

NEPA Environmental Assessment Review

Environmental Assessment for Amendment to the Operations Specifications for Air Carrier Operations, Amendment to a FAR Part 139 Certificate, and Modification of the Terminal Building Payne Field, Mukilteo, WA, Public Review Draft. December 2009

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1 Introduction

The draft Environmental Assessment for Amendment to the Operations Specifications for Air Carrier Operations, Amendment to a FAR Part 139 Certificate, and Modification of the Terminal Building Payne Field, Mukilteo, WA (EA) must be rewritten. The draft EA fails to concisely provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact (40 CFR 1508.9). It does present some brief discussions; however, most of the document is simply a jumble of confusing responsibilities, unsupported conclusions, passive voice construction and inaccurate representation of legal requirements.

As presented, the EA cannot provide an effective environmental tool to comply with the National Environmental Policy Act (NEPA) Section 101 or 102. If left unrepaired, this EA will not help any agency or decision maker achieve the purposes of the NEPA implementing regulations (40 CFR 1500.1(a)), provide information to the public before decisions are made (40 CFR 1500.1(b)), or to help public officials make decisions based on understanding of environmental consequences of their actions (40 CFR 1500.1(c)).

The EA adds further complication with a confusing jumble of multiple agency jurisdictions, inaccurate compliance descriptions and an apparently arbitrary and capricious selection of alternatives and environmental issues. All told, the EA cannot demonstrate the requisite "hard look" the courts frequently use as an Environmental Document standard. It cannot be expected to inform an agency decision maker and, thus, fails to comply with the Administrative Procedures Act, National Environmental Policy Act (NEPA) and Endangered Species Act (ESA).

2 Proposal for Action (40 CFR 1502.4(a), 1502.14, 1502.5)

A "proposal" for action triggers the NEPA process. The EA should clearly and concisely describe the scope of the proposed action, answering who, what, when, where and how.

The following descriptions of the proposed action were found in the EA:

Page A.4...

- *Issuance of the proposed operations specifications amendment for Horizon Air to permit scheduled commercial air service at Paine Field using the Bombardier Q400 Dash 8 as its primary aircraft and the Bombardier CRJ700 as its substitute aircraft pursuant to 14 CFR Part 119;*
- *Issuance of the proposed operations specifications amendment for Allegiant Air to permit scheduled commercial air service at Paine Field using the MD83 aircraft pursuant to 14 CFR 119;*

- *Approval of an amendment to the FAR Part 139 operating certificate for Paine Field; and,*
- *Approval of Airport Improvement Program (AIP) funding for the construction of modular terminal building sufficient to accommodate the proposed passenger service.*

Page A.4...

- *\$3M modular terminal building*
- *2010 spring construction*
- *2010 summer service start*

Figure page A.7...

- *Site shown on existing tarmac (an addition to the existing terminal building with existing parking)*

The EA must be revised to clarify which agency is responsible for this proposed action. As written, the EA is unclear about which entity, FAA, Snohomish County or Paine Field is responsible for planning and implementing the proposed action; the action proponent. Who makes the decision to implement this proposal? In section A and B, FAA is seen as the action proponent. However, later the reader is led to believe that Snohomish County is the action proponent.

The only one of these agencies having the NEPA compliance requirement is FAA. Snohomish County and Paine Field are subject to the Washington State Environmental Policy Act (SEPA). The relationship among these three agencies is not addressed in the EA. The EA begins with FAA as the action proponent and responsible agency, but later indicates that Snohomish County has some involvement in coastal land use management.

The two "applicant" airlines and the underlying logic of their applications are not fully addressed. Furthermore, the two applications are addressed as one, inseparable application. The EA is silent on what discretion the agencies do have in issuances and approvals. The EA only ascribes "limited discretion" to agencies. If a federal agency has no discretion at all, the proposal is not a "major federal action" and there is no NEPA requirement. However where there is discretion, even some, the range of that discretion partly defines the NEPA scope (40 CFR 1508.25), including actions, alternatives and impacts.

If FAA is the action proponent, then, in addition to federal "ownership" of Tribal Consultation and Historic Preservation requirements (C.15/D.15 Historical, Architectural, Archeological, and Cultural Resources), FAA would also be responsible for federal consistency to the maximum extent practicable within the discretion of that agency (15 CFR 930.32(a)(2)) under the Coastal Zone Management Act (CZMA). FAA would also be responsible for consulting with both US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service (50 CFR 402.1) regarding potential of the proposal to affect listed species and/or critical habitats under Section 7 of the Endangered Species Act (ESA). If this proposal is a federal action under FAA's lead, there would be no direct requirement to comply with State and local ordinances for which federal sovereignty has been waived. See, for example the Clean Water Act, Clean Air Act and CZMA.

If Snohomish County is the action proponent, then we understand why the EA is silent about compliance with such uniquely federal requirements as the Magnuson-Sevens Fishery Conservation and Management Act and essential fish habitat. In the Coastal Resources section, Snohomish County is indicated as the responsible agency for making a determination of consistency and consulting with the State. As noted above, FAA as the lead agency would be the responsible agency for making a determination of consistency and consulting with the State. If Snohomish County is an applicant, then they are responsible for requesting FAA engage the resource agencies NOAA Fisheries and USFWS, or obtain written authority from FAA to conduct such consultation themselves. The Washington State Department of Ecology (Ecology) is responsible for evaluating the proposed action and agreeing or disagreeing with the proponent's determination of consistency of the proposed action. Unfortunately, the EA never explains who the action proponent is and fails to address the complexities of regulatory enforcement.

3 Need for Action (40 CFR 1502.13)

The existence of an underlying need justifies the proposal to take action, authorizes the agency action, defines the range of alternatives and forms the basis to create a "No Action" alternative. The EA should identify the proponent agency mission or policy that needs to be fulfilled and why. It should clearly and concisely describe the goal, or objective of the proposal.

The EA presents a wordy and illogically circular picture of purpose and need that should be revised to clarify the need and present a clear purpose. Need is presented as an FAA requirement to respond to requests for modifying an operating certificate and funding of facility construction. The airlines are requesting the certificate modification. However, we are not told which agency has requested funding and through what federal process that funding may be provided.

Following the discussion of need and purpose the EA points to accommodating the proposed scheduled commercial air service as both a purpose and need. A need cannot be a purpose. A need is a requirement, necessary duty or obligation whereas a purpose is an intended desired result. As noted above, the reader is not told which agency has this need ... or purpose. It would seem accommodating scheduled air service is the cooperative purpose of Snohomish County, Paine Field and FAA.

The reader is still left wondering why here at Paine Field and why now. What is the need for expanding air operations at Paine Field at this time? Given the language of purpose and need in the EA and NEPA regulations and case-law, the actual need for this proposed action must involve an aspect of why the air carriers have selected Paine Field and why the air carriers believe now is the time to expand their operations. The notice of intent from Horizon Air provided in Appendix A¹ is insufficient for describing need; only one paragraph describing intent to initiate scheduled air service at Paine Field. The Appendix does not provide any equivalent letter from Allegiant Air.

