



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

Office of Airport Planning
and Programming

800 Independence Ave., S.W.
Washington, DC 20591

September 11, 2017

William H. Doucette, Jr.
Umstead Coalition
1703 Nottingham Rd
Raleigh, NC 27607

Subject: Raleigh-Durham International Airport (RDU)

Dear Mr. Doucette:

On June 1, 2017, our office led a conference call with representatives of the Umstead Coalition and the RDU Forest Coalition to discuss a number of issues related to Raleigh-Durham International Airport (RDU), including proposed airport development initiatives, existing and proposed changes in land use, an Airport Layout Plan (ALP) update, environmental reviews under the National Environmental Policy Act, and related topics.

We subsequently received six statements on which the two coalitions requested FAA confirmation, and 13 questions. I appreciate your patience while we reviewed these questions, many of which are complex and cross multiple disciplines. We have responded in two attachments to this letter, which provide (a) clarifications of the statements and (b) responses to the questions.

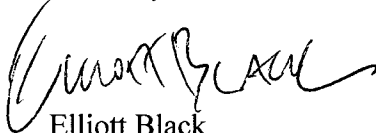
On August 25, we received two additional questions related to the status of the RDU draft ALP and whether or not RDU is subject to NEPA review requirements for on-airport mineral extraction. The FAA's Memphis Airports District Office (Memphis ADO) will respond to those subsequent questions.

As we discussed during our teleconference, your best points of contact for issues related to RDU are the airport operator (Raleigh-Durham Airport Authority, Mr. Michael J. Landguth, President & CEO at 919-840-7701) and our Memphis ADO (Mr. Phillip Braden, ADO Manager, at 901-322-8180). The issues you have raised are highly specific and the Airport Authority and ADO have the most relevant and current information available. The ADO has jurisdiction over airport-related matters throughout Tennessee, North Carolina and Kentucky. Working directly with the ADO will yield the fastest responses from the FAA. Contacting other offices may delay the agency's response, because the ADO is the most familiar with the local issues as well as applicable state laws and local ordinances.

Accordingly, we urge you to communicate with them directly, and we are copying our ADO as

well as our Southern Regional Office on this correspondence. Please note that we do not have mailing addresses for other representatives of the coalitions so I would appreciate it if you would relay this to your colleagues as appropriate. Meanwhile, again, thank you for your patience.

Sincerely,

A handwritten signature in black ink, appearing to read "Elliott Black", written in a cursive style.

Elliott Black
Director, Office of Airport Planning
and Programming

cc: Mr. Steven Hicks, Director, FAA Airports Division, Southern Region
Mr. Jesse Carriger, Branch Manager, Planning and Programming Branch, FAA Airports,
Division, Southern Region
Mr. Phillip Braden, Manager, FAA Memphis Airports District Office
Ms. Lorraine Herson-Jones, Acting Director, FAA Office of Airport Compliance and
Management Analysis

Attachment A. Response to Coalition statements

FAA response to follow-up statements from the Umstead Coalition and the RDU Forest Coalition following a June 1, 2017 teleconference call with the FAA

- **Coalition statement:** NEPA review is triggered when RDU notifies FAA of a change in land use.

FAA clarification: A NEPA determination is required when there is a federal action by the FAA, such as an ALP approval.

- **Coalition statement:** A change of land use notification occurs when the ALP is revised and submitted to FAA.

FAA clarification: An ALP revision is one way that an airport sponsor can notify the FAA of a change in land use.

- **Coalition statement:** FAA obligations and rules do not prohibit the sale of non-aeronautical land for fair market value.

FAA clarification: FAA obligations and rules do not prohibit the sale of land (for fair market value) for non-aeronautical purposes.

- **Coalition statement:** FAA obligations and rules do not require an airport to accept a financial proposal for revenue generation from non-aeronautical land.

FAA clarification: FAA obligations and rules do not require an airport to accept a financial proposal for revenue generation from non-aeronautical land. However, the FAA rules do require an airport to be as financially self-sustaining as possible.

- **Coalition statement:** FAA financial self-sufficiency policy does not require that all land not needed to directly support aviation (non-aeronautical land) is to be used for revenue generation.

FAA clarification: As a recipient of federal funds under the Airport Improvement Program (AIP), airport sponsors are required to become as self-sustaining as possible. It is the airport operator's decision whether to dispose of any land, as long as it is in accordance with federal policy.

- **Coalition statement:** The FAA cannot require RDU to generate revenue from non-aeronautical land as part of a grant negotiation for airport improvements.

FAA clarification: The airport's grant assurances would not require RDU to generate revenue from non-aeronautical land, but any revenue generated is required to stay on the airport and to be used for airport purposes, subject to the FAA's Revenue Use policy.

Attachment B: Response to Coalition questions (questions shown verbatim in bold text, with FAA responses in plain text)

Airport Layout Plan (ALP)

As shown on the draft Airport Layout Plan (ALP) RDU submitted on March 28, 2017, RDU has stated its' intent to lease the 80 acre parcel adjacent to William B Umstead State Park specifically for a commercial rock quarry. RDU has also stated its intent to use the new quarry as a source for fill and/or rock to construct the new runway shown on the draft ALP.

Coalition Question 1: Since the submitted RDU ALP designated a quarry (mineral extraction) or industrial uses on a parcel that previously was of undesignated land use, does FAA recognize this as a change in land use that would require NEPA review?

