

U.S. Department of Transportation
Federal Aviation Administration
Southwest Region

Finding of No Significant Impact (FONSI)

Fort Smith Regional Airport
Solar Array Project
Fort Smith, Arkansas

November 2023

1. INTRODUCTION

This document serves as a Finding of No Significant Impact (FONSI) for the proposed Federal Aviation Administration (FAA) actions necessary for the implementation of the Solar Array Project at Fort Smith Regional Airport (FSM), in Fort Smith, Arkansas. Fort Smith Regional Airport Commission, as owner of the airport, is the airport sponsor and proponent of the proposed airport improvements.

The Federal Aviation Administration (FAA) is the federal agency responsible for the approval of the Proposed Action analyzed in the Environmental Assessment (EA). The FAA has determined that the Proposed Action will have no significant impact to the human environment.

2. PROPOSED FEDERAL ACTION

The federal actions necessary for implementation of the Proposed Action include:

1. Determination under 49 U.S. Code (USC) §§40103(b) and 47107(a)(16), relating to the eligibility of the Proposed Action for federal funding under the Airport Improvement Program (AIP),
2. Determination under 49 USC §40117, as implemented by 14 CFR §158.25, to impose and use passenger facility charges (PFC) collected at the airport to assist with construction of potentially eligible items shown on the Airport Layout Plan (ALP),
3. Unconditional approval of the ALP portion depicting the Proposed Action as described in the attached EA within Section 3.2.

3. PURPOSE AND NEED

Pursuant to the National Environmental Policy Act (NEPA) and FAA Orders 1050.1F, Environmental Impacts: Policies and Procedures and 5050.4B, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions, an EA must include a description of the purpose of a proposed action and the reasons it is needed. The purpose of and the need for the Proposed Action are discussed below.

The purpose of the Proposed Action is to establish a solar array energy system that will supplement the terminal building's existing and forecasted electrical demand, reduce the airport's reliance on fossil fuels, and move the airport toward the use of renewable energy.

The Proposed Action is needed to supplement the current and projected electricity demand of the airport's terminal building and reduce long-term electricity costs. The need would be fulfilled by providing a solar PV system designed in compliance with 14 CFR Part 77.

4. ALTERNATIVES

FAA Orders 1050.1F and 5050.4B require a thorough objective assessment of the Proposed Action, No Action alternative, and all "reasonable" alternatives that would achieve the stated purpose and need of the Proposed Action. The Alternatives analysis is consistent with the requirements of the Orders. See Section 3.1 of the attached EA for a detailed alternatives evaluation.

4.1 No Action Alternative (NAA)

Under the NAA, existing infrastructure would remain at FSM and the proposed project would not be implemented. The NAA does not meet the stated purpose and need for this project but was carried forward in the analysis of environmental consequences in accordance with Council on Environmental Quality requirements.

4.2 Proposed Action Alternative

Alternative 1 is considered the Proposed Action and includes installation of 1,920 solar PV system panels between McKennon Blvd. and the 35-foot building restriction line (BRL) associated with Runway 1-19. This location is identified for non-aviation use reserve area according to the MPU and ALP. Solar PV system panels shall be positioned according to the conceptual layout as shown on Figure 4 of the attached EA. Alternative 1 satisfies the objectives of the purpose and need by providing the needed annual cost reduction, reduced reliance on the outside electrical utility provider, and moves the airport toward the 2050 zero-emissions goal. The Proposed Action includes the following connected actions:

Trenching Electric Lines

As a result of positioning the solar PV array between the building restriction line of Runway 1-19 and McKennon Blvd., buried electric lines would be installed to connect to the airport terminal building. No easements would be required for connecting electric lines to the main terminal building.

Solar Panel Installation

The solar photovoltaic (PV) array equipment will consist of 1,920 First Solar FS-6450A-C panels and five SMA Sunny Highpower PEAK3 125-US inverters (Entegriy Solar, 2022). The solar PV array will be configured to avoid wetlands as much as possible and designed to accommodate FAA separation distance requirements provided in AC 150/5300-13B for the safe and efficient maneuvering of aircraft in relation to the BRL associated with Runway 1-19. Refer

to Figure 4 of the attached EA for the solar PV array conceptual layout. This installation would require clearing and grubbing of approximately 4.2 acres of existing airport maintained grassed area.

Airport Operations Area (AOA) Security Fence

Removal of approximately 250 linear feet and installation of approximately 334 linear feet of airport operations area (AOA) security fence and partial security fence is required for installation of the PV system. The relocated AOA security fence would meet standard design and signage criteria identified in the current edition of FAA Advisory Circular 150/5370-10 *Standards for Specifying Construction of Airports*.

