

U.S. DEPARTMENT OF TRANSPORTATION

**Federal Aviation Administration
North West Mountain Region
Renton, Washington**

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

**PROPOSED
United Airlines
OPERATIONS SPECIFICATIONS AMENDMENT
For United Express Service To
MAMMOTH YOSEMITE AIRPORT
*Mammoth Lakes, Mono County, California***



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I. INTRODUCTION

This Finding of No Significant Impact (FONSI) and Record of Decision (ROD) provides the final Federal Aviation Administration (FAA) agency determinations and approval of those federal actions by the FAA necessary for approval of the United Airlines request for an Operations Specifications Amendment to allow United Express service, operated by SkyWest Airlines, Inc. (SkyWest), to provide scheduled service to Mammoth Yosemite Airport (MMH) at Mammoth Lakes, Mono County, California. The proposed air service is described in the Final Environmental Assessment (FEA) Request for Operations Specifications Amendment by United Airlines to Provide Scheduled Turbojet Air Service to Mammoth Yosemite Airport FEA (United FEA), dated June 2010, which is incorporated by reference.

United Airlines proposed that SkyWest's initial proposed service includes a single daily roundtrip flight between MMH and San Francisco Airport (SFO) beginning in the winter ski season of 2010/2011 (approximately December to April) using a 66 seat Canadair Regional Jet 700 (CRJ-700) turbojet aircraft. The current aviation forecast anticipates that Horizon Air will continue to offer four flights a day during the 2010-2011 winter seasons, as was anticipated in the prior aviation forecast. This prior forecast is contained within the Horizon into MMH Final Environmental Impact Statement (Horizon FEIS), which is incorporated into this FONSI-ROD by reference. The current aviation forecast differs from the previous forecast shown in the Horizon FEIS by an increase in one daily flight through the winter season of 2012-2013. Beyond that, a maximum of eight flights per day is still anticipated. The total daily flights would not increase beyond eight due to the constraints of the one-gate terminal at MMH. The current forecast also projects the continuation of the one flight per day summer season service throughout the forecast period. Which airlines provide a specific service would depend on commercial considerations such as which airline can more successfully fill aircraft seats.

The environmental findings in this ROD are based on the information contained in the United FEA and comments received throughout the EA process, as well as certain information contained in the Horizon FEIS. The FONSI-ROD discusses all alternatives considered by FAA in reaching its decision, including those removed from detailed consideration, and summarizes the process used to evaluate the alternatives. This document briefly summarizes the potential environmental consequences of the proposed action, and documents that all practical means were considered and used to avoid and minimize environmental harm resulting from the proposed alternative. This document also identifies the FAA's environmentally preferred alternative and selected alternative. The FAA arrived at the findings and approvals identified in this FONSI-ROD by reviewing the environmental analysis in the FEA and all relevant documents that comprise the FEA record, and thoughtful consideration of public comments provided throughout the process.

The Town of Mammoth Lakes prepared the United FEA in knowledge of FAA Order 1050.1E, section 4011, which states that an environmental assessment (EA) be drafted whenever there is:

“Issuance of an operating certificate, issuance of an air carrier operating certificate, or approval of operations specifications or amendments that may significantly change the character of the operational environment of an airport, including, but not limited to:

- (1) Approval of operations specifications authorizing an operator to use turbojet aircraft for scheduled passenger or cargo service into an airport when that airport has not previously been served by any scheduled turbojet aircraft.”

The United FEA was drafted in cooperation with the FAA by the Town of Mammoth Lakes, who owns and operates the Mammoth Lake Airport. The United FEA was prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) [Title 42 of the United States Code (USC) Section 4321, *et seq.*], and the implementing regulations of the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations [CFR] 1500 *et seq.*). Additionally, the United FEA meets the guidelines included in FAA Order 1050.1E Change 1, *Environmental Impacts: Policies and Procedures*.

II. BACKGROUND

The Town is the owner and operator of MMH. The Town holds a Class I certificate for MMH pursuant to 14 CFR Part 139. Under this classification, scheduled air carrier operations can be provided using aircraft capable of carrying 30 or more passengers. In 2006, Horizon Air expressed its interest in servicing the Town with scheduled commercial air service between LAX and MMH with a Bombardier DHC 8-400 (Q-400) turboprop aircraft. Based on the success of this initiative, in December 2009, United then approached the FAA to provide air service, operated by SkyWest, to MMH from SFO with a CRJ-700 aircraft.

