigation measures to be taken by St. George City in that event.

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Finally, because the proposed airport will significantly impact Washington City and the surrounding areas, preparation of an Environmental Impact Statement is essential for adequate NEPA compliance.

IV. The EA mis-states Washington City's position on the Preferred Replacement Airport site in complete disregard of Washington City's clear communication on the matter.

A. EA statements

The EA states that the project is "not being opposed by any Federal, State or local government agency".¹¹ The EA also includes a Resolution prepared and passed by St. George City which states that St. George City, Washington County, and Washington City commit to forming a joint planning board because the Cities allegedly view the Proposed Airport as being in the best interest of those three Cities.¹²

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¹¹ Draft Environmental Assessment p.120.
¹² Id. p. A-55.

B. Reasons for EA insufficiency on this point

These statements clearly mis-state Washington City's position towards the preferred site. While the EA does state that Washington County signed a similar resolution on April 10, 2000,¹³ the EA does not state that Washington City refused to sign the Resolution nor that Washington City has clearly voiced its opposition to the project.

In addition, the EA does not mention other groups' opposition to the site. One group was Redhawk Development, whose land would need to be annexed should the airport be built on the proposed site. In addition to other correspondence, Redhawk sent letters to both the City of St. George and the FAA stating its opposition to the preferred site. Copies of two of those letters are attached.¹⁴ Nothing in those letters voiced approval of the proposed site nor did the letters show disinterest. Redhawk *clearly* opposed the project. The successive owners of Redhawk still maintain that position.

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By excluding this information from its analysis, the EA appears to endorse the site in a biased manner, eliminating facts and circumstances (i.e. Washington City's and other parties' opposition to the site) that would otherwise prevent or delay FAA approval. Because of this mis-statement when facts to the contrary were clearly known by the preparers, the EA is inaccurate, lacks credibility and does not comply with federal law.

¹³ Draft Environmental Assessment p.79.

¹⁴ See attached, Letter to Mayor McArthur (also sent to the FAA) from Attorney Steve Christensian of Parr Waddups Brown Gee & Loveless, and Letter to Mayor McArthur (also sent to the FAA) from Attorney Mark F. Bell of Marsden, Cahoon, Gottfredson & Bell, LLC.

C. Washington City's position

While Washington City acknowledges the need for a regional airport, Washington City has never endorsed the preferred site. In fact, Washington City passed Resolution 97-8 on May 28, 1997, opposing the proposed airport sites 1, 1A and 2.¹⁵ Washington City presented this Resolution at a public hearing regarding the proposed airport site and also stated its opposition to the project at the hearing.

The following statements are taken from a detailed letter sent by Washington City to St. George City Mayor McArthur on July 6, 1998.¹⁶ This letter was also sent to the City Council of St. George, FAA-Airports District Office, Washington County Board of County Commissioners and the Five County Association of Governments. The letter stated in pertinent part that:

1. "Washington City passed a resolution which unequivocally describes the City's opposition to these sites." (A copy of that resolution was included with the letter).
2. "The Preliminary Draft EA dated May 1998, appears to misrepresent Washington City's position on Sites 1, 1a and 2."
3. "Your proposal conflicts with our master plan and zoning and is incompatible with our plans. Further, we have no intention of re-zoning or re-master planning this property to meet the needs of your proposed airport Site 1 or 1a. Nor do we have any intention of de-annexing any property within our current corporate property. Therefore, we are prepared to use every means possible, legal and otherwise, to oppose an airport project which will cause the problems anticipated by these proposed sites especially at Sites 1 and 1a. We must protect the interests of our citizens."

¹⁵ See attached.

¹⁶ See attached.

4. "In conclusion, Washington City has grave concerns with the sites proposed, and with the analysis contained in the Assessment . . . In short, Washington City opposes the proposed Sites 1, 1a and 2 and will take all action needed to ensure that these sites will not be utilized as a commercial service airport."

The letter contained no statements indicating that Washington City could look favorably on the proposed site nor that the City was simply uninterested. The letter was clear—Washington City *opposed* the preferred site. Since that time, Washington City has continued its opposition.

In addition, St. George City has held no Public Meetings to assess public opinion regarding the proposed site since July 7, 1998. In order for St. George City to accurately assess public support or opposition, public hearings should have been held.

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D. Necessary modifications

In contrast to its studied ignorance of the situation, the EA must state Washington City's position clearly and accurately: that Washington City opposes the preferred site and has opposed the preferred site for several years. In addition, the EA must acknowledge other parties' opposition to the site. In addition, the EA must analyze and consider the ramifications of Washington City's and other parties' opposition to the preferred site.

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Further, the EA must further state that Washington City is not willing to de-annex its land and must analyze and consider the ramifications of Washington City's refusal to de-annex the land. Finally, because the proposed airport will significantly impact both Washington City and the surrounding

areas, an Environmental Impact Statement must be prepared for adequate NEPA compliance.

V. The EA fails to state that construction of an airport on the preferred site conflicts with the Washington City General Plan, and the EA contains no analysis of those ramifications.

A. EA statements

The EA states that "the development of the proposed project is consistent with the St. George Municipal Airport Master Plan and the St. George City General Plan".¹⁷ Nothing in the EA states that the Proposed Airport site conflicts with the Washington City Master Plan and no mention is made of any conflict between the proposed airport site requirements and the Washington City Master Plan.

B. Reasons for EA insufficiency on this point

By choosing to exclude the proposed airport's impact on the Washington City General Plan from its analysis, the EA fails to accurately state the facts of the situation. If the proposed airport site is chosen, the site will clearly encroach on Washington City's master plan, forcing Washington City to make detrimental and unwanted changes to an otherwise effective city plan.

Specifically, no discussion is provided regarding Washington City's land uses in the area located directly north of proposed sites 1 and 1A. This area is zoned as PUD, which includes residential housing and recreational development. This PUD is clearly an incompatible land use for land to be

¹⁷ Draft Environmental Assessment p. 119.

located adjacent to a regional commercial service airport. The preparers of the EA effected no coordination with Washington City to determine what impacts will occur with this planned land use, nor does the EA contain any graphics which display Washington City zoning and/or land use plans for the future in the vicinity of the proposed site.

In addition, the EA contains absolutely no discussion regarding existing or planned land uses in the vicinities of the alternative airport sites. Because the EA does not contain this vital information, the EA is insufficient, inaccurate and does not comply with federal regulation.

C. Washington City's position

The Washington City General Plan was prepared in 1997, to promote the most environmentally productive, advantageous development of land within Washington City limits. The Plan provides that the land at issue will be used:

1. as PUDs, necessary to accommodate the growing population of Washington City; and
2. as open space essential to preserve the unique nature of the City.

In a letter to St. George City Mayor McArthur, Washington City Mayor Clove stated that the preferred airport site,

... conflicts with our master plan and zoning and is incompatible with our plans. Further, we have no intention of re-zoning or re-master planning this property to meet the needs of your proposed airport Site I or 1a. Nor do we have any intention of de-annexing any property within our current corporate boundary.¹⁸

¹⁸ See Letter from Washington City to Mayor McArthur, dated July 6, 1998, attached.

Washington City has already spent considerable time and work to ensure that land use within Washington City limits complies with the Washington City General Plan and will be used to benefits residents of the City. Proposed use of the land includes open space, green space, parks, trails and other environmentally protective features.

In addition, Washington City feels that St. George City has not adequately demonstrated assurances to the FAA for compatible land use in the vicinity of the proposed site. In fact, no coordination was effected with Washington City. There is no discussion in the EA of height restriction zoning required to protect the navigable airspace associated with the proposed site or that impact on Washington City.

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St. George City may be required, as a guarantee to provide adequate land use compatibility and height restrictions, to acquire a far greater amount of land from Red Hawk Development and Washington City than is currently presented in the EA. According to Mr. Jim Sirhall of the Airport Development Group, the FAA considers eligible for approach protection on the precision instrument approach end of a runway (in this case the north end of the runway for the proposed site) an area located 5,000 feet beyond the runway end and 1,250 feet each side of the extended runway centerline. The total land acquisition impact to Red Hawk Development then becomes 170 acres or 110 acres more than what the EA portrays.

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In addition, the EA analysis makes no mention of the fact that, according to the Washington City General Plan, the vast majority of the City's residential expansion will be in the Washington Fields area, land in the near vicinity of the airport. Because the EA does not contain a timetable stating when the proposed airport should be operational, it is difficult for Washington City to be able to assess the airport's impact on future residential development. The City is certain, however, that if the airport is built on the proposed site, Washington City's future plans for development of the Washington Fields area will be significantly impacted, both in relation to planned residential expansion and economic benefit.

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Furthermore, in accordance with the Washington City General Plan, the City has taken out municipal utility and water bonds to fund planned infrastructure improvements in the Washington Fields over the next five to ten years. Calculations regarding bond repayment were based on planned developments in the Washington Fields according to the Washington City General Plan. If the airport is built on the proposed site and if the City's future development plans are consequently altered, the City could suffer significant economic detriment. Again, the EA mentions none of this.

Land acquisition clearly creates a significant impact with regard to: (1) land use, (2) disruption of a community, (3) tax revenues for Washington City to help fund infrastructure costs, and (4) socioeconomic impacts, i.e., major loss of tax revenue to Washington City and escalation of land acquisition costs

to the point where it becomes cost prohibitive to develop Site 1 or 1A, causing cost benefit analysis ratio to become less than 1. Again, the EA contains no mention or analysis of these facts.

Finally, regarding compatibility of land within Washington City limits with the proposed airport, it is Washington City's position that because the land in Washington City cannot be condemned or rezoned unless Washington City deems it, the present land use is incompatible for the proposed airport.

In addition, Washington City does not believe that St. George City can attempt to control land within Washington City limits by placing an airport on land adjoining Washington City boundaries. If the airport is built, it will necessarily alter long-standing development plans for the Washington Fields area. This impact on Washington City must be thoroughly analyzed in an Environmental Impact Statement.

D. Necessary modifications

The EA must correctly acknowledge Washington City's opposition to use of the preferred site as an airport. In addition, the EA must analyze and consider the proposed airport's impact on Washington City's master planning, zoning and the approved communities now under development. Furthermore, the EA must state mitigating alternatives to be considered by St. George City in the event that Washington City is not be willing to re-master plan.

Finally, because the proposed airport will significantly impact Washington City and the surrounding areas, preparation of an Environmental Impact Statement is essential for adequate NEPA compliance.

VI. The EA:

- (a) fails to state that use of the preferred site as an airport would require re-zoning by Washington City;**
- (b) fails to analyze the consequences of Washington City's refusal to re-zone; and**
- (c) fails to analyze the impact on Washington City and its residents, should the City choose to re-zone to accommodate the proposed airport.**

A. EA statements

The EA states that in order to implement compatible land use around the airport, St. George City has adopted a Resolution to re-zone the area in conjunction with Washington County and Washington City¹⁹. The EA further states that zoning for the proposed area is Open Space. This is true for St. George but not for Washington City.

The EA also states that the City of St. George needs to make appropriate zoning changes. While Figure 11²⁰ in the EA shows that zoning in Washington City is PUD and RA-1/2, the EA discussion never addresses the need for Washington City to make zoning changes nor does the EA state the affect of those zoning changes on Washington City.

¹⁹ Draft Environmental Assessment p. 77.

²⁰ Id. p. 45.

B. Reasons for EA insufficiency on this point

The EA, in compliance with federal regulation, must recognize and analyze the significant environmental impact the airport will have on the surrounding areas. In this case, the EA addresses the airport's ramifications for St. George City but states nothing about Washington City. By 'avoiding' analysis of Washington City or mis-stating the true facts, the EA has presumably sought to avoid controversy and to cast the project in light the most favorable to the project in order to receive FAA funding. Because of this, the EA appears biased, lacks credibility and does not comply with federal regulation.

C. Washington City's position

In accordance with the Washington City General Plan, Washington City zoning for the land at issue is PUD (which includes portions of land designated as open space) and RA-1/2.²¹ Washington City intends to use the land at issue (1) to preserve the open space for Washington City resident's use and enjoyment,²² thus preserving the unique nature of Washington City, and (2) for low-density residential neighborhoods necessary to accommodate Washington City's growing population.

In a letter to St. George Mayor McArthur dated July 6, 1998,²³ Washington City Mayor Clove stated that "your proposal conflicts with our

²¹ 1997 Washington City General Plan, Figure II-1.

²² Id. p. II-28.

²³ See attached.

master plan and zoning and is incompatible with our plans. Further, we have no intention of re-zoning or re-master planning this property to meet the needs of your proposed airport Site 1 or 1a." Washington City still maintains that position.

D. Necessary modifications

The EA must clearly acknowledge the proposed airport's impact on Washington City, including the need for re-zoning. In addition, the EA must consider and analyze the impact of the proposed airport on Washington City zoning. Furthermore, the EA must analyze mitigating alternatives should Washington City not be willing to re-zone.

Finally, because the proposed airport will significantly impact Washington City and the surrounding areas, an Environmental Impact Statement must be prepared for adequate NEPA compliance.

VII. The EA erroneously states that use of the preferred site as an airport would not displace any approved residences.

A. EA statements

The EA states multiple times that if the preferred site is chosen no businesses or residences will need to be relocated:

1. "no businesses or residences will be relocated"²⁴
2. "the majority of the site is undeveloped and would not require displacement of residences"²⁵

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²⁴ Draft Environmental Assessment p. 5.

²⁵ Id. pp. 32 & 35.

3. "currently, land uses surrounding the proposed airport site are compatible with airport activities . . . There are no known existing or proposed federal, state or local projects that would be adversely affected by the proposed development of the proposed St. George Municipal Airport."²⁶
4. "the proposed project would not displace any residences"²⁷

B. Reasons for EA insufficiency on this point

Washington City has given approval for construction of the Redhawk Subdivision, a PUD. Large portions of this PUD will need to be annexed if an airport is constructed on the proposed site. In addition, existing residences within Washington City limits lie in close proximity to the airport.

By disregarding the actual facts of the situation the EA is misleading and appears to be tainted, concerned only with presenting the preferred site in the best light, regardless of the airport's affect on neighboring cities.

In addition, the EA contains no discussion addressing the disruptive impact to Washington City resulting from the proposed acquisition of 60 acres of Red Hawk development. The EA also contains no impact discussion regarding lost tax revenues to Washington City resulting from Red Hawk acquisition. Because of this the EA is clearly inadequate and further analysis in the form of an Environmental Impact Statement is essential.

C. Washington City's position

In a letter to St. George Mayor McArthur dated July 6, 1998,²⁸ Washington City Mayor Clove stated in pertinent part that:

²⁶ Id. p. 48.

The City of St. George is certainly aware of several real estate developments, mostly of a residential zoning category, already approved by Washington City, which will be affected by Sites 1 and 1a. Several of these developments will be affected by the considerable noise generated by a commercial service airport with large jet traffic. Likewise, Washington City has revised and approved the zoning to accommodate those developments.

Since approval, the Redhawk Subdivision has proceeded with construction. Currently, most of the infrastructure is completed for Phase I. Washington City considers inclusion of these facts essential for the EA to be accurate.

D. Necessary modifications

In compliance with NEPA the EA must clearly and accurately state the facts as they are: that residential developments have been approved and will be significantly impacted by the proposed airport, and that the airport will significantly impact existing residential developments. In addition, the EA must clearly consider and analyze the ramifications of the airport's impact on those developments. Furthermore, the EA must consider and analyze mitigating measures to be implemented by Washington City and property owners in the event the airport is built on the preferred site.

Finally, because the proposed airport will significantly impact Washington City and the private developments, an Environmental Impact Statement must be prepared for adequate NEPA compliance.

²⁷ Draft Environmental Assessment p. 81.

²⁸ See attached.

VIII. The 'Airport Influence Area' analyzed by the EA (and created by St. George City) is inaccurate and misleading.

A. EA statements

The EA states that St. George City has identified an "Airport Influence Area"—defined as "that property within the environs of the airport where particular land uses are either influenced by, or will influence the operation of the airport, in a positive or negative manner."²⁹ The AIA identifies the areas, "within and outside the jurisdictional boundary of the City of St. George, where residents may hear, see or object to aircraft operating at the airport, or where certain types of land uses may impact the safe operation of the facility".³⁰ While the AIA purportedly includes all land affected by the airport, in reality, the AIA stops abruptly at St. George boundaries. Thus, according to the AIA, the proposed airport will affect no land within Washington City limits.³¹

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B. Reasons for EA insufficiency on this point

While the EA mentions an airport influence zone that encompasses an area much larger than just the acreage involved for the airport proper, in reality the AIA only involves land that St. George can control and completely excludes all land in Washington City.³²

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In addition, were the airport constructed on the site, certain height restrictions and zoning would be required for land in the vicinity of the airport. The EA discussed none of this. In addition, the EA does not contain discussion

²⁹ Draft Environmental Assessment p. 78.

³⁰ Id.

³¹ Id. Figure 12 p. 46.

regarding the many impacts to the City of Washington on its planned developments, on its growth areas and on its infrastructure.