5. ENVIRONMENTAL CONSEQUENCES

The environmental impacts, if any, of the proposed alternatives were examined in the EA according to the FAA Orders 5050.4B and 1050.1F. The environmental impacts of the Proposed Action alternatives are presented in this section.

A number of resources will not be impacted by implementation of the Proposed Action and will not be further discussed in detail in this FONSI.

5.1 Biological Resources

Direct impacts to approximately 4.2 acres of herbaceous vegetation will decrease available habitat for bird, reptile, and mammal species. Table 4 of the attached EA provides information on impact quantities for each Federal and state listed species. Vegetation removal is consistent with the airport's Wildlife Hazard Management Plan (WHMP) in removing potential hazardous wildlife attractants (i.e., wetlands) on the airport in accordance with AC 150/5500-33C.

Informal Section 7 consultation was completed on April 7, 2023. The Proposed Action would have a no effect determination for the Indiana bat and Northern long-eared bat, and a not likely to adversely effect determination for the Eastern black rail, piping plover, and the red knot. The Proposed Action would have a May Affect determination for the American burying beetle (ABB). Approximately 3.67 acres of suitable ABB habitat would be disturbed by the Proposed Action and is shown on Figure 6 of the attached EA. This project complies with the final 4(d) rule with incidental take covered by the U.S. Fish and Wildlife Service's (USFWS) October 15, 2020, Intra-Service Programmatic Biological Opinion on the final 4(d) rule for the ABB addressing "Activities Excepted from Take Prohibitions" and complies with Section 7(a)(2) with respect to the ABB. No further consultation is required for the Proposed Action for this species. The USFWS concurred with these determinations, and therefore no further consultation is required. The Proposed Action would not jeopardize the continued existence of the alligator snapping turtle or monarch butterfly. Refer to Appendix C of the attached EA for USFWS coordination and Appendix D of the attached EA for a list of federally listed species.

5.2 Water Resources

Two emergent wetlands, Wetland 1 and Wetland 2, were identified within the study area and

shown on Figure 7 and figures in Appendix E of the attached EA. The Proposed Action is anticipated to fill approximately 0.49 acres of emergent wetlands within the direct study area as identified in Table 5 of the attached EA. Potential impacts to water quality resulting from stormwater runoff during construction were also assessed. Temporary, short-term impacts to surface waters within the disturbed areas may occur from stormwater runoff during construction. These impacts, which may occur because of increased sedimentation and siltation resulting from land disturbance, may temporarily decrease water quality. However, these impacts are not anticipated to be significant as best management practice measures and provisions and specifications of FAA Advisory Circular 150/5370-10F *Standards for Specifying Construction of Airports* will be implemented to avoid and/or minimize adverse construction activities. The appropriate Section 401 water quality certification shall be obtained in conjunction with the required Section 404 permit. No other construction-related impacts to wetlands are anticipated because of the Proposed Action.

As the Proposed Action cannot fully avoid alterations to waters of the U.S., comprehensive mitigation to provide replacement of lost aquatic resource benefits will be required. To mitigate for wetland loss, FSM would purchase 3.77 wetland credits from a U.S. Army Corps of Engineers (USACE) approved compensatory mitigation bank within the primary service area, or 5.66 wetland credits from an approved and operating mitigation bank servicing the secondary service area as determined by the USACE. It is anticipated that all wetland impacts can be mitigated and therefore would not be considered significantly adverse. Wetland credit calculations were provided with the Section 404 permitting package submitted to the USACE by on September 29, 2023 and confirmed with the issuance of the Section 404 Nationwide Permit 51 received on October 3, 2023 (refer to Appendix F of the attached EA). The appropriate Section 401 water quality certification is issued with the nationwide permit.

6. AGENCY COORDINATION AND PUBLIC INVOLVEMENT

The intent of the agency and Tribal coordination is to solicit input early in the process regarding potential environmental, cultural, and archeological resources which could be impacted by the Proposed Action. The below-listed agencies and Native American Tribes were consulted during the preparation of this EA. All agency coordination is provided in Appendix C of the attached EA.