On page A.2, the EA notes the applicant is not required to provide justification for wishing to serve a particular airport. The quotation from 49 USC 44705 identifies the responsibility of FAA in regards to the operating certificate, including the responsibility to specify the places to and from which and the airways over which a person may operate an air carrier. The EA has confused justification with rationale. A reasonable person would conclude that FAA, in evaluating safety of the airways and airport operations would become familiar with the underlying rationales and flight plans (i.e., needs and purposes) not to justify, but to evaluate a proposal to initiate scheduled service.

Then, in a final misunderstanding of needs and purposes, the EA concludes the FAA has a need to evaluate the proposals. Again, a need cannot be a purpose and vice versa. The two are mutually exclusive. The EA must be revised to clearly and concisely state the needs for and purposes of the proposed action.

Following this discussion is an additional discussion about Snohomish County and limited discretion to deny airline request to operate at Paine Field. This lead sentence is unsupported by the following discussion and has little to do with the previously discussed FAA action to evaluate and fund. There is no discussion about the role Snohomish County is playing in this proposed action other than the fact that Snohomish County owns the airport. There is no indication of what discretion Snohomish County does have. The context of this discussion seems to imply that Snohomish County has no responsibility to set reasonable terms such as explanatory rationale for proposals to operate or to discriminate among potential operators who may have not planned or prepared for their intended operations. Contrary to this implication, the grant assurance quotation about economic nondiscrimination says that Snohomish County will make the airport "available on reasonable terms without unjust discrimination." The grant assurances do not say Snohomish County has no discretion at all.

We do see, however, a situation in which there are a series of connected actions and action proponents that have not been adequately characterized by this EA. The intention to initiate scheduled air service by Allegiant Air and Horizon Air and the response by Paine Field, Snohomish County and FAA to fund and construct a terminal facility will have consequences. One consequence of the proposed evaluations,

¹ <http://www.paineairport.com/airserviceea.html#EA01>, accessed 1 Feb 10

approvals, modifications, funding and construction is an expansion of air operations and services at Paine Field. FAA appears to be the lead federal agency having NEPA responsibility and the proposed action appears to be broader than a simple ministerial action of approving applications. Snohomish County appears to be a cooperating agency. There must be some established operating organization between Snohomish County and Paine Field defining separation of responsibilities. This information needs to be presented in a clear and concise manner in this EA.

4 What other action(s) would meet the same need? (40 CFR 1502.14, 1508.25(b))

Yes, as noted in the EA, the "heart" of the NEPA process is the comparison and consideration of alternatives. Reasonable alternatives are those that meet the purpose and need, and achieve objectives. The Preferred Alternative is the option that is preferable to the decision maker. Chapter 2 should summarize the impacts assessed in Chapters 3, 4, etc. and compare the impacts caused by the alternatives.

Unfortunately, the confusion about need, purpose and action proponent and lack of understanding about discretionary authority in the previous section lead to an arbitrary set of alternatives with a capricious conclusion of reasonableness. The EA lists four action alternatives in addition to the no action alternative; one, allowance of the air service expansion is preferred, two involving other airports and aircraft are noted as not within purpose and need and the fourth is not reasonable because it's expensive.

- No Action Alternative. Page B.2 Carriers "[continue] to serve the region at their existing operational locations."
- The Preferred Alternative (Proposed Action or the Project). The proposed actions consist of: amending the operations specifications for Horizon Air and Allegiant Air; amending the Part 139 operating certificate for Paine Field; and providing for federal funding for the modular terminal building.
- Use of other airports. Instead of operating at Paine Field, the airlines operate at another airport in the region. (Identified as **not within purpose and need** pB.5 – but, it is embodied in the no action alternative if "other" airport includes Seatac and Bellingham.)
- Use of Other Aircraft. Instead of operating the Q400 and the MD83 (or CRJ700 substitute) aircraft, the operators use other aircraft. (identified as **not within purpose and need pB.5**)
- Construct a Large Permanent Terminal as Shown on the ALP. Construct a new passenger terminal the size and location as shown on the Airport Layout Plan (ALP). (identified as **not reasonable** pB.5)

The EA should be revised to present a rigorous range of alternatives, or the scope of the proposed action must be clarified to avoid capricious exclusion of alternatives. The following alternatives are suggested for inclusion in this EA:

- Variation in proposed number of operations to meet specified air operations and airfield safety standards or regional air traffic
- Variation in the proposed number of operations by air carrier falling within the carrier's rationale for expansion

This EA section refers to federal regulations for EISs to describe the function of the Alternatives section. The regulation cited is 40 CFR 1502.14, Alternatives including the proposed action. There are other requirements in this CFR section that are not met with this EA.

The EA does not summarize the environmental effects from the environmental consequences section to help decision makers evaluate the proposal. As required by 40 CFR 1502.14(b) the EA does not devote substantial treatment to each alternative considered in detail so that reviewers may evaluate their comparative merits. The EA may not require a comparison of environmental alternative effects, but it does require substantial treatment of the analyzed alternatives so that reviewers can evaluate the merits. This is a good place to summarize the reasons why the identified effects of the proposed action are not significant and why the analysis supports a FONSI. However, we cannot tell with the noted shortcomings of the proposed action, purpose and need and action proponent. Also, see further comments on each environmental resource section below.

To reasonably present an analysis of effect significance, the EA must be revised to address the items included in the CEQ's definition of significantly at 40 CFR 1508.27. Table 1 summarizes the requirement and how the EA should address the requirement.

Table 1 – Standards for determining significance

Reference/Topic	Standard	Conclusion from EA
<i>40 CFR 1508.27(b)</i>	<i>Agency needs to know</i>	<i>EA provides this information</i>
(1) Environmental effects	Are there beneficial or adverse effects on land, air, or water	No "significant" impact
(2) Public health or safety	Are there effects on public health or safety	No "significant" impact
(3) Unique characteristics of the area	Are there effects on historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, ecologically critical areas, etc.	No "significant" impact
(4) Controversy	Are the effects controversial	No "high" controversy
(5) Uncertainty	Are the effects uncertain, or do they involve unique or unknown risk	None
(6) Precedent	Will the action establish a precedent for future actions with significant effect; will the action represent a decision in principle about a future consideration	None
(7) Cumulative impact	Is the action related to other actions with individually insignificant impact but cumulatively significant impact	None
(8) Properties on or eligible for the National Register of Historic Places; significant resources	Will the action adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places; will the action cause the loss or destruction of significant scientific, cultural, or historical resources	No "significant" impact
(9) Endangered or threatened species; critical habitat	Will the action affect a listed species or critical habitat	None on listed species or critical habitat, or, if may affect, not likely to adversely affect
(10) Legal requirements for environmental protection	Will the action threaten a violation of Federal, State, or local law or requirement imposed for the protection of the environment	No "significant" impact

The EA appears to say that some alternatives are not discussed because they are not within the discretionary jurisdiction of the federal agency. Jurisdictional boundaries are not the delimiter of alternatives as clearly explained in 40 CFR 1502.14(c). Purposes and needs are the delimiters of the range of alternatives. See the Council on Environmental Quality (CEQ) Forty Most Asked Questions Concerning CEQ's NEPA Regulations. Question 1 Range of Alternatives.² This EA has not clearly established purposes and needs, thus the provided range of alternatives is unjustly constrained.