With this analysis the EA appears tailored to present a favorable opinion of the site and the airport's impact on the surrounding area regardless of the truth of the matter. It seems incredible that the AIA would stop directly at the St. George limits. Certainly, a more complete analysis is needed. Because of this inadequacy, the EA is misleading, inaccurate and does not comply with federal regulation.

C. Washington City's position

Washington City is of the opinion that the AIA extends beyond the boundaries of St. George City into Washington City. Practically, it does not make sense that the airport's impact ends at the St. George City limits. Washington City believes that use of the preferred site as an airport will have a significant impact on Washington City, its current residents, and approved communities which are now underway.

In addition, Washington City believes that the EA should contain an accurate AIA and accurate analysis of the environmental impact of the AIA area within Washington City boundaries.

In contrast to very limited EA statements to the contrary, Washington City believes that the flight path to the north will significantly affect the City and its residents.

³² Draft Environmental Assessment, Figure 12.

EA analysis shows that the vast majority of flights will approach the airport from the south and not the north. In addition, the analysis states that wind coverage will encourage incoming flights from the north to come in from the south.

In contrast to the EA's analysis, it is Washington City's opinion that the majority of flights will come in from the north, thus flying directly over the City. In addition, the City believes that the wind coverage analysis cited in the EA will not encourage incoming flights from the north to come in from the south, but in reality will not significantly affect the decision either way. Therefore, if the majority of flights arrive from the north and the wind does not lead them to approach from the south, the majority of flights will arrive from the north, flying directly over Washington City.

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As a consequence of this information, Washington City believes that the EA is inadequate, misleading and does not comply with federal regulations.

D. Necessary modifications

The EA must contain an AIA that correctly reflects the airport's impact on surrounding areas. The EA must also accurately state and analyze the airport's impact on the part of the AIA within Washington City. Furthermore, additional analysis regarding incoming flights and their affect on Washington City must be completed.

Finally, because the proposed airport will significantly impact Washington City and the surrounding areas, preparation of an Environmental Impact Statement is essential for adequate NEPA compliance.

IX. The EA fails to analyze the impact of construction and traveler traffic on Washington City, its residents and municipal services.

A. EA statements

The EA analysis of traffic during construction and traveler traffic when the airport is operational is almost completely limited to brief statements that current access is through St. George City (narrow undivided paved road—Washington County road),³³ and that all future access to the airport will be through the proposed Southern Corridor.

B. Reasons for EA insufficiency on this point

The EA's analysis on this point is clearly insufficient, as it has examined none of the possible transportation routes in any detail. The "Affected Environment" section does not discuss the location of these corridors or whether any studies were completed.

The proposed Southern Corridor Route is shown on EA drawings; however, the EA does not discuss the location of the rerouting or the potential impacts of the various alternatives, nor does the EA discuss what impact traffic would have on Washington City (i.e. analysis whether alternative routes would alter traffic patterns).³⁴

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³³ Draft Environmental Assessment p. 116.

³⁴ Id. § 4.3 Social Impact.

In addition, the EA assumes that the proposed Southern Corridor will be the proposed route of travel to the airport. In reality, the Southern Corridor is still in the planning stages and numerous issues could arise which would prevent its construction.

The EA makes no reference to the timing of the Southern Corridor. Will the Corridor be completed before the new airport is to open or will the new airport require extensive improvements to existing roads or use of entirely new routes during construction?

In addition, EA analysis is not clear on whether all construction traffic would run through St. George City, or whether traffic would access the airport through alternative routes. There is no analysis regarding the impact of construction traffic traveling to the airport site nor does the EA contain analysis stating the impact of traveler traffic accessing the airport through roads other than the proposed Southern Corridor.

According to the analysis of the Airport Development Group, Inc., daily maximums of existing roads and the present level of service will be reduced if the airport is built on the proposed site. In addition, the aviation forecast predicts an increase of almost 7.5 times the number of passengers to use the airport, plus an increase in airport employees and other business. To be sufficient, the EA must complete a more thorough analysis of traffic and traffic patterns.

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In addition, the EA contains no analysis regarding the present state of the Southern Corridor plans. A letter from UDOT, dated August 5, 1999,³⁵ indicated that the Utah Department of Transportation is to conduct an environmental study of Southern Corridor and the access routes to the airport alternative locations. It would seem prudent that until the access routes have been analyzed a preferred alternative cannot be identified and that the EA should be delayed until all transportation issues have been thoroughly examined and their potential impacts discussed.

No correspondence from UDOT is presented in the EA that would indicate their review of the proposed airport development. In addition, the EA does not state whether or not UDOT would approve or object to the significant impact the alternative airport sites would have on the proposed Southern Corridor highway. Until UDOT has provided input for this impact, the discussion presented in the EA is incomplete and inconclusive.

The proposed airport development, in conjunction with the proposed Southern Corridor highway, may produce cumulative impacts to the area which are environmentally significant and must be evaluated as a single project, in compliance with NEPA.³⁶ This evaluation is significant due to the EA's proposal that the Southern Corridor highway will serve as the primary access to the new airport. Because of this, a joint Environmental Impact Statement should be prepared which analyzes the significant impact of both

³⁵ Draft Environmental Assessment p. A-47.

³⁶ 40 C.F.R. §1508.25(a)(i).

the proposed airport and the proposed Southern Corridor on the surrounding areas.

C. Washington City's position

If the airport is constructed on the proposed site, Washington City anticipates that construction traffic would access the airport through Washington City. In addition, Washington City anticipates that traveler traffic would access the airport through Washington City.

While the immediate access road to the airport is located in St. George City, that road is easily accessed through the Washington Fields. Construction traffic and travelers from the northern area of the region would naturally access the airport through Washington City instead of having to drive the much longer route to access the airport from the southern, St. George entrance. It is Washington City's position that both construction and traveler traffic would substantially impact Washington residents, Washington City roads, and municipal services.

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D. Necessary modifications

The EA must adequately and thoroughly analyze both the level of anticipated construction and traveler traffic as well as the roads to be used by that traffic. Because the Southern Corridor plans are still not certain, additional means of access to the airport must be analyzed and that impact assessed.

In addition, the EA must also recognize and analyze the traffic's impact on Washington City residents, roads and services.

Furthermore, the Environmental Impact Study for the proposed airport should be completed in conjunction with the Environmental Impact Statement for the proposed Southern Corridor in order to adequately assess the significant impact of these two projects on the surrounding area.

X. The EA fails to assess the impact of increased population and economic growth on Washington City.

A. EA statements

The EA states that an estimated 125-150 persons will be employed at the proposed new airport by the year 2015.³⁷ The EA further states that the general need for housing will be increased and that new businesses in the area will result in an increase in the number of jobs.³⁸ The EA does not, however, analyze any of the impact that population or commercial growth will have on Washington City or the surrounding areas.

B. Reasons for EA insufficiency on this point

The EA contains no discussion of the indirect impacts of a new airport. While the EA's Socioeconomic Impact study does state that new businesses and employees will be brought in to the area, the EA does not analyze the impact of this growth on Washington City: whether it is anticipated that employees will live in Washington City, or whether Washington City should

³⁷ Draft Environmental Assessment, p. 81.

³⁸ Id. p. 82.

anticipate business expansion and growth in its own city. In addition, nothing in the EA analyzes what impact this business and residential growth would have on municipal services, traffic, or the availability of housing in the City.

In general, the EA does not present nor discuss whether or not there are any nearby schools, places of public assembly, hospitals, shopping centers, and adjacent political jurisdictions affected by the proposed airport site(s). This omission is misleading, tending to mis-represent the reality that Washington City will be significantly impacted by the preferred alternative.

C. Washington City's position

As a neighbor to St. George with adjoining boundaries, Washington City will be significantly affected by the airport. If the proposed airport is constructed, Washington City will experience both residential and economic growth. This anticipated growth can only be adequately recognized and analyzed in an Environmental Impact Statement.

D. Necessary modifications

The EA should recognize that the proposed airport will have a significant impact on both economic and population growth in the City of Washington. In addition, the EA should state what those impacts will be (i.e. population growth, business expansion, expansion of necessary municipal services) and the probable extent of the impacts.

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Finally, because the proposed airport will significantly impact Washington City and the surrounding areas, preparation of an Environmental Impact Statement is essential for adequate NEPA compliance.

XI. The EA is inadequate in form and fails to comply with NEPA requirements.

In addition to previously mentioned inadequacies, the EA fails to comply with NEPA's more technical requirements. Specific inadequacies are listed below:

The EA references three studies that were completed in conjunction with the EA: a Benefit-Cost Analysis of the proposed replacement airport, a Redevelopment Plan for the existing airport site, and an Environmental Due Diligence Audit for the preferred site.³⁹ Because these studies were completed in conjunction with the EA and were referenced in the EA, the studies should be included in the Appendix. The EA is insufficient without them.

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In addition, the Benefit-Cost Analysis is almost completely devoid of any analysis regarding the airport's effect on Washington City. Washington City believes that this study is inaccurate and mis-leading.

If a BLM land transfer is to be accomplished, St. George must comply with BLM regulations, and complete an environmental study of the land at issue. The BLM requirements for the environmental study do not track EA requirements, so the EA analysis is not sufficient and an additional study must

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³⁹ Draft Environmental Assessment p. 2.

be completed. The EA does not include an environmental study regarding the land to be transferred, nor is the study referenced in any manner.

Many of the Coordination letters cited in the EA are old and out of date.

Chapter 1 Purpose and Need

The EA is requesting approval of the Master Plan and ALP. However, no Master Plan or ALP has been included, only what is called a schematic ALP.⁴⁰

Regarding the Federal Action Requested,⁴¹ the EA should be requesting approval of a new airport location, and should include a listing of actions proposed which fall under Para. 22 of FAA Order. The EA does not contain this information.

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This chapter should provide a cost-benefit analysis in order to justify a new airport. The study is referenced but is not included.

Chapter 2 Proposed Action and Alternatives

There is at least one other reasonable site for a new airport that could meet St. George objectives. This site is located in the same area as Site 4 described under § 2.2.2 of the EA. Site 4 was eliminated because the runway could not be oriented correctly and the site has numerous natural land penetrations to the horizontal, conical and approach surfaces. It appears that this area has been prematurely eliminated. The Airport Development Group, Inc. (ADG) has investigated this site and reoriented the runway in a more northerly direction (essentially the same runway orientation as Site 2). In fact

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⁴⁰ Draft Environmental Assessment p. 22.

the ADG site, named Black Rock Site B, is just south of and overlaps Site 2. The Black Rock Site has a number of advantages over Site 2 and these are as follows:

- a. The Black Rock Site offers more room for expanding a future airport;
- b. The air space restrictions (Part 77) are minimal;
- c. River Road would not need to be realigned;
- d. The White Dome area where the endangered and threatened plant species are located could be protected, just as the same for Site 2;
- e. Overflights of populated areas would occur at significantly higher altitudes thereby decreasing noise intrusions to residents;
- f. This site could serve the aviation needs of St. George plus northeast Nevada and northwest Arizona, thus ensuring a financially successful airport.

The Black Rock Site is located partially in Mohave County, Arizona which does mean that there are tax consequences not entirely favorable to St. George. However, Mohave County is willing to discuss ways to share tax revenues. In addition, because the new airport would be owned by St. George the airport would still fall under the jurisdiction of the FAA's Denver ADO. Washington City feels that the EA's analysis of this site is incomplete and that other reasonable alternative sites have not been considered.

In general, there is no mention of land or development costs or a comparison of costs between sites. This chapter does not present the criteria

⁴¹ Id. p.22.

and/or factors used by St. George City to evaluate potential airport sites. A comparative analysis presenting all site selection evaluation factors should be included.

Chapter 3 Affected Environment

A required category under NEPA, "Environmental Justice", is missing.

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Chapter 4 Environmental Consequences

Regarding the EA Noise analysis, the EA states regarding flight track utilization⁴² that 75 percent of operations depart to or arrive from Salt Lake City with the remainder to or from Las Vegas. This suggests that the majority of operations land from north to south and takeoff from south to north. However, the noise contours developed for all alternative sites do not reflect this runway utilization.

The EA further states that 'only a few business jets' are able to operate at the existing airport, yet the number of business jet operations are the same for the No-Action alternative as with alternative site 1, and 1A. Therefore, no reduction in business jet traffic was made, yet the No-Action noise contours shown in Figure 18 are larger than comparative noise contours for the preferred site and in Figures 20, 21 and 22, for the year 2008 and 2018 scenarios, the length of the 65 DNL No-Action year 2018 noise contour is about 14,800 feet. The length of Alternative 1, 1 A and 2 65 DNL year 2018 noise contour is about 13,600 feet, or a difference of 1,200 feet. Why and how can

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⁴² Draft Environmental Assessment p. 62.

this be, when the fleet and numbers of aircraft operations are essentially the same, except that the no-action scenario has no commercial jets, but quieter turboprops, which should produce smaller noise contours? This analysis makes no sense, unless the noise analysis is flawed and done incorrectly.

Under Section 4.1.7, Mitigation,⁴⁹ the EA recommends that St. George City annex all property within the 65 DNL contour and prevent noise sensitive land uses within the 65 DNL. This caveat would encompass Red Hawk Development, yet no discussion of this mitigation is provided in the land use section. Based on noise contours developed by Airport Development Group, Inc., a Denver aviation consulting firm, the 65 DNL contours impact the majority of Red Hawk Development, thus creating a significant impact to the community of Washington City and the developers of Red Hawk.

Both the USFWS and State DNR requested a biological assessment be prepared for analysis. Once prepared, it should be included in the Appendix.

There is no correspondence from the US Fish and Wildlife Service or the Utah Division of Wildlife Resources on the Endangered Species Act, Section 7 consultation. This is important since this may affect the determination in the biological assessment.

Hazardous Waste: this topic is not discussed anywhere in the EA. The preferred alternative is located on an old airport presently being used for a drag strip. This area should be investigated for potential hazardous materials.

⁴⁹ Draft Environmental Assessment p. 76.

Finally, because of these inadequacies and because the proposed airport will significantly impact Washington City and the surrounding areas, preparation of an is essential for adequate NEPA compliance.

CONCLUSION

It is Washington City's position that the Environment Assessment (EA) prepared for the proposed St. George City airport is clearly inadequate. The EA's analysis does not comply with NEPA requirements and the EA's analysis of the airport's impact on Washington City is insufficient and in some aspects, clearly untrue. Because the proposed airport will significantly impact Washington City and the surrounding area, preparation of an Environmental Impact Statement is essential for adequate NEPA compliance.

ATTACHMENTS

1. Washington City Resolution No. 97-8
2. Letter dated July 6, 1998, from Washington City to St. George City's Mayor McArthur. This letter was also sent to:
 - a. St. George City Council
 - b. FAA-Airports District Office,
 - c. Congressman Jim Hansen,
 - d. Senators Orrin Hatch and Robert Bennett,
 - e. UDOT Division of Aeronautics,
 - f. Washington County Board of County Commissioners, and
 - g. Five County Association of Governments.
3. Letter dated July 7, 1998 to St. George City's Mayor McArthur from Mark Fitzgerald Bell, Esq. of Marsden, Cahoon, Gottfredson & Bell, L.L.C. This letter was also sent to:
 - a. FAA-Airport Districts Office, and
 - b. St. George City Council
4. Letter dated July 7, 1998 to St. George City's Mayor McArthur from Steven J. Christiansen, Esq. of Parr Waddoups Brown Gee & Loveless. This letter was also sent to:
 - a. FAA-Airport Districts Office, and
 - b. Gary Kuhlmann, St. George City Attorney

(This letter was not in our copy of the Final EA)

RESOLUTION NO. 97-8

A RESOLUTION STATING THE POSITION OF WASHINGTON CITY REGARDING THE LOCATION OF A NEW ST. GEORGE AIRPORT

WHEREAS the City Council of St. George has undertaken steps to plan for a new airport at a location (herein referred to as "Site #1") adjacent to the boundary of Washington City; and

WHEREAS the City Council of St. George has not made any significant effort to determine and evaluate the impact that an airport at Site #1 (or at the alternative site referred to as "Site #2") will have on the residents of Washington City; and

WHEREAS the City Council of Washington City has consulted with its residents on numerous occasions and has determined that there is substantial opposition to placing an airport at Site #1 or Site #2 because it is felt that an airport at either location will have a substantial adverse impact on the lives of many residents of Washington City; and

WHEREAS the City Council of Washington City has determined that a primary issue that should be considered in placing an airport at Site #1 or Site #2 is the adverse impact that it will have on individuals, including the residents of Washington City; and

WHEREAS the City Council of Washington City desires to state its opposition to locating an airport at Site #1 or Site #2 unless, and until, it can be determined that the airport will not have a materially adverse impact on the residents of Washington City.