SkyWest maintains an air carrier operating certificate issued by the FAA pursuant to 49 USC Section 44705. The FAA issued SkyWest an air carrier operating certificate after determining the air carrier was properly equipped and able to operate safely under applicable air carrier regulations. The air carrier operating certificate includes, but is not limited to, operations specifications that detail the airports from which SkyWest can operate. On July 12, 2010, SkyWest submitted a request to the FAA to amend its operating certificate to include air service to and from MMH pursuant to 14 CFR Section 119.51.

As discussed in Section 1.1.1 of the United FEA, United Airlines provided the FAA with a letter of intent to initiate commercial air service into MMH starting December 2010 utilizing a CRJ-0700 operated by SkyWest Airlines. Consequently, SkyWest requested operational specifications approval to do so on July 12, 2010. United Airlines and Mammoth Mountain Ski Area, LLC, intend to sign a subsidy agreement for the winter ski season service.

The Town prepared and submitted to the FAA a forecast of future commercial aviation activity at MMH. (United FEA Table 1.3-1) The FAA reviewed and approved the MMH Commercial Aviation Forecast (forecast) on January 26, 2010.

III. PROPOSED FEDERAL ACTION

The proposed federal action that is the subject of this FONSI-ROD is FAA approval of SkyWest's Operations Specifications Amendment to permit scheduled turbojet commercial air service to MMH using the CRJ-700 aircraft pursuant to 14 CFR Part 119.

IV. PURPOSE AND NEED

The federal purpose of the FAA's action is to evaluate a request from SkyWest, initiated by United Airlines, to the FAA to approve an Operations Specifications Amendment to allow SkyWest to provide scheduled commercial air service to the MMH, utilizing the CRJ-700.

FAA's primary mission is to ensure safety and efficiency in air commerce. One of the mechanisms that the FAA employs in fulfilling its mission is the issuance of operations specifications to commercial air carriers. Operations specifications include, but are not limited to, each kind of operation to be conducted, each airport to be used in scheduled operations and each class and size of aircraft to be operated.

FAA is required to evaluate SkyWest's request to amend its operations specifications to determine that safety in air commerce, environmental issues, and the public interest allow the amendment pursuant to 14 CFR Section 119.51.

49 USC Section 40101, Paragraph (a)(12) establishes the FAA policy of "encouraging, developing, and maintaining an air transportation system relying on actual and potential competition – to provide efficiency, innovation, and low prices; and to decide on the variety and quality of, and determine prices for, air transportation services."

Mammoth Lakes is a tourist destination. The local economy is largely driven by the numbers of visitors to the Town and region seeking a variety of recreational opportunities. While the Town's amenities and lodging are heavily used on the weekends, the mid-week period is often underutilized. Research by the Mammoth Lakes Tourism and Recreation Department has confirmed that the introduction of air service by Horizon Air brought visitors to the area staying for longer periods including the mid-week periods. Recent survey results included in the United FEA indicates that 78% air passengers stayed 3 nights or more.

The Town sees the proposed scheduled commercial air service using turbojet aircraft by United Airlines, operated by SkyWest, as a means to attract additional tourists that would more likely stay beyond a weekend, increase competition, and expand the number of locations from which visitors would be able to fly to MMH. United Airlines has indicated a willingness to provide the proposed service. This combination of factors demonstrates that the proposed turbojet commercial service into MMH would be in the public interest.

V. ALTERNATIVES AND ALTERNATIVES ANALYSIS

CEQ regulations require the FAA to "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." [40 CFR §1502.14(a)] Inclusion and analysis of the No Action Alternative is also required. [40 CFR §1502.14(d)]

A. Range of Alternatives Considered

The range of alternatives considered in the United FEA include the: Proposed Action, Use of an Alternative Airport, Use of an Alternative Aircraft and No Action. The alternatives analysis is located in Section 3.2 of the United Airlines FEA.

