

**DEPARTMENT OF TRANSPORTATION**  
**FEDERAL AVIATION ADMINISTRATION**  
**FINDING OF NO SIGNIFICANT IMPACT**  
**RECORD OF DECISION**

## LOCATION

Republic (Farmingdale) Airport (FRG)  
East Farmingdale, New York

## INTRODUCTION

This Finding of No Significant Impact/Record of Decision (FONSI/ROD) sets out the Federal Aviation Administration's (FAA) consideration of environmental and other factors for Airport Layout Plan (ALP) approval for the development of five parcels at Republic Airport (FRG, or "the Airport"), in East Farmingdale, New York.

This FONSI/ROD is based on the *Final Environmental Assessment for the Stratosphere Development Co. LLC's Long-Term Development and Use of Five Development Parcels at Republic Airport* ("Final EA") prepared by Stratosphere Development Co. LLC d/b/a Republic Jet Center, dated December 1, 2022, which is hereby incorporated by reference.

## BACKGROUND

The New York State Department of Transportation (NYSDOT), the airport sponsor, requested that the Federal Aviation Administration (FAA) approve a change to the Airport Layout Plan (ALP) at Republic Airport (FRG), depicting the development of five parcels of airport property with hangars and fixed base operator (FBO) aircraft servicing facilities and other various improvements. Stratosphere Development Corporation prepared a Draft Environmental Assessment (EA) in August 2020, and published it for public review and comment from August 1, 2020 through September 15, 2020. A Final EA, including responses to comments, was published in December 2022.

The FAA must comply with the National Environmental Policy Act of 1969 (NEPA) before taking federal actions that allow for the implementation of the Proposed Action. The FAA supervised preparation of the aforementioned EA in accordance with Title 40, Code of Federal Regulation (CFR) § 1501.3 of the *Council on Environmental Quality Regulations (CEQ) for Implementing the Procedural Provisions of the National Environmental Policy Act*. The Final EA was prepared in accordance with the requirements of NEPA as discussed in FAA Orders 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*, 1050.1F, *Environmental Impacts: Policies and Procedures*, and the FAA's *Environmental Desk Reference for Airport Actions*. The CEQ updated the implementing regulations for NEPA in September 2020. However, the FAA elected to complete this NEPA review under the prior regulation, as authorized by 40 CFR 1506.13, as the EA was underway when the new regulations were enacted.

## DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action, as described in the EA, includes hangars, aircraft parking apron, and auto parking development on five parcels (“the Parcels”), along with the Echo Parking Ramp, at the airport. Attachment 1 to this FONSI/ROD graphically depicts the location of the parcels on an aerial map of the airport environment (Note graphic is labeled Figure 2 All Parcels and Full Echo Ramp). The specific elements of the Proposed Action include:

- Parcel A: Construction of an approximately 39,000 square foot hangar with an additional 18,000 square feet of maintenance space; realignment of Seversky Road; conversion of a section of Seversky Road into auto parking lot; conversion of approximately 33,000 square feet of auto parking to aircraft parking apron; an additional 75,000 square feet of aircraft parking apron; installation of security fencing; installation of blast fencing; and site clearing, landscaping, utility and drainage improvements. The proposed development of Parcel A is shown in Attachment 2 (labeled Figure 3: Parcel A Plan with Photo Key).
- Parcels B, C, and Echo Ramp: Construction of three hangars (18,000 square feet, 30,000 square feet, and 14,000 square feet); construction of a two-story FBO building (18,000 square feet); construction of a 196,000 square foot aircraft parking apron; Reconstruction of the existing aircraft parking apron; construction of a connector taxiway from the existing apron to Taxiway Bravo; realignment of Republic Airport Road and Grumman Lane; construction of 131 space auto parking lot; construction of an auto access connector, with security gate, from existing parking lot to Republic Airport Road; demolition of the abandoned restaurant building; site clearing; and landscaping, utility, and drainage improvements. The proposed development of Parcels B, C, and Echo Ramp is shown in Attachments 3 (labeled Figure 4: Parcels B, C and Echo Ramp with Parcel B Plan and Photo Keys) and 4 (labeled Figure 5: Parcels B, C, and Echo Ramp with Parcel C and Ramp Plan and Photo Key).
- Parcel D: Construction of approximately 180,000 square feet of apron with approximately 64 aircraft tie-down parking spaces southwest of Taxiway Alpha; construction of approximately 109-space auto parking lot; installation of a self-serve Avgas fuel system; installation of perimeter fencing and gate; site clearing; and utility and drainage improvements. The proposed development of Parcel D is shown in Attachment 5 (labeled Figure 6: Parcel D Plan with Photo Key).
- Parcel E: Construction of two type 1 multi-aircraft storage hangars, one type 2 multi-aircraft storage hangar, five type 3 multi-aircraft storage hangars, and support apron to accommodate hangars and approximately seven aircraft tie-down spaces; construction of a connector taxiway to intersection of Taxiways Golf and Mike; construction of an aircraft holding bay off of connector taxiway; construction of a self-serve Avgas fuel system; construction of a restroom facility, construction of a security gate, access road, and 120-space auto parking lot; site clearing; and utility and drainage improvements. The proposed development of Parcel E is provided in Attachment 6 (labeled Figure 7: Parcel E Plan with Photo Key).

## **PROPOSED FEDERAL ACTIONS**

The FAA actions involved in the implementation of the Stratosphere Development Co. LLC's Long-Term Development and Use of Five Development Parcels include the following:

- a. Unconditional Approval of a revised ALP at FRG, pursuant to 49 U.S.C. §40103(b) and §47107(a)(16) to depict the Proposed Action described above; and determination and approval of the effects of this project upon the safe and efficient utilization of navigable airspace pursuant to 14 CFR Parts 77 and 157 and 49 U.S.C. §44718;
- b. Determination under 49 U.S.C. §40101(d)(1) and §47105(b)(3) as to whether the Proposed Action meets applicable design and engineering standards set forth in FAA Advisory Circulars;
- c. Continued close coordination with the NYSDOT and appropriate FAA program offices, as required, to maintain safe, efficient use of and preservation of the navigable airspace during all aspects of project construction, in accordance with 14 CFR Part 77; and
- d. Approval of appropriate amendments to the FRG Airport Certification Manual (ACM) to reflect the Proposed Action, as required, pursuant to 49 U.S.C. §44706.