THEREFORE, NOW BE IT RESOLVED BY THE CITY COUNCIL OF WASHINGTON CITY AS FOLLOWS:

1. The City of St. George should undertake a study of the impact that an airport will have on the residents of Washington City. This study should consider, among other things, the impact that aircraft sound and fuel and exhaust pollution will have on the residents and their property.
2. The City of St. George and all governmental entities involved in the airport site selection and funding processes should consider this human impact as a primary factor in determining whether to authorize and fund an airport at Site #1 or Site #2. This consideration should take precedence over

the impact that the airport would have on the welfare of plant and subhuman species.

3. Until a finding is made based on substantial evidence that an airport at Site #1 or Site #2 will not have a materially adverse impact on the residents of Washington City, the City Council of Washington City states its opposition to locating an airport at Site #1 or Site #2.

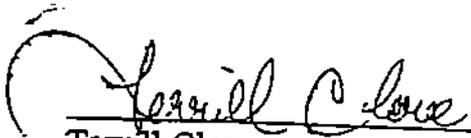
4. This Resolution shall be effective upon passing.

PASSED THIS 28th day of May, 1997.



Attest:


Ralph McClure
City Recorder

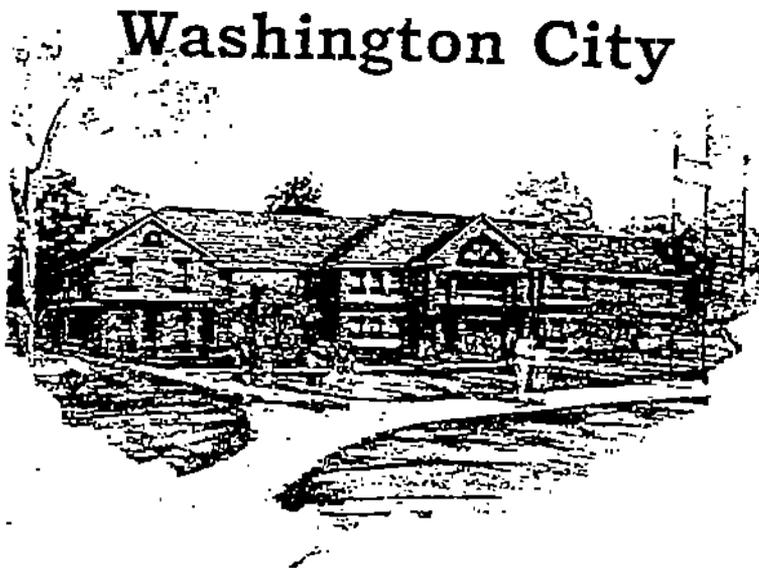

Terrill Clove
Mayor

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MAYOR
Terrill Clove

CITY MANAGER
Ralph Y. McClure

CITY TREASURER
Carla Mitchell



111 North 100 East
P.O. Box 575
Washington, Utah
84780
(435) 634-9850
FAX (435) 628-8024

July 6, 1998

Mayor Daniel McArthur
City of St. George
175 East 200 North
St. George, Utah 84770

Subject: St. George Municipal Airport
Environmental Assessment

Dear Mayor McArthur:

Washington City has received the Preliminary Draft Environmental Assessment (EA) dated May 1998 for the Proposed St. George Municipal Airport. The purpose of this letter is to express our grave concerns and opposition to the document. In addition, Washington City believes that Environmental Assessment provides information which is insufficient to enable a complete public analysis of the proposed sites, and accordingly, is seriously flawed. The City of Washington City has the following comments:

- 1) While we appreciate receiving this preliminary draft and strongly support a new airport, we believe the document is lacking the completeness that we were hoping to see. The document appears to misrepresent Washington City's position on Sites 1, 1a and 2. Specifically on May 28, 1997, Washington City passed a resolution which unequivocally describes the City's opposition to these sites. In addition, and consistent with the Assessment's misrepresentation of Washington City's position on the three proposed airport sites, the language of the Assessment as to affected development and controversy, is inaccurate. Clearly, the proposed Sites 1 and 1a (and to some extent Site 2) will have a significant effect on Washington City, its current residents, and approved communities which are now underway.

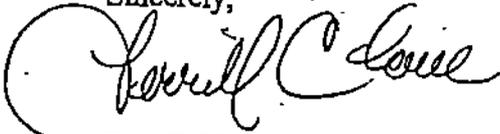
- 2) Generally, the document adequately addresses the natural environment issues such as vegetation, threatened and endangered species and wildlife resources. However, the EA is woefully incomplete regarding the true analysis of the human impact to Washington City residents, both existing and planned.
- 3) The City of St. George is certainly aware of several real estate developments, mostly of a residential zoning category, already approved by Washington City, which will be affected by an airport at Sites 1 and 1a. Several of these developments will be affected by the considerable noise generated by a commercial service airport with large jet traffic. Likewise, Washington City has revised and approved the zoning to accommodate those developments. Our Master Plan and zoning anticipated creating open space/green space of a conservation nature and residential development in this area. Your proposal conflicts with our master plan and zoning and is incompatible with our plans. Further, we have no intention of re-zoning or re-master planning this property to meet the needs of your proposed airport Site 1 or 1a. Nor do we have any intention of de-annexing any property within our current corporate boundary. Clearly, such an action would present significant political and legal problems for Washington City. Therefore, we are prepared to use every means possible, legal and otherwise, to oppose an airport project which will cause the problems anticipated by these proposed sites especially at Sites 1 and 1a. We must protect the interest of our citizens.
- 4) We understand other airport site proposals have been put forth by the citizen's group SUNA'SEN Regional Action Council. The independent site evaluation has concluded that a site near Black Rock, Arizona is feasible and warrants serious consideration. Washington City is very surprised that this site was so easily dismissed. Our understanding is that there are ways to alleviate concerns for having the airport partially in Arizona. Then why wasn't this site one of the alternatives discussed in the document? Our understanding is that the FAA considers this to be an acceptable site, so why is the City of St. George saying it is not? We request you include it in detail in your report along with the FAA's review of this site.
- 5) We understand the environmental process is such that if significant issues or significant controversy exists during the environmental assessment process, then the process must be escalated to an Environmental Impact Statement (EIS). It appears to us that the new publicly-owned regional commercial service airport development being proposed at Site 1 or 1a, and to a lesser extent at Site 2, is grounds for significant and adverse environmental impact and should be more fully and independently reviewed by an EIS process. In light of these significant problems, Washington City will be a strong advocate for a full and complete Environmental Impact Statement.

In conclusion, Washington City has grave concerns with the sites proposed, and with the analysis contained in the Assessment. We feel strongly that the Assessment lacks information and makes representation about the effect on the environment and specifically on your neighbors in Washington City. In short, Washington City opposes the proposed Sites 1, 1a and 2 and will

take all action needed to ensure that these sites will not be utilized as a commercial service airport.

In any event, and with a sincere desire to assist in formulating a plan which will benefit all citizens of Washington County, we would welcome a meeting with you, your council, or members of your staff to discuss these issues.

Sincerely,



Terrill Clove
Mayor

Enclosure

cc: City Council of St. George
Mr. Alan Wiechmann, FAA-Airports District Office
Mr. Robert Barrett, UDOT Division of Aeronautics
Mr. Gayle M. Aldred, Chairman, Washington County Board of County Commissioners
Mr. John S. Williams, Executive Director, Five County Association of Governments

LAW OFFICES
MARSDEN, CAHOON, GOTTFREDSON & BELL, L.L.C.

MILO S. MARSDEN, JR.
 RICHARD C. CAHOON, P.C.
 J. MICHAEL GOTTFREDSON
 MARK FITZGERALD BELL

FIFTH FLOOR
 68 SOUTH MAIN STREET
 SALT LAKE CITY, UTAH 84101
 TELEPHONE (801) 821-3800
 FACSIMILE (801) 637-1315

OF COUNSEL:
 BLAINE D. WILLIAMS
 ROBERT F. ORTON, P.C.

July 7, 1998

Honorable Daniel McArthur
 Mayor, City of St. George
 175 East 200 North
 St. George, Ut. 84770

Re: Proposed Airport Development

Dear Mayor McArthur:

This firm has been retained by Golf Communities of America ("GCA"), the owners and developers of the Red Hawk community in Washington City, Utah. The purpose of this letter is to express GCA's strong objection to proposed sites 1 and 1A, and to advise the City of St. George that GCA will take all action, legal and otherwise, that may be necessary to protect its interests.

As you are no doubt aware, the City of Washington has given GCA final approval to for its residential development. The Red Hawk project will include the construction of several hundred residences, a 27 hole golf course, establishment of public roads, and areas dedicated to open space.

Two of the alternative site proposals made in the Preliminary Draft Environmental Assessment (the "EA") will have a significant and dramatic negative impact on the Red Hawk development. Specifically, as indicated in the EA, Sites 1 and 1A will require that the City of St. George "purchase" large parcels of real property from GCA, and will otherwise cause significant impacts on the development. In addition, due to the significant noise which will be generated by the jet aircraft utilizing the airport, flights over the remaining portions of the Red Hawk development are clearly incompatible with the already approved residential character of the Red Hawk development.

"Purchase" of Property. The preliminary Draft EA indicates that the ability of St. George to utilize sites 1 and 1A is contingent on a "purchase" of a portion of the Red Hawk real property. The property which is identified as necessary for your proposed sites is an integral and essential part of the overall Red Hawk development. This proposal will entirely frustrate the goals and objectives of GCA. Accordingly, GCA will vigorously resist any attempt by the City of St. George to acquire this property.

Honorable Daniel McArthur
Mayor, City of St. George
July 7, 1998
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GCA will not willingly transfer a vital portion of its development to the City. Should the City attempt to acquire the land by condemnation we will vigorously defend such an action. Based on our review of the law, there are serious questions as to whether the City has the authority to exercise its eminent domain authority for an airport outside its boundaries. See Bertagnoli et al. v. Baker et al., 215 P.2d 626 (Utah 1950) and Village of Blue Ash v. City of Cincinnati, 182 N.E.2d 557 (Ohio 1962). This will be especially true where there are other, equally viable, alternatives for airport sites.

GCA and its predecessors have invested considerable sums (several million dollars) in the planning and development of Red Hawk. We estimate that should St. George proceed with what appear to be its preferred sites, the damages which will be sustained by GCA will approach, or exceed, \$50 Million. If necessary, GCA will initiate a legal proceeding, asserting claims including, without limitation, inverse condemnation and for violation of property rights protected under the Constitutions and laws of the United States and the State of Utah. GCA will protect its rights and will ensure that it is fully compensated for any damages caused by the City.

Noise Generated By Airport. The City's Preliminary Draft EA incorrectly indicates that sites 1 and 1A will have no negative noise impact on surrounding property. We have retained the services of skilled airport consultants who strongly believe that the noise analysis performed by the City is flawed and inadequate. Using the analogy of noise and vibration generated by railroads, and under long established legal precedents, GCA will require that the City pay for any losses and damages caused by the considerable noise to be generated at proposed sites 1 and 1A.

Current Losses. The current proposals for sites 1 and 1A have the potential to generate an immediate negative impact on GCA. Specifically, plans for an airport adjoining the Red Hawk development have already created difficulties in obtaining the financing needed for the project, and will certainly affect the ability of GCA to sell lots and homes to potential purchasers. It seems ironic that St. George, who is known throughout the state for its progressive views in the area of land use and development, would so willingly destroy an approved development located within the boundaries of a neighboring city. In any event, should St. George approve either site 1 or 1A, GCA will immediately look to the City to compensate any losses which might be sustained.

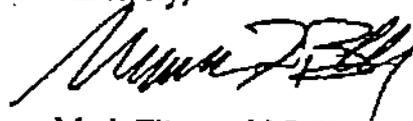
Conclusion. GCA strongly supports the development of a new airport in the St. George area, and believes that there are many alternatives that should be considered by the City, including sites which were excluded from consideration in

Honorable Daniel McArthur
Mayor, City of St. George
July 7, 1998
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the EA. Clearly, other sites for St. George's airport are available. Under these facts, we feel it is unlikely that the courts will find St. George's proposed acquisition of land in a neighboring city, already approved for development, an appropriate or necessary public use. The conflicting uses are significant, and equal or better alternatives are available.

GCA welcomes the opportunity to participate in any dialogue which might address both the needs of the City and those of GCA. Please feel free to contact us if we can be of any assistance.

Sincerely,



Mark Fitzgerald Bell

cc GCA
Alan Weichmann, FAA-ADO
St. George City Council
Gary Kuhlmann, Esq.
Steven Christiansen, Esq.

RESPONSE TO WASHINGTON CITY'S JULY 18, 2000 COMMENTS

1. *The Environmental Assessment (EA) makes no statement regarding the need for an Environmental Impact Statement.*

Federal Aviation Administration (FAA), FAA Order 5050.4A, *Airport Environmental Handbook*, defines the process and guidelines used in the preparation of an EA and an Environmental Impact Statement (EIS). In the case of the proposed St. George replacement airport, the City of St. George has the responsibility of the preparation of the EA, conducting the public hearing and responding to comments. Once this process has been accomplished, the City of St. George must send the EA to the FAA for acceptance. Once the document is accepted, the FAA makes the decision to prepare either an EIS or a finding of no significant impact (FONSI). This decision is based on a final review of the EA and a complete assessment of certain impact categories as necessary to make judgements on the significance of anticipated impacts.

The efforts of St. George City have gone beyond minimum requirements of 5050.4A. In addition to the EA, the following support documents were prepared under the direction of the City of St. George: Site Selection and Master Plan (1999); Environmental Due Diligence Audit (1999); Financial Plan (1999); Benefit-Cost Analysis (2000); Redevelopment Plan (2000) and; Supplemental Noise Study (2000). All of these documents, along with the EA, were made available to the public on June 15, 2000 at the St. George City office, and documents were also made available at the Washington County Library (St. George, Utah). This was announced to the public in the local newspaper (The Spectrum), starting on June 16, 2000.

2. *The airport is in direct conflict with the proposed land uses for the area which includes open space, green space, parks, trails and other environmentally protective features.*

These proposed land uses would be compatible with the proposed airport and are often recommended in land use planning adjacent to airport property.

3. *The EA's stated scope of analysis is ambiguous and confusing pertaining to proposed action and alternatives.*

The existing St. George Municipal Airport is restricted to its current Airport Reference Code (ARC) B-II dimensional criteria designation and existing runway length of 6,607 feet, with no options to correct these design standards, or extend the runway in the future. As a result, it has become necessary for the City of St. George to pursue the relocation and construction of a replacement airport for the existing St. George Municipal Airport. The EA, Site Selection and Master Plan, Cost-Benefit Analysis, Redevelopment

Plan, Environmental Due Diligence Audit, Supplemental Noise Study and Financial Plan evaluated this proposed action. The term "regional", as used in the EA, refers to providing services beyond the current service area. It is acknowledged that the existing airport as well as the replacement airport service area extends beyond St. George City boundaries (see Figure 2 in EA).

4. *The statement, "the effects of the airport will ~~not~~^{not} necessarily affect the entire area", acknowledges the reality of the airport's regional service and environmental impact.*

It is acknowledged that the St. George Airport service areas extend beyond its municipal boundaries and its impacts go beyond municipal boundaries. However, these impacts do not exceed FAA threshold criteria for the impact categories analyzed.

5. *The entire land, especially land within Washington City limits which adjoins the airport, must be included in the environmental analysis.*

In order to evaluate the impacts of the proposed action on the existing environment of the area, 20 impact categories were analyzed. The guidelines of FAA Order 5050.4A and National Environmental Policy Act (NEPA) were followed during the evaluation process. The area of impact varied with each impact category and the evaluation was based upon FAA and NEPA threshold requirements. Impacts were evaluated without regard to jurisdictional boundaries. Impacts were identified in areas of Washington City, Washington County, and St. George City. However, using FAA threshold criteria, none were found to be significant.

6. *Other available sites within the regional area should be considered by the EA as viable options.*

All sites identified through the public process have been evaluated. After reviewing all available information and completing field inventories of over fifteen potential sites within the area surrounding St. George City (Washington County and Northern Arizona, Figure 3 in the EA), six possible airport sites were selected for initial analysis. Based upon natural land penetrations, prevailing wind, and other pertinent criteria, three potential development sites (Site One, One-A and Two) were identified that could accommodate the specified development criteria for a proposed replacement airport for the St. George Municipal Airport.

7. *The EA must contain a clear statement of the scope of analysis.*

Refer to response numbers 3 through 6.

8. *Additional airport sites convenient to the entire region should be examined as viable options.*

Refer to response number 6.

9. *Because the proposed airport will significantly impact Washington City and the surrounding areas, an EIS must be prepared.*

Refer to response number 1.

10. *A fundamental premise of the EA, namely that St. George can acquire land within Washington City limits for the proposed site, is flawed.*

The City of St. George has the right of condemnation granted by the Utah Constitution. Condemnation or de-annexation may be required for the runway protection zone, taxiway and runway safety area identified in the EA.

