

**APPENDIX C: 1983 AGREEMENT BETWEEN THE  
UNITED STATES DEPARTMENT OF THE INTERIOR AND THE  
JACKSON HOLE AIRPORT BOARD, INCLUDING AMENDMENTS**

AGREEMENT BETWEEN THE  
UNITED STATES DEPARTMENT OF THE INTERIOR  
AND THE  
JACKSON HOLE AIRPORT BOARD

This agreement is entered into pursuant to the Act of March 18,  
1950. 16 U.S.C. 7a-7e. by the United States of America acting

AGREEMENT BETWEEN THE  
UNITED STATES DEPARTMENT OF THE INTERIOR  
AND THE  
JACKSON HOLE AIRPORT BOARD

This agreement is entered into pursuant to the Act of March 18, 1950, 16 U.S.C. 7a-7e, by the United States of America acting through the Department of the Interior (Department) as represented by the Secretary of the Interior, and the Jackson Hole Airport Board (Board) which is an organization created under the laws of the State of Wyoming by Resolution of the Board of County Commissioners of Teton County, Wyoming and Ordinance of the Town of Jackson, Wyoming.

The Board has operated, and is presently operating an airport in Grand Teton National Park under permits with the U.S. Department of the Interior, National Park Service, presently scheduled to expire on April 25, 1995. 1/

The Secretary of the Interior has determined that the continued operation of such airport is necessary to the proper performance of the functions of the Department and that no feasible and prudent alternatives thereto exist. It is, therefore, the desire of the parties that this agreement be executed to extend the term of the present permit to provide a mechanism to facilitate the qualification for Federal Aviation Administration grants-in-aid and for appropriate amortization of improvement costs, to make necessary changes in the terms thereof, and to set forth more precisely the mutual obligations and responsibilities of the parties.

1/ Special Use Permits Nos. 14-10-217-146, April 29, 1955 and 1450-9-9022, August 1, 1979.

## TERMS AND CONDITIONS

### 1. TERM OF AGREEMENT.

(a) Term. This agreement shall be effective upon the date of the last signature hereto and for a primary term of 30 years thereafter; provided, that at the end of the 10th year of said 30-year term and at the end of each 10-year period thereafter the Board shall have an option to renew this agreement for an additional 10-year term if the Board has substantially and satisfactorily complied with all of the essential terms and conditions of this agreement. The term of this agreement, as extended, shall not exceed 50 years.

(b) Extensions and Modifications. Further extensions, amendments or modifications may be negotiated by the parties on mutually satisfactory terms. Furthermore, upon expiration of the agreement the Parties agree to negotiate in good faith a mutually satisfactory extension of the agreement.

### 2. DESCRIPTION OF LAND.

During the term of this agreement the Board is authorized to use the following described land in Grand Teton National Park, to wit:

Beginning at the SW corner of the NW 1/4, NW 1/4, Section 23, T. 42N., R. 116W., 6th Principal Meridian, running northward along the section line to the NW corner of the SW 1/4, Section 14. Then northwest to a point 280 feet south and 310 feet west of the NW corner of the SW 1/4, NW 1/4, Section 14; thence NE to the NW corner of the SW 1/4, NW 1/4, Section 14. Then NE to the NE corner NW 1/4, NW 1/4, Section 14, and then NE to a point 500 feet north and 250 feet east of the SW corner of the NW 1/4, NE 1/4, Section 11. Then in an easterly direction to a point 550 feet east of the SW corner of the NE 1/4, NE 1/4, Section 11; thence southward to the NW corner SW 1/4, NE 1/4, Section 14; then along the 1/4 section line to the center 1/4 corner of Section 14. Then southwesterly to the NE

corner, NW 1/4, NW 1/4, Section 23, and then south to the SE corner, NW 1/4, NW 1/4, Section 23, and then west to the point of beginning.

Said area contains + 533 acres for the purpose of operating a public airport facility pursuant to the Act of March 18, 1950, as amended, supra.

In addition to those lands legally described above, additional lands, approximately 4.37 acres, are hereby assigned for the purpose of allowing the Airport Board to use and maintain the access road from U.S. Highway 26/89 that serves the airport. The extent of this additional land shall be 30 feet on each side of the center line for the sole purpose of maintenance and operation of the existing access road, which is approximately .6 mile in length. Maximum paving width on any future repaving shall not exceed a total of 24 feet. In advance of any reconstruction of the road, plans shall be reviewed by the National Park Service in accordance with section 7 of this agreement.

### 3. PAYMENTS.

In consideration of the permission to use the land described above and the other terms and conditions herein specified, the Board shall perform snow removal services for the airport access road and parking lots and maintain the access road as set forth in Section 7(e) of this agreement (which services were formerly performed by the Department), and pay to the United States the sum of one percent of the first \$200,000 of Operating Receipts of the Board (excluding grants and revolving funds, as listed in Attachment A) and one-and-one-half percent of any Operating Receipts of the Board exceeding \$200,000. "Operating Receipts" as used in this subparagraph means those funds received by the Board as the result of operations carried on at the airport and do not include federal, state or local grants, loan receipts, revolving funds, interest income or receipts from the Town of Jackson or Teton County, Wyoming. This fee shall be payable within sixty (60) days following the close of the Board's fiscal year and shall be paid to the Superintendent of Grand Teton National Park.

An interest charge will be assessed on overdue amounts for each 30 day period, or portion thereof, that payment is delayed. The percent of interest charged will be based on the current value of funds to the United States Treasury which is published quarterly in the Treasury Fiscal Requirements Manual.

#### 4. REGULATIONS AND AIRPORT OPERATION.

(a) General. In the operation of the airport, the Board shall comply with all applicable Federal rules and regulations. The Board will be notified and afforded an opportunity to comment on any regulations proposed by the Department affecting airport operations.

