

**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

**FINDING OF NO SIGNIFICANT IMPACT**

Newport Airport Obstruction Removal Project  
Newport Municipal Airport  
Newport, Oregon  
June 2022

**Introduction**

This document serves as the Federal Aviation Administration's (FAA) Finding of No Significant Impact (FONSI) and provides the final agency determinations and approvals for the federal actions necessary to implement the improvements described below at the Newport Municipal Airport. This FONSI is based on the information and analysis contained in the Final Environmental Assessment (FEA) dated June 2022, which is incorporated herein by reference. The FEA has been prepared pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) and the President's Council on Environmental Quality (CEQ) Regulations Title 40 CFR §§ 1500-1508, and in accordance with FAA Order 1050.1F *Environmental Impacts: Policies and Procedures* and FAA Order 5050.4B *National Environmental Policy Act Implementing Instructions for Airport Actions*.

**Proposed Action**

The City of Newport (the Airport Sponsor) owns and operates the Newport Municipal Airport (ONP) in Newport, Oregon. The City proposes to remove approximately 60 acres of vegetation and trees that are obstructions to the approach of Runways 16, 20, and 34. The approach surface is critical in allowing aircraft to execute landings in a manner that is safe to the aircraft, nearby environmental resources, residences, and the general public.

Chapter 1 and Figures 5 through 8 of the FEA provide a description and a graphic depiction of the Proposed Action.

**Federal Actions**

The requested Federal actions and approvals necessary for this project to proceed are:

- Unconditional approval of the Airport Layout Plan (ALP) to depict those portions of the Proposed Action subject to FAA review and approval pursuant to 49 USC 47107(a)(16)(B).
- Determination that Environmental Analysis Prerequisites associated with any future Airport Improvement Program (AIP) funding application have been fulfilled pursuant to 49 United States Code § 47101.

**Purpose and Need**

The purpose of the Proposed Action is to maintain a safe operating environment for current and future users of the Airport by removing existing approach surface obstructions (trees), thereby improving the safety of aircraft operations, and bringing the Airport into compliance with FAR Part 77 requirements. The Proposed Action is needed because an obstruction analysis produced from the AGIS survey identified multiple airspace penetrations in varying approach surfaces at the Airport. To maintain its status as General Aviation facility in the NPIAS, the Airport needs to meet all conditions and obligations stipulated under the FAA grant assurances. In general, such assurances require the City to operate and maintain the Airport in a safe and serviceable condition, including mitigating hazards to airspace.

## **Alternatives**

Chapter 2 of the FEA presents the alternatives analysis. The FEA identified and evaluated reasonable alternatives that may accomplish the objectives of the Proposed Action in accordance with NEPA, FAA Orders 1050.1F and 5050.4B, and FAA design standards. Section 2.1 describes the screening criteria used in an initial screening process and Section 2.4 describes the alternatives and/or alternative components that were eliminated from consideration. The FEA carried two alternatives forward for evaluation:

### No Action Alternative:

Under the No Action Alternative, no obstructions would be removed and the existing trees would continue to remain as penetrations to the FAR Part 77 approach surfaces of Runways 16, 20, and 34 and the AC 150/5300-13A threshold siting surfaces of Runways 16, 20, and 34. The existing airfield conditions would remain unchanged from the present conditions. The vegetation within the approach surface would continue to pose a hazard to aircraft operations. Additionally, some vegetation that is currently below the regulated surfaces would continue to grow and likely become future obstructions. This would lead to a reduction of the usable runway length in order to maintain a clear approach for aircraft operations and negatively impact the ability of certain aircraft to continue safe operation at the Airport. Future aviation activity could be constrained by the operational limits of the existing Airport facilities and obstructions, and may result in having to make a change in approach procedures based on avoiding object penetrations.

### Proposed Action Alternative:

The Proposed Action would remove obstructions (trees) from the following surfaces:

- Visual approach and threshold siting surface of Runway 20.
- Non-precision instrument approach and threshold siting surfaces of Runway 34.
- Precision instrument approach and threshold siting surfaces of Runway 16.

Removing trees and vegetation from these areas would allow for a clear 50:1 approach surface for Runway 16 for the first 10,000 feet (40:1 for an additional 40,000 feet), 34:1 approach surface for Runway 34, and 20:1 approach surface for Runway 20, as needed per AC 150/5300-13A to maintain the approach paths for the runways.

The obstructions are located on Airport property as well as other City-owned property, County right-of-way, and private property. For private properties, the City intends to obtain aviation easements. If an aviation easement is not secured on private property, the City would obtain private property owner permission to remove the obstruction(s). Section 2.3 of the FEA provides detailed information about obstruction removals on private properties.