11. *In accordance with federal regulation, the FAA cannot approve the proposed site until St. George City shows that it owns good title to the site.*

There is provision in the Constitution of the State of Utah and the Utah Code that allows the City of St. George to construct the project and acquire the property for the proposed replacement airport (refer to attached letter from the St. George City Attorney to the FAA).

12. *The EA must further recognize the likelihood that St. George will be unable to annex the portion of the preferred site owned by Washington City.*

Public records do not show any land owned by Washington City at the preferred site. The judicial system has the final authority regarding de-annexation.

13. *In reference to the resolution prepared and passed by St. George City, Washington City's position towards the preferred site is mis-stated.*

This is a commitment by St. George City and Washington County to work with Washington City on land use planning issues.

14. *Redhawk clearly opposes the project.*

Although parties of interest in the Redhawk project have opposed the airport location, in recent discussions with the City of St. George, they have expressed a desire to resolve the issue.

15. *St. George City has held no public meetings to assess public opinion regarding the proposed site since July 7, 1998.*

A Public Hearing on the EA was held on July 18, 2000 and an overwhelming majority of those making comments supported the EA and the proposed airport location (refer to transcript of this Public Hearing in this document).

16. *The EA must state Washington City's position clearly and accurately.*

Comments noted.

17. *The EA fails to state that construction of an airport on the preferred site conflicts with the Washington City General Plan.*

No changes are required to the Washington City Master Plan/General Plan in order to build the replacement airport on the preferred site. However, it would be prudent planning to do so. More compatible uses such as commercial and industrial would bring economic benefits to Washington City in a largely undeveloped area of the City that has no such services available. The Washington City General Plan identifies a major goal to be: "Assure that airport facilities are available to meet the region's needs" (p. 111-2). The preferred site is the only site that can achieve this goal.

18. *No discussion is provided regarding Washington City's land uses in the area zoned Planned Unit Development (PUD) (residential and recreational) north of the proposed site.*

It is acknowledged that Washington City has a PUD Plan that is mixed use. A PUD plan was developed for Leucadia Financial Corporation which has a 2,682 acre development project proposed adjacent to the southern airport boundary. Leucadia is proposing a mixed use development on their property. Over a three year period (after hiring independent consultants to determine compatibility), Leucadia and St. George City developed a compatible land use plan. This plan allows for development of business, residences, golf course and other uses in an area adjacent to the airport boundary. The same development concepts can be implemented in Washington City.

19. *The preferred site conflicts with Washington City's master plan and zoning and is incompatible with these plans.*

Refer to response numbers 2, 17 and 18.

20. *No coordination was effected with Washington City.*

Over 30 public meetings were held on the proposed airport. Washington City had the opportunity to participate in all of these meetings and was directly involved in a significant number of them. In addition, the St. George City Council and/or the Mayor

have met with representatives of Washington City on numerous occasions to discuss the proposed airport. To address concerns that were brought to the forefront by Washington City, St. George City directed that detailed environmental studies be completed on three alternative sites (Site One, One-A and Two). This was done at a considerable expense and time. The Master Plan Study was delayed to accommodate this extra effort. A great deal of effort and time has been expended to involve Washington City (and other entities in Washington County) in the scoping and environmental process of this proposed project.

21. *St. George City may be required to acquire a far greater amount of land from Redhawk Development and Washington City than is currently presented in the EA.*

There is no federal requirement that an airport own the extended approach protection zone beyond the RPZ. In fact, it is rare that the FAA would encourage and fund the acquisition of the approach transition zone. The only requirement concerning land use compatibility and height restrictions is that the airport sponsor takes reasonable actions to provide compatible land use and height restrictions within its jurisdiction.

22. *Washington City is certain that if the airport is built on the proposed site, the City's future plans for development of the Washington Fields area will be significantly impacted, both in relation to planned residential expansion and economic benefit.*

There are no significant impacts to residential uses as reflected in the Washington City General Plan because the noise threshold contours do not extend beyond the airport boundary. Therefore, Washington City could follow their General Plan, if they desire, without disruption. Washington City can derive substantial economic benefit by using the area adjacent to the airport for compatible uses.

Within the 61 acres of the Red Hawk property which will be purchased for the airport, there are an estimated 125 residential lots being proposed. Based upon information obtained from the Washington County Clerk's office, and assuming that the subdivision is fully developed with an average home value of \$300,000, the annual property tax revenue represented by the 125 homes not built is \$32,608. Considering current property tax revenues in Washington City plus increased revenues from the Red Hawk development, this represents approximately 4% of the total annual property tax revenue. It should be noted that to provide municipal services to those 125 residences would cost an estimated \$40,434 annually (based upon a study by Utah State University in 1994).

23. *The EA erroneously states that use of the preferred site as an airport would not displace any approved residences.*

See Response to Number 22.

24. *The "Airport Influence Area" analyzed by the EA is inaccurate and misleading.*

This represents St. George City's compatible land use planning around the airport on lands within their city limits. It does not represent areas which exceed FAA threshold criteria. As new property is annexed, it will be included in the airport influence area (AIA). Similar planning could be implemented by Washington City.

25. *While the EA mentions an airport influence zone that encompasses an area much larger than just the acreage involved for the airport proper, in reality the AIA only involves land that St. George can control and completely excludes all land in Washington City.*

The airport influence zone or region of influence (Figure 2, in EA) is that area currently served by the airport and has no relevance to the AIA. Also, refer to response to number 24.

26. *EA analysis shows that the vast majority of flights will approach the airport from the south and not the north.*

This is not accurate. The prevailing wind comes from the south, therefore, most of the landings will be from north to south into the winds. There is more noise generated from takeoff (power-up) as opposed to landing (power-down, glide approach). The landing approach from the north is not directly over Washington City but will be in the area of the Washington County landfill; over industrial and undeveloped areas of Washington City and Washington County. The larger noise impacts will be to the south, over Washington County and St. George City.

27. *Need to analyze impacts of Southern Corridor Route (SCR) impacts of construction traffic and impacts of traveler traffic accessing through roads other than proposed SCR.*

There will be some incidental impacts from mobilizing construction related equipment during the early stages of project construction for the proposed airport. Some of this construction equipment may travel on roads in the rural areas of the southern portion of Washington City. However, traffic studies (see Appendix I of the EA) have shown that there will be no reduction in the level of service on Washington City streets serving the replacement airport. Although some segments in the City of Washington had traffic volume increases as high as 22%, they were still projected to function at the highest level of service (A). The Washington City Transportation Master Plan (dated November 1996; page 47) incorporates the new airport and recommends extension of Washington Fields Drive in order to meet Washington City transportation needs with respect to the airport.

Because there is no guarantee that the Southern Corridor will be complete when the replacement airport begins operation, the City of St. George has now chosen to use

existing local streets for primary access to the new airport. Primary access will be along River Road to the Fort Pearce Wash; along the Horseman's Park road to Little Valley Road; along Little Valley Road and its extension easterly to the west boundary of the preferred site. St. George City is currently in the process of upgrading River Road to a 3 to 5 lane facility. See Figure 2 in the EA. If in the future, a new airport access road is considered, one that connects to the Southern Corridor Route, the environmental impact of that road will be evaluated in an appropriate Federal environmental document. At this time, the Southern Corridor access route is not under consideration.

28. *The EA must complete a more thorough analysis of traffic and traffic patterns.*

The Southern Corridor connection is a long-term access road connection, obviously dependent upon the completion of the National Environmental Policy Act and funding for implementation of the Southern Corridor. The primary airport access will be provided by the existing street system within the City of St. George. A specific access road analysis has been completed and is included in the Final EA. Also, refer to response Number 27.

29. *No correspondence from UDOT is presented in the EA.*

Refer to page A-47 of EA and Monte Yeager's, Utah Department of Transportation (UDOT) comments from the Public Hearing. Also refer to the Washington County Commission letter in the comments from the Public Hearing in reference to their support and their participation.

30. *Must evaluate the proposed airport and Southern Corridor highway as a single project.*

Since the proposed replacement airport project has independent utility and is not dependent upon the Southern Corridor, and the Southern Corridor is not expected to be implemented coincident with the airport, there is not a cumulative impact concern. Furthermore, at this time, planning outcomes regarding the Southern Corridor are still speculative. The primary access route to the replacement airport has been evaluated in the EA, Section 4.21.

31. *Construction and traveler traffic would substantially impact Washington City residents, Washington City roads and municipal services.*

The primary access road corridor is in St. George City (with the exception of 2,000 feet in Washington County) and all of the construction activities will take place in the City of St. George. Refer to the EA (4.21.1 Traffic Analysis and Appendix I) pertaining to the analysis on streets in Washington City to see that no significant impacts will occur to Washington City streets.

Washington City's municipal services will not be impacted. Water and sewer will be provided by St. George City. Power will be provided by Dixie Escalante Electric, which already exists in the area. Fire and police protection will be provided by St. George City. Also, refer to response to Numbers 27 and 28.

32. *The EA fails to assess the impact of increased population and economic growth on Washington City.*

Washington City may experience growth and development due to the new airport. However, both residential and business growth depends on many factors, including taxes, development costs, infrastructure availability, quality of schools and shopping, general business climate and overall quality of life issues. It cannot be determined at this time where such development might occur. Washington City could decide to discourage such development through taxing, infrastructure development and overall growth policies. However, the City of St. George has adopted favorable and realistic growth and development policies. The City of St. George has adequate infrastructure and utilities to accommodate future business and residential development. In fact, the City of St. George has planned for and anticipates accommodating such growth.

33. *The EA should state what the impacts are to economic and population growth in the City of Washington and the probable extent of the impacts.*

The property that is recommended for annexation by the City of St. George is currently undeveloped. In fact, a portion of the property is owned by a developer who has declared Bankruptcy. Therefore, the loss of existing taxes would be minimal and the loss of potential taxes is also minimal due to the questionable position of the proposed developer of the property. As the property is undeveloped, the annexation will not disrupt any communities or displace any significant revenue from Washington City.

34. *The studies completed in conjunction with the EA should be included in the appendix.*

The following studies are in the EA appendices: Supplemental Noise Study (Appendix E), St. George City Redevelopment Plan (Appendix F), Phase One Environmental Due Diligence Audit (Appendix G) and Biological Assessment (Appendix H).

35. *If a BLM land transfer is to be accomplished, an EA must be completed on the transfer.*

No BLM land is involved the proposed project.

36. *The EA should be requesting approval of a new airport location, and should include a listing of actions proposed which fall under Paragraph 22 of FAA Order.*

Section 1.2 has been modified to clarify the requested Federal action.

37. *There is one other reasonable site for a new airport that could meet St. George objectives, this is Site 4, identified in the EA.*

This site was determined to be unacceptable primarily due to construction costs and unsafe conditions. Both ends of the runway would have to be elevated by approximately 75 feet and the center of the runway would require extensive cutting. This earth work would significantly increase the overall development costs of this site compared to the other sites that were analyzed. Even with the earthwork associated with the runway, there would still be a dangerous penetration on the approach slope to the south. Also, most of the site is in Arizona and this would require additional governmental coordination.

38. *A required category under NEPA, "Environmental Justice", is missing.*

This section was omitted during the revision process from the preliminary draft EA to the draft EA. It has been added back into the Final EA.

39. *Noise contours developed for all alternatives do not reflect a runway utilization where a majority of the operations land from the north to south and take-off from south to north.*

Aircraft generally depart and arrive into the wind, not relative to destination. Even though more destinations are to the north, the majority of departures are to the south because of prevailing wind direction. The aircraft are expected to use the runway utilization estimates contained in the EA because of the prevailing wind conditions.

40. *Include Biological Assessment in the appendix. There is no correspondence with the U.S. Fish and Wildlife Service (FWS) or Utah Division of Wildlife Resources (UDWR) on the endangered species act, section 7 consultation.*

Refer to letters in Appendix A of the EA, pages A-1, A-17, A-19, A-37, A-40, and A-52. In addition, a Biological Assessment was sent to the U.S. Fish and Wildlife Service on April 20, 1998. This Biological Assessment has been added to Appendix H of the Final EA.

41. *Hazardous waste is not discussed anywhere in EA.*

The Environmental Due Diligence Audit (Appendix G) addressed hazardous waste. Copies of this document have been made available to the public for review.



November 8, 2000

Ms. Cynthia Romero
Environmental Planner
FEDERAL AVIATION ADMINISTRATION
Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver Colorado 80249-6361

Re: Legal Opinion - St. George Municipal Airport Environmental Assessment

Dear Ms. Romero:

This opinion is being rendered to you relating to the St. George Municipal Airport Environmental Assessment, specifically, issues concerning condemnation authority outside municipal boundaries, disconnection from a municipality, and airport jurisdiction outside municipal boundaries.

In this matter, I have examined (1) the Constitution of the State of Utah, (2) the Utah Code (2000), (3) relevant case law from Utah Appellate Judicial Decisions, (4) Mark Fitzgerald Bell letter to Mayor Daniel D. McArthur, dated July 7, 1998, and (5) Memorandum in Support of Washington City's Position that the Draft Environmental Assessment is Inadequate and that Preparation of an Environmental Impact Statement is Essential, dated July 18, 2000.

Based on the foregoing examination, I am of the opinion that:

1. The City of St. George can condemn property for the airport within or without its corporate limits with full power and authority under the Constitution of Utah, Article XI § 5(b), and the Uniform Airports Act, Part 2, Chapter 10 of Title 72, Utah Code (2000).
2. The City of St. George can petition successfully for a disconnection for property it owns within Washington City's corporate limits under the Restriction of Municipal Limits, Part 5, Chapter 2 of Title 10, Utah Code (2000).
3. The City of St. George can exercise its police power to regulate those portions of the airport lying outside its corporate limits.

CITY OF ST. GEORGE

175 East 200 North, St. George, Utah 84770
(435) 634-5800

MAYOR

Daniel D. McArthur

CITY MANAGER

Gary S. Esplin

CITY COUNCIL

Sharon L. Isom,
Suzanne B. Allen, Larry H. Gardner,
Robert Whatcott, Sidney Orton

CONDEMNATION

My opinion that the City of St. George can condemn property for the airport outside its corporate limits is based upon the express grant of authority under the Utah Constitution and the Uniform Airports Act.

The Constitution of Utah explicitly grants authority to the City to condemn property within or without its corporate limits. Article XI, Section 5(b) of the Constitution of Utah provides in pertinent part (*italics added*):

The power to be conferred upon the cities by this section shall include the following:

. . . (b) To furnish all local public services, to purchase, hire, construct, own, maintain and operate, or lease, public utilities local in extent and use; *to acquire by condemnation, or otherwise, within or without the corporate limits, property necessary for any such purposes*, subject to restrictions imposed by general law for the protection of other communities

.....

Also, Utah statute recognizes a city's authority to condemn property for airport uses. The Utah Uniform Airports Act, Utah Code Section 72-10-205, provides (*italics added*):

(1) Private property needed by the division or a county, *municipality*, or airport authority for an airport or landing field or for the expansion of an airport or landing field may be acquired by grant, purchase, lease, or other means if the division or the political subdivision is able to agree with the owners of the property on the terms of acquisition.

(2) If no agreement can be reached, *the private property may be obtained by condemnation in the manner provided for the state or a political subdivision to acquire real property for public purposes.*

Clearly, the City of St. George can condemn property within or without its corporate limits for airports. There is nothing in the Constitution of Utah, Utah statutes, or Utah case law that prevents the City from acquiring, by condemnation, property necessary for its airport outside its corporate limits.

In the letter by Mr. Mark Fitzgerald Bell to Mayor Daniel D. McArthur, dated July 7, 1998, Mr. Bell states that "there are serious questions as to whether the City has the authority to exercise its eminent domain authority for an airport outside its boundaries." Mr. Bell's questioning of the City's authority to exercise its powers of eminent domain

outside its corporate limits is based on the holding in Bertagnoli v. Baker, 215 P.2d 626 (Utah 1950). No such claim can be based on a good faith reading or interpretation of Bertagnoli.

In Bertagnoli the Utah Supreme Court held that the Board of Education of Salt Lake City lacked the authority to condemn land for a public school building outside its boundaries where that authority had not been given expressly to it by the legislature. Because a school board is not granted the same powers delegated to a city under Article XI, § 5(b) of the Constitution of Utah, the court did not consider it. Here, the City of St. George is granted the power of condemnation outside of its corporate limits by the Constitution of Utah. Thus, Bertagnoli does not derogate the City's constitutional and statutory authority to condemn land for its airport outside its boundaries.

DISCONNECTION

My opinion that the City of St. George can petition successfully for the disconnection of its property within Washington City corporate limits, if necessary, is based upon the process and criteria set forth in §§ 10-2-501 *et seq.* of the Utah Code (2000).

Under Utah Code § 10-2-501, the City can file with the Washington City Council a "Request for Disconnection" of property located within Washington City corporate limits. After publishing the Request for Disconnection once a week for three consecutive weeks in the local newspaper, the Washington City Council is given a twenty day response period. If the Washington City Council declines to grant the City's request for disconnection, or fails to respond to the City's request, the City can file a petition for disconnection in the Washington County Fifth Judicial District Court. Upon the filing of the petition for disconnection in district court, the judge must appoint three disinterested persons as commissioners to make findings regarding the viability of the disconnection proposal, applying the statutory criteria set forth in Utah Code § 10-2-502.