(b) Management Responsibility. The Board is deemed the operator of the airport as defined in the applicable Department of Transportation regulations, and, as such, is solely responsible for the operation, management, utilization and maintenance thereof. The Board shall consult with the Department on such matters as may significantly affect the proper performance of the functions of the Department.

(c) Federal Aviation Administration Regulations. Airport operations must comply with the regulations of the Federal Aviation Administration governing operations of airports of this class and size.

(d) Federal Aviation Administration Special Use Permits. Special Use Permits issued to the Federal Aviation Administration for ILS/DME Clear Zones, Localizer Facility Sites, TVOR, RCAG and VASI facilities and related facilities, some within and other outside the established Airport boundary, as specified in the attached map (Attachment B), take precedence over other airport uses.

(e) Noise Control Plan. The Board's existing noise control plan will remain in effect, except as specifically modified by this agreement. Within twenty (20) months of the effective date of this agreement, the Board shall complete a revised plan based upon Federal Aviation Administration regulations, FAR Part 150, (14 C.F.R. Part 150) which utilizes the latest in noise mitigation technology and procedures. The revised plan will be developed in a comprehensive study to consider all of the relevant environmental, economic, and operational considerations.

The primary objective of the revised plan shall be to ensure that future airport operations are controlled in such a manner that aircraft noise exposure will remain compatible with the purposes of Grand Teton National Park and will result in no significant increase in cumulative or single event noise impacts on noise sensitive areas of the Park. See Attachments C (Figure 1) and D (Figure 2). The revised plan shall also seek to ensure

that airport operations are conducted in such a manner that aircraft noise exposure will be reasonably compatible with other adjacent land uses.

The Board shall implement all measures contained in the revised plan, as approved by the Department of Transportation, as soon as is practicable thereafter, but no later than two (2) years from the effective date of this agreement. The Board, on a continuous basis thereafter, will review and amend the plan to incorporate new prudent and feasible technological advances which would allow further reduction in noise impacts on Grand Teton National Park, and such amendments shall be implemented by the Board as soon as is practicable following approval by the Department of Transportation.

The Board will take all reasonable measures to notify aircraft operators to avoid noise sensitive areas of Grand Teton National Park. The Board will maintain records of complaints of aircraft violating the FAA airspace advisory of 2,000 feet above ground level over Grand Teton National Park and notify the appropriate FAA Flight Standards Office of all such complaints. Further, to the extent feasible, the Board will limit airport approaches from and departures to the north, and encourage pilots taking off to or approaching from the north to maintain a course east of U.S. Highway 26/89 north of Moose.

(f) Cumulative Noise Standards. The cumulative noise standards specified below will be enforced as soon as practicable after the effective date of the agreement, but no later than two (2) years. Failure to enforce these noise standards shall be a material breach of the agreement. Compliance with the noise standards will be determined through the collection of noise measurement data over the periods identified and locations specified in this agreement.

(1) Acoustical energy associated with airport operations shall not exceed a level of 45 dB (Ldn), as determined by calculations set out below, based on measurement of single event noise levels, west of a line drawn between the southwest corner of Section 3, Township 42 North, Range 116 West, and the northeast corner of Section 30, Township 44 North, Range 115 West, and no further north than the north section line of Sections 26, 27, 28, and 29, Township 44 North, Range 115 West. Monitoring station(s) shall be located approximately along the line described above in this paragraph.

Determinations of the 45 dB (Ldn) levels will be made using the following methods and calculation procedures:

a. Noise Metrics/Noise Measurement Equipment: Single event noise levels shall be measured using a Type 1 Precision Integrating Sound Level Meter (PISLM) or equivalent system capable of displaying:

1. Sound Exposure Level (SEL), the single event acoustical dose (also expressed LAE).
2. Maximum A-Weighted Sound Level (dBA), measured using SLOW dynamic response, (also expressed as LASm).
3. All measurement equipment and measurement practices shall comply with International Electrotechnical Commission Publication 651 (IEC-651).

b. Data Reporting: For each single event aircraft noise measurement it is necessary to provide the following:

1. Aircraft type, air carrier identification
2. Type of operation (landing or takeoff)
3. dBA
4. SEL
5. Graphic Level Time History (optional)
6. Time of maximum dBA occurrence
7. Airport reported wind, direction and speed temperature.

c. Determination of Statistical Average Sound Levels for Aircraft Type.

1. For each aircraft type within the airport mix determine a mean SEL and dBA value along with standard deviation for both approach and departure operational modes. These mean values must in each case reflect a statistical population of events which in turn reflect the yearly average airport operational characteristics including low wind (i.e., less than 10 knots), average temperature, and representative trip length.

2. For each determination of average sound exposure level (SEL) it is necessary to acquire a population sample size necessary to achieve a 90% confidence interval of ± 1.5 dB.



d. Noise Calculation Matrix: As the first step in estimating the yearly average Day-Night Sound Level (Ldn) it is necessary to develop the following tables.

## Takeoff

[illegible]

### Approach

| A/C Type | <u>SEL</u> | N* | ANTILOG(SEL/10) x N |
|----------|------------|----|---------------------|
|          |            |    |                     |
|          |            |    |                     |
|          |            |    |                     |
|          |            |    | Sum = A             |

\* N is the effective yearly-average daily number of operations.  
 $N = N_d + (10 \times N_n)$ , where  $N_d$  is the number of operations between 7 a.m.  
 and 10 p.m., and  $N_n$  is the number of operations between 10 p.m. and  
 7 a.m.

The estimate of the yearly-average Day-Night Sound Level (Ldn) is then calculated as follows:

$$L_{dn} = 10 \log (A+T) - 49.4$$