² <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>, accessed 1 Feb 10

The EA does not mention mitigation measures in this section. 40 CFR 1502.14(f) requires the inclusion of appropriate mitigation measures not already included in the proposed action or alternatives. For example, the traffic mitigation fees referenced in the traffic impact sections would fall within this definition.

The proposed number of operations are provided in the EA in Table B.2 under the no action and proposed action scenarios. No other environmental information is summarized here. This table includes a typographical error that should be corrected: Air Taxi under proposed action should be 2,883 rather than 2,833. Also, enplanement is jargon that needs to be replaced with another more generally understood term. Finally, the impact analysis should clarify why only enplanements and not deplanements are considered in the impact analysis. Has the impact analysis inadvertently halved the impact?

5 What factors will be used when making the decision between alternatives? (40 CFR 1502.23)

A discussion of decision factors relating the NEPA scope to the range of alternatives considered in the environmental analysis is usually needed for clarification. Also, purpose may be used as a selection criterion, making clear in Chapter 2 how it has been applied.

The EA should be revised to include a clear and concise discussion about the decisions to be made by the lead federal agency and cooperating agencies. There is some discussion about what is not required of the agency. However, the discretion of the agency is not discussed in any detail.

6 What would it mean not to meet the need? 1508.25(b)(1)

The No Action alternative describes the scenario of not meeting the need with the Preferred Alternative or [Action] Alternative. Many times, but not always, the No Action Alternative will be equivalent to the existing conditions.

The No Action alternative of continuing service as before without any change implies that a potential range of alternatives would include an expansion of service at existing airports and, perhaps, some variation on that theme. When the NEPA scope is established considering the three types of actions, alternatives and impacts, we see a requirement to consider additional alternatives. The consideration of connected actions demands that airport expansion is considered as part of the action scope. Expansion would then be considered against a backdrop of no expansion and/or expansion elsewhere and/or expansion in variation of numbers. This type of alternative range meets the needs ... or, purposes...of evaluating proposals for new scheduled operations against air safety, air operations and use of airways.

The EA must be revised to fill in the missing logical explanation about the change from existing conditions to the proposed action. The no action alternative is defined as conditions in the future with the two applicant air carriers operating with “existing operational locations.” This no action alternative suggests that action alternatives include operating at other operational locations or operating with a varying level of service at existing, proposed or other locations. We are missing a clear and concise statement of need and purpose, so we cannot identify a reasonable range of such alternatives and the no action appears “out of sync” with the preferred action.

7 What are the effects of the proposed action and alternative actions?³ (40 CFR 1508.25(c), 1508.8, 1502.16)

This information makes up the bulk of the Environmental Analysis and consists of a determination of level of effect. Chapter 2 should summarize the impacts assessed in Chapters 3, 4, etc. and compare the impacts caused by the alternatives. During preliminary/internal scoping, identify major environmental issues expected to drive analysis and potential controversy.

The Affected Environment section should be revised to use the airport influence area as the sole definition of affected area. As written, the airport influence area is used for noise and traffic; whereas for other resources the construction site is used as a definition of affected area. This conflicting use of

³ 40 CFR 1508.25(c), 1508.8, 1502.16

affected area does not work well with some resources such as coastal resources or aquatic resources that would fall within the airport influence area, but that would not be found at the construction site. The result of expanding operations could cause an indirect environmental effect on endangered salmon if there is a salmon stream found within the airport influence area. However, the EA fails to recognize this potential.

The preliminary text indicates that farmlands and wild and scenic rivers are excluded from further analysis and provides rationale. There is no further discussion about potentially significant issues, failing to meet the general NEPA requirement of focusing on issues relevant to decisions to be made and presenting an analytic rather than encyclopedic analysis.

This EA fails on several occasions to present support for the conclusions of non significance. Frequently, the relative terms "minor," "slight," etc. are used as a basis for conclusion of significance. There is very little quantitative analysis included in the EA. Thus, a reasonable person may disagree that the level of effect characterized as "slight" by the EA without quantitative support may exceed a threshold of significance. That is, the EA is not credible.

Table 2, below, summarizes in a straight forward manner the impact analysis in the EA including environmental resource, the level of effect and evidence for concluding the level of effect is not significant. In some cases, there is no or zero effect. Zero effect is clearly not significant. However, the effect may be zero only when shown with fact that it indeed will be zero. When the effect changes in any way, the EA has a responsibility to explain whether the effect is significant.

Each of the cells in Table 2 should present information for each potentially affected environmental resource row. The EA should be revised to present conclusions and supporting evidence for those conclusions for every potentially affected environmental resource. Where a resource is not potentially affected, this should be clearly explained. The EA should also be revised to address the specific comments the fifth column of Table 2.

Table 3 presents itemized comments on the EA. The EA authors should address and respond to these comments.

8 Are there ways to mitigate the adverse effects? (40 CFR 1508.25(b)(3), 1508.20, 1508.2(e))

If "mitigation" is part of the proposal, or part of an alternative, it is already accounted for in the proposal or alternative. Only "mitigation" that is optional above and beyond the proposal or alternative is to be considered here. "Mitigation" can be considered an "alternative" that must be considered apart from the proposal or other alternatives.

The EA fails to clearly discuss mitigation. The traffic section discusses mitigation fees, but does not explain how this works or who pays these fees. The EA should be revised to clarify this and present the mitigation requirement as an important commitment for decision maker review and consideration.

9 What monitoring is necessary that is not included in the proposed action or alternative(s) action? (40 CFR 1505.3, 1505.2(c))

At the time of decision, a monitoring and enforcement program must be considered where applicable for any mitigation. Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. The EA does not discuss monitoring.

Table 2. Conclusions of non-significance, level of effect and supporting evidence (a.k.a reasons) found in the EA for Amendment to the Operations Specifications for Air Carrier Operations, Amendment to a FAR Part 139 Certificate, and Modification of the Terminal Building Payne Field, Mukilteo, WA, Public Review Draft. December 2009

Environmental element		Level of effect	Supporting evidence	Comments
Ecological Breakdown	Corresponding EA Section			
Terrestrial biology	Section Fish, Wildlife and Plants	Page D.13 No significant adverse effect <ul style="list-style-type: none"> No effect on fish, wildlife or plants Will not affect nearby open area 	Page D.13 <ul style="list-style-type: none"> Slight increase in impervious area 	<i>No analysis, no supporting evidence for conclusions</i> <i>An environmental effect (increase in impervious area) is inappropriately used as supporting evidence.</i>
Avian biology	Section Fish, Wildlife and Plants			<i>No conclusion, no analysis</i> <i>Term “bird” mentioned only once in document – Page C.6</i> <i>Snohomish Comprehensive plan discourages land use near airport that attracts birds. Letter from NRCS identifies new construction at airport as potential bird attractant.</i> <i>Issues not discussed:</i> <ul style="list-style-type: none"> <i>Migratory Bird Treaty Act</i> <i>Bird aircraft strike hazards</i>
Aquatic biology				<i>No conclusion, no analysis</i> <i>See runoff in WQ pD.33 and wetland discussion in Wetlands pD.34</i>
Threatened and Endangered	Section Fish, Wildlife and Plants		Page D.13 <ul style="list-style-type: none"> No protected species are known to be permanent residents of the airport No critical habitat or state listed priority habitats occur on the airport. 	<i>No conclusion with irrelevant rationale. Threshold for ESA is “effect.” Threshold for EA/FONSI is no significant effect. State listed species not applicable to federal action.</i> <i>Critical habitat is associated with a listed species. Other potentially</i>