The criteria set forth in § 10-2-502 follows:

- (1) The commissioners shall determine whether or not disconnection will leave the municipality with a residual area within its boundaries for which the cost, requirements, or other burdens of municipal services would materially increase over previous years or for which it would become economically or practically unreasonable to administer as a municipality.
- (2) In making that determination, the commissioners shall consider all relevant factors including the effect of the disconnection on:
 - (a) the city or community as a whole;
 - (b) adjoining property owners;

- (c) existing or projected streets or public ways;
- (d) water mains and water services;
- (e) sewer mains and sewer services;
- (f) law enforcement;
- (g) zoning;
- (h) other municipal services; and
- (i) whether or not islands or unreasonably large or varied-shaped peninsular land masses result within or project into the boundaries of the municipality from which the territory is to be disconnected.

An examination of the criteria for disconnection sustains a conclusion that the City's petition for disconnection should be successful.

JURISDICTION

My opinion that the City of St. George can exercise its police power to regulate those portions of the airport lying outside its corporate limits is based upon the express grant of police power under the Utah Uniform Airports Act. That act expressly grants authority to the City of St. George to exercise its police power over any portion of the airport lying outside its corporate limits. Utah Code § 72-10-211 states:

The . . . municipality, or airport authority acquiring, establishing, developing, operating, maintaining, or controlling airports outside the geographical limits of the subdivision, under this chapter [Uniform Airports Act] may amend and enforce police regulations for the airports.

Please feel free to contact me if you have any further questions.

Very truly yours,

CITY OF ST. GEORGE



Jonathan L. Wright
City Attorney

cc: Daniel D. McArthur, Mayor
Gary S. Esplin, City Manager
Larry Bulloch, Public Works Director

GALLIAN, WESTFALL, WILCOX & WELKER, L. C.
ATTORNEYS AND COUNSELORS AT LAW
59 SOUTH 100 EAST
ST. GEORGE, UTAH 84770

RUSSELL J. GALLIAN, P. C.
G. MICHAEL WESTFALL, P. C.
JEFFREY C. WILCOX, P. C.*
MICHAEL I. WELKER, P. C.** *
BRIAN L. OLSON, P. C.*
BRITT K. BECKSTROM, P. C.*

December 9, 2002

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(435) 628-1682
FAX (435) 628-9561

OF COUNSEL:
J. MACARTHUR WRIGHT*

*ALSO LICENSED IN NEVADA
**ALSO LICENSED IN ARIZONA

VIA FACSIMILE: (425) 227-1600

FAXED
12/9/02

Dennis Ossenkop
1601 Lind Ave. S.W., Suite 315
Renton, WA 98055-4056

Re: Public Comments St. George City Replacement Airport EIS

Dear Mr. Ossenkop:

My clients are in receipt of a letter dated August 29, 2002, wherein you have notified them of their right to provide input into the draft and final Environmental Impact Statements (EIS) for the construction of a replacement airport at St. George Utah, is extended to December 9, 2002. Our office represents the interest of Calneva and Grand Circle Enterprises, who collectively owns the majority of acreage, which encompasses a substantial portion of the proposed airport and the prime adjacent development property.

Our concerns about the airport are in two areas: First of all, since the FAA approval, we have learned that the City of St. George has been promoting the planning of a secondary runway. We have been told that the FAA has declined to approve or disapprove the planning of a secondary runway. However, we believe that a secondary runway under the circumstances is highly inappropriate and demonstrably not needed. Our concern is that even though the secondary runway is theoretically left off of the FAA approved plan, it is in fact a factor in it, resulting in a number of adverse effects to my client, the City of St. George, and the surrounding communities.

The most prime development property that will generate economic development for the area is in a region that the City of St. George is attempting to set aside by zoning and threats of a future secondary runway which we believe has the effect of inverse condemnation of my client's property. We do not believe that the Federal Government should be involved in planning that relates to these kinds of impacts.

Dennis Ossenkop
December 9, 2002
Page Two

We realize that the FAA does not give approvals on items that are that far out (probably 25 or 50 years), if at all, and that is the reason that it was excluded for purposes of your prior approval. The reality is, however, that the City of St. George is apparently planning for this, and its impacts to the property owners, the potential for economic development, and the impact on surrounding communities are dramatic. Some of these impacts are:

- 1) Additional overflight over the City of Washington;
- 2) Probable loss of economic development opportunities on a portion of the property (the secondary runway location).

This, in turn, has also driven certain planning decisions, including the location of accesses from the southern corridor, which are key to the proper development of the property.

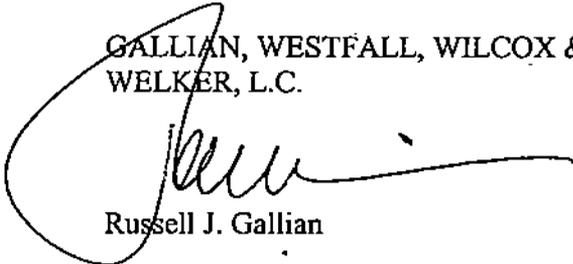
We also believe that the City altered the footprint of the overall approved project by over 80' (apparently to accommodate the secondary runway and Utah State School & Institutional Trust Lands who have property on the primary runway's west side). We believe that this shift occurred after the approval as well, and the review of the EIS should take a look at the reason for this and whether or not this is appropriate in view of the circumstances.

With respect to the main purpose for doing the EIS (the effects of the lawsuit brought by the Grand Canyon Trust and the Court's ruling thereon), it is our view that the impact of noise pollution on the park, especially considering the well-established commercial traffic lanes of the largest of the aircraft (which avoids the park), and the fact that the general air traffic is already going to be there anyway, renders the actual impact on the park as being negligible, and we therefore believe that the FAA's original finding of no significant impact, especially in this area, was appropriate.

In summary, the questions that we raise have to do with items that have been brought to our attention, (and we believe the public's attention) since the original issuance of the FONSI, and we believe they should be looked at—that is, the fact that the City is planning a secondary runway and the impacts that that will have on the property owners, and on the communities. We also understand that the footprint of the airport has been altered since the original approval, and we believe that those issues should be looked into as well.

Very truly yours,

GALLIAN, WESTFALL, WILCOX &
WELKER, L.C.



Russell J. Gallian

RJG/cw

Enc.

cc: Calneva L.L.C.

Grand Circle Enterprises, L.L.C.

SIERRA CLUB – Recreation Issues Committee
P.O. Box 630132 Rockville, UT 84763
435-635-3757

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December 9, 2002

Mr. Dennis Ossenkop
Federal Aviation Administration, DOT
1601 Lind Avenue, SW, Suite 315
Renton, WA 98005-4056

***Re: SCOPING COMMENTS of national Sierra Club Recreation Issues Committee; re
Federal Aviation Administration: "Notice of Intent to Prepare Draft and Final Environmental
Impact Statements (EIS) for the Construction of a Replacement Airport at St. George, Utah:***

Dear Mr. Ossenkop:

The Sierra Club appreciates this opportunity, through its national Recreation Issues Committee, to represent its 740,000 members in commenting on this FAA Notice of Intent.

We support comments likewise being offered by the Grand Canyon Trust and the National Parks Conservation Association (NPCA). We therefore will not repeat details of their comments, but would emphasize here only a few main concepts and requests, and add one or two more.

The FAA has an opportunity here to use sophisticated acoustic data recently collected in Zion (1995-2002), in three separate studies, to accurately assess potential and cumulative projected impacts of commercial aviation on that Park.

Zion's elevated status within the National Park Service for natural quiet protection has much to do with the inspirational Park qualities inherent in its very name – *Zion* – which well match its noble grandeur, beauty, and sense of quiet sanctuary evoking also the cultural heritage of Utah.

However, ever-increasing commercial aviation noise within the Park has been quite alarming to those who love this Park. Many now see the essence of its inspiration – particularly in the Park's

lovely backcountry – about to be lost by a severe impairment of the natural quiet which so complements and enhances its beauty and meaning.

Key Point: *We therefore believe a Route-Design Workshop is appropriate during scoping, to determine how the wilderness zoning of 90% of this park can be honored and protected by re-routing aircraft around it. We suggest the other nearby Parks of Grand Canyon and Bryce Canyon should also be considered within said workshop.*

Otherwise, it is clear that the FAA will soon be permitting over 500 *daily*, highly audible overflights of Zion. It is past time to appropriately assess and to mitigate the growing noise in Zion from repetitious noise events related to aircraft passage overhead. Else the goal of extended opportunities for natural quiet experience here will not be honored. The blanket of growing, relentless aviation noise over Zion contradicts the Park's natural offering of timeless inspiration, deep time escape, and unique "power of place."

Here at stake are the deeper extended and intended visitor experiences, including realms of mind often closed – but opened by Zion National Park's superlative opportunities for contemplative recreation. Thus the Court's May, 2002 opinion implied the pre-eminence of audibility over "noticeability." *Audibility* has thus become the keystone indicator for environmental assessment and protection of Natural Quiet here, particularly in the backcountry zones encompassing 90 per cent of Zion.

Highest among our national park system's classical units so protected would certainly need to be the treasured original trio of national parks in this region: the famed "Golden Circle" Parks of Zion, Bryce, and the Grand Canyon.

That is why we suggest a sufficient Region of Accommodation (with radius broad enough to encircle all three of these great places) to be established via this DEIS.

METRICS AND MAPS:

(1) "Median Quiet Interval":

KEY RECOMMENDATION: for "Median Quiet Interval" ("MQI"): The Sierra Club joins with NPCA in supporting utilization of the "Median Quiet Interval" (MQI) as a key supplemental metric for assessing noise impacts on a wide variety of sites within Zion. (The MQI is defined as the median time interval where there is no motorized noise intrusion audible.)

KEY RECOMMENDATION: We further support, as an objective for Zion commensurate with its GMP, through route-design and/or temporal mitigations, that an average MQI of 60 minutes minimum be available consistently for backcountry visitors at all times, days, and seasons.

(2) "TA20":

KEY RECOMMENDATION: The Sierra Club believes that a "TA20" supplemental metric should be utilized, approximating the "Time Above Natural Ambient" (as based on the soundscape's "L90"), for determining noise impacts within Zion. (Reference: last sentence in the May, 2002 U.S. Court of Appeals decision, concerning this very issue. This opinion implies the pre-eminence of the NPS' principle of Audibility as critical to the back-country visitor experience of Wilderness.)

(3): "Flight Paths" Maps:

KEY RECOMMENDATION: The "Flight Paths" Map (Fig. IV. 9, at Page 4-24), in the FAA's SDEIS of Jan., 2001 for Cal Black Memorial Airport, Halls Crossing, Utah, allowed the reader to quickly grasp the distribution of noise impact of aircraft overflights in the immediate Park areas for a typical day. The Sierra Club requests that FAA also provide such maps in this DEIS, especially for Zion, Bryce, and Grand Canyon National Parks, and also for the national monuments.

(4): Other Supplemental Acoustic Metrics:

The FICAN (Federal Interagency Committee on Aviation Noise) website contains symposium papers from its February, 2001 "Symposium on the Value of Supplemental Noise Metrics in Aircraft Noise Analysis."

KEY RECOMMENDATION: The use of various other supplemental metrics explained in that symposium would have utility in explaining the nature as well as the dimensions of single- and aggregated- noise impacts likely from common flight paths practiced currently or possibly intended over or near Zion. Please integrate charts and figures into the DEIS utilizing these supplemental metrics (including "single event" noise graphics overlaid onto topography) to aid in comprehension of the acoustic impacts of commercial aviation.

EIS DOCUMENT PREPARATION: Requested Style, Clarity

* EIS and supporting documents should also be made available on the internet, preferably in Adobe Acrobat (PDF) format. Files should be segmented, clearly identified to the Table of Contents, and of a reasonable size (2MB maximum is recommended for ease of access.) Tables of data should be included in their normal text locations, but graphics, such as highly detailed maps or images should be segmented into separate, clearly identified, files where possible to minimize file size (these graphic files should be kept to 4MB maximum). The chosen file server should have an internet exchange capacity sufficient to allow multiple simultaneous users with minimal access/transfer delays.

* One term of art in particular must be defined in this document and used consistently with the same definition, and that is the word "region." This term is often used with several different meanings and scope. The use of the undefined term "regional" in the context of the various possible definitions of "region" not only creates confusion as to the responsibility of the constituents of the variously defined "regions" for involvement in this decision making process, but also results in confusion in the analysis. For these reasons, regional terms must be clearly defined in the EIS and used consistently throughout for only those defined regions.

* All projections and models should include a clear statement of the methodology chosen, with the rationale for choosing it provided. This statement should also include the following: assumptions, baseline measurements, and forecasted and maximum capacity estimates. Furthermore, projections and models should give the resulting figures for, at minimum: (1) the year 2000 or baseline; (2) the first year of expected operation; (3) the year 2018; and (4) for the full useful life of the project, that is, at least the years 2030 and 2050.

* All impacts should be discussed for these same years, at a minimum, including possible prior year baselines, e.g. 1997 for noise, in order to satisfy NEPA requirements.

* Because it is impossible to evaluate or comment upon averages, percentages, and rates without knowing the base data upon which the average, percentage or rate is based, and the method of calculation, this information should be included when averages, percentages or rates are given.

All averages should be given as both the mean and the median along with the period, the minima and maxima, and the method of calculation. Averages used to compare to historical data should also specify the source of the historical data and confirm that the method of calculation is comparable.

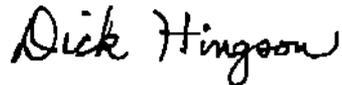
Because percentages can be actively misleading without further data (e.g. 200% of zero is still zero), all percentages should give the reader enough information to understand "percent of what?" and to calculate the actual figure.

Percentage increase or decrease can be even more confusing and potentially misleading. (A 100% increase of a base rate of 1% is still only 2%.) A number of problems like this were noted in the original EA on this project. Any data given as a percentage increase or decrease should also include enough additional information for the average reader to determine the significance of the percentage increase or decrease. For example, "there will be a 200% increase in the number of helicopters using St. George" must also tell the reader how many helicopters were using St. George prior to the increase (the base), as well as the total number using St. George after the increase (the gross) and the dates over which such a change is to occur (the period.)

The Sierra Club appreciates the effort of the FAA to clarify the reference to Zion National Park in the Notice of Intent, and for expanding the time for initial comment. The Sierra Club reserves, of course, the right to submit additional comment, as scoping is inherent throughout the entire

DEIS and FEIS processes. The considerable initial material we and other allied organizations have now supplied will hopefully expedite your initial review. We look forward to hearing from you as to future meetings and workshops which may soon become available, and in which we could participate.

Sincerely yours,



Dick Hingson, chair
Subcommittee on Noise/Aviation
Recreation Issues Committee - Sierra Club

[Sierra Club Home Office:

85 Second Street, 2nd Floor
San Francisco, CA 94105]



690 West State Street
 Hurricane, Utah 84737
 (435) 635-7642
 FAX (435) 635-7713

Date: 12/09/02
 To Fax #: 425-227-~~1600~~ 1650
 ATTN: DENNIS OSSENKOP, FAA
 From: Dick Hinson
 Message: SCOPING COMMENTS: St. George Airport NOI
(2nd try)

of pages (including cover) 6

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1

The National Parks Conservation Association

Protecting Parks for Future Generations

VIA FACSIMILE
(425) 227-1600

December 9, 2002

Dennis Ossenkop
Federal Aviation Administration
1601 Lind Ave., SW, Suite 315
Renton, WA 98055-4056

21

Dear Mr. Ossenkop:

The National Parks Conservation Association (NPCA) is the nation's only national non-profit organization solely dedicated to the protection and enhancement of the National Park System. Our members visit national park units to experience and enjoy the scenery, wildlife, and other resources such as natural sounds and solitude preserved within the National Park System.

We are submitting the comments herein to the Federal Aviation Administration (FAA) for consideration during the scoping process for the St. George, Utah replacement airport's draft environmental impact statement (DEIS).

NPCA's position

The National Parks Conservation Association does not object to siting a replacement airport at the "preferred" St. George location specified by Alternative "B". We strongly suggest, however, that FAA amend Alternative "B," or develop a new "preferred" alternative, that includes aviation noise mitigation and impacts avoidance for *Zion National Park*. We request DEIS alternative(s) that re-route all air traffic around Zion National Park so that visitors to the park, including visitors to its back-country zones, may have consistent, extensive opportunities to experience the natural quiet unimpaired. (Similar mitigation should be considered for Bryce and Grand Canyon National Parks.)

The FAA can achieve mitigation and impact avoidance through re-design of current flight patterns of air traffic near and over Zion National Park. We ask that FAA convene a "route design workshop" as part of the St. George replacement airport DEIS scoping so that members of the community and other interested parties could offer suggestions on protecting the natural soundscape of Zion and other sensitive areas. (Please see more detailed comments below on the "workshop").