Proposed Action Alternative: As requested in the United Airlines Letter of Intent (LOI), the FAA would approve the SkyWest Operations Specifications Amendment pursuant to 14 CFR Part 119 that would allow SkyWest to provide scheduled commercial service to MMH with a Canadair Regional Jet 700 (CRJ-700) aircraft after ensuring all safety, operational and environmental issues are satisfied. SkyWest would initiate scheduled service between SFO and MMH with one flight per day during the winter ski season beginning in December 2010.

Use of an Alternative Airport: The FAA would amend SkyWest Airlines' request for Operations Specifications Amendment for service to an alternate airport such as the Eastern Sierra Regional Airport (BIH) in Bishop, California.

Use of an Alternative Aircraft: The FAA would amend SkyWest's request for Operations Specifications Amendment for service to MMH by amending the type of aircraft that SkyWest Airlines would utilize to provide air service.

No Action: FAA would not approve SkyWest's request for an Operations Specifications Amendment for scheduled air service to MMH. Aviation activity at MMH would continue in accordance with the existing 14 CFR Part 139 Certificate and general aviation activity.

B. Alternatives Eliminated From Further Consideration

As a result of the alternatives evaluation process both the Use of Alternative Airports and the Use of Alternative Aircraft alternatives were eliminated from further consideration.

Use of Alternative Airports: The operations specifications amendment request is a specific request by a single airline to provide scheduled commercial air service to a specific location. The United States government deregulated the airline industry by passing Public Law 95-504 entitled the "Airline Deregulation Act of 1978" (Airline Deregulation Act). As a result of that law, air carriers are free to choose what aircraft, destinations and airports they serve. The Federal government does not control where, when and how airlines provide their service. Public use airports such as MMH cannot deny access to an airline if the aircraft that they propose to use can safely operate at that airport. SkyWest confirmed its interest to provide scheduled commercial air service to MMH and has not requested to serve an alternative airport in the region such as BIH.

Additionally, any airport accepting commercial air carrier operations is required to have an FAA approved airport operating certificate, pursuant to 14 CFR Part 139. Currently, MMH is the only Part 139 approved airport in the region.

As a result of these considerations, the FAA determined that the use of another airport for the proposed scheduled commercial air service is not a reasonable alternative to the Proposed Action.

Use of Alternative Aircraft: The FAA does not have the authority to instruct airlines to utilize a different aircraft if the proposed aircraft can safely operate at a proposed airport in compliance with safety and environmental statutes. Further, public use airports such as MMH cannot deny access to an aircraft operator if they can safely operate at that facility. SkyWest indicated its interest in providing air service to MMH with a CRJ-700 aircraft. As a result of these considerations, the FAA determined that the use of a different aircraft for the proposed scheduled commercial air service is not a reasonable alternative to the Proposed Action.

C. Alternatives Considered in Detail

The Proposed Action and No Action were retained for detailed analysis in the United Airlines FEA.

VII. ENVIRONMENTAL CONSEQUENCES

In accordance with the guidelines set forth in CEQ regulations and FAA Order 1050.1E Change 1, Section 5 of the United FEA describes the potential impacts of the alternatives considered in detail. The potential impacts were determined by comparing the projected future conditions without the proposed project (No Action) with the projected future conditions with the Proposed Action. The environmental consequence analyses consider both the direct and indirect effects for each alternative.

The No-Action and Proposed Action Alternatives are examined for the study years 2011 and 2015. Calendar year 2011 was used because it is the first full year during which United Airlines would provide commercial air service operations into MMH using the CRJ700 aircraft, operating one flight per day for the winter ski season. Calendar year 2015 was used because it represents the period of maximum operations of commercial air carrier service at MMH, which would total, but not exceed, a total of eight flights per day by the Q400 Dash 8 and CRJ700 aircraft.

Under the No Action Alternative, commercial air carrier service operations at MMH would continue to grow with approximately 1,324 operations forecasted in 2011 and 2,244 operations forecast for 2015. The Proposed Action forecast adds approximately 230 annual operations to the 2011 No Action forecast. The 2015 Proposed Action forecast would not add any operations to the 2015 No Action forecast. The FAA Terminal Area Forecast projection of future operations by non-air carrier aircraft would not be affected.

The results of the Environmental Consequence resource analyses are summarized in this FONSI-ROD.