Environmental element		Level of effect	Supporting evidence	Comments
Ecological Breakdown	Corresponding EA Section			
				<i>present species not identified. USFWS correspondence misunderstood.</i>
Wetlands	Wetlands	Page D.34 Will not impact wetlands or wetland mitigation bank. <ul style="list-style-type: none"> is not expected to result in impacts to this, or any, wetland. 	<ul style="list-style-type: none"> The closest wetland to the proposed terminal expansion is Wetland A Critical Areas Study identifies no wetlands that would be impacted 	<i>Critical areas study is not provided or cited and data is not summarized. Master Drainage Plan not provided or cited and data is not summarized. Wetland banks named, but with no further reference</i>
Air Quality	Air Quality	D.2 would be de minimis not require a conformity determination <ul style="list-style-type: none"> increase emissions relative to the No Action 	<ul style="list-style-type: none"> Minimized with Snohomish County BMPs which further identify industry standard BMPs Table D.6 "shows that the project-related emissions would be below the Clean Air Act defined de-minimis threshold, and thus the planned actions do not require a conformity determination." 	<i>No analysis in the EA. Actually, Table D.6 just says "yes" or "no" as to whether the emissions are below de minimis. Cites Synergy Consultants, but no reference otherwise (may be in the appendix).</i>
Water Quality	Water Quality	Page D.33 no alt would adversely affect the water quality of surface water resources, stormwater runoff, sanitary wastewater, or groundwater resources	<ul style="list-style-type: none"> very small increase in impervious surface 1,000 sf no maintenance no washing use approved de-icing pad infiltration to aquifer (-200ft) considered unlikely 	<i>CEQ regulations do not differentiate between adverse and positive impacts. Adverse effect is irrelevant to significance of effect. Agree 1000 sf may be insignificant, but no information is provided on capacity of utility system to handle runoff (see below)</i>

Environmental element		Level of effect	Supporting evidence	Comments
Ecological Breakdown	Corresponding EA Section			
Shorelines	Coastal Resources	D.9 No action alt will not affect coastal resources	<ul style="list-style-type: none"> Airport is not located within a shoreline of the state County will apply for CZMA Cert from WA Ecology State checklist and EA will be sent to Ecology 	<p><i>Location within the shoreline of the state is not a criterion for affecting the coastal zone. There is no discussion about effects of proposed action on the coastal zone</i></p> <p><i>Affected area could include airport influence area which does extend to the shoreline</i></p> <p><i>What about runoff that may affect freshwater streams that then indirectly affect anadromous fisheries or Puget Sound water quality?</i></p>
Noise	Noise and Compatible Land Use	D.18 <ul style="list-style-type: none"> 65 DNL remains within airport property no anticipated 1.5 DNL noise increases of noise sensitive land uses within the 65 DNL 		<i>No conclusion about significance</i>
Transportation	Surface Transportation	D.31 <ul style="list-style-type: none"> No action no effect on surface transportation Action no intersections will change from acceptable to deficient level of service 956 daily (212 PM) trips added 	<ul style="list-style-type: none"> Trips added to intersections that will be deficient anyway Mitigation through mitigation fees 	<i>Interesting appendix with a well done traffic survey. The survey is not summarized in the EA. The EA is unclear how the intersections LOS changes and how the mitigation applies.</i>
Sociology	Socioeconomic Environment, Environmental Justice, Children's Environmental Health and Safety Risks	Page D.29 would not be any significant changes to the socioeconomic environment <ul style="list-style-type: none"> Page D.30 increased number of jobs Page D.30 slight 	<ul style="list-style-type: none"> Takes place entirely on airport property Does not require any changes or improvements to roads or intersections in the vicinity of the Airport. 	<i>Increased jobs and business are not quantified and evaluated as to potential significance. The conclusions of significance are not paralleled with level of effect discussion.</i>

Environmental element		Level of effect	Supporting evidence	Comments
Ecological Breakdown	Corresponding EA Section			
		increase in business	<ul style="list-style-type: none"> No relocations are required No disproportionate impacts to children, or low income or minority population groups are anticipated. 	
Health and Safety	Socioeconomic Environment, Environmental Justice, Children's Environmental Health and Safety Risks	Page D. 29 would not be any significant changes to the socioeconomic environment	<ul style="list-style-type: none"> entirely on airport property does not require any changes or improvements to roads or intersections in the vicinity of the Airport. 	<i>The "socioeconomic environment" is undefined. TOC fails to include entire section title in affected environment portion.</i>
Schools and Child Protection	Socioeconomic Environment, Environmental Justice, Children's Environmental Health and Safety Risks	Page D. 29 would not be any significant changes to the socioeconomic environment	<ul style="list-style-type: none"> No schools within close proximity Well outside 65 DNL No property acquisition not expected to significantly affect products or substances that a child is likely to come in contact with or ingest, such as air, food, drinking water, recreational waters or soil. 	<i>See HM Effect on schools not stated. Stating an effect is not significant does not constitute an assessment of level of effect.</i>
Environmental Justice	Socioeconomic Environment, Environmental Justice, Children's Environmental Health and Safety Risks	Page D.30 no significant negative (or otherwise disproportionate) impacts to any special population groups	<ul style="list-style-type: none"> No land acquisition No significant changes and no road improvements 65 DNL remains on airport property 	<i>Affected area section indicates "no known special population groups within the project area." The use of the term "no known" indicates lack of information. CEQ regulations provide specific steps to take in response to incomplete or unavailable information. (40 CFR 1502.22)</i>
Economy		D.30 not significantly change the socioeconomic environment <ul style="list-style-type: none"> D.29 a slight increase in business and economic activity at the Airport 	<ul style="list-style-type: none"> No homes or businesses on airport property No property acquisition 	<i>The EA identifies an Additional 27 employees Page B.7 "This demand would generate the need for six to ten additional airline employees, several which may be contracted from existing Fixed</i>

Environmental element		Level of effect	Supporting evidence	Comments
Ecological Breakdown	Corresponding EA Section			
		<p>and along Airport Road that could be attributed to the provision of commercial service.</p> <ul style="list-style-type: none"> • D.30 slight increase in business • Increase in vehicular traffic • No major shifts in public demand or economic demand • D.36, Cumulative section “acceleration in economic growth is expected, however, cumulative socioeconomic impacts as a result of the planned developments are expected to be positive. 		<p><i>Base Operators. An additional seventeen employees; including TSA employees, security, rental car and maintenance workers are anticipated. Employees would also use the existing on-airport parking.”</i> <i>Page D.15 refers to “additional airport employees” re waste generation</i></p> <p><i>Why is this change not significant?</i></p>
??	Secondary (Induced) Impacts			<i>Secondary impacts are typically considered as “indirect” impacts within each impact section.</i>
Land Use	Compatible Land Uses	<ul style="list-style-type: none"> • Page D.10 no anticipated impacts or changes 	<ul style="list-style-type: none"> • 65 DNL remains on airport property – see noise section 	<p><i>Conclusion not supported (CZMA included in land use).</i></p> <p><i>Page D.9 “...development on the Airport is not subject to the requirement for a shoreline substantial development permit (see email from Tom Barnett, Principal Economic Development Officer for Snohomish County in Appendix C.)”</i></p> <p><i>The substantial development</i></p>