Applicable and Relevant Laws and Policy



1300 19th Street, N.W., Washington, D.C. 20036
Telephone (202) 223-NPCA (6722) • Fax (202) 659-0650

2

Public Law 106-81, Sec. 802, signed into law on April 5, 2000, contains Congress' determination that the Federal Aviation Administration "has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public lands."

Here is an opportunity for the FAA to effectively use its authority on behalf of a national park – Zion –, which has long, been especially identified by the Park Service for natural quiet protection.

The FAA Draft Noise Abatement Policy 2000 – issued July 14, 2000 – signaled its intent to update its policy with respect to the national parks, specifically with respect to mitigation. (*What is the draft policy's status?*)

In any event, the Zion National Park concerns afford a singular opportunity for the FAA to work together with the NPS in the public interest, to meet the mandates of both agencies where possible, and to resolve, cooperatively, any differences where that may not be entirely possible. [See also *40 CFR 1500.2 (f)*]. The Park Service's "special expertise" and related values will need to be fully honored re appropriate thresholds, metrics, and analyses.

The National Park Service has succinctly summarized its authorities, policies, and responsibilities re natural quiet protection in a paper, "National Park Service Noise Issues", presented at the Federal Interagency Committee on Aviation Noise (FICAN) "Symposium on the Preservation of Natural Quiet" (1998). These authorities include:

- The Park Service's *Organic Act*, Title 16 U.S.Code Section 1 *et seq*;
- The Grand Canyon National Park Enlargement Act of 1975), PL 93-620;
- The National Parks Overflights Act of 1987, PL 100-91;
- The NPS Report to Congress (1994) on noise associated with aircraft ;
- The NPS General Management Policies 2000; and
- NPS Director's Order 47 (2000) re Soundscape Preservation and Noise Management.

The Zion National Park General Management Plan (effective Nov. 18, 2001) identifies 90% of Zion as *wilderness* quality, hence to be zoned as "back-country" and protected as free of man-made noise (see particularly, sections on *Desired Conditions*, and *Visions*.) It again references the 1994 NPS Report to Congress listing Zion as one of nine national parks singled out as particularly requiring natural quiet protection.

Since the Park Service clearly intends to manage most of Zion for its wilderness quality, *The Wilderness Act of 1964* is highly relevant in this scoping. It states that:

"A wilderness... is hereby recognized as an area where the earth and its community of life are untrammeled by man...."



1300 19th Street, N.W., Washington, D.C. 20036
Telephone (202) 223-NPCA (6722) • Fax (202) 659-0650

It goes define an area of wilderness as

"[U]nderdeveloped Federal land retaining its primeval character and influence without permanent improvements so as to preserve its natural conditions and which... has outstanding opportunities for solitude or a primitive and unconfined type of recreation...."

Zion National Park is – as evoked by its very name – a beautiful sanctuary of noble rock architecture, a masterpiece of courts and soaring temples and rock gardens. It is a place of high inspiration, evocative of serenity and fullness of heart. It is a place of great feeling reproduced nowhere else.

Visitors in the backcountry zones are keenly attuned to Zion Canyon's full range of subtle, often tenuous, natural sounds, punctuated with equally impressive silences. These enhance the visual experience and visions of wonderment. Unimpaired *audibility* here is a genuine need, a spiritual value. Individuals within Zion National Park, and particularly within its Backcountry Zones, are entitled to consistently enjoy fully extended opportunities to experience its natural quiet unimpaired. Continual or repetitious noise can derogate the natural aural resource itself, which is important also to wildlife.

This is no different, really, than the way people – with care and relaxation – experience a symphony or cathedral concert. The reward is peace, enchantment, wonder, feeling – the actual *aura*. They paid the ticket price; they want and deserve the extended auditory as well as visual range unintruded. They don't come – in fact would likely not come – only for scattered minutes of quality listening here and there. They desire the entire experience.

Route Design Workshop and Geographic Scope

As mentioned earlier, we request the FAA try a "Route Design Workshop" as part of scoping.¹ FAA should invite representatives of the interested groups, including local community representatives, to try their hand at designing – for high and low level traffic – alternative airplane routes, with particular emphasis on national park protections. Participants would first receive design constraints and evaluation criteria, develop alternatives and rank them.

As the national parks in this area are all extremely noise sensitive – exhibiting extremely low ambient sound environments – we suggest that the Region of Accommodation for this workshop, and for the scope of this DEIS, recognize all national park units within 100 miles from the proposed airport site. Congressionally-designated Wilderness units within forty miles should also be so recognized.

The major, iconic Park units thus recognized would include the famed "Golden Circle Parks" of *Zion, Bryce, and the Grand Canyon*. The three nearest National Monuments (Cedar Breaks, Pipe Springs, and Grand Canyon-Parashant) would also be accommodated, plus nearby Snow Canyon State Park. NPCA understands that "recognition" would not necessarily yield the fullest mitigation for these other units, as is being requested for Zion. However, all are noise-sensitive and stand to

¹ See "CEQ Memorandum for General Counsels, NEPA Liaisons and Participants in Scoping." (April 30, 1981). See Sec. II (B) (8): sub-headed "Step By Step. . . A Few Ideas to Try".



benefit by inclusion in the scoping.

New Studies for Review

We ask that FAA review and utilize the following acoustic studies during scoping and development of the DEIS:

- Harris Miller, Miller, Hanson: 1995 and 1998 Noise Studies in Zion NP. These were cited in the Court's opinion as needing to be revisited in the DEIS.
- Wyle Labs Report (2002): "The Soundscape in Zion National Park" (new).
- Harris Miller Miller & Hanson, Inc.: 2002 Technical Report on Noise: Personal Watercraft and Boating Activities at Glen Canyon National Recreation Area Noise Study - Glen Canyon NRA, DEIS on "Personal Watercraft Rulemaking" (NPS)

Taken together, the above studies confirm natural ambient levels well below 20 dBA for wilderness soundscapes in this region.

Metrics and Maps

We ask that FAA consider the following requests regarding metrics and maps to be used in the development of the DEIS:

"Median Quiet Interval"

We request that the FAA employ a supplemental metric, the "Median Quiet Interval" (MQI), for a variety of sites within Zion. The MQI is defined as the median time interval where there is no motorized noise-intrusion audible. This would provide a key, "user-friendly" impact assessment indicator. The FAA and the NPS would thus assess the time intervals between passage of aircraft and the resultant disturbance of natural quiet, at a variety of back-country sites within Zion.

The time period between noise events should be fully *extended* once mitigation has been accomplished, so as to consistently permit an average MQI of at least 60 minutes throughout the day and night. Through all times and seasons, this would consistently allow quiet and contemplative experience of the grandeur found among the stone walls and slickrock gardens of Zion National Park, within the "back-country" zoned portions of the Park.

"Time Above" Metric

We request, (consistent with the concluding sentences of the May 24, 2002 Federal Appeals Court for the District of Columbia opinion) that the FAA employ a Time Above Metric, specifically, "Time Above L90 of the soundscape". (In general terms, this would then be *Time Above 20 dBA* for most sites within Zion National Park.) *This Time Above metric (TA20) for the "back-country" zoned portions of Zion would hopefully approach zero, after route-design*



mitigation.

Discontinue Use of DNL for National Parks

We request that DNL not be utilized as a metric for National Park areas, for reasons which have been repeatedly stated for the Record by the Park Service itself. DNL is inappropriate for such noise-sensitive locations.

Other Supplemental Metrics

The FAA and the NPS should carefully review the February, 2002 Recommendation and Finding of the FICAN, based on its February 2001 "Symposium on the Value of Supplemental Noise Metrics in Aircraft Noise Analysis", along with all symposium papers (available on the Web: <http://www.fican.org/pages/sympos03.html>). See also "Reference Appendix, "1.", below.

Maps

- (a) Please provide Maps of "Flight Paths" over all Zion back-country and front-country sites, similar to what was provided by the FAA in its January, 2001 SDEIS for "Cal Black Memorial Airport, Halls Crossing, Utah", listed as Fig. IV. 9, "IFR Flight Paths for Cal Black Memorial Airport, June 3, 1998", at page 4-24.
- (b) Please provide similar "Flight Paths" maps likewise for Bryce Canyon and Grand Canyon National Parks.

These charts would help the reader grasp the typical daily distribution of the aircraft noise load on various sites within Zion, Bryce Canyon, and Grand Canyon National Parks. The maps chosen would be based on (1) the 24-hour day, and (2) daylight hours only and night-time hours only, for appropriate comparison.

Psycho-Acoustic Review

Since contemplative recreational opportunity during extended periods of natural quiet is at the heart and soul of the back-country visitor experience, the FAA and the National Park Service should review new studies utilizing psychological scales for assessing noise impacts on back-country or contemplative-recreation users. These go beyond the standard "Annoyance" or "Interference" paradigms. (See Reference Appendix, ("2.", "3."))

Consistent with these studies, the DEIS should list and qualify psychological impacts on back-country users exposed to hours and/or days of unmitigated, unceasing and increasing overflight noise.

Other impacts for consideration

We suggest again that contrails produced by high-altitude overflights can represent significant degradation or impairment of the Park's scenic landscape (visual) resources. On bad days, weather-wise, these streaming contrails cross the skies above Canyon rock architecture, and last up to 15 minutes or more. They mar the skyscape, which is integral to the Zion National Park visitor experience.



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The DEIS should assess the prevalence of these contrails at different altitudes, times, seasons, and meteorological conditions. It should recognize that route re-design would mitigate not only aircraft noise but the corresponding visual intrusions (often principally related to the contrails individually or aggregated.)

Forecasting

The following questions are generally predicated on what the existing conditions are and how they may be affected by the changes the St. George Replacement Airport proposal (SGRA) will bring, possibly bring, or allow for. The DEIS should cover these questions in these categories:

(1) Reference/Baseline Conditions (2000, 1997, etc.); (2) Replacement Airport Forecast Predictions (Years 2012, 2018, 2030, and 2050); (3) Replacement Airport Maximum Capacity. Forecasts have been inaccurate in the past, and will continue to be so in the future. Draft EIS analyses should be based on maximum capacities under existing or presumed future safety rules for any SGRA configurations.

A. In order to make sound decisions and to adequately inform the public, the first major question is: *What is the total change in number of all landing and departing aircraft, based on both forecasts AND maximum capacities, i.e. FAA-defined maximums, based on existing or expected safety regulation?*

(Airport flight operations forecasts for, say, even 10 years hence are merely guesses. Most weight should be given to safety regulation-based "maximum capacity" definitions that will always be larger than or equal to forecasts.)

B. *What are the current total numbers of all types of aircraft taking off and landing to or from the St. George Airport? Show a history of the last five years (to date, if possible). If history to date is unavailable, please provide history through year 2001. Include in a separate category all touch-and-gos, wave offs, etc. Include all passenger, cargo, military, business, leased, private, civil, and other aircraft.*

C. *Similarly, what are the numbers of all types of aircraft flying near and over Zion National Park from the St. George Airport during the current and last five years?*

D. *What are the total number forecasted and the maximum safe capacity numbers of all types of aircraft taking off and landing from the St. George Replacement Airport? Show how many flights will be added to the existing burden, by year.*

Note: We believe that all environmental impact analyses should be based on maximum capacity of the proposed Replacement Airport configuration, and that maximum should become the legally enforceable maximum in the future, independent of any future FAA rules, changes, or airline industry "re-interpretation." Otherwise, these EIS analyses are meaningless. Similarly, if



"forecasted" activity levels are used instead of maximums, those levels should become legally enforceable as maximums.

E. Similarly, what is the current and last five years numbers of all types of aircraft flying near and over Zion National Park, irrespective of airport of origin? What are the total number forecasted and the maximum safe capacity numbers of all such aircraft flying over Zion National Park, irrespective of airport of origin?

F. What are the expected shifts from existing commercial aircraft fleet mix to increased size aircraft? Show average passengers per flight and type/quantity of new aircraft, e.g. A-380, in five-year increment categories as characterized currently: five years out, ten years out, 15 years out, etc.

G. Historical/Inspirational Park Sites and Formations:

Identify all sensitive park areas to noise and/or visual intrusion:, e.g., "Upper Emerald Pool", "Great White Throne" viewpoints, "Angel's Landing", "Court of the Patriarchs", "Altar of Sacrifice" viewpoints, "Temple of Sinawava", "Tabernacle Dome", "Lava Point" viewpoint, etc.

H. Agreements: List and explain all agreements with airport lessees regarding all of the above-mentioned projects, including all segmented expansion projects not listed. Example: new helicopter flight training school, "A Flight Above" (Robert Venuti, applicant, approved by St. George City Council 10/17/02).

We recognize that the FAA and the Park Service's mission differ greatly. The FAA has a great challenge in managing our nation's air traffic so that our airspace operates safely and efficiently. While the Park Service faces a different set of challenges, they are no less important to our country: NPS must preserve the lands, sites, structures, and artifacts that represent our nation's shared natural and cultural heritage so that these treasures can be enjoyed *unimpaired* by current and future generations. When they vacation and travel, Americans seek to experience the natural wonders of our national parks, wonders such as soundscapes. Our grandchildren should be able to enjoy the sounds and sights of Zion National Park as our grandparents did decades ago. That type of experience will be a re-assuring, living connection to the past and the FAA has an important role in helping the Park Service protect it.

On behalf of NPCA, I thank you for considering the above comments as part of the official record on scoping for the St. George replacement airport DEIS. Please feel free to contact me directly if you have any questions about NPCA's position or suggestions.

Sincerely,



1300 19th Street, N.W., Washington, D.C. 20036
Telephone (202) 223-NPCA (6722) • Fax (202) 659-0650

Steven E. Bosak
Director
Motorized Use Program



1300 19th Street, N.W., Washington, D.C. 20036
Telephone (202) 223-NPCA (6722) • Fax (202) 659-0650

NPCA St. George DEIS Scoping Comments

REFERENCE APPENDIX, with Notes

1. FICAN SYMPOSIUM ON "The Value of Supplemental Metrics in Aircraft Noise Analysis" (2001)

Specifically, we suggest that the FAA and NPS review (1) *The Discussion Paper, "Expanding Ways to Describe and Assess Aircraft Noise"*, by the Australian Department of Transport and Regional Services (March 2000); (2) the Report of Nov. 22, 1999, *"Community Efforts to Design Supplemental Noise Metrics"*, by the Hanscom Noise Working Group (Bedford, Massachusetts: see esp. PP 55-75; and (3) Single Event Metrics, as discussed in the FICAN presentation by Vince Mestre, *"The Application of Single Event Metrics in Airport Noise Analyses."*

The latter paper points to the utility of the Single Event Noise Exposure Level/Sound Exposure Level (SENEL/SEL), the Maximum Noise Level (L_{max}, dBA), and Time Above (TA, minutes).

All of the above papers are on the FICAN website. See a recent review of the Australian efforts in *Airport Noise Report 14 (20)*, June 7, (page 1): "Noise Metrics: Australians Issue Draft Guidelines on Providing Information About Noise". The article references newly released methodology on *"Draft Guidelines for Selecting and Providing Aircraft Noise Information,"* available at <http://www.dotars.gov.au>, or by contacting David.Southgate@dotars.gov.au.

The new Australian descriptors "provide information on numbers, times, locations, and loudness of aircraft noise events, and are based on flight paths rather than averaged noise energy. (They) treat aircraft noise as a series of single events, rather than computing average noise energy. They also move beyond the conventional thinking of describing noise impacts as "acceptable" or "unacceptable", and provide people with the information they need to make that determination for themselves.

2. RESEARCH PAPER - Psycho-Acoustics

A recent study, *"Aesthetic, Affective, and Cognitive Effects of Noise on Natural Landscape Assessment"*, by Britton Mace, Paul Bell, and Ross Loomis, was published in *Society and Natural Resources*, 12: 225-242 (1999). This paper should be reviewed in detail as part of this scoping. The lead author should be consulted: e-mail to mace@suu.edu (Britton L. Mace, Department of Psychology, Southern Utah University, Cedar City, UT). The study concludes (p. 236) that "airflights in wilderness areas represent undesirable sounds of civilization and will be evaluated negatively even at low levels of noise, since these interfere with the attainment of



tranquility and solitude."

3. LETTER - Psycho-Acoustics

See also the *Letter* of Britton Mace to Superintendent, Zion National Park, dated Feb. 25, 2000, re Draft General Management Plan for the Park. The letter highlighted new research on "inspirational, contemplative states of experience, and on the psycho-acoustical impacts to that Park experience resulting from noise encounters. (*The list of references attached to the letter should be reviewed fully and in depth.*)

4. ADDITIONAL REFERENCE: Sierra Club, and NPCA/Grand Canyon Trust Comments on the FAA's 01/30/01 DSEIS for the "Cal Black Memorial Airport (Halls Crossing, Utah)

We incorporate by reference into these comments on the DEIS for St. George Replacement Airport, the above cited additional Comments, on Cal Black, from the Sierra Club and NPCA and Grand Canyon Trust. These were provided in April, 2001 to the FAA, at the same regional office now receiving our newest comments.