A. Potentially Impacted Environmental Resource Categories:

Noise: The FAA used the Integrated Noise Model (INM) version 7.0b to predict the potential noise exposure impacts. The Community Noise Equivalent Level (CNEL) was determined for the 2011 and 2015 No Action and Proposed Action conditions. The noise analysis determined that there are no noise sensitive resources within the CNEL 65 dBA contour for either the No Action or Proposed Action Alternative. Implementing the Proposed Action would not result in a noise-sensitive area experiencing an increase of CNEL 1.5 dBA or more at or above the CNEL 65 dBA contour. Therefore the Proposed Action would not cause a significant noise impact.

Compatible Land Use: There are no noise-sensitive land uses within the CNEL 65 dBA contour for both the No Action and Proposed Action Alternatives and there is no proposal to acquire additional properties under either alternative. As a result there are no compatible land use impacts associated with the Proposed Action. Both the No Action and the Proposed Action Alternatives are consistent with the community plans for the region,

Socioeconomic Impacts, Environmental Justice and Children's Environmental Health and Safety Risks: Under the No Action Alternative, commercial aircraft operations would continue to grow with approximately 1,324 operations forecast in 2011 and 2,244 operations forecast for 2015. The Proposed Action would increase commercial aviation activity at MMH in the short-term; however, by the 2013-2014 winter seasons, the Proposed Action would not increase the commercial activity at MMH in comparison to the No-Action Alternative. The Proposed Action would not result in any residential or business acquisitions or relocations, division or disruption of established communities, alteration of surface traffic patterns, environmental justice impacts, or impacts to environmental health or safety risks to children.

Historical, Architectural, Archaeological and Cultural Resources: An Area of Potential Affect (APE) was established and evaluated for potential historic, architectural and cultural resources. No resources were identified within the APE. In a letter dated February 9, 2010, the California State Historical Preservation Office (SHPO) was requested to concur that there has been no changes to the listed historic resources in the vicinity of MMH since the preparation of the Horizon FEIS, and that the determination provided for the Horizon Air commercial air carrier service would be the same for the current Proposed Action. Since the SHPO has not yet responded to this letter and given that there are no historical, architectural, archaeological, or cultural resources contained within the APE, the FAA has tentatively determined that there would be no effect on these resources if the Proposed Action were implemented.

DOT Act Section 4(f) Resources and Section 6(f) Resources: The No Action and Proposed Action would not result in a direct use of property protected under Section 4(f) of the DOT Act, [recodified at 49 U.S.C. Section 303(c)].

A supplemental noise assessment was conducted to re-evaluate the potential for constructive use impacts on potential 4(f) resources. The supplemental noise assessment included a Noise Screening Assessment (NSA), which was completed pursuant to FAA guidance on *Procedures for Evaluating Potential Noise Impacts on Airport Improvement Projects on National Parks and Other Sensitive Park Environments*. The FAA consulted with the United States Department of Interior, National Park Service and Bureau of Land Management, the United States Department of Agriculture, Forest Service and local Native American communities to identify potential 4(f) resources of concern. The NSA evaluated the MMH operations impact on potential 4(f) resource areas with quiet setting attributes.

As part of the NSA, the FAA estimated the loudness of individual aircraft events using the A-weighted maximum sound level (Lmax) noise metric. The NSA identified locations that could experience a change of exposure (COE) of 3 dB, a minimum level of change that is considered “barely perceptible”. The 3 dB COE criteria is more conservative than the other commonly used level of 5 dB COE, which refers to a “readily perceptible” change in the sound environment.

The updated analyses revealed that there would be no COE greater than 3.0 dBA in CNEL, Leq, or Lmax in year 2011 or year 2015, for the Proposed Action Alternative, when compared to the No-Action Alternative. Therefore, it has been concluded that no additional quantitative analysis was required and the change in noise would not result in a constructive use of the Section 4(f) resources with quiet settings in year 2011 or year 2015.

There are no Section 6(f) resources located within the airport study area.

Fish, Wildlife, and Plants: Neither the No Action nor the Proposed Action involve physical changes at MMH, therefore there is no direct impact to vegetative communities, wildlife habitat, or protected species. The analysis, in section 5.11 of the FEA, also considered secondary impacts to wildlife species in the vicinity of the airport.