Environmental element		Level of effect	Supporting evidence	Comments
Ecological Breakdown	Corresponding EA Section			
				<p><i>permit is a requirement of the Shoreline Management Act for public(state and municipal) and private developers when there is a potential effect to the state's shorelines.</i></p> <p><i>Although SMA is an enforceable policy under CZMA, only the consistency requirements are applicable to federal agencies. Therefore, although the statement is true, it is irrelevant if the FAA is the action proponent.</i></p> <p><i>Also, what expertise or authority does the Snohomish Principal Economic Development Officer have to speak for federal CZMA compliance or County SMA compliance?</i></p>
Utilities	Natural Resources, Energy Supply and Sustainable Design	<p>Page D.17 No significant impacts to natural resources or energy supply</p> <ul style="list-style-type: none"> • Minor increase in fuel consumption for construction • Additional heating and cooling • Increase in fuel for aircraft and GSE • Increase in VMT 4.1M in 2011 and 5.2M in 2016 	<ul style="list-style-type: none"> • Not expected to be significant • Not change or alter energy use 	<p><i>Conclusion not supported.</i></p> <p><i>Estimated VMT gallons for 2011 at 4.2 million gallons with a rate of use of 25 mpg are about\$492,000 for 164,000 gallons of gas. No other data shown.</i></p> <p><i>Acknowledged changes in energy and fuel use are not analyzed for significance.</i></p>
HM/HW	Hazardous Materials and Wastes	Page D.14 no significant impacts regarding hazardous waste, pollution prevention or solid waste.	<ul style="list-style-type: none"> • Proper airfield procedures • A plan is in place to reduce likelihood of spill 	<p><i>Conclusion not supported.</i></p> <p><i>How do existing procedures protect from potential spills under</i></p>

Environmental element		Level of effect	Supporting evidence	Comments
Ecological Breakdown	Corresponding EA Section			
		<ul style="list-style-type: none"> Increase in aircraft fueling Increases in solid wastes can be expected 	<ul style="list-style-type: none"> Response plan NPDES permit in place No demolition, so minimal and not expected to exceed capacity of local disposal facilities 	<i>an increased fueling and increased solid waste scenario?</i>
Aesthetics	Light Emissions and Visual Environment	D.16 <ul style="list-style-type: none"> Slight change to light environment No significant impacts Alter visual environment 	<ul style="list-style-type: none"> Increased lighting at new terminal Existing “mostly industrial land use” Changes in keeping with existing visual setting Aircraft would not be substantially distinguishable from other types of aircraft 	<i>Conclusion of significance supported.</i>
Historic/Archeology	Historical, Architectural, Archeological, and Cultural Resources	Page D.15 FAA determined no affect (sic) historical, architectural, archeological or cultural resources (Appendix check may not have actually said no effect)	<ul style="list-style-type: none"> No eligible properties 	<p><i>Here, FAA has taken the responsibility for action as the federal lead agency.</i></p> <p><i>The FAA has consulted, with the Washington Department of Archaeology and Historic Preservation (DAHP) pursuant to Section 106 of the NHPA. They have also consulted with the Stillaquamish Reservation, Sauk-Suiattle Tribal Council, and the Tulalip Reservation in accordance with the Executive Order on Tribal Consultation. The DAHP has concurred with the FAA determination of no historic properties affected and no responses have been received from the tribes to date. See Appendix J and N.</i></p>

Environmental element		Level of effect	Supporting evidence	Comments
Ecological Breakdown	Corresponding EA Section			
Cumulative	Cumulative Impacts	<p>D.36</p> <ul style="list-style-type: none"> Some acceleration in economic growth is expected Roadway improvements and area developments will not combine to create a significant impact not cumulatively or significantly increase noise in the area or impact areas of historic, biotic, hydrological, or other environmental significance. Therefore, neither the No Action nor the Preferred Alternative would result in any significant adverse impacts at or in the vicinity of the Snohomish County Airport/Paine Field when considered cumulatively with other past, present or reasonably foreseeable projects 	<ul style="list-style-type: none"> Not result in significant changes to general aviation, air taxi, or military ...ops Airport TSA rules will limit access to the airfield Cumulative socio impacts are expected to be positive 	<p><i>(see also Socio)</i> <i>Cumulative impact analysis falls short of the CEQ guidance. A listing of actions is not an analysis.</i></p> <p><i>First use of TSA rules without preliminary explanation.</i></p> <p><i>Expectation of positive impacts is not evidence of non significance. CEQ regulations make no distinction between positive and negative effects.</i></p>
	Floodplains	<p>D.14</p> <ul style="list-style-type: none"> Not expected to adversely impact floodplains 	<ul style="list-style-type: none"> FEMA outside 500-year floodplain 	<p><i>This is enough to exclude this section from discussion as was scenic rivers.</i></p>
	Construction Impacts	<p>D.10</p> <ul style="list-style-type: none"> No action – no permanent construction 	<ul style="list-style-type: none"> Less than 90 days Compliance with FAA construction guidance 	<p><i>New impact section on page D.10 not reflected in existing environment</i></p>

Environmental element		Level of effect	Supporting evidence	Comments
Ecological Breakdown	Corresponding EA Section			
		impacts <ul style="list-style-type: none"> • Temporary and not exceed the thresholds of significance • Traffic patterns altered • Any others minimized by BMPs 	<ul style="list-style-type: none"> • Final plans not developed, but would include stormwater runoff , waste, and traffic alterations • Prevent or minimize release • Sediment and erosion might include detention, etc. 	<i>Cannot conclude significance if final plans are not developed or specific mitigation commitments are made in the EA. That is, one may not conclude non significance with unresolved scope issues.</i>
	DOT Act 4(f)	D.12 No effect action/no action <ul style="list-style-type: none"> • Two parks within one mile of project area 	<ul style="list-style-type: none"> • No known 4(f) resources in the project area • The 65 DNL noise contour does not encompass Kasch Park or Walter E. Hall Park 	<i>State Recreation and Conservation Office (RCO) is reviewing EA. Will they have any comments? One may not conclude non significance with unresolved scope issues.</i>
Emergency Services				<i>Not addressed</i>
Greenhouse Gasses				<i>Not addressed</i>

Table 3 – Itemized comments on the EA for Amendment to the Operations Specifications for Air Carrier Operations, Amendment to a FAR Part 139 Certificate, and Modification of the Terminal Building. Paine Field, Mukilteo, WA, Public Review Draft. December 2009