In the Cal Black case, the environmental concerns involve a replacement airport, with similar potential aircraft noise impact on the "Natural Zone" (planned for Wilderness Management within the Glen Canyon National Recreation Area.)

These past comments discussed concerns that we must revisit now in scoping for Zion National Park. We urge the FAA to closely study them. Please review also the several references identified in the Sierra Club's Cal Black footnotes. The same themes pertain now to Zion in light of the remand on St. George Airport.



1300 19th Street, N.W., Washington, D.C. 20036
Telephone (202) 223-NPCA (6722) • Fax (202) 659-0650

December 5, 2002

Dear Mr. Ossenkop,

This letter is in regards to the FAA's preparation of an Environmental Impact Statement on the proposed St. George, UT airport expansion.

I live in LaVerkin, halfway between St. George and Zion National Park. My main concern that needs to be addressed is the natural quiet of the area surrounding the park.

I support the relocation and expansion of the airport, but want to be certain, along with many other people in this area, that the flight patterns don't unnecessarily degrade our quality of life. My concern relates to increasing number of aircraft operations over the park that could adversely affect the natural soundscape or natural quiet environment of Zion. The ability for visitors and residents to experience solitude in a natural setting is one of the primary attractions of Zion.

Other concerns include the cumulative sonic impacts when combined with existing air traffic and other proposed airport projects in the area, including their associated flight patterns, growth in operations, and other airspace management changes that may result.

Grand Canyon National Park is only 90 miles south of St. George. With scenic overflights numbering in the thousands, we are witnessing the problems they cause for the environment of quiet. I would hope we would learn lessons from this great place.

Issues that need to be addressed include:

- accumulated noise impact on the natural soundscape,
- the affects of increased air traffic and flight patterns
- any adverse impacts on our economy and park resources
- mitigation to protect park and community values.

The ultimate goal should be avoiding impacts. This would be accomplished by flight routing around sensitive areas. We value what we have here. Our scenic beauty is what draws people from around the world to the area. Our scenic beauty is one of the main reasons for this airport expansion. Please, let us proceed with foresight, and not destroy this incredible resource.

Respectfully,

Nina E. Fitzgerald

Nina E. Fitzgerald
5 Pearl St.
LaVerkin, UT 84745

December 3, 2002

23

Subject: Environmental Impact Statement for the St. George, Utah Airport

Mr. Ossenkop,

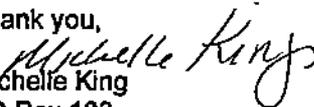
I write to you as a six year resident and homeowner, and a local business owner in Springdale, Utah, located at the entrance of Zion National Park. My husband and I moved here from Southern California for the peace and tranquility that the Park and our small town offer. I do support the new airport in St. George, but I am concerned about the possible impact of the overflights on Zion and our town. I believe that flight patterns over Zion will degrade my quality of life, our local economy and our natural resources. As a resident, I value the quiet and peacefulness found here, which is important in our ever-busy and rushed society. As a business owner, many of the tourist comment on the tranquil setting and visit Springdale and Zion for this reason. I believe it's important to protect the wildlife from potential noise pollution from increased air traffic and preserve the natural soundscape in Zion and the surrounding communities.

In your EIS, I ask that you pay special attention to:

- The accumulated noise impact on the natural soundscape in Springdale, Rockville and Zion National Park
- The affects of increased air traffic and flight patterns in this region
- The adverse impacts on our economy and park resources
- Mitigation to protect park and community values

I would like to see the flight patterns be re-routed to avoid Zion National Park and Springdale. This is a very sensitive area that will forever be changed if flights from the new airport were allowed. Zion has already been recognized as a National treasure, let's keep it that way.

Thank you,


Michelle King
PO Box 183
Springdale, UT 84767



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply Refer To

FWS/R6
ES/UT

December 10, 2002

24

Dennis Ossenkop
Federal Aviation Administration
1601 Lind Ave. SW Suite 315
Renton, WA 98055-4056

RE: Notice of Intent to Prepare a Draft EIS for the replacement St. George Airport

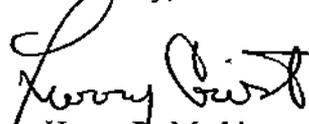
Dear Mr. Ossenkop:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of November 13, 2002 announcing your intent to prepare an EIS on the construction of a replacement airport in St. George, Utah. The purpose of the project is to construct a new regional airport for southern Utah. We are providing the following comments for your consideration in your EIS.

Be advised that Executive Order 13186 affirms Federal Agencies' responsibilities to protect migratory birds. Aircraft pose an inherent risk to birds and vice versa. We recommend the draft EIS address the potential impacts to migratory birds.

Our office has worked extensively with you on this project in the past and will gladly continue to offer technical guidance on fish and wildlife matters, as needed. We appreciate the opportunity to provide these comments. If you need further assistance, please contact Randy Swilling, Ecologist, at the letterhead address or (801) 975-3330 ext.132.

Sincerely,


For Henry E. Maddux
Field Supervisor

cc: USFWS, Regional Office, Grady Towns- Denver, CO

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17161 Alvar Rd # 711
San Diego, CA 92127
December 8, 2002

Dennis Ossenkop
Federal Aviation Administration
1601 Lind Ave. S.W. Suite 315
Renton, WA 98055-4056
Subject: Overflights in Zion National Park

Dear Mr. Ossenkop,

Zion National Park is a unique natural environment attracting visitors from afar as well as locally.

We support relocation and expansion of the airport but wish to be assured the flight path will not degrade park resources.

We object to any increase of aircraft operations over the park and urge you to uphold visitor needs for quiet solitude in Zion's natural environment. Thank you for your attention to our comments.

Sincerely,

Cathy O'Leary John Garry

December 9, 2002

26

Mr. Dennis Ossenkop
1601 Lind Ave. S.W., Suite 315
Renton, WA 98055-4056

Dear Mr. Ossenkop:

This letter is not a letter of concern, but a letter of support for the replacement airport to be built in the southern part of St. George, Utah. I worked with the St. George City staff for three years concerning the planning and environmental concerns with the relocation of the airport to this location. I represented a major landowner in the master plan process of 2600 acres of property directly south of the proposed site.

I felt, along with my client, that the environmental studies and planning were professionally conducted to satisfy our concerns of the effect the replacement airport would have on this property. We addressed the noise and land use as a part of that approval process and were comfortable with the recommendations of the EIS study. It is our hope that the study period required would not delay the building of the airport.

Thank you for your consideration of this matter.

Best regards,



C. Jeffery Morby
965 Manzanita Drive
St. George, UT 84790



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

DEC 17 2002

27

Ref: 8EPR-N

Dennis Ossenkop
Federal Aviation Administration
Northwest Mountain Region
1601 Lind Avenue, SW, Suite 315
Renton, WA 98055-4056

Re: Scoping Comments for the Draft EIS,
Proposed St. George Airport, St. George, UT

Dear Mr. Ossenkop:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) Region 8 office is providing scoping comments regarding the Draft Environmental Impact Statement (EIS) for the proposed airport in St. George, Utah. We appreciate the opportunity to be involved early in this process.

By way of background, The Federal Aviation Administration (FAA) released an Environmental Assessment and Finding of No Significant Impacts on this project on January 30, 2001. The Grand Canyon Trust filed suit against FAA in December, 2001 on the basis of insufficient analysis of several issues, particularly the noise impacts of the proposed airport on Zion National Park. On May 24, 2002, the court issued its decision, remanding the case to the FAA. The court stated that the record was insufficient to determine whether an EIS is required. The FAA is now working on an EIS for the proposed airport. The scoping notice for this project sent out by FAA states that the purpose of the EIS will be to address the court's issues and any other environmental issue that have changed since issuance of the final environmental assessment in January of 2001.

EPA provided earlier comments on the draft Environmental Assessment done for this project (letter to Craig Sparks, Federal Aviation Administration, October 13, 2000; letter to Terry Hickman, Creamer and Noble Engineers, August 17, 2000). We continue to believe that the comments we made in those letters are relevant to the new environmental document. We are attaching copies of those two letters.

In addition to the points made in our previous letters, there are several comments we would like to add. The EA done for the airport in 2001 contains almost no information about air



quality. The EIS should at least have information on the baseline quality of the air in the region. There has been some monitoring done in the area. You may wish to use information that is being put together for the EIS for the Southern Corridor Highway project in St. George. That EIS is near completion, and has substantial information on air quality, as well as other environmental resources in the area.

We suggest more analysis of the air impacts from the proposed new airport and the greater vehicle usage that expanded airports generally induce. Much of the information needed to conduct such an analysis is already in the EA. As an example, Table 4.1.1 of the draft EA indicates an increase of 26,659 landings and takeoffs (LTOs) for general aviation aircraft from 1998 to 2018. Using EPA's "Procedures for Emission Inventory Preparation," where it is estimated that 12.014 lbs of carbon monoxide (CO) is generated per LTO, we calculate a yield of approximately 160 tons per year of additional CO emissions (EPA-450/4-81-025d, Vol. IV, 1992, section 5.2.4.2). This example addresses only one pollutant or impact of the new airport and does not consider emissions from other aircraft categories, ground support equipment, stationary sources, or indirect or cumulative impacts to air. We understand that the preferred modeling approach to evaluate these emission factors and potential emission increases from all applicable airport source categories might be the Emissions Dispersion Modeling System (EMDS) developed by FAA. The EMDS could provide detailed current and projected emissions and impacts from this airport and also could be used in evaluating cumulative impacts from the other proposed projects in the St. George area, i.e., the Southern Corridor Highway, the new interchange at milepost 13 on I-15, the connected airport access road, and the projected growth.

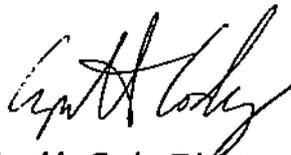
Air travel has a significant impact on the environment as planes disperse greenhouse gases high in the atmosphere where their effect is felt twice as much as these pollutants emitted at ground level. We refer you to a report by the UK Royal Commission entitled "The Environmental Effects of Civil Aircraft in Flight," published November 29, 2002. You may already be aware of the report and its findings, but in essence the report found that the large-scale impacts of aviation, both on surface UV radiation through changes in atmospheric ozone and on climate, are dramatic. The contribution that aircraft emissions make to climate change and other atmospheric issues should be addressed in this EIS. The report can be viewed at www.rcep.org.uk/avaiaation.html.

We recognize that the proposed St. George airport is not a large airport by industry standards, and at a project level this is a difficult issue to address. However, the impacts of air travel in general to air quality and climate change should be disclosed in this and all airport environmental documents. FAA may have some language already developed that can be placed in this document on this issue.

We also reiterate a comment made in our previous letter on indirect and cumulative impacts. Impacts to critical environmental receptors can be expected from the significant projected growth in the area. Population and visitor increases could be significantly large as a result of more convenient and accessible air travel. Indirect and cumulative impacts should be assessed for critical environmental resources. Please refer to our letter of August 17, 2000 for more details on this issue.

Please contact Deborah Lebow of my staff at 303 312-6223 if you have any questions on these comments, or Brad Crowder, also of my staff, at 303 312-6396, if you have questions on our earlier letters. Thank you for your attention to these matters. We look forward to working with you on any of these or other issues in which EPA may have expertise.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cynthia Cody', written in a cursive style.

Cynthia Cody, Director
NEPA Program
Office of Ecosystem Protection and Remediation

Enclosures (2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

August 17, 2000

Ref: 8EPR-EP

Terry J. Hickman
Environmental Coordinator
Creamer & Noble Engineers
P.O. Box 37
St. George, Utah 84771

RE: Review of the Draft Environmental
Assessment for the Proposed St. George
Municipal Airport; St. George, Utah

Dear Mr. Hickman:

In accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency, Region 8 (EPA) offers comments regarding environmental concerns for NEPA projects. Below are comments for the Draft Environmental Assessment (EA) that was prepared for the proposed St. George Municipal Airport. We thank the City of St. George, Utah; Creamer and Noble, Inc.; and the Federal Aviation Administration (FAA) for the opportunity to review the document. We had one conversation with FAA to obtain additional information about the project and indicate our concerns about the project. We apologize for being somewhat tardy in providing comments.

EPA's primary concerns include: (1) the lack of identification, assessment, and disclosure of indirect and cumulative impacts to air quality, water resources, and other environmental resources, associated with induced development from greater air travel and access possible with the new airport; (2) the functional interdependence of the airport, access road, and the proposed Southern Corridor highway; (3) the regional development plans and objectives for economic and population growth and their relationship with the Federally-funded new airport and Southern Access Road; and (4) the potential noise impacts to Zion National Park.

Scope of Environmental Impacts and Functionally Connected Federal and State Actions

The proposed airport's access to the proposed Southern Corridor highway and I-15 will support substantial economic and community development in the region, as alluded to in section 4.4 of the EA. Population and economic development projections are dependent on certain

infrastructure investments. The EA should discuss and estimate the population and environmental impacts that are likely to result from the new airport's construction and operation.

The EA should be revised to include the indirect and cumulative impacts for all reasonably foreseeable future actions. According to the Council on Environmental Quality's regulations [40 CFR 1500-1508], the environmental impacts assessment should look beyond the life and footprint of the action (new airport and access road) in evaluating its indirect and cumulative impacts. NEPA regulations at 40 CFR 1508.8 state that indirect effects can include, "... growth inducing effects related to induced changes in the pattern of land use, population density, or growth rate." Cumulative effects are those that result from the incremental impact of an action when added to past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions [40 CFR 1508.7]. Hence, the EA should describe other reasonably foreseeable future actions in the region, such as the Southern Corridor highway that will connect the new airport through ground transportation to the region, and the Northern Corridor highway if it is envisioned as we understand it. The EA should evaluate how much development is likely to take place with and without a new airport, and how the patterns of development and its adverse environmental impacts will be influenced by the new airport. Impacts may be sufficient to warrant an EIS.

Taken from CEQ Cumulative Effects Handbook, Table E-1

Environmental Impact Assessment Components	Cumulative Effects Analysis Principles
Scoping	<ul style="list-style-type: none"> o Include past, present, and future actions. o Include all federal, nonfederal, and private actions. o Focus on each affected resource, ecosystem, and human community. o Focus on truly meaningful effects.
Describing the Affected Environment	<ul style="list-style-type: none"> o Focus on each affected resource, ecosystem, and human community. o Use natural boundaries.
Determining the Environmental Consequences	<ul style="list-style-type: none"> o Address additive, countervailing, and synergistic effects. o Look beyond the life of the action. o Address the sustainability of resources, ecosystems, and human communities.

CEQ's handbook, "Considering Cumulative Effects Under the National Environmental Policy Act" (1997), provides a framework to evaluate cumulative impacts in EAs and EISs. A summary table of that framework is provided below. For the analysis of reasonably foreseeable cumulative impacts to the environment, the scope of analysis can be limited by focusing on critical environmental receptors. Those critical environmental receptors – Virgin River riparian wetlands and other wetlands, water resources and quality, floodplains, air quality, wildlife habitats, for example – should be identified within the geographic boundaries of the project's influence area. An assessment of those resources can provide an evaluation of the likelihood for significant impacts. Responsible Federal, State, and local agencies and decisionmakers can then plan to avoid or mitigate unavoidable losses of critical environmental resources and their functions.

It should be noted here and throughout our comments that EPA does not imply that either FAA nor the City of St. George is necessarily obligated to implement mitigation for impacts other than direct, indirect, and cumulative impacts that are associated with the proposed new airport. EPA does want FAA to note that such mitigation may be reasonable in light of CEQ's guidance to consider alternatives that are outside the scope of what FAA may fund but may still be evaluated if they are reasonable, because the EA may serve as the basis to modify funding in light of NEPA's goals and policies. (See [40 CFR Section 1500.1(a)] and Question 2(a) of the CEQ's "Questions and Answers About the NEPA Regulations", 1981.)

Transportation infrastructure is only one component needed to facilitate economic development and population growth, but it is an essential component. Land available for development in the region can be compared to the State demographer's assumptions about growth to determine likely development over the life of the project, beyond that development already approved or planned. Existing development in the region can provide information about the relationship between approved development and what actually can occur over a short time period. Various plans and approvals at different points in time can be compared to actual development and the associated environmental impacts. EPA is aware that long-term projections of growth are difficult, but at a minimum you should consider existing projections of reasonably foreseeable growth in the area, including, but not limited to, approved and planned developments.

The Southern Corridor highway and the proposed, new St. George Municipal Airport are planned to accommodate regionally-desired economic and population growth. NEPA provides an opportunity to identify planned growth and development and develop regional plans that avoid or mitigate foreseeable, adverse environmental impacts to water resources, air quality, and terrestrial (land) resources such as plant and wildlife habitat. The proposed Southern Corridor highway will provide ground transportation to and from the new airport according to the schematic plans in the draft EA. These two significant, Federally-funded infrastructure projects, individually and in combination, are likely to cause substantial environmental and other community impacts.