## **AGENCY AUTHORITY**

On October 5, 2018, HR 302, the "FAA Reauthorization Act of 2018" (the Act) was signed into law (P.L. 115-254). In general, Section 163(a) limits the FAA's authority to directly or indirectly regulate an airport operator's transfer or disposal of certain types of airport land. However, Section 163(b) identifies exceptions to this general rule. The FAA retains authority:

1. To ensure the safe and efficient operation of aircraft or safety of people and property on the ground related to aircraft operations;
2. To regulate land or a facility acquired or modified using federal funding;
3. To ensure an airport owner or operator receives not less than fair market value (FMV) in the context of a commercial transaction for the use, lease, encumbrance, transfer, or disposal of land, any facilities on such land, or any portion of such land or facilities;
4. To ensure that that airport owner or operator pays not more than fair market value in the context of a commercial transaction for the acquisition of land or facilities on such land;
5. To enforce any terms contained in a Surplus Property Act instrument of transfer; and,
6. To exercise any authority contained in 49 U.S.C. § 40117, dealing with Passenger Facility Charges.

In addition, Section 163(c) preserves the statutory revenue use restrictions regarding the use of revenues generated by the use, lease, encumbrance, transfer, or disposal of the land, as set forth in 49 U.S.C. §§ 47107(b) and 47133.

Section 163(d) of the Act limits the FAA's review and approval authority for Airport Layout Plans (ALPs) to those portions of ALPs or ALP revisions that:

1. Materially impact the safe and efficient operation of aircraft at, to, or from the airport;
2. Adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations; or
3. Adversely affect the value of prior Federal investments to a significant extent.

For the purpose of determining whether the ALP change for the Proposed Action (described above) requires FAA approval, the FAA made the following determinations in a memorandum issued February 21, 2020:

1. Because portions of the proposed development may have a material impact on aircraft operations at, to, or from the airport, the FAA retains the legal authority to approve or disapprove the following changes to the FRG ALP:
  - a. The 39,600 square foot hangar proposed on Parcel A;
  - b. The 18,000 square-foot hangar proposed on Parcel B;
  - c. The 43,680 square foot hangar, and aircraft parking ramp area including a taxiway connection from Parcel C to the existing taxiway system on Parcel C;
  - d. The general aviation ramp and tie-down area on Parcel D;
  - e. The general aviation ramp, 196,000 square foot of hangar space and aircraft tie-down area on Parcel E; and
  - f. Rehabilitation of Echo Ramp
2. Because the remaining portions of the proposed development would have no material impact on aircraft operations at, to, or from the airport, would not adversely affect the safety of people or property on the ground adjacent to the airport as a result of airport operations, and would not have an adverse effect on the value of prior Federal investments to a significant extent, the FAA lacks the legal authority to approve or disapprove changes to the FRG ALP for the following project components:
  - a. The 18,000 square foot maintenance facility and auto parking spaces on Parcel A;
  - b. The 11,915 square feet of FBO/office/support areas on Parcel B; and
  - c. The demolition of an abandoned restaurant on Parcel C

On August 3, 2022, following the issuance of the 163 determination memorandum, FAA issued a memorandum titled "Updated Instructions to Airports District Offices and Regional Office of Airports Employees Regarding Airport Layout Plan Reviews and Projects Potentially Affected by Section 163 of the FAA Reauthorization Act of 2018." The memorandum amended guidance for determinations made under Section 163 by clarifying that "if FAA ALP approval authority is triggered for a portion of a proposed project, and the project cannot be whole without other components of the project, then FAA retains ALP approval authority over the entire project." In applying the clarified guidance to the project that is the subject of this FONSI/ROD, the FAA has determined that all components of the Proposed Action are subject to ALP approval as the project cannot be whole without them. Therefore, the Federal Action described in the February

21, 2020 determination as discussed in the EA is superseded and the Federal Action for the FAA is ALP approval of the Proposed Action in its entirety.

## **ALTERNATIVES**

### **Purpose and Need**

The purpose of the Proposed Action is to better accommodate existing and forecasted aviation demand, as well as enhance airport revenue, by developing vacant or underutilized parcels of land at the Airport in a sustainable manner. Republic Airport is currently underutilized and operates at an economic loss. As reported by New York State, the Airport does not generate sufficient revenue to cover its own costs, and lacks sufficient hangars to satisfy demand based on a multi-year waiting list for hangar space. Furthermore, there is undeveloped land adjacent to aircraft operational areas. The Proposed Action is needed to promote, accommodate, and enhance general aviation and economic development at the Airport. This will be accomplished by the construction of an FBO building, hangars, and ramp areas designed to enhance the aircraft servicing capability at the Airport.

### **Alternatives**

The No Action Alternative would result in no redevelopment of vacant or underutilized Parcels within Republic Airport.

Alternative A, the Preferred Alternative (and described above as the Proposed Action), would result in redevelopment of the five underutilized Parcels (A, B, C, D, and E), as well as the Echo Ramp. This would allow for additional hangars, FBO office space, vehicle parking, general aviation tie-down spaces, aviation ramp space, taxiways, and avgas pumps.

Additional alternatives were considered during the evaluation of development proposals received by NYSDOT. However, the proposal from the Stratosphere Development Co. (described above in Description of the Proposed Action) was deemed the most responsive and economically viable by the airport sponsor

## **SUMMARY OF NEPA ANALYSIS**

This section describes the affected environment and anticipated impacts associated with the Proposed Action. The Proposed Action was designated as the Preferred Alternative, and considered alongside the No Action Alternative in the NEPA analysis.

### **Potential Impacts**

The Final EA described the existing environment and conditions. Two resource categories were dismissed from consideration in Chapter 3, due to the absence of such resources within the study area, and were not addressed in Chapter 4. These resource categories were Coastal Resources and Wild and Scenic Rivers. As described in the Final EA, the Proposed Action will not have a significant effect on any of the resource categories.

### ***Air Emissions***

FRG is located in an area currently designated by the EPA as a serious nonattainment area for the 2008 8-hour ozone standard, moderate nonattainment area for the 2015 8-hour ozone standard, and a maintenance area for the 2006 Particulate Matter (PM) 2.5 standard. The Proposed Action is not anticipated to substantially increase aircraft operations. As noted in the EA, the increase in annual aircraft operations associated with the Proposed Action is between 0.003 and 0.005 percent. Air quality emissions can correspondingly be expected to increase to the same degree. In addition, construction-related emissions associated with the implementation of the Proposed Action are within *de minimis* thresholds, will comply with the State Implementation Plan (SIP). Therefore, significant impacts are not expected from operational or construction emissions.