Agencies Consulted and Dates of Consultation:

- Arkansas Historic Preservation Program (AHPP) – Responses received June 20 and July 14, 2023
- U.S. Army Corps of Engineers (USACE) – Initial response received July 7, 2023. Preliminary Jurisdictional Determination received July 20, 2023. Section 404 Nationwide permit received on October 3, 2023
- U.S. Fish and Wildlife Service (USFWS) – Response received June 16, 2023
- Arkansas Natural Heritage Commission (ANHC) – Response received June 16, 2023

Tribes Consulted (initial Tribal consultation occurred July 27, 2023):

- Caddo Nation – response received July 28, 2023
- Cherokee Nation – response received August 21, 2023

- Choctaw Nation of Oklahoma – no response
- Muscogee (Creek) Nation – no response
- Osage Nation – response received September 7, 2023
- Shawnee Tribe – no response
- Quapaw Nation – cultural resource survey submitted August 8, 2023
- Chickasaw Nation – no response

The Draft Environmental Assessment was completed in September 2023 and was prepared for public review and comment prior to advertising a notice of opportunity to request a public hearing. On October 20, 2023, FSM opened the public comment period by placing advertisements on their website (flyfsm.com) and in the Southwest Times Record, a newspaper of general circulation throughout Fort Smith and Sebastian County, Arkansas. A copy of the advertisement and affidavit of publication are included in Appendix G. Hardcopies of the Draft EA were made available for the public to review until November 19, 2023, at the FSM terminal building. Opportunities were provided to the public to respond to the EA via letter, email, website comment response, or by telephone. No comments were received.

7. CONDITIONS AND MITIGATION

As prescribed by 40 CFR §1505.3, the FAA shall take steps as appropriate to the action, such as through special conditions in grant agreements, property conveyance deeds, releases, airport layout plan approvals, and contract plans and specifications and shall monitor these as necessary to assure that representations made in the EA and FONSI will be carried out. Specific conditions of approval associated with this project are listed below:

- Wetland mitigation is required for unavoidable impacts to 0.49 acre of emergent wetlands. Wetland mitigation in the amount of 3.77 credits from an approved and operating mitigation bank within the primary service area or 5.66 credits from an approved and operating mitigation bank within the secondary service area will be purchased by FSM prior to construction to compensate for these impacts through the Section 404 permit process. A detailed list of additional mitigation measures are included in Section 6.0 of the attached EA.

8. FINDINGS

Throughout the development of the airport, including the proposed improvements described above, the FAA has made every effort to adhere to the policies and purposes of NEPA, as stated in the NEPA implementing regulations. The FAA has concentrated on the truly significant issues related to the action in question. The FAA determined that the Proposed Action is in compliance with FAA Order 1050.1F 6-3.b(2). In its determination on whether to prepare an Environmental Impact Statement (EIS) or process the EA as a FONSI, the FAA weighed its decision based on an examination of the EA, and comments from Federal and state agencies, as well as all other information available to the FAA.

The FAA makes the following determinations for this project based upon a careful review of the attached EA, the supporting administrative record, and appropriate supporting information. The

FAA weighed both the potential positive and negative consequences that this Proposed Action may have on the quality of the human environment. The FAA has determined that the Proposed Action meets the purpose and need of the proposed project and best implements necessary airfield modifications to meet FAA design standards.

The following determinations are prescribed by the statutory provisions set forth in the Airport and Airway Improvement Act of 1982, as codified in 49 USC §47106 and 47107.

- The FAA has determined the Proposed Action would result in safe and efficient use of U.S. airspace as prescribed in 49 U.S.C. §40103(a).
- The Proposed Action is reasonably necessary for use in air commerce (49 U.S.C. §44502(b)).
- The Proposed Action is reasonably consistent with existing plans of public agencies responsible for development of the area surrounding the airport (49 U.S.C. §47106(a)(1)).
- The interests of the community in or near where the Proposed Action is located have been given fair consideration (49 U.S.C. §47106(b)(2)).

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 of Section 101 of NEPA and other applicable environmental requirements and, with the required mitigation referenced above, will not significantly affect the quality of the human environment, or otherwise include any condition requiring any consultation pursuant to section 102(2)(C) of NEPA. As a result, FAA has determined that preparation of an EIS is not necessary for this proposed action and is therefore issuing this FONSI.

The undersigned, therefore, now approves and directs action as needed, to carry out the agency action outlined above under Proposed FAA Actions required for the Solar Array Project described under the Proposed Action in the attached EA and this FONSI. These actions are directed to be taken, and determinations and approvals are made, under the authority of 49 U.S.C. §§40104, 44701, 46110, 47101, and 47122.

RECOMMENDED
FOR APPROVAL:

**JOHN J
MACFARLANE**

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John MacFarlane
Environmental Protection Specialist
Planning and Programming Branch

APPROVED:

GLENN A BOLES

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Glenn Boles
Manager
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