ID	Location	Comment	Response
1	Cover pages	No indication of the lead agency, federal official or federal contact person. Implies lack of FAA involvement. See Order 1051 Chapter 4 EA's. See also 1051 405a in which the cover page is specified and no reference to federal contact person is mentioned.	
2	Cover	No indication of commenting address/location.	
3	Page A.1, Introduction	<p>“This Environmental Assessment (EA) was prepared to comply with the requirement of the National Environmental Policy Act of 1969 (NEPA) for all federal actions associated with the scheduled commercial passenger service.”</p> <p>Statement establishes that all federal actions are included in the scope of this proposed action/NEPA document. Association with the “scheduled commercial passenger service” is not clear. As written, this implies that there is a passenger service that is already set in motion and scheduled, thus potentially an irretrievable action causing environmental effect. Also potentially biasing FAA decision making on the “allowance” of commercial passenger service as indicated in the proposed action statements (see NEPA specific comments above).</p>	
4	Purpose and Need	<p>P&N unclear, especially with regard to allowance of scheduled commercial air traffic and construction of the modular facility.</p> <p>See 1051 405c: “This discussion identifies the problem facing the proponent (that is, the need for an action), the purpose of the action (that is, the proposed solution to the problem), and the proposed timeframe for implementing the action. The purpose and need for the proposed action must be clearly justified and stated in terms that are understandable to individuals who are not familiar with aviation or commercial aerospace activities. To provide context while keeping this section of the EA brief, FAA may incorporate any supporting data, inventories, assessments, analyses, or studies by reference.</p>	
5	Purpose and Need	If “evaluation” only is purpose, then why consider noise impacts? Thus, by considering noise impacts, the action includes increase in air traffic frequency, type and subsequent noise.	
6	Range of Alternatives page B.1	In for a dime, in for a dollar: Citing EIS regulation at 1502.14...Chapter 2 is the heart “The Council on Environmental Quality (CEQ) Regulations1 state that the alternatives section is the heart of the environmental document.”	

ID	Location	Comment	Response
		<p>This regulation applies to EIS's and this is an EA. That's not a problem, but if you're making a big deal of complying with something in the regulations in excess of the EA requirements, then you've broached the issue and need to carry compliance to completion within context. This citation would better be the NEPA Law [Sect 102(E)] via EA definition at 1508.9.</p> <p>The context of the EA paragraph suggests that they're fully disclosing the NEPA scope. Scope is defined at 1508.25, and includes the full range of Actions, Alternatives and Impacts. Actions and alternatives are discussed in Chapter 2 while impacts are discussed in chapter 3/4. I'd say this section is short on actions and alternatives. Also, it does not compare alternatives other than the no action with the proposed. While not required of an EA, going into EIS requirements begs the question.</p> <p>See also 1507.2(d) regarding environmental alternatives regarding unresolved conflicts concerning use of available resources.</p> <p>Paragraph also quotes from 1502.14(a) and, later, complies with 1502.14(d) no action and (e) id preferred, but may not hit these other 1502.14 sections:</p> <p>(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.</p> <p>(c) Include reasonable alternatives not within the jurisdiction of the lead agency.</p> <p>(f) Include appropriate mitigation measures not already included in the proposed action or alternatives.</p>	
7	Page B.2	<p>No citation, no reference. Reviewers need to see this initial review.</p> <p>"An initial review of the broad range of alternatives was conducted through these categories to identify those alternatives that are considered reasonable."</p>	
8	Page B.2	Inaccurate description for no action.	

ID	Location	Comment	Response
		<p>“The No Action, when compared with another alternative, enables the identification of the probable impact...”</p> <p>Not true. No action allows a determination of difference between impacts of no action vs impacts of proposed action.</p>	
8	B.2	<p>Concern...action/no action out of sync</p> <p>if no action is to continue regional service of the air carriers at existing locations, then action is to establish a modified or changed regional service.</p> <p>On the other hand if the action is to issue, issue, approve, approve, then the no action is don't issue, don't issue, don't approve, don't approve.</p> <p>If this means continuing the existing, then we could consider the modification resulting from the issue, issue, approve, approve action.</p>	
10	Table B.1, pB.3	Incorrect total for 2016 total operations. I calculate 162,468 vice 162,418.	
	Table B.2	How was the total enplanements calculated? Hirsch memorandum, Appendix K, is cited on table, but no information on basis. I calculate different numbers based on number of flights and estimated loading.	
11	pB.3, footnote	Change “affects” to “effects.” Run-on sentence, revise.	
12	pB.4 first paragraph	<p>The term “enplanement” is jargon. Although parenthetical explanation is given in this paragraph at the end, it does not clearly indicate how many people are moving to and from the airport. Clarify.</p> <p>If it means to board an airplane, then that's only half of the function that should be analyzed. Both “enplanements” and “deplanements” should be analyzed. That is, people departing and arriving at the Paine Field terminal. This change would affect the entire impact analysis.</p> <p>The carrier will not “dead head” aircraft into Paine Field.</p>	
	pB.4	<p>Other airports...if airport selection is unrestricted and issuance of licenses is based only on safety, then why conduct traffic and noise analysis? Solely on basis of safety? How/where do environmental issues come into play?</p> <p>Use of other airports in no action...only back to unchanged condition.</p>	

ID	Location	Comment	Response
		How about variation of the mix...say AA only , HA only? Say, reduction of number of flights?	
13	pB.5	<p>All alternatives are either not within P&N or unreasonable. There must be some alternative that is within P&N. There is no discussion about how there are no unresolved conflicting use of environmental resources.</p> <p>Alternative build a large terminal is confusing. Aren't a certain number of ops associated with this terminal? Of course, it's not a good idea to just build a large terminal. But, does this EA disagree with the Airport planning that envisioned an increase in enplanements? Don't get it.</p>	
14	pB.4 and B.6	<p>Satisfaction of environmental issues is indicated here as a criterion with satisfaction of safety and operational issues. Is this satisfaction a criterion of purpose? Where do we find this criterion imposed? Are these criteria purpose criteria? Not clear.</p> <p>How do safety, operations and environmental issues enter into the alternatives? If these are purpose factors, then meeting safety criteria in different ways, for example, may offer variations in environmental effects. However, we're not apprised of safety and operational factors or standards.</p>	
15	General	<p>Suggested alternatives</p> <ul style="list-style-type: none"> - Service level variation from the proposed (even though not within jurisdiction, it does meet purpose and need and is provided for in regulations (see comment 6 re 1502.14(c)). This could be either a variation in air ops or variation in carrier (e.g. Horizon alone and/or Allegiant alone) - ? see comment 16 – why increase occurs only at PAE <ul style="list-style-type: none"> Increase at SEA Increase at BLI Both SEA - BLI 	
16	B.6	<p>Preferred described again. See spreadsheet where numbers were checked.</p>	
	B.7	<p>TSA spell out first use; next use is on D.36 where it is spelled out and TSA rules are referenced indirectly</p>	
17	General	<p>Deregulation means the feds do not regulate which airport a carrier</p>	