Particular attention was given to potential impacts to greater sage-grouse (*Centrocercus urophasianus*), a species of heightened public interest during the scoping process for the Horizon FEIS. The sage grouse utilize the Long Valley area surrounding MMH for foraging, nesting, and breeding. There would be no change in the limited potential for secondary impacts on sage grouse resulting from noise associated with aircraft activity at MMH. However, given the concern over the sage grouse, the Town, United Airlines and SkyWest have indicated that, to the extent practical, early morning flights into and out of MMH would be avoided. This approach is similar to that incorporated into the 2008 Record of Decision for the existing Horizon Air service to MMH.

On February 22, 2007 the United States Fish and Wildlife Service concurred with the FAA’s determination that the proposed air service is not likely to adversely affect the Owens tui chub, Sierra Nevada bighorn sheep or the bald eagle. The FWS concurrence letter is located in Appendix H of the Horizon FEIS.

Air Quality: The air quality analysis was developed based upon the Horizon FEIS air quality analysis and utilizing the Emission Dispersion & Modeling System Version 5.1.2, and is included in section 5.9 of the FEA. When compared to the No-Action Alternative, the Proposed Action would result in small increases in annual emissions of all criteria pollutants through to the winter season of 2012-2013. After this season, given that the Proposed Action only represents a change in aircraft in relation to the No-Action Alternative, this results in a small increase in the emissions of CO, NO_x, and SO_x, and a small decrease in annual emissions of VOC.

The Proposed Action is not expected to exceed any National Ambient Air Quality Standards in 2011 or 2015 and therefore would not result in a significant air quality impact.

Hazardous Materials, Pollution Prevention and Solid Waste: The No Action Alternative and the Proposed Action Alternative would not alter the types of hazardous or other regulated materials used at MMH, as indicated in Section 5.10 of the FEA. No ground disturbing activities are proposed. Therefore, the potential for either alternative to effect sites or facilities known to contain contamination is not expected. The increase in projected enplanements at MMH for the Proposed Action Alternative would generate an approximate 3.5 tons of waste per year (0.01 ton per day) in 2015. This is well within the capacity of the Benton Crossing Sanitary Landfill, which is permitted for a maximum throughput of 500 tons per day and has a life expectancy of 17 years. In 2008, only an average of 108 tons per day of throughput is received. No significant impact due to hazardous materials or solid waste is anticipated.

Natural Resources and Energy Supply: The demand for aviation fuel would increase as the aviation activity increases for both the No Action Alternative and Proposed Action Alternatives. As described in Section 5.13 of the FEA, the increase demand for fuel is considered small and would be supplied by existing service providers and infrastructure without an impact to the capacity of these resources. The greater demand for electricity attributable to increases in aviation activity, included in the No Action and Proposed Action Alternative is within the existing energy supply for the region.

Water Quality: As described in Section 5.12 of the FEA, aircraft operations at MMH would increase over time with little change in the quality and quantity of surface water, stormwater runoff or groundwater supplies. Potential increases in deicing operations are within the capacity of the collection basin at the airport. Spent deicing fluid would be stored in a portable holding tank for disposal at a permitted facility.

Water consumption at MMH would increase consistent with the projected increases in enplanements and aviation activity. There are three groundwater supply wells at MMH. Two of the wells have a capacity of approximately 500 gallons per minute with the third well having the capacity of approximately 50 gallons per minute. These wells' capacity is more than sufficient to handle any water consumption increase from the Proposed Action Alternative. In sum, the Proposed Action would not result in a significant impact on water quality or water supply.

Secondary (Induced) Impacts: The Horizon FEIS included an extensive analysis of social and economic characteristics of the two counties which surround MMH. This included extensive modeling of the projected direct and secondary economic impacts of the introduction of air service to MMH by Horizon Air. In order to quantify the potential Secondary Impacts associated with the No Action and Proposed Action Alternatives within the United FEA (found in Section 5.6 of the FEA), the assumptions and results of the analyses contained within the Horizon FEIS were examined to determine if underlying conditions had changed substantially, and examination of the potential impacts of introduction of additional air service using a CRJ700 aircraft on overall enplanements at MMH and related induced economic activity. Given that the Proposed Action Alternative future enplanements at MMH do not differ substantially from those projected under the No-Action Alternative or evaluated in the 2008 FEIS, it is anticipated that the Proposed Action would not have a significant effect on secondary or induced economic activity, land use, or surface transportation activity when compare to the No-Action Alternative.