The Proposed Action would remove a total of about 60 acres of trees. The obstruction removal would involve cutting woody vegetation within the identified obstruction areas at ground level and leaving stumps in place. There would be no root removal or grading. Outside of riparian areas (areas within 50 feet of a stream), trees would be felled and hauled off-site using existing roads. No new facilities, roads, or impervious surfaces are proposed as part of the project. Construction access and staging areas would be located on existing disturbed areas, including paved and unpaved airport access roads, private roads, as well as old logging roads and paths. Some portions of roads may need to be improved to allow logging equipment access.

The Proposed Action meets the purpose and need of the project stated in Chapter 1 of the FEA as it removes all of the current and potential future airspace penetrations in three separate FAR Part 77 approach surfaces at the Airport.

## **Environmental Consequences**

Chapter 3 of the FEA evaluates each of the environmental impact categories identified in FAA Orders 1050.1F and 5050.4B. No thresholds of significance are expected to be exceeded with the Proposed Action for any of the categories. The Proposed Action is expected to have temporary construction impacts related to noise from equipment use, noise and dust from the transport of

equipment and personnel to the site, and water quality impacts from erosion and potential spills. The impacts will be reduced through avoidance and minimization techniques and best management practices for construction.

The following resources would not be affected by the Proposed Action: air quality; Section 4(f) resources; farmlands; hazardous materials, solid waste and pollution prevention; light emissions; natural resources and energy supply, socioeconomics, environmental justice, children's environmental health and safety risks; floodplains; groundwater; public drinking water supplies; and, wild and scenic rivers.

The following resources are addressed in the EA for potential project impacts: biological resources; climate; coastal resources; historical, architectural, archaeological and cultural resources; land use; noise and noise compatible land use; visual resources; water resources; and, cumulative impacts.

The categories with any impact by the Proposed Action are mentioned below. A full discussion of these categories, as well as the complete analysis conducted for all categories, can be found in the FEA.

*Biological Resources:* Under the Proposed Action, the obstruction removal actions would clear approximately 60 acres of young forest habitat and mid- to late-successional forest habitat. A small amount (<1 acre) of riparian habitat would be impacted. The areas surrounding the project would be subject to increase noise from construction equipment and activities during tree removal. Wildlife would be disturbed by this increase in noise and human activity and would most likely avoid these areas until construction is completed. This could disrupt breeding activities for some individuals.

A Biological Assessment was completed that analyzed potential impacts on Endangered Species Act (ESA)-listed terrestrial species including marbled murrelet, northern spotted owl, and Pacific marten. No direct effects are anticipated to occur to either marbled murrelet, northern spotted owl, or Pacific marten because trees are proposed to be removed from occupied/contiguous habitat after September 14 and before February 1 when no breeding birds or denning Pacific martens would be present. Although there would be no direct impacts to listed species, tree removal will modify habitat of approximately 3 acres of occupied and contiguous marbled murrelet habitat, which is also considered potential suitable northern spotted owl and Pacific marten habitat. Tree removal in occupied/contiguous habitat would affect 2% of the surrounding suitable forest (approximately 140 acres) and is not expected to adversely impair the ability of marbled murrelet, northern spotted owl or Pacific marten to reproduce in the area.

An evaluation was completed that analyzed potential impacts on ESA-listed fish species including Oregon Coast Coho salmon and associated critical habitat. Coho salmon are present in Thiel Creek and at low numbers in Henderson Creek, but have not been observed in Moore Creek or Grant Creek. Based on the implementation of erosion control measures and other conservation measures listed below under Mitigation, it was determined the Proposed Action would have no direct or indirect significant impacts on Oregon Coast Coho salmon and critical habitat.

To avoid potential impacts to birds protected under the Migratory Bird Treaty Act (MBTA), tree removal would occur outside of the breeding period of March 1 to September 15 or a pre-construction survey will be done to look for active nests of the specific MBTA protected species. To avoid potential impacts to the known bald eagle nest, the tree will be surveyed and marked prior to construction and trees proposed for removal that are within 0.5 miles of the nest tree will be removed outside of the breeding season for bald eagle (February 1-September 15).