ID	Location	Comment	Response
		uses. Thus, the action of a carrier deciding to use a particular public airfield is not regulated. If FAA takes over all environmental review of this action, then FAA must also take on the regulatory power of whether or not to expand facilities and ops at this particular field at this time. If it were a private entity taking on this action, then the SEPA would be triggered. But, here FAA takes it all. There's a lost portion of how environmental regulations play into the decision to expand operations at Paine Field.	
18	General	<p>Proposed action is not structured properly. Based on needs, the proposed action would be review and approval of cert mods and funding of fac expansion. Cert mods, however, lead to ops and fac expansions. Also, EA analyzes noise changes from ops changes. However, the proposed action does not include ops expansion.</p> <p>Proposed action is actually expanded facilities and supporting ops.</p> <p>Alts to this would address variations in ops/facs sizes, configurations, locations (note, that the airfield planning documentation has been identified as premature (essentially bogus) and, thus, not worthy of analysis. If the airfield issued a land use plan, they cannot now turn around and say it's bogus and unreasonable. But, PAE will continue to show it as an expansion site. Can't have it both ways!</p>	
19	Question	Any change to flight path into/out of airport? Who does ATC?	
20		The deregulation says FAA cannot use airport regulations to regulate the carrier, it does not say it cannot regulate at all. NEPA offers additional considerations that may result in a regulation or temperance of action. See the law for this philosophy. See the regulations for how to do this. It's a connected action to increase ops/facs at airport.	
21	pA.1	<p>Spell out FAR...confusion with federal acquisition regulations. Also, include CFR citation.</p> <p>What does this amendment say, exactly? Not reported in EA.</p>	
22	pA.2	Maybe not justification, but rationale for properly and adequately equipped would figure into approval, if the cert as quoted 2) specify the places where the carrier goes. Are there any prohibitions for good sense regional air planning?	
	C.3	<p>Term "project area" is used here and throughout. It is finally defined at page c.24 and may be in conflict with Airport Influence Area (AIA)</p> <p>Here the term relates to the exclusion of farmland and wild rivers</p> <p>C.12 section 4(f)</p>	

ID	Location	Comment	Response
		C.12 critical habitat "Paine Open Space" C.14 floodplain C.19 EJ C.20 schools C.24 intro defines project area as actual construction footprint D.12 f(f) D.13 critical habitat D.14 floodplain D.30 childrens D.37 cumulative	
	C.6 D.33	AIA – Snohomish comp plan defines as potential land use interaction area in Land use and zoning See also traffic where the phrase is used to define interlocal traffic agreements intersection with action	
23	C.6	Airport area of influence goes to Puget Sound shoreline. Does this trigger SMA or cause the action to potentially affect the shoreline as defined within 200 feet of the OWM? Land uses are influenced by or influence the airport ops. Discourage land uses that attract birds, create visual hazards, or otherwise conflict with air traffic. Thus, requiring full planning and alternatives rationale per 4(f)	
24	C.9	So, what does GMA have to do with a federal action? What's the trigger, what is the consequence?	
25	C.10	Land use maps do not provide coverage over the entire area of influence. C1 is different scale than C3, C4 and C5 -	
26	C.12	Section 4(f). Include shorelines of Puget Sound to the west as they are included in the airport influence area. Thus, triggering full alternatives analysis.	
27	C.12	ESA requires federal agencies to examine "effect" not "adverse effect" on listed species...and consult with resource agencies.	
28	C.12	USFWS/NOAA definitions of endangered and threatened are of no consequence. What is of consequence is what the action proponent do in compliance with ESA. 1 identify listed species, 2 determine level of effect, 3 consult and demonstrate compliance.	
29	C.12	Species of concern are not of concern to this federal action unless FAA regulations indicate they are.	
30	C.12	T/E section only reports USFWS onsite observations of birds; does not relate potential of presence nor the marine species.	
	C.12	Critical habitat is in the T/E section, but used in reference to "Paine	

ID	Location	Comment	Response
		Open Space" 1,200 feet north of terminal	
31	C.15	Check 106 verbiage requirements	
32	C.15	Historical review did not find any "historic" properties on airport property...a review of "49" listed properties was mentioned but not provided as a citation...not supported	
	C.16	Natural resource extractive activities...you mean mining?	
33	General	Hours of operations not mentioned	
34	General	Flight patterns not mentioned	
35	C.19	Review of population data in passive voice without citation. Not known who, what, when, how why...unsupported conclusion of no known special population groups. Existing conditions are not capable of identify disproportionate aggregation of special group	
36	C.20	The phrase "project area" is used with varying degree of encompassment. Check this throughout.	
37	C.20	Points to a more comprehensive inventory of roads in a Snohomish document in an appendix, but does not say how that affects the existing conditions or this EA.	
38	C.21	Dominant water feature is Pacific Ocean and Puget Sound. So the implied area of effect extends here to the Pacific Ocean. See other comments about SMA and shorelines and alternatives page c.12	
39	C.23	Wetland compensation banks mentioned without citation.	
40	D.1	Off airport related impacts included at random...no rationale again, passive voice "it is recognized"	
41	D.2	Table D.1 footnote in conflict with ops data indicating commercial air traffic. This may reflect differently in air quality calcs. Surface travel, VMT is most certainly affected here. People arriving to depart, arriving to pickup arrivals, workers.	
42	D.5	Table D.5 shows zero for VMT. Disagree; should include VMT as there are existing and new vehicles associated with existing ops and proposed ops. Unrealistic to leave as is.	
43	D	Section apparently uses "initiation of commercial air service" as the action. However, table B.1 shows existing ops include air carrier and air taxi. Are these operations non-commercial?	
44	B.3	No characterization of existing air operations at Paine Field. Only table B.1 that shows number of ops. Need information on type of aircraft. FAA needs to know what's going on now and how that might change with the new ops. Not sure if the change to be analyzed in the introduction of scheduled commercial air traffic or just commercial air	

ID	Location	Comment	Response
		traffic. Air quality effects analysis depends on this. Also noise impact analysis depends on this.	
	D.3	APU used in table D.1 undefined and contributory to air impacts D.7 APU contributory to emissions	
	D.6	GSE spell out first use. GSE is noted as something that the additional air ops would require. However, what/how much has not been established in section C. D. 7, GSE is used as contributing to air quality emissions. D.17 GSE is spelled out as related to increased fuel consumption	
45	D.7	Mitigation is technically not required... passive voice, by whom, for what...so what. Mitigation may be feasible, however. Need to clarify this.	
46		Construction hours?	
47	D.8 Table D.6	What is the source of the CO deminimis level of 100 tons/year? Not just who provided the number, but where does it come from?	
48	D9	Item 1, should state it is the responsibility of the federal agency to be consistent with the enforceable policies of the state. The second is the responsibility of regulatory agencies.	Check Subsections of CZMA to see if the second part D stuff is for federal license issuance
49	D9	Airport is not shoreline, but affected area is shoreline.	
50	D9	Who is the AP and what are the jurisdictional boundaries on this thing. This section suggests that this is a Snohomish County action. Why would Snohomish County apply for a CZMA cert from State? Consistency with state enforceable policies not addressed...this is confusing.	
51	D10	No land use effects concluded because of not within 65 db. Does not involve approach departure paths and potential changes to this. I'd like to see the noise analysis.	
	D10	Threshold of significance used in reference to	
52	D12	No known 4f resources in the project area...unsupported	
53	D13	Conclusion/summary statement illogical – cannot conclude no effect on all fish/wildlife if no permanent residents or critical habitat of listed species or state priority habitats only. What about MMBTA. What about bird strike hazards?	
54	D13	FAILS TO COMPLY WITH ESA, NO ESA DETERMINATION REFERENCED OR MADE IN THE TEXT. INFORMATION PROVIDED IS INACCURATE AND A MISREPRESENTATION OF USFWS RESPONSE: "THE USFWS DID NOT PROVIDE PROJECT SPECIFIC INFORMATION, BUT RATHER REFERRED TO THE SPECIES LIST FOR SNOHOMISH COUNTY AND THE WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITAT	