### ***Biological Resources***

The Proposed Action, involves the clearing and loss of any existing ecological communities on the Parcels; however, the habitat present on these Parcels is neither rare nor significant habitat. Habitat availability on the Parcels is limited and wildlife populations are actively managed. According to the New York Natural Heritage Program (NYNHP), no records currently exist for known occurrences of rare or New York State-listed animals, plants or significant natural communities at the airport. According to the US Fish and Wildlife Service (USFWS) Official Information for Planning and Consultation (IPaC) report for FRG, six federally-listed endangered or threatened species potentially may occur at the airport. Based on field surveys, suitable habitats are not present to support five of the species: piping plover, red knot, roseate tern, sandplain gerardia, and seabeach amaranth. The FAA issued a Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form determining that the Proposed Action may affect the Northern Long-Eared Bat, but that any resulting incidental take is not prohibited. USFWS concurred with the FAA's determination on November 26, 2019. Significant impacts to biological resources are not anticipated.

### ***Department of Transportation Act Section 4(f)***

To determine if there are any Section 4(f) resources present within or immediately adjacent to the Parcels, a 1-mile radius study area was defined, as recommended by the New York State Office of Parks, Recreation and Historic Preservation and its associated State Historic Preservation Office. No parks, recreational areas, wildlife or waterfowl refuges, or historic sites are present within or adjacent to the Parcels. There is one recreational area, Michael Park, which is approximately 2,800 feet from Parcel A. The Proposed Action would not require a use of this park under Section 4(f). As such, significant impacts would not occur.

### ***Farmlands***

FRG is located within a primarily industrial and commercial area. The Parcels, which are on airport property, are previously disturbed. The Airport is not located on or contiguous to active agricultural land. The Proposed Action would not convert pastureland, cropland, or forest considered to be important statewide or locally for non-agricultural use. Therefore, significant impacts to farmlands would not occur.

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

A hazardous materials site is located near the airport. The site, known as the Fairchild Republic site, is located adjacent to, and north of, the airport. The historic activities at the site resulted in perchloroethylene (PCE) and trichloroethylene (TCE) contamination in the soil and groundwater. An environmental records report listed information that indicated the site's contaminated groundwater plume was present beneath Republic Airport including parts of Parcels C, D, E, and Echo Ramp. The New York State Department of Environmental Conservation (NYSDEC) oversees three monitoring wells, located northeast of Parcel E, and a pump and treat system, located east of Parcel E. The potentially contaminated groundwater will not be encountered during construction activities, and no buildings are proposed to be constructed within the footprint of the groundwater plume. As such, potential chlorinated vapor intrusion from Volatile Organic Compounds (VOC) would not present a concern to building occupants after construction. During construction, air monitoring for VOC vapors will be conducted during soil excavation activities. In addition, the NYSDEC will be consulted prior to construction to determine their level of oversight for construction activities.

Asbestos-containing materials may be present within the former restaurant building on Parcel C. An appropriate survey for asbestos will be conducted and abatement activities will be conducted in accordance with applicable regulations prior to demolition activities. Surficial soils, stockpiles and debris piles located on Parcel E have the potential to be impacted with lead and/or PCBs as the result of the previous demolition of the Breslau Gardens residential buildings and structures that previously occupied the site. Materials to be removed from this Parcel will be sampled in accordance with applicable NYSDEC regulations for waste characterization and debris will be properly segregated by type and disposed of in accordance with prevailing regulations.

The Proposed Action will generate solid wastes consistent with existing airport operations which will not result in an appreciably different quantity or type of solid waste with the potential to adversely impact human health or the environment.

Considering the information contained within the EA, significant impacts are not anticipated for hazardous materials, solid waste, or pollution prevention.

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

The EA included an examination of previously inventoried archaeological sites, buildings or structures within a one-mile study area. The study area contained 24 resources, five of which are eligible to be listed on the State and National Registers of Historic Places (NRHP). Four of the NRHP properties are within airport property (Hangars 1, 2, and 3 in the northeast corner of the airport) or just outside the north boundary (Seversky Factory). These NHRP eligible properties are airport-related and not affected by indirect impacts such as air emissions and noise. The fifth property is the Sisters of St. Dominic Motherhouse Complex that is located southeast of the airport. No APE for indirect effects was defined because the settings of the eligible buildings within the 1-mile radius do not contribute to the buildings' NRHP significance. An Area of Potential Effect (APE) was contemplated for the undertaking as related to direct impacts and was coordinated with the New York State Historic Preservation Office. The APE contained an archaeological scatter on Parcel E which was identified in a previous investigation and determined to be not eligible for State or NRHP listing. In addition, the abandoned restaurant

building within the APE that would be demolished has prior damage and does not meet the age threshold for inclusion in either the State Register or NRHP. On April 11, 2017, the New York State Historic Preservation Office determined that no historic properties will be affected by this undertaking. Therefore, significant impacts are not anticipated.

### ***Land Use***

The land uses within a ½-mile radius of a polygon containing the five Parcels and Echo Ramp were identified as the study area, as this area would be most likely to experience visual or traffic effects or potential compatibility issues as a result of the Proposed Action. Redevelopment associated with the Proposed Action would be consistent and compatible with the existing and planned land uses at the Airport and the nearby vicinity. The activities proposed do not deviate from the existing functions on the Airport and would support the operation of the Airport. Significant impacts to land use are not anticipated.

### ***Natural Resources & Energy Supply***

Energy and natural resource requirement increases will be largely attributable to the increased consumption from stationary facilities. Parking facilities and proposed taxiways require some minimal electricity for lighting to facilitate vehicle and aircraft safety and maneuvering. Security gates also require minimal electricity for operation; sustainable resource practices will be employed pursuant to NYSDOT sustainable design standards. Although the Preferred Alternative will result in an increase in energy and resource demand compared with the No Action Alternative, it will not result in usage that will exceed available or future supplies of these resources. As such, significant impacts are not expected.

### ***Noise & Noise-Compatible Land Use***

The Area Equivalent Method (AEM) was used to compare the Proposed Action to the No Action Alternative for both the anticipated year of project completion, 2027, and a subsequent future out year of 2032. The AEM is a mathematical process that estimates the changes in the existing DNL 65 dB noise contour. If the AEM calculations indicate that the action would result in less than a 17 percent (approximately a DNL 1 dB) increase in the DNL 65 dB contour area, there would be no significant impact over noise sensitive areas and no further noise analysis would be required. For the Proposed Action, the AEM tool identified an increase of less than 0.1 percent in the total acreage of the DNL 65 dB noise contour area. Because the change is less than 17 percent, there would be no significant noise impact to non-compatible land uses off the airport.