The two investments by the Federal government in the City of St. George are part of planning for unprecedented regional growth. Regional growth could lead to air emissions that degrade regional air quality, adversely affect wildlife habitats such as wetlands along the Virgin

River, and degrade water quality because of greater pollutant loads and water-flow impacts. Pursuant to 40 CFR 1508.7, the FAA is responsible to address cumulative impacts, as the lead Federal agency for the new airport EA. It may be possible, in cooperation with the Utah Department of Transportation and the Federal Highway Administration, for the FAA to concurrently undertake an analysis of these cumulative effects as part of this NEPA process and the environmental impacts analysis for the proposed Southern Corridor highway.

Lack of Disclosure of Indirect and Cumulative Impacts

Substantial development of residential, commercial, and related urban land uses has occurred and is planned or anticipated throughout the area that will be served by the new St. George Municipal Airport. Impacts to critical environmental receptors can be expected from ongoing development. In section 4.4 of the EA, "Induced Socioeconomic Impacts," the socioeconomic effects of the new airport are described. However, the environmental impacts of those socioeconomic effects are not identified, discussed, or evaluated in the EA. There are statements that the new airport will induce "modest population increase" without quantifying that increase or the environmental impacts associated with it. We believe that population and visitor increases could be significantly large as a result of the more convenient and accessible air travel described in the EA. Based on the review of available documents, conversations with officials, and site visits, EPA believes that actions assessed in this EA could result in both indirect and cumulative adverse environmental impacts that are significant to critical environmental resources such as wetlands, wildlife and fish habitats, floodplains, air quality, and noise.

EPA understands, from the EA and from conversation with FAA, that the access road to provide ingress and egress to the airport is not evaluated in the EA. This is clearly a connected action to the airport that should have been included and evaluated in the EA for its environmental impacts associated with the proposed airport. The Southern Corridor highway appears to be a connected action of the Federal Highway Administration and Utah Department of Transportation.

EPA believes that broad analysis, with additional indirect and cumulative impacts information, is essential for NEPA compliance as noted above. Cumulative impacts can result from individually minor but collectively significant actions taking place over time. Potential cumulative impacts should be evaluated and disclosed for all alternatives that are considered [40 CFR 230.11(g)]. Those impacts may result from long-term operations, maintenance and other reasonably foreseeable actions, and surrounding residential and commercial development. Reasonably foreseeable adverse impacts should be identified and assessed regardless of whether they are associated with past, planned, and future airport actions, following NEPA guidelines [40 CFR 1508.7], to provide for informed public decisions about the project and its environmental, social, and economic impacts. Indirect and cumulative impacts of this project, when added to the direct effects of the project that are evaluated in the EA, may be significant and warrant an EIS.

Environmental Impacts to Wildlife and Habitats

Cumulative impacts to aquatic and terrestrial fish and wildlife and their habitats, from ongoing development that will be supported by the new airport, are likely and perhaps inevitable. The EA lists significant numbers of wildlife species that will be adversely impacted directly by the new airport, yet indicates that no mitigation will be considered (page 101, section 4.9.3 of EA). Likewise, other than relocation of chuckwallas, it appears that direct adverse impacts to wildlife species, including species of special concern, will not be mitigated. The EA's scope of analysis for biotic communities was narrowly focused on the new airport site and did not consider indirect impacts associated with development that will support or be supported by airport operations (hotels, retail stores, and commercial centers, for example). Nor does the EA address cumulative impacts to fish and wildlife and their habitats.

EPA believes that direct, indirect, and cumulative adverse impacts to critical fish and wildlife habitats should be assessed and publicly disclosed, for review by the public and decision-makers. Such habitats include wetlands, streams and riparian corridors, and critical terrestrial habitat. An assessment should provide a complete evaluation and disclosure of all adverse impacts (direct, indirect, and cumulative) and recommend effective, sustainable mitigation practices for unavoidable adverse impacts to fish and wildlife resources. Those fish and wildlife resources likely to be impacted by the new airport and other proposed or planned infrastructure and development in the region can be protected, if appropriate, through avoidance, local zoning or other designation, public acquisition, conservation easements, or other methods to prevent future, foreseeable adverse impacts.

Noise Impacts

A concern is the manner in which the noise impacts to Zion National Park resulting from commercial overflights are analyzed and, if they occur, mitigated. According to the EA, the growth in commercial services provided by the unconstrained conditions at the proposed new airport results in approximately 250% growth in commercial flight operations in the next 20 years. (table 4.1.1, page 61 of the Draft EA.)

Although the differences in the Park's ambient noise levels, as measured by the DNL noise statistics, are not significantly different when compared to the continued use of the present airport, a relevant factor not considered is the National Park Service's dose-response criteria. The dose-response graph prepared by the Park Service estimates the number of park visitors that would experience moderate to extreme annoyance in terms of peak hour audible duration. The results of this study predict 2 to 9 percent of park visitors may report moderate to extreme annoyance associated with increased flights from the proposed new airport. Although this does not significantly differ from the 2 to 7 percent of visitors with the same response associated with the expected number of flights with the existing airport, there is a need to consider mitigation that would ameliorate this impact since the number of park visitors affected is significant from either alternative. We would like to see the final EA identify and consider for implementation those

procedures that are available for noise abatement of departures and arrivals, that could reduce the anticipated noise impacts experienced by Zion National Park visitors.

Summary

In summary, we believe that broad evaluation of alternatives and future development impacts is needed for the St. George Municipal Airport, its associated facilities that are excluded from the EA – notably the airport access road – and roadway and other infrastructure investments that are proposed and necessary to facilitate planned and unplanned, foreseeable growth in the region. Foreseeable direct, indirect, and cumulative impacts of the complete project should be assessed for public disclosure, planning and mitigation, and decisionmaking. Full evaluation of all impacts from the new airport and its connected actions would provide the information necessary to determine whether significant environmental impacts are associated with the proposed, new airport. EPA believes that combined direct, indirect, and cumulative impacts of the proposed airport and other reasonably foreseeable future actions are likely to be significant and may warrant an EIS.

Thank you for the opportunity to review the Draft EA. My staff can answer questions or discuss our concerns with you. Please contact either Brad Crowder at (303) 312-6396 or Weston Wilson at (303) 312-6562.

Sincerely,



Cynthia Cody
Chief, NEPA Unit

Office of Ecosystems Protection and Remediation

cc: Craig Sparks, FAA, Denver
Chris Turk, NPS, Denver
Lynn Zollinger, Utah DOT, Salt Lake City
Gerard Bulanowski
Carol Campbell
Brad Crowder
Sara Summers
Weston Wilson

Official file



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

October 13, 2000

Ref: 8EPR-EP

Craig Sparks
Federal Aviation Administration
26805 East 68th Avenue
Denver, CO 80249

RE: Additional Comments Regarding Noise
Impacts in the Draft Environmental
Assessment for the Proposed St. George
Municipal Airport; St. George, Utah

Dear Mr. Sparks:

We provided earlier comments on the Draft Environmental Assessment (EA) prepared for the proposed St. George Municipal Airport (enclosure). Once again, we thank the City of St. George, Utah; Creamer and Noble, Inc.; and the Federal Aviation Administration (FAA) for the opportunity to review the document. Because of the short time we had to review the EA, we did not fully discuss potential noise impacts with FAA and others. A couple additional comments are provided here for your further consideration and clarification in the Final EA.

"Land Use Analysis" is covered in section 4.1.3 of the EA. In FAA's regulations (14 CFR 150, Appendix A), land uses are specified that are compatible within the noise-impact zone of airport operations. Contours for 60-, 65-, and 70-decibel (dBA) noise-level contours are mapped in the EA for the existing and proposed airports. On page 76 of the EA, the 65-dBA zone is stated to be contained entirely on property purchased for the new airport and that there are no existing noise-sensitive land uses within that area (page 76). Then it is stated that it has been recommended that the City of St. George purchase all property within the 65 DNL contour that is possible. Under "Mitigation" for the preferred alternative, section 4.2.3 (pages 78-79), there are statements that indicate the City of St. George owns 184 acres and needs to purchase an additional 1,274 acres of land so that all designated airport lands are under the control of the new airport's authority. EPA would like to see clarification that the City will offer to purchase any noise-sensitive properties that are within the 65 DNL or greater noise contours, that are not currently under its ownership for the new airport.

There is a statement on page 79, that, "... the city of St. George will commit to pursuing a joint planning board (with Washington County and Washington City) to develop and implement land use compatibility regulations for properties surrounding the replacement airport." The EA



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should clarify that land uses projected to experience noise levels of 65 DNL or greater will be prohibited by land-use zoning or other regulations.

Clarification and projections of future airport development and use would be helpful, if possible, regarding the noise levels that are likely to occur as a result of significantly greater commercial, general, and military aviation projected for the new airport in 2018. Based on the projections of private jets and helicopters under "General Aviation Based Aircraft," it may be helpful for decisionmakers to anticipate future noise concerns, if noise from aircraft operations are evaluated for each type of aircraft and their number of flights. Significant growth in flights by private and military jets and helicopters may pose additional concerns in the future.

There is one issue we would like to clarify regarding our earlier letter on the Draft EA. It is EPA's understanding that the airport access road to the proposed Southern Corridor highway will not be considered in the Final airport EA, because the Southern Corridor highway has not been approved and funded. This connected action – an access road between the new airport and Southern Corridor highway – should be evaluated in the same NEPA document (please see enclosed letter on the Draft EA). The Southern Corridor highway is a reasonably foreseeable future project because the NEPA process for it has been initiated. The Draft EA indicated that the Southern Corridor route has been finalized and that completion of the Southern Corridor Route is compatible with the proposed airport schedule (page 177 of the Draft EA). Hence, it would be appropriate for the FAA and the Federal Highway Administration (FHWA) to consider the impacts of the Southern Corridor Route, airport access road, and the new airport in one NEPA document as connected and reasonably foreseeable future actions of the FAA and FHWA.

Thank you for addressing our concerns about the noise levels and exposure to the community surrounding the proposed new airport in St. George, and for recognizing EPA's concerns about the lack of comprehensive environmental assessment and disclosure for the indirect and cumulative impacts of connected transportation actions that are ongoing with the new Southern Access highway, St. George Municipal Airport, and the access road to connect these major Federally-funded projects. Please contact Brad Crowder at (303) 312-6396 if you want to discuss the concerns in this letter or our previous comments.

Sincerely,



Cynthia Cody
Chief, NEPA Unit
Office of Ecosystems Protection and Remediation

Enclosure

cc: Robert Dowell
Greg Punske



28

495 N State
LaVerkin, UT 84745
(435) 635-0774
Fax: (435) 635-4704

DATE: APRIL 18, 2003

28

TO: Federal Aviation Administration
Renton, WA

ATTENTION: Dennis OSSENKO

RE: Supplemental SCOPING Comments - SIERRA CLUB
re St. George Airport EIS

FROM: Dick Hingson (435) 635-3757

NUMBER OF PAGES INCLUDING COVER SHEET: 5

SIERRA CLUB – Recreation Issues Committee
P.O. Box 630132 Rockville, UT 84763
435-635-3757

April 18, 2003

Mr. Dennis Ossenkop
Federal Aviation Administration, DOT
1601 Lind Avenue, SW, Suite 315
Renton, WA 98005-4056

Re: SUPPLEMENTAL SCOPING COMMENTS of Sierra Club's Recreation Issues Committee: re Federal Aviation Administration: "Notice of Intent to Prepare Draft and Final Environmental Impact Statements (EIS) for the Construction of a Replacement Airport at St. George, Utah:

Dear Mr. Ossenkop:

The Sierra Club's Recreation Issues Committee, as you know, on December 9, 2002 submitted initial scoping comments re the FAA's Notice of Intent re the St. George, Utah Replacement Airport.

In the past four months, two additional Reports have been developed by the National Park Service, which should be included in Scoping as appropriate to the need for FAA to accurately assess the potential, cumulatively projected noise impacts of commercial and other aviation on Zion National Park and other nearby national parks.

(1) NOISE MODEL VALIDATION

The Park Service Report on "Aircraft Noise Model Validation Study" (HMMH Report No. 295860.29 – January 2003,) completes a study to determine which of four computer models best calculate tour aircraft audibility in the Grand Canyon. The study is on the Web at <http://www.nps.gov/grca/overflights>.

Correspondingly, for Zion and other potential Parks being evaluated relative to this EIS, we request that noise model applications be subjected to validation. We want to know the validity of the outcome of the specific application of the computer model(s) of choice to the particular circumstances of Zion and other national parks being assessed. There are standard statistical tests for determining this, and it is these tests of the validity of said application that should be a routine part of noise modeling.

These tests should show how well the model, given the specific circumstances of the application – the inputs to the model that represent local conditions – replicate known

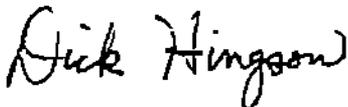
measurements in the field. One cannot say that model's output in a specific application is "valid" because the "general validity" of the model was demonstrated during development.

(2) ACOUSTIC DATA COLLECTION FOR NATIONAL PARKS

We request also that FAA review the Park Service's March, 2003 paper, "Air Tour Management Planning and Acoustic Data Collection for National Parks" National Park Service - Natural Sounds Program.) This paper contains three Attachments on key related issues including NEPA analysis, and is important for FAA review because (1) a sizeable number of air tour companies have submitted application for operating authority over Zion and other nearby Parks; (2) both agencies will be cooperating on the St. George Airport EIS.

The Sierra Club continues to reserve the right to submit additional scoping comment, as scoping is inherent throughout the entire DEIS and FEIS processes. We hope this particular submission is helpful now, as you proceed towards the environmental analysis with the newly selected Contractor.

Sincerely yours,



Dick Hingson, chair
Subcommittee on Noise/Aviation
Sierra Club - Recreation Issues Committee

(Sierra Club Home Office:

85 Second Street, 2nd Floor
San Francisco, CA 94105)

CC: Jeff Bradybaugh, Resources Management, Zion National Park

Enclosures (2):

Cited Studies: Cover Pages

Aircraft Noise Model Validation Study

HMMH Report No. 295860.29

January 2003

Prepared for:

National Park Service
Denver Service Center
12795 W. Alameda Parkway
Denver, Colorado

Prepared by:

Nicholas P. Miller
Grant S. Anderson
Richard D. Horonjeff
Christopher W. Menge
Jason C. Ross
Marc Newmark

Harris Miller Miller & Hanson Inc.
15 New England Executive Park
Burlington, MA 01803

Air Tour Management Planning and Acoustic Data Collection for National Parks

National Park Service
Natural Sounds Program
March 2003

Introduction

Natural sounds are intrinsic elements of the environment associated with national parks, and a resource that the National Park Service (NPS) is mandated to protect. As such, NPS will manage soundscapes in a way that any human-caused noise within a national park is considered an impact on the natural soundscape. *A determination about the acceptability of human-caused sound impacts will be based on their purpose, magnitude, intensity and context, compared to the mandate and management objectives of the park.*

As sources of noise, air tours may impact national parks. The NPS has the responsibility to evaluate any source of impact, internal or external, on national park resources and values, including the impact of air tours. The National Parks Air Tour Management Act of 2000 (NPATMA) specifies that the impacts of air tours on national parks are to be evaluated in an Air Tour Management Plan, where NPS has cooperating agency responsibilities associated with its special expertise in determining impacts on park resources.¹ The focus on soundscape analysis in this paper should not detract from the need to evaluate secondary impacts of noise on park values or resources, discussed briefly herein, nor the direct impacts of air tours on resources such as scenic quality and visitor experience.

This paper articulates the process which NPS recommends to Federal Aviation Administration (FAA) in evaluating impacts of air tour noise on national park soundscapes. The recommendation is specific to two procedures: the use of acoustic science and analytical tools considered to be reasonable and necessary, and implementing Council of Environmental Quality (CEQ) regulations to determine the substantive issues, to develop alternatives so the issues are sharply defined, and to disclose and compare the potential impacts of the alternatives. The disclosure, through appropriate acoustic analysis, is the basis for a decision to be made jointly by the FAA and NPS, such that the requirements of NPATMA are met in addition to other laws and regulations governing both agencies. This includes, but is not limited to, specific agency National Environmental Policy Act (NEPA) implementing regulations or policies.

National Park Objectives

The determination of whether or not air tour alternatives significantly impact national parks is dependent upon a comparison of their impacts, as disclosed in a NEPA document, relative to the specific management objectives (pursuant to mandates) of those parks. The FAA 4F

¹ It should be understood that if there are tribal lands abutting an affected national park unit, all references in this paper to national park lands or units includes the tribal lands per ATMA. In this case, tribal representatives should be part of the process as a cooperating agency – or on a government to government basis. References to NPS processes or documents would include the necessity to incorporate tribal plans, processes, or concerns as they apply.