Cumulative Impacts: Given the analysis of cumulative impacts found in Section 5.14 of the United FEA, no cumulative impacts are projected to occur from the Proposed Action in the context of any Cumulative Projects, there are no significant cumulative resource impacts.

B. Unaffected Environmental Resource Categories:

Coastal Resources: No coastal resources are in the vicinity of the Proposed Action.

Construction Impacts: No construction is proposed.

Farmlands: No farmland resources are in the vicinity of the Proposed Action.

Floodplains: No physical changes are proposed, therefore, no floodplains are impacted by the Proposed Action.

Light Emission and Visual Impacts: No physical changes are proposed at MMH.

Wetlands: No physical changes are proposed, therefore, no wetlands are impacted by the Proposed Action.

Wild and Scenic Rivers: No resources are in the vicinity of MMH that may be affected.

VIII. PUBLIC AND AGENCY INVOLVEMENT

The FAA conducted a public involvement program to ensure that the public and regulatory agencies were provided information pertaining to the Proposed Action and the United EA, and that input was received, reviewed and responded to as part of the EA process. The public involvement program components included Early Agency Coordination, Public Review of the Draft EA, and a Public Workshop on the Draft EA.

Early Agency Coordination: Public and regulatory agencies were contacted during the course of the preparation of the Draft EA to solicit information and preliminary comment. Coordination was conducted for environmental issues having greatest potential for impact and with agencies having specific regulatory authority. In accordance with 49 USC 47101(h), FAA has determined that no further coordination with the US Department of the Interior or US Environmental Protection Agency is necessary because the proposed project does not involve construction of a new airport, new runway or major runway extension that has a significant impact on natural resources including fish and wildlife; natural; scenic, and recreational assets; water and air quality; or other factor affecting the environment.

Draft EA Availability for Review: The Draft EA was made available for review by the general public and interested parties. Notification of the document's availability was accomplished through legal advertisements in the Mammoth Times on April 24, 2010, and May 1, 2010, as well as on the Town of Mammoth Lakes web page. Copies of the Draft EA document were available for review at the Town of Mammoth Lakes offices and at the Mono County Public Library. Anyone wishing to comment on the information and conclusions in the Draft EA could do so at any time during the advertised public review and comment period. The Draft EA was also distributed for review and comment to Federal, state, and local agencies and organizations having an interest and/or jurisdictional responsibility in the study. A total of 9 comments were received on the Draft EA. No comments were provided at the Public Workshop. The comments included concerns regarding aircraft overflight noise to national parks and wildlife, and operational safety concerns. The Town of Mammoth and the Federal Aviation Administration considered and addressed all pertinent comments received from the general public, agencies, and organizations. Summaries of comments received, responses, and any necessary revisions to the EA were incorporated into and published in the United FEA.

IX. AGENCY FINDINGS

In accordance with all applicable laws, the FAA makes the following findings:

A. Environmental Findings:

The environmental findings are based upon a careful review of the United FEA, comments on the United FEA, the supporting administrative record and appropriate supporting evidence.

1. **The FAA has given this Proposed Action the independent and objective evaluation required by the Council on Environmental Quality (40 CFR Section 1506.5).** The FAA's environmental process included the rigorous exploration and objective evaluation of reasonable alternatives and probable environmental consequences, and regulatory agency and Native American consultations, and public involvement. FAA furnished guidance and participated in the preparation of the EA by providing input, advice, and expertise throughout the planning and technical analysis, along with administrative direction and legal review of the EA. FAA has independently evaluated the EA, and takes responsibility for its scope and content.