FAA Response: Yes, a change in land use requires NEPA review. Review is required when there is sufficient detail about proposed development to conduct an environmental review.

Coalition Question 2: Does RDU intend to employ the new quarry as a source of fill and rock in the construction of the proposed new runway require the quarry to (be) listed in the ALP as a component of the runway project subject to NEPA review or as a separate project also subject to NEPA review?

FAA Response: The NEPA documentation required for the runway and the quarry are currently being evaluated. The NEPA review for the runway project will consider borrow areas located on and off airport property.

Coalition Question 3: Does the intent in the draft ALP to generate revenue from a previously unused tract as a commercial quarry constitute a change in land use requiring NEPA review?

FAA Response: Please see response to Question 1. The submitted draft ALP is currently under review.

Coalition Question 4: Will FAA require NEPA review of the quarry/industrial planned land use shown on the draft ALP?

FAA Response: See response to Question 1. The submitted draft ALP is currently under review.

Coalition Question 5: Is there a NEPA categorical exclusion for rock quarry or surface mining?

FAA Response: A categorical exclusion is one level of NEPA analysis (along with Environmental Assessments and Environmental Impact Statements). In order to determine the appropriate level of NEPA analysis, the airport sponsor must first submit a change in land use request. The FAA will then evaluate the details of the proposal to determine the appropriate level of NEPA review.

Coalition Question 6: If NEPA review is required for the commercial rock quarry/ industrial land use change will the NEPA review be a full EIS or an EA?

- a. In this case what would trigger a full EIS?
- b. Will consideration of various alternative land uses to the quarry have to be included in the NEPA analysis?
- c. Will the NEPA review require a full public meeting?

FAA response: Please see response to Questions 2 and 5 under this section. In addition:

- As outlined in FAA Order 1050.1F, an EIS is required when one or more environmental impacts of a proposed action, after incorporating mitigation commitments, would be significant to the human environment.
- For an environmental assessment or an environmental impact statement, NEPA requires agencies to include a “no action” alternative (an alternative in which the proposed activity would not take place). At this time, additional alternatives beyond the no action alternative are unknown.
- FAA requirements for public involvement are outlined in FAA Order 1050.1F, Section 2-5 including requirements for public meetings, workshops, and hearings. Some factors which are considered when deciding if a hearing, workshop, or meeting is appropriate include:
 - The proposed action’s magnitude in terms of environmental impact, environmental controversy, cost, and/or extent of the affected geographical area
 - The degree of interest that federal, state, tribal, or local authorities or the public exhibit; and
 - The complexity of the issues raised during initial scoping for a proposed action.

Coalition Question 7: If NEPA review is not required for the commercial rock quarry, then, what are the opportunities for further public review and comment to the draft ALP?

FAA Response: NEPA review is necessary for the commercial rock quarry on airport property. However, public review of an ALP is not required by the FAA. For a change in aeronautical use, a Federal Register Notice will be posted soliciting public comments on the change in land use. This will be the opportunity to comment.

Grant Assurance 29b questions

Coalition Question 8: Since the land for William B. Umstead State Park adjoining RDU was acquired with Federal funds, does Grant Assurance 29 require RDU to assess potential adverse effects to the safety, utility, or efficiency of the park (including the planned commercial rock quarry)?

FAA Response: This grant assurance applies to obligated airport property and land control of surrounding property to ensure the safety, utility and efficiency of the airport. Any impacts to the park would be evaluated during the environmental review process, regardless of how the land was originally funded.

Coalition Question 9: If an assessment of adverse effects is required, what is FAA policy and guidance for such assessment?

FAA Response: If an adverse effect/condition is determined, then the FAA would work

with the airport to identify and evaluate various means of avoiding, minimizing and/or mitigating any impacts.

Financial Self-Sufficiency Policy Questions

Coalition Question 10: Under Grant Assurance 31. B. [Land producing revenue is considered needed for airport purposes], does a commercial quarry qualify as an interim use if the land is rendered unusable (de minimis utility) for future practical use?

FAA Response: AIP Grant Assurance 31. C. states “*Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes . . . and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport.*” A commercial quarry is not viewed as an “interim use.” However, the airport sponsor is proposing to designate this land as “no longer needed as an aeronautical use.” In addition, the FAA has not received a formal or informal request for a land release or change in use of this airport property.

Coalition Question 11. Does the financial self-sufficiency policy require an airport to comprehensively manage all its non-aeronautical land for revenue generation?

FAA Response: The federal policy guidance pertaining to financial self-sufficiency does not contain specific requirements for airport sponsors to “comprehensively manage all its non-aeronautical land for revenue generation.” Revenue generated on the airport, including from land designated as non-aeronautical, would be subject to the Revenue Use Policy. AIP Grant Assurance #24 “requires an airport sponsor to maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible; and under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection.”

Coalition Question 12: Do FAA obligations prevent an airport from accepting a fair market value financial proposal for non-aeronautical land if a portion of the revenue is generated from outdoor recreation use of the land?

FAA Response: FAA obligations do not prevent an airport from accepting Fair Market Value for non-aeronautical land for recreational purposes. However, the FAA would have to evaluate the land use change from an environmental perspective.

Coalition Question 13: Do FAA obligations address criteria for accepting competing proposals? If so what are they?

FAA Response: FAA obligations do not address criteria for accepting competing offers, although FAA would normally encourage an airport to accept the highest offer unless documented exceptions are noted.