During the EA, the FAA Air Traffic Organization presented concerns due to potential increased aircraft noise and aircraft prop wash/jet blast near the air traffic control tower (ATCT). As a result, components of the Proposed Action were amended to change the layout of the hangars near the ATCT. Specifically, the proposed hangar layout was altered to place hangars adjacent to the ATCT, which would create a buffer between the ATCT and aircraft movements on the apron.

### ***Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks***

The Proposed Action is anticipated to make a positive contribution to local economy by creating construction-related jobs. These jobs would contribute to the local economy without inducing substantial economic growth that may otherwise disrupt the community, impact housing

availability, cause the relocation of businesses, reduce accessibility to the Airport, or produce a substantial change in the community tax base. Although minority populations are present within a one-mile radius of the Project site, based on census tract data, the proposed activities would be confined to the immediate vicinity of the five Parcels and Echo Ramp, and are not expected to create offsite impacts at a distance that would affect the census tracts with minority populations. As a result, the Proposed Action is not anticipated to have disproportionately high and adverse effects on these minority populations. Similarly, the Proposed Action is not expected to pose a disproportionate health or safety risk to children in the community because products and substances that a child is likely to encounter or ingest (such as air, food, drinking water, recreational waters, soil, or products they might be exposed to) would not be impacted. Therefore, significant impacts are not anticipated.

### ***Visual Effects***

As the Proposed Action would be consistent with the visual character of the overall airport and surrounding area and would not result in adverse visual effects. No significant impacts are expected.

### ***Water Resources***

The Preferred Alternative would result in filling of an existing 0.08-acre pond to facilitate the development of Parcel A. Due to its anthropogenic origin and apparent isolation from other wetlands, surface waters or drainage networks, the pond is not subject to federal jurisdiction. The United States Army Corps of Engineers (USACE) confirmed this finding in a Jurisdictional Determination dated December 6, 2017. According to NYSDEC Freshwater Wetland Maps and Environmental Resource Mapper (ERM), the pond is also not regulated as a wetland or surface water by the NYSDEC.

Groundwater monitoring is currently in place under Parcels C and E for a contaminated groundwater plume. To ensure the Proposed Action would not disturb the monitoring program, consultation will be conducted with NYSDEC during the permitting process.

### ***Cumulative Impacts***

Past, present, and reasonably foreseeable future actions were considered in the Final EA for the potential for cumulative impacts on affected resources. The cumulative impact information presented in Section 4.13 of the EA supports the conclusion that adverse cumulative impacts are not likely to result from implementation of the Proposed Action.

## **PUBLIC INVOLVEMENT/AGENCY COORDINATION**

A Notice of Public Availability of the Draft EA was made in the *Newsday* local newspapers in Nassau and Suffolk Counties on July 31, 2020, and posted to Republic Airport's website. The document was made available to the public at the airport, at fifteen local public libraries, and via the internet at <http://www.republicairport.net/>. The Draft EA was made available to the public and agencies for review from August 1, 2020 through September 15, 2020. The review period was extended from 30 to 45 days after NYSDOT received a request for a 15-day extension. This extension was announced in the *Newsday* local newspapers in Nassau and Suffolk Counties, letters to local libraries, the Republic Airport Commission, and the Woodland Civic Association

on August 27, 2020. NYSDOT received 31 responses from the public. NYDOT responded to comments in the comment response matrix in *Appendix K: Comments on the Draft EA and Response to Comments*.

Comments were received from various interested parties and generally focused on concerns related to aircraft operations, noise impacts, level of documentation, adequacy of analysis, and support for the project. All comments have been considered and addressed in the Final EA. None of these comments, when considered individually or aggregately, resulted in significant changes to the Proposed Action.

## CONDITIONS/MITIGATION MEASURES

**The FAA is conditioning approval of the Proposed Action upon implementation of the measures outlined below.**

1. To reduce impacts to air quality, construction equipment idling times will be limited. In addition, fugitive dust and equipment exhaust controls will be implemented.
2. Prior to construction and to reduce potential exposure of hazardous materials, additional subsurface investigation may be required. In addition, air monitoring for VOC vapors will be conducted during soil excavation activities. The proposed air monitoring activities will be outlined in a Soil Vapor Monitoring Plan, or equivalent, prior to the start of excavation activities, and will be in compliance with all applicable NYSDEC, NYSDOH and OSHA regulations.
3. The Remote Transmitter Receiver (RTR), which provides communications for air traffic control, is located within the project area. Additional analysis is required to determine the extent of impact the Proposed Action would have on the RTR. The airport sponsor will enter into a reimbursable agreement with the FAA to study the impact. In the event the Proposed Action results in an adverse impact to the RTR, the airport sponsor shall be responsible for resolving the impact and ensuring its proper function as determined by the FAA. This includes the potential modification or relocation of the RTR.

## FEDERAL AGENCY FINDINGS

In accordance with all applicable laws, the FAA makes the following findings for the Proposed Action based on all appropriate information and analyses contained in the Final EA:

- A. **The Proposed Action is reasonably consistent with existing plans of public agencies for development of areas surrounding the airport. (49 U.S.C. §47106(a)(1)).** The FAA is satisfied that the Proposed Action is consistent with plans (existing at the time the Proposed Action is approved) of public agencies for development of areas surrounding the airport. The project development will take place on airport property for the purposes of supporting aeronautical activities.