2. **The Proposed Action does not include a direct or constructive use of any resources protected under Section 4(f) of the DOT Act.** No physical development or land acquisition is associated with the scheduled air service, thus there is not potential for direct use of any Section 4(f) resource. The FAA evaluated the potential for aircraft overflights to result in constructive use of Section 4(f) resources in the FEIS. As a result of the Section 4(f) analysis, the FAA determined that the Proposed Action would not cause an increase in noise or other proximity impacts sufficient to impair the value of the potential Section 4(f) resources. Therefore no constructive use would occur.
3. **The Proposed Action does not involve a disproportionately high and adverse impact to minority or low-income populations (DOT Order 5610.2).** The FAA has determined that no disproportionately high and adverse impacts to environmental justice communities would occur from the Proposed Action, based on findings that there are no noise impacts on residential communities, no community disruptions or divisions, no surface transportation impacts, no human health impacts and no essential services disruptions or other impacts that could potentially disproportionately impact any minority or low-income community.
4. **All practicable means to avoid or minimize environmental harm from the Proposed Action have been adopted.** No significant impacts were identified in the environmental analyses for the Proposed Action. However, a limited potential for early morning aircraft overflight activity to disturb sage grouse lekking activity was identified. As a result of the Airline Deregulation Act, the FAA is prohibited from directing how and when airlines provide their air service. However, the FAA communicated the concern regarding early morning aircraft overflights during the lekking period to United Airlines, SkyWest and the Town. United Airlines, SkyWest and the Town have acknowledged the concern and are willing to take the concern into consideration, to the extent practical.

B. Findings Pursuant to 14 CFR Section 119.51(a)(2). Operations Specifications Amendment:

The Operations Specifications Amendment findings are based upon the careful consideration of all material presented pursuant to 14 CFR Section 119.51(a)(2) and the FAA's evaluation procedures provided in FAA Order 8900.1, *Flight Standards Information Management System*. As a result of SkyWest Airlines' application for amendment, the FAA is to determine that safety in air commerce and the public interest allow for the amendment.

1. **The FAA finds that the proposed air service meets established air transportation safety standards as required by 14 CFR Section 119.51(a)(2).** SkyWest Airlines is properly and adequately equipped to provide scheduled air service operations safely to and from MMH. The FAA has evaluated and accepted SkyWest Airlines' Flight Operations Manual procedures designed to safeguard arrival and departure operations at MMH. Further, SkyWest Airlines has adequately completed its airport performance analysis due diligence for incorporation into a MMH Airplane Flight Manual. The FAA finds that SkyWest

Airlines is able to operate safely under applicable air carrier regulations to and from MMH.

2. **The Proposed Action is consistent with the public interest requirements of 14 CFR Section 119.51(a)(2) and the provisions of 49 USC Section 40101(a)(12) regarding the encouragement, development and maintenance of efficient and competitive air transportation system.** SkyWest Airlines, an air carrier operator under 14 CFR Part 121, has requested an operations specifications amendment to provide service to MMH, a 14 CFR Part 139 airport. The Town is a small community with a local economy largely driven by tourism. Scheduled air service is consistent with the Town's GP goals and research on the introduction of the Horizon Air service has indicated that the expansion of commercial air service would be beneficial to the Town.

X. DECISIONS, FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND ORDERS

In Section 3.4 of the United FEA, the FAA identified the Proposed Action Alternative as the agency's preferred alternative and the No Action Alternative as the environmentally preferred alternative. The FAA must now select one of the following choices:

- Approve the federal actions necessary to implement the Proposed Action or
- Disapprove the federal actions to implement the Proposed Action.

Approval would signify that applicable federal requirements relating to the amendment of Operations Specifications have been met and would permit SkyWest to proceed with implementing commercial air service to and from MMH beginning in the winter ski season of 2010/2011. Not approving the action would prevent SkyWest from providing scheduled commercial service at MMH.

Decision: The FAA recognizes its responsibilities under NEPA, CEQ regulations, and its own directives. Recognizing these responsibilities, the FAA has carefully considered the proposed scheduled air service in relation to aeronautical and environmental factors. After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in NEPA.

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

Having carefully considered the aviation safety and operational objectives of this action as well as being properly advised as to the anticipated environmental impacts, under the authority delegated to me by the Administrator of the FAA, I find that the Proposed Action is reasonably supported, and I, therefore direct the approval of the Operations Specifications Amendment to allow SkyWest to provide service to and from Mammoth Yosemite Airport.



Kathryn M. Vernon
Regional Administrator
Northwest Mountain Region

Date 8/3/10

Right of Appeal:

This decision is taken pursuant to 49 USC §§ 40101 *et seq.*, and constitutes a final order of the Administrator, which is subject to review by the Courts of Appeal of the United States in accordance with the provisions of 49 USC §46110.

Any party seeking to stay the implementation of this ROD must file an application with the FAA prior to seeking judicial relief, as provided in Rule 18(a), Federal Rules of Appellate Procedure.