*Coastal Resources:* Under the Proposed Action, clearing the airspace of obstructions benefits current and future recreational users. Additionally, clearing the airspace of obstructions ensures readiness as a critical coastal resource for emergency response in the event of a major earthquake and tsunami event. As described previously, tree removal will modify existing habitats and could cause a change in the wildlife species that use the habitat and how it is used. Based on the analysis of coastal effects and Oregon Enforceable Policies, the Proposed Action would have no significant impacts to coastal resources and would be consistent with the Oregon Coastal Management Program (OCMP) and, therefore, consistent with the federal Coastal Zone Management Act (CZMA).

*Noise and Noise-Compatible Land Use:* There are no residential properties or other noise-sensitive land uses near the tree removal areas in either of the Runway 16 or Runway 20 approaches. There are residential properties (Pruner subdivision) located approximately 1,000 feet southwest of the end of Runway 34 and immediately adjacent to tree removal areas in the Runway 34 approach. The removal of trees will likely lead to an increase in noise and vibrations to these residential properties, as the trees will no longer act as a buffer to noise from aircraft on the ground. However, the trees identified as obstructions lie outside the DNL 65 dB noise contour; and therefore, removal of trees will not change the DNL 65 dB noise contour. The natural surface that would remain is considered a soft acoustical surface and provides sound absorption even without the vegetation. The shrubs and short-statured trees proposed for planting after tree removal will provide some sound absorption once established.

Temporary increases in noise are expected from equipment used to remove the trees. The residents along S.E. Cedar Street will experience short-term noise impacts during project construction. The noise from construction would be temporary and is anticipated to take 8 to 10 weeks. Upon project completion, ambient noise levels would return to pre-existing conditions and the DNL 65 dB noise contours are expected to remain the same. No significant noise impacts would occur as a result of the Proposed Action. While no specific mitigation is required, the Proposed Action incorporates minimization measures that would reduce noise impacts.

*Visual Effects:* The Proposed Action would remove vegetation in the area directly in-line with the approaches of Runways 16, 20, and 34. Tree removal north of the Airport (off Runway 16 and Runway 20) would not be noticeably visible or seen by the general public. The property where trees will be removed in the approach of Runway 16 is owned by the City and access is limited and controlled for Airport operations. Topography obstructs views from properties owned by others to this area. Trees proposed for removal in the approach of Runway 20 are in an area also either owned by the City or by a private property owner where views to these properties would not be seen by the general public. Trees proposed for removal in the approach of Runway 34 would be visible to residents who live along the east side of S.E. Cedar Street. The views from their property looking east will change from a dense second-growth forest to a harvested area with stumps. Mitigation measures (listed below) will be implemented to minimize visual impacts to residents. With the implementation of these measures, there would be no significant direct or indirect impact on visual resources.

*Water Resources:* A limited amount of tree removal will occur within and adjacent to delineated wetlands. In the area north of Runway 20, trees would be removed from one wetland. This will convert 0.01 acres of forested wetland to emergent wetland. Four wetlands north of Runway 16 and five wetlands south of Runway 34 will have trees removed within 50 feet of the wetland boundary. Tree removal in these areas will be done with hand tools and access would be on foot to minimize impacts.

There would be no direct impacts on the stream channel of Henderson, Moore, or Theil Creek or any associated tributaries. Tree removal within 50 feet of streams would occur in small (0.01-0.02 acre) areas resulting in a loss of 0.56 acres of riparian habitat. Additional erosion and sedimentation control BMPs are proposed within riparian buffers to control siltation.

With the mitigation of impacts, there would be no long-term impacts to wetlands or streams and the proposed tree removal would not cause water quality to exceed federal, state, local, or tribal standards. Therefore, the Proposed Action will not result in significant impacts to water resources.

## **Mitigation**

No significant impacts were identified as a result of the Proposed Action. The Proposed Action incorporates a number of conservation measures to bring the project into compliance with the Endangered Species Act as well as additional avoidance, conservation, and minimization measures to reduce and mitigation impacts. These measures include:

- After tree removal, soils would be stabilized with an appropriate seed mix (which may include sterile grass or a native upland forest herbaceous mix) immediately after tree removal and

inter-planted by the next growing season with native shrubs or short-statured trees such as vine maple, red-osier dogwood, cascara, and Douglas hawthorn (i.e., if trees are removed in the late summer/early fall, soil stabilization would occur that same fall, and inter-planting would be accomplished the following spring).