- B. The interest of the communities in or near where the Proposed Action may be located were given fair consideration. (49 U.S.C. §47106(b)(2)).** The FAA is satisfied that the interests of the communities in or near where the Proposed Action will be located were given fair consideration as demonstrated by the Final EA, including *Appendix K: Comments on the Draft EA and Response to Comments*.
- C. The FAA is satisfied that consistent with 49 U.S.C. §47107(a)(10), the airport sponsor has, and will continue to take all necessary actions, including the adoption of zoning laws, to ensure the land uses in the airport vicinity are compatible with airport operations.** The development included in the Proposed Action will take place on airport property for the purposes of supporting aeronautical activities.
- D. The FAA has given this Proposed Action the independent and objective evaluation required by the Council on Environmental Quality (40 C.F.R. Section 1506.5).** The FAA's review and ultimate decision process included the FAA's rigorous exploration and objective evaluation of reasonable alternatives and probable environmental consequences, regulatory agency consultations, as required, and public involvement. FAA furnished guidance and participated in the preparation of the Final EA by providing input, advice and expertise throughout the planning and technical analyses, along with administrative direction and legal review. FAA has independently evaluated the Final EA and takes responsibility for its scope and content.
- E. The Proposed Action does not include a direct use of resources protected under 49 U.S.C. §303(c) (Section 4(f) of the DOT Act).** No parks, recreational areas, wildlife or waterfowl refuges, or historic sites are present within or adjacent to the Parcels. The nearest potential resource is a park, located approximately 2,800 feet from the closest Parcel. FAA has determined that the project would not require a use of this park under Section 4(f).
- F. The Proposed Action will conform to the State Implementation Plan (SIP) in accordance with Section 176 of the Clean Air Act (CAA) and its amendments (42 U.S.C. §7506(c)).** The FAA has determined that the Proposed Action would only result in temporary, short-term increases in emissions, and the change in emissions would not exceed *de minimis* thresholds as defined in 40 CFR Part 93 Subpart B.
- G. There are no disproportionately high and adverse environmental effects on minority and/or low-income populations that would result from the Proposed Action. (Executive Order 12989) (U.S. DOT Order 5610.2C).** The FAA is satisfied that the analysis correctly identified low-income and minority populations that potentially could be affected by the Proposed Action. None of the resources evaluated indicated disproportional impacts to Environmental Justice Communities.
- H. There are no adverse impacts to historic properties that would result from the Proposed Action (Section 106 of the National Historic Preservation Act (NHPA) regulations (36 CFR 800)).** The FAA determined, and the NYSHPO concurred, that no historic properties would be affected by the Proposed Action.

- I. The Proposed Action conforms to the Avoidance, Minimization and/or Compensation of Harm to Wetlands in Accordance with EO 11990 and the Clean Water Act DOT Order 5660.1A.** The FAA is satisfied that the Proposed Action would not create a significant loss or degradation of wetlands. The Proposed Action would result in filling of the 0.08-acre pond to facilitate the development of Parcel A. However, the pond is isolated and man-made, is not regulated by the USACE or NYSDEC, and the existing wetland flora within the pond is sparse and characterized by low species diversity. Considering the small size (0.08 acre), anthropogenic origin, and disturbed conditions of the pond, the proposed filling of this feature would not adversely affect the maintenance of natural systems supporting wildlife or fish habitat.

## **DECISION AND ORDER**

The FAA recognizes its responsibilities under the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations (40 C.F.R Part 1500 to Part 1508), and FAA's own directives and guidance. Recognizing these responsibilities, I have carefully considered the FAA's goals and objectives in relation to the various aspects of the *Final Environmental Assessment for the Stratosphere Development Co. LLC's Long-Term Development and Use of Five Development Parcels at Republic Airport* as discussed in the Final EA. I have used the environmental process to make a more informed decision. The review included the purposes and needs to be served by this Proposed Action and alternative means to achieve them. This review has also included consideration of the environmental impacts of these alternatives, and the mitigation and conditions necessary to preserve and enhance the human environment. This decision is based on a comparative examination of environmental impacts, operational factors, and economic factors for each of the alternatives. The Final EA provides a fair and full discussion of the impacts of the Proposed Action. The NEPA process included appropriate planning and design for avoidance and minimization of impacts, as required by NEPA, the CEQ regulations, other special purpose environmental laws, and appropriate FAA environmental directives and guidance.

The FAA has determined that environmental and other relevant concerns presented by interested agencies and the general public have been addressed in the Final EA. The FAA believes that with respect to the Proposed Action, there are no outstanding environmental issues within FAA's jurisdiction to be studied. Further, it is the determination of the FAA that, with respect to the Proposed Action, the requirements of NEPA and all other applicable federal environmental requirements and Executive Orders have been met. In making this determination, the FAA must decide whether to approve the federal actions necessary for the Proposed Action implementation. FAA approval signifies that applicable federal requirements relating to airport development planning have been met and permits the airport Sponsor to proceed with development and possibly receive funds for eligible items. Not approving these actions would prevent the Sponsor from proceeding with the development.

This decision does not constitute a commitment of funds under the Airport Improvement Program (AIP); however, it does fulfill the environmental prerequisites for future AIP funding determinations associated with AIP-eligible project components (49 U.S.C. §47107).

I have carefully and thoroughly considered the alternatives, including the proposed Federal Actions, contained in the Final EA. Based on that information, I find the proposed Federal Actions are consistent with existing national environmental policies and objectives of Section 101(a) of the NEPA and other applicable environmental requirements. I also find that all practicable means to avoid or minimize harm from the selected alternative have been adopted, and the proposed Federal Actions as presented in the Final EA will not significantly affect the quality of the human environment or include any condition requiring any consultation pursuant to Section 102(2)(C) of NEPA.

Accordingly, pursuant to the authority delegated to me by the Administrator of the FAA, I find that the actions summarized in this FONSI/ROD are reasonably supported and approved. I hereby direct that action be taken together with the necessary related and collateral actions, to carry out the agency actions noted above. Specifically:

- a. Unconditional Approval of a revised ALP at FRG, pursuant to 49 U.S.C. §40103(b) and §47107(a)(16) to depict the Proposed Action; and determination and approval of the effects of this project upon the safe and efficient utilization of navigable airspace pursuant to 14 CFR Parts 77 and 157 and 49 U.S.C. §44718;
- b. Determination under 49 U.S.C. §40101(d)(1) and §47105(b)(3) as to whether the Proposed Action meets applicable design and engineering standards set forth in FAA Advisory Circulars;
- c. Continued close coordination with the NYSDOT and appropriate FAA program offices, as required, to maintain safe, efficient use of and preservation of the navigable airspace during all aspects of project construction for the Proposed Action, in accordance with 14 CFR Part 77; and
- d. Approval of appropriate amendments to the FRG Airport Certification Manual (ACM) to reflect the Proposed Action, as required, pursuant to 49 U.S.C. §44706.

**APPROVED:**

\_\_\_\_\_  
Director, Airports Division  
Federal Aviation Administration  
Eastern Region

\_\_\_\_\_  
Date

**DISAPPROVED:**

\_\_\_\_\_  
Director, Airports Division  
Federal Aviation Administration  
Eastern Region

\_\_\_\_\_  
Date

**Right of Appeal**

This Finding of No Significant Impact/Record of Decision (FONSI/ROD) presents the Federal Aviation Administration's findings and final decision and approvals for the actions identified, including those taken under the provisions of Title 49 of the United States Code, Subtitle VII, Parts A and B.

Any party having a substantial interest may appeal this order to the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business, upon petition filed within 60 days after entry of this order in accordance with 49 U.S.C. §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) of the Federal Rules of Appellate Procedure.

Republic Airport  
East Farmingdale, Town of Babylon, New York  
Stratosphere Development Co. Long-Term Development and Use of Five Development Parcels  
Finding of No Significant Impact / Record of Decision

## **Attachment 1**



Republic Airport Stratosphere Parcel Development | East Farmingdale, Town of Babylon, NY  
Draft Environmental Assessment

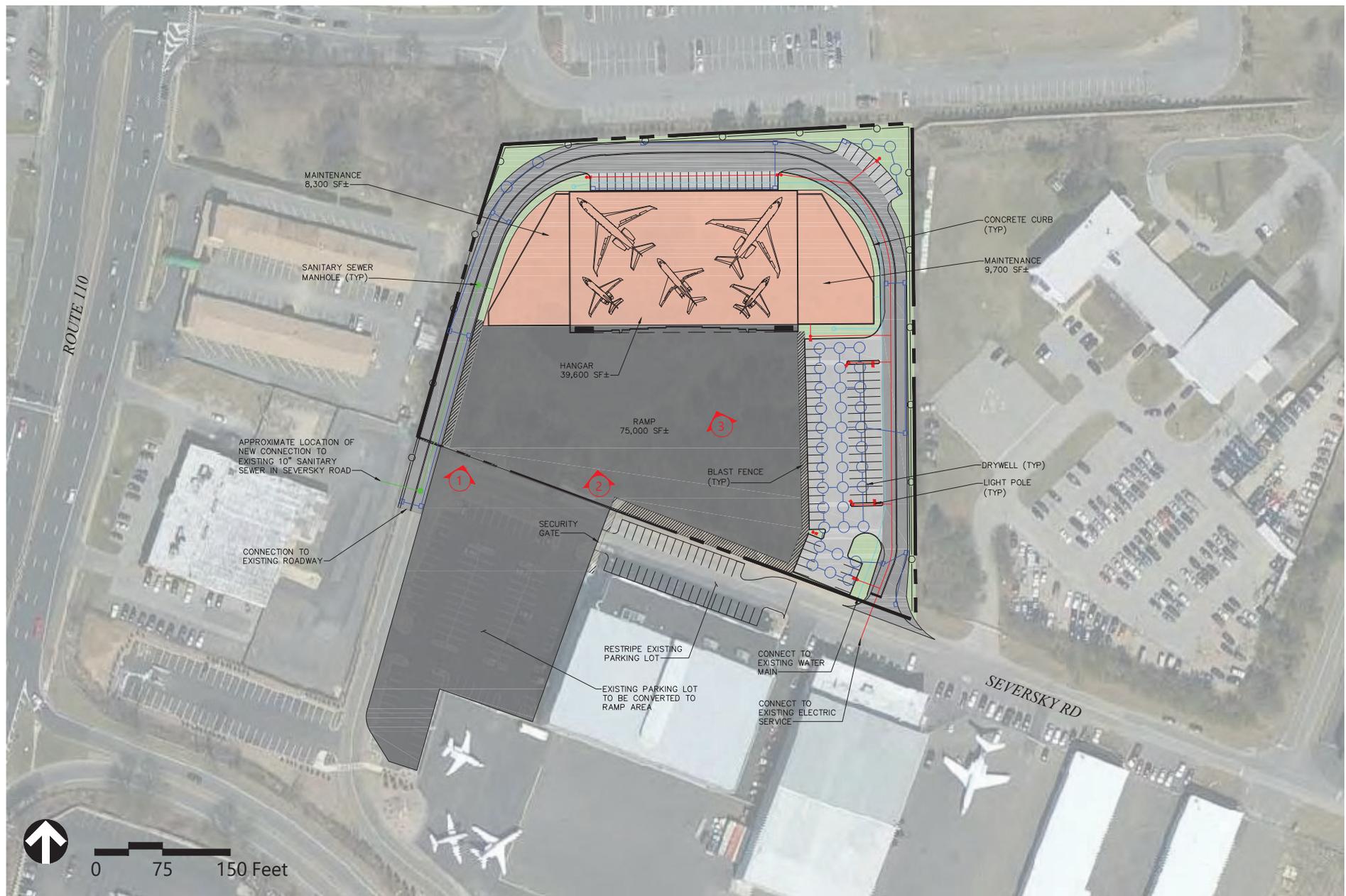
-  Subject Property - Parcels A through E
-  Echo Ramp

**All Parcels and Full Echo Ramp**

Sources:  
1. Service Layer Credits: Image courtesy of USGS Earthstar Geographics SIO © 2017 Microsoft Corporation  
2. Parcel Boundaries Courtesy of Empire State Development Corporation, Newmark Grubb Knight Frank, [http://esd.ny.gov/corporateinformation/Data/RFPs/04132015\\_RA\\_AllParcels.pdf](http://esd.ny.gov/corporateinformation/Data/RFPs/04132015_RA_AllParcels.pdf), 07/28/2015

Republic Airport  
East Farmingdale, Town of Babylon, New York  
Stratosphere Development Co. Long-Term Development and Use of Five Development Parcels  
Finding of No Significant Impact / Record of Decision

## **Attachment 2**



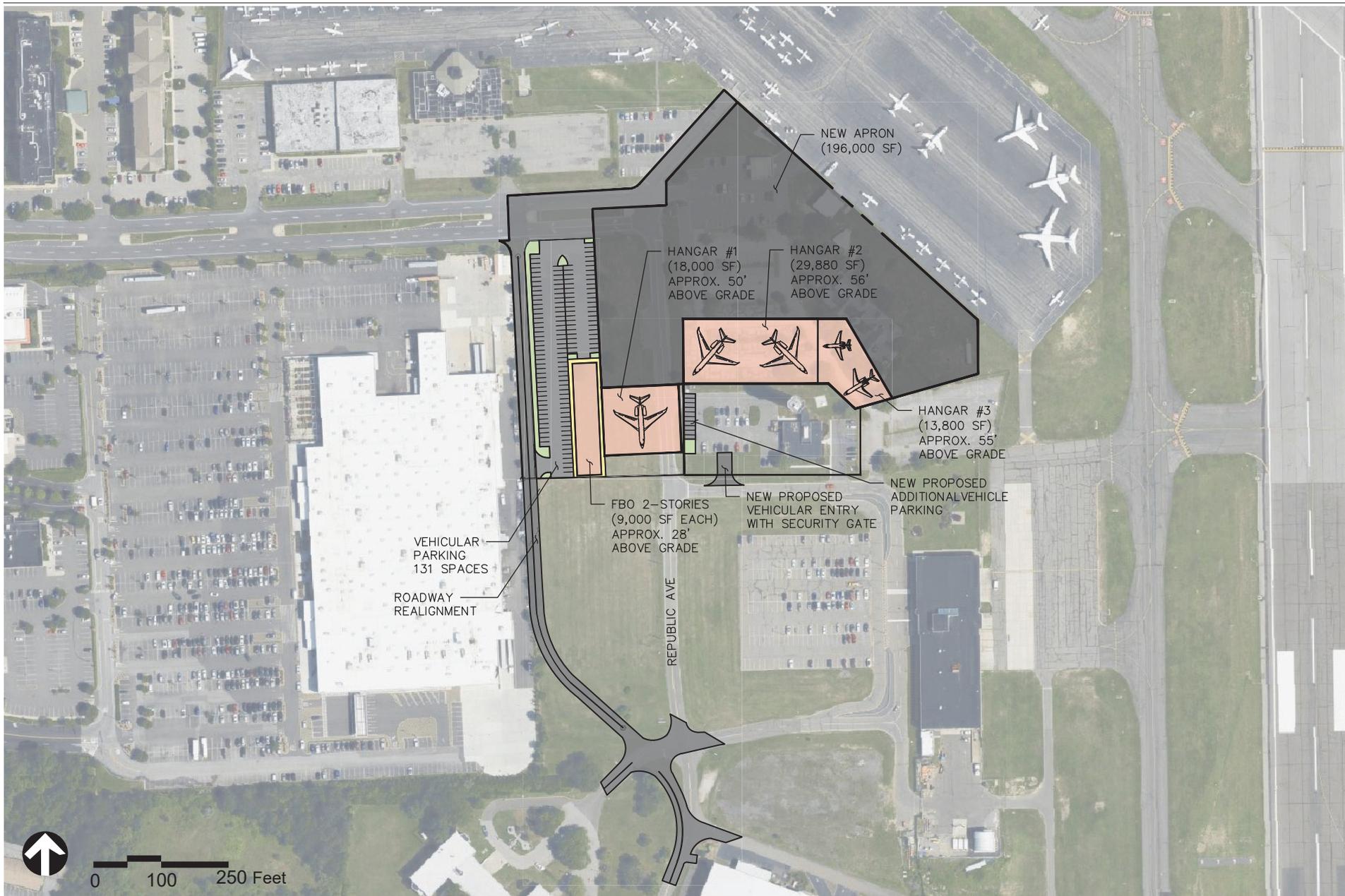
**Republic Airport**  
**Farmingdale, NY**

**Figure 3: Parcel A Plan with Photo Key**

 Ramp Area	 Landscape Area	 Drainage	 Security Fence
 Access Roadway	 Hangar Building	 Electric	 Parcel Boundary
 Parking Area	 Blast Fence	 Sanitary	 Photo Number & Direction
		 Water	

Republic Airport  
East Farmingdale, Town of Babylon, New York  
Stratosphere Development Co. Long-Term Development and Use of Five Development Parcels  
Finding of No Significant Impact / Record of Decision

## **Attachment 3**



**Republic Airport**  
 Farmingdale, NY

**Figure 4: Parcels B, C and Echo Ramp with Parcel B Plan and Photo Keys**

 Ramp Area	 Landscape Area	 Drainage	 Security Fence
 Access Roadway	 Hangar Building	 Electric	 Parcel Boundary
 Parking Area	 Concrete Sidewalk	 Sanitary	 Photo Number & Direction
		 Water	

Republic Airport  
East Farmingdale, Town of Babylon, New York  
Stratosphere Development Co. Long-Term Development and Use of Five Development Parcels  
Finding of No Significant Impact / Record of Decision

## **Attachment 4**



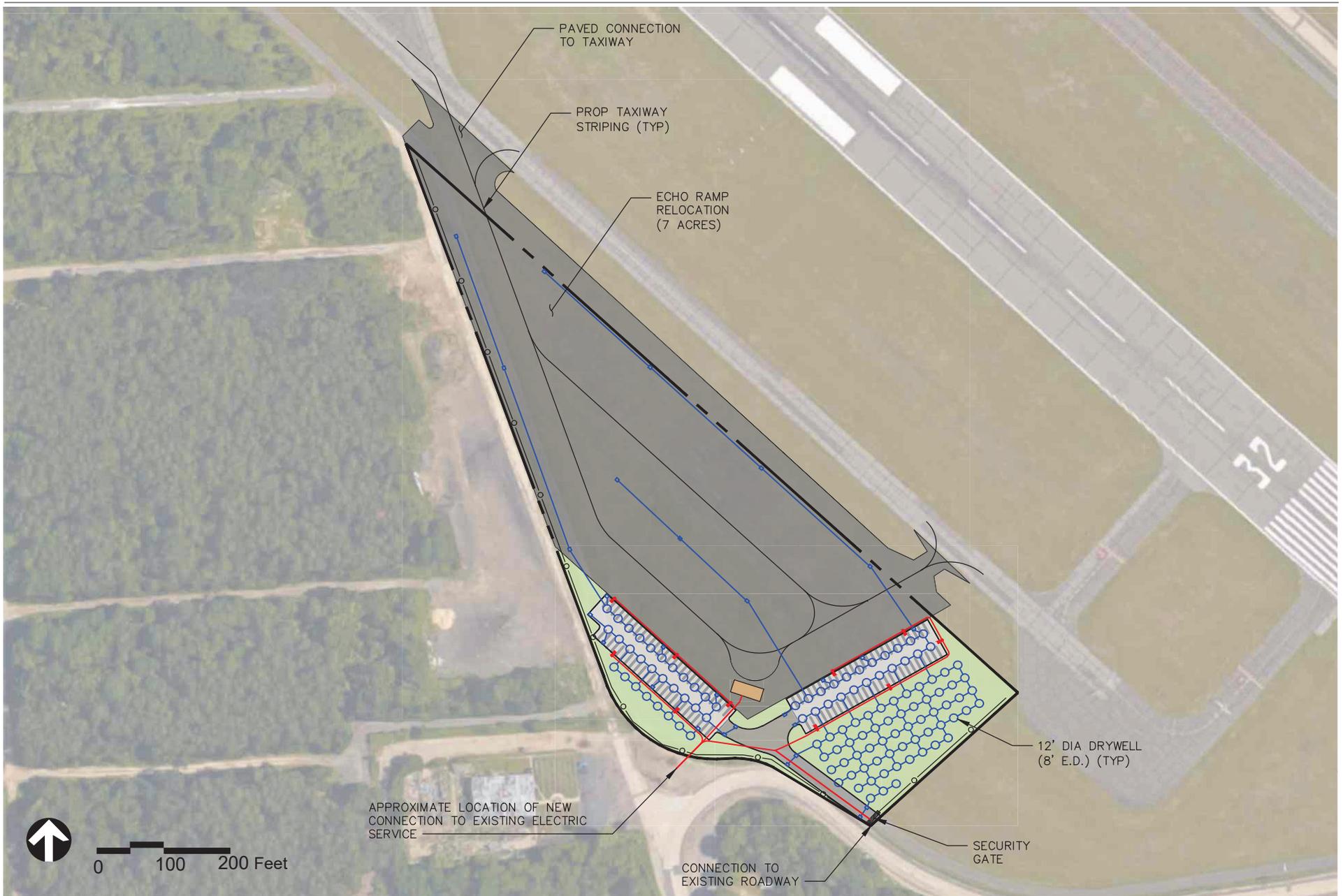
**Republic Airport**  
Farmingdale, NY

**Figure 5: Parcels B, C, and Echo Ramp with Parcel C and Ramp Plan and Photo Key**

- Ramp Area
- Parcel Boundary
- Drainage
- Electric
- Blast Fence
- # Photo Number & Direction

Republic Airport  
East Farmingdale, Town of Babylon, New York  
Stratosphere Development Co. Long-Term Development and Use of Five Development Parcels  
Finding of No Significant Impact / Record of Decision

## **Attachment 5**



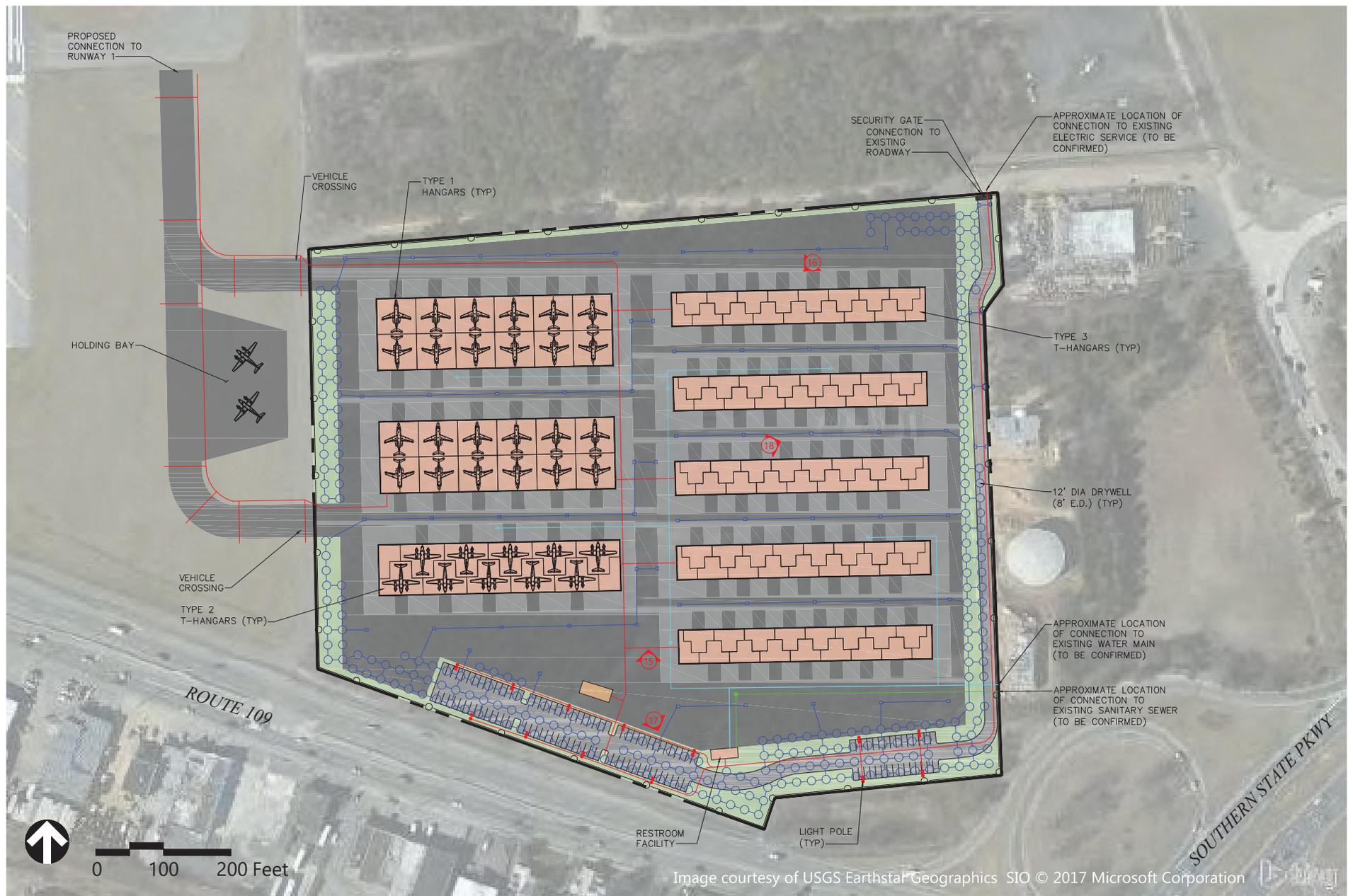
**Republic Airport**  
**Farmingdale, NY**

**Figure 6: Parcel D Plan with Photo Key**

	Ramp Area		Landscape Area		Drainage		Security Fence
	Access Roadway		Self Fueling AV Gas		Electric		Parcel Boundary
	Parking Area						Photo Number & Direction

Republic Airport  
East Farmingdale, Town of Babylon, New York  
Stratosphere Development Co. Long-Term Development and Use of Five Development Parcels  
Finding of No Significant Impact / Record of Decision

## **Attachment 6**



**Republic Airport**  
Farmingdale, NY

**Figure 7: Parcel E Plan with Photo Key**

	Ramp Area		Landscape Area		Drainage		Security Fence
	Access Roadway / Standard Duty Pavement		Hangar Building		Electric		Parcel Boundary
	Parking Area		Self-Fueling AV Gas		Sanitary		Photo Number & Direction
					Water		