ID	Location	Comment	Response
		and Species Program for use in making an effect determination.” Actually USFWS letter tells them to look online for species list and also refers them to the local biologist for support, not for a determination.	
55	D13	Construction will not affect the Paine Field Open Space...then paragraph moves into a discussion of runoff and impervious spaces, misplaced...AND ... indicates a 1000 sf increase in impervious space. I thought it was all over pavement...what’s going on?	
56	D14	Unsupported fish/wildlife conclusion	
57	D15	HM section in entirety is unsupported...some effect noted but level of effect is not identified and not considered how that level is not significant.	
58	D15	Cultural summary – change “no affect” to “no effect.”	
59	D15	Note that FAA consulted with SHPO, but CZMA compliance is identified as a SnoCounty responsibility. Again, jurisdictional confusion reigns.	
60	D17	“minor” changes unsupported	
61	D17	Increase in VMT numbered but not analyzed, unsupported non significance	
62	D17	Comparison with no action not conducted since no action is said to have no change...there is no comparison presented similar to number of operations	
63	D19	Are table D7 and D8 simply reproductions of tables; but primary column has been renamed to Aircraft Types??? Typo in air taxi 2016 does not reappear here. Sources cited for two tables (B1 - D7 and B2 – D8) vary...credibility issue.	
64	D19	Table D8 says preferred alt while table B2 says proposed action	
65	D.23, Figs D3-6	Noise diagrams are meaningless...see extracted zoom shots	
66	D.27	First spelling of FAR on this page...move to front/first use.	
	D.27, Fig D-7	Land use compatibility matrix unclear about what it says and what conclusions are based on the matrix. No explanatory text. Title unclear about data.	
	D.27, Second para	FAA regulations...where, which regulations? “are considered significant” by whom and how? No citation or reference and in passive voice. See, for example, http://www.plainlanguage.gov/howto/guidelines/bigdoc/fullbigdoc.doc . Note: plainlanguage.gov space is provided by FAA	
	D.27, Third para	Subject verb misaligned	
	D.27, last para	Unsupported conclusion re significance	
	D.29	Secondary impacts section is replete with unsupported conclusions, lack of analysis – how can significance be determined?	

ID	Location	Comment	Response
	D.30, socio	Unsupported conclusion...re significance and no major shifts in public demand expected	
	D.31 first para	Vague...deficient level of service? Acceptable level of service? What is that?	
	D.31 first para	No action has no traffic effects? Cannot be true since a traffic change is associated with number of ops and number of ops will grow by 5% in 2010 and 8% by 2016. The proposed action ups the annual rate of operations change to 8% in 2010 and 10% in 2016. Need better analysis of traffic. When daily trips are considered, one would apply a certain rate of "enplanements" which is not discussed in the EA and apply that to the traffic situation. Thus, we have a potential of an additional 326 deplanements daily in 2010 and an additional 672 deplanements in 2016. This does not account for the number of people arriving to get on a plane. Last sentence is meaningless...Mitigation is the responsibility of Snohomish DOT agreements? How will this mitigation work? What reduction in anticipated elevations will it cause?	
	General	Analysis appears to be contained within the appendices. Data, methodology and conclusions not presented in EA	
	D.31	Env Consequenses. What year?	
	D.32, last para	Conclusion of not significant unsupported. Requirement for mitigation unclear...why under jurisdiction of FAA is required to comply with state/local traffic requirements?	
	D.33	Within influence area used here	
		Mitigation fee is 333K over 3M project is 11% of total project cost. Looks significant to me.	
	D.33	No action, no effect on WQ...inaccurate	
	D.34	Action significance conclusion unsupported	
	E.1	Preparers quals not included per 1502.17	
	General	No literature cited	
	Appendix A	Letters from Allegiant Air with indication of starting air service, estimated number of departures and personnel; no traffic estimates	
	Appendix B	Jun 09 Barnard Dunkelberg ltr indicates BD is working for Snohomish County; request to ATC if any issues are assoc with planned departures per day Jun 22 BD ltr to EPA same boilerplate	

ID	Location	Comment	Response
		<p>Jun 22 BD ltr to FAA Cayla Morgan; asks for copy of letter sent to agencies for coordination???</p> <p>Jun 22 BD ltr to USFWS asking if they know of any listed spp that would be adversely impacted...</p> <p>Jun 22 BD ltr to NRCS Everett Service Center boilerplate</p> <p>Jun 22 BD ltr to NRCS State Conservationist boilerplate</p> <p>Jun 22 BD ltr to USDA wildlife</p> <p>Jun 22 BD ltr to NPS</p> <p>Jun 22 BD ltr to WA DOT Aviation Division boilerplate</p> <p>Jun 22 BD ltr to WA DOT NEPA/SEPA expert Cheryl McNamara</p> <p>Jun 22 BD ltr to WA DOT Northwest region</p> <p>Jun 22 BD ltr to Geoff Talent at Ecology NWRO</p> <p>Jun 22 BD ltr to WDFW region 4</p> <p>Jun 22 BD ltr to WA State Parks</p>	
	Appendix C	<p>Agency responses</p> <p>Snohomish Co SMA – not triggered</p> <p>WA DOT – several intersections may be affected; coordinate with WDOT</p> <p>WDFW provides poc and web site</p> <p>USFWS – get list from web site and include access date in section 7 consultation</p> <p>USDA – concern about potential roosting places at new construction; foraging opportunities such as landscaping, dumpster, etc. also cooredinate with USDA biologist on site</p> <p>NPS – are new aviation easements required?</p>	
	Appendix D	<p>Noise analysis, Nov 2009</p> <p>3.1.1 Base Case Refers to appended and tabular data not so designated in the document – i.e. Not provided.</p> <p>Other situations that appear to be references back to the EA</p>	
	Appendix E	AQ worksheets	
	Appendix F	<p>Traffic – no change in LOS from no action to action</p> <p>Note mitigation statement: Snohomish County imposes Transportation Demand Management (TDM) as a way to reduce</p>	

ID	Location	Comment	Response
		<p>single-occupancy vehicles during the AM and PM peak-hours. TDM mitigation can be satisfied by paying a fee or providing adequate on-site measures. SCC 60.66B.640 requires pedestrian improvements and bicycle parking to satisfy the on-site TDM requirements.</p> <p>An existing pedestrian walkway from Airport Road to the project will satisfy the on-site pedestrian walkway measures of TDM. Bicycle parking spaces for 5 bicycles, equal to 2% of the peak-hour trips generated by the project, will need to be provided to satisfy the bicycle portion of the TDM requirements. Providing these on-site measures will mean that the project is not required to pay TDM mitigation fees and will also receive a 5% credit towards the Snohomish County, WSDOT and City of Mukilteo mitigation fees.</p>	
	App H	Paine Field ltr saying no effect on endangered species. Only sighting information provided; no listing	