- Tree removal in occupied/contiguous habitat would occur outside of the combined marbled murrelet, northern spotted owl and Pacific marten breeding/denning season (February 1 to September 15) to avoid the potential for take.
- Tree removal in occupied/contiguous marbled murrelet habitat would occur during daylight hours (i.e., not at dawn or dusk).
- Tree removal would occur outside of the breeding period of February 1 to September 15 or a pre-construction survey will be done to look for active MBTA protected species nests.
- Tree removal within 0.5-mile radius of the bald eagle nest north of Runway 16 will be conducted outside of the breeding period of February 1 to September 15.
- The bald eagle nest tree will be surveyed and marked, and construction fencing will be installed around it.
- Tree removal within 50 feet of streams will occur during the dry season (late July to mid-September) to eliminate the chance of erosion and sedimentation below the OHWL.
- Trees within 50 feet of a stream or within a delineated wetland will be left where they fall rather than hauled off-site. In these areas, obstructions will be removed using hand tools and low-impact equipment. Heavy equipment such as track rigs will not be used. The contractor will be required to access the site and perform the work on foot or using wetland mats to protect sensitive vegetation.
- Riparian setbacks and wetlands will be flagged prior to construction.
- Erosion and sedimentation control BMPs will be inspected twice-weekly to prevent soil from mobilizing outside of work areas and into fish-bearing streams.
- Emergency spill response and clean-up equipment will be available on-site during all construction activities.
- Adjacent to the residential properties, tree removal will be limited to Monday through Friday from the hours of 7:00 AM to 5:00 PM.
- Work will not take place on Saturdays, Sundays, state and federal holidays, or from 5:00 PM to 7:00 AM.
- The City will provide residents 14 days-notice before tree removal will begin on adjacent property.
- On tax lots 11-11-32-00-00200, 11-11-32-00-01604, and 11-11-32-00-00201, slash piles will be chipped or removed.
- Construction access and staging areas will be located on existing paved or disturbed surfaces in upland areas. No staging will occur within delineated wetlands or riparian buffers.

### **Public and Agency Involvement**

Chapter 4 of the FEA summarizes the public outreach, agency, and tribal coordination undertaken for the project.

The FAA and the City of Newport conducted early coordination meetings with several federal, state, and local agencies to discuss potential impacts to fish and wildlife species and to wetlands and streams. On October 11, 2018, prior to the outset of the environmental review process, a scoping meeting was held to solicit initial comments from various federal, state, and local agencies. A second agency meeting was held on November 21, 2019, to provide the agencies an update on the project and the results of the field surveys. A third agency meeting was held on September 29, 2021, to provide the agency an update on the proposed project and that the scope of the project had been reduced to removing obstructions in the three approach surfaces comprising the Proposed Action.

A Biological Assessment was completed for terrestrial species under the jurisdiction of US Fish and Wildlife Service (USFWS) and on February 24, 2022, the FAA requested formal consultation for the marbled murrelet. The USFWS transmitted their Biological Opinion on the project to FAA (included as Appendix E to the FEA). After reviewing the current status of the species, the environmental baseline, the effects of the proposed action, including all measures proposed to avoid and minimize adverse effects, and the cumulative effects, the USFWS concluded that the proposed project will not jeopardize the continued existence of the marbled murrelet. The USFWS concurred with the FAA's determination that the proposed action may affect, but is not likely to adversely affect, the northern spotted owl or coastal marten. As no designated or proposed critical habitat for any listed or proposed species occurs within the action area, none will be adversely modified or destroyed.

The FAA conducted consultation with Oregon State Historic Preservation Office (Oregon SHPO) and three affected tribes (Confederated Tribes of the Warm Springs Reservation, Confederated Tribes of the Grand Ronde, and Confederated Tribes of the Siletz Indians) regarding cultural and historic resources. Consultation was initiated in July 2019 and concluded in March 2022 with a finding of *No Historic Properties Affected*.

An open house for the project was held early on in October 11, 2018 to notify the public of the proposed project. After field investigation and surveys were performed, a second public meeting was held on November 11, 2021. The purpose of the meeting was to give the public an update on the proposed project and that the scope of the project had been reduced since the last meeting in October 2018.

On April 11, 2022, a Public Notice was published in the local newspaper announcing the availability of the Draft EA and requesting public comment. The Draft EA was posted on the Airport's website and hard copies were made available at City Hall, the Airport terminal, and to anyone who requested a copy. Letters to people who had previously provided comments on the project and property owners on Birch and Cedar streets were also mailed to notify people of the availability of the Draft EA. A public meeting was held on April 19, 2022 at City Hall. The meeting was also live streamed. Four people attended the meeting in person. A summary of the comments received at the meeting and during the comment period are included in Appendix F of the FEA. No new issues were brought up that required additional analysis.

### **Environmental Finding and Approval**

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

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Date: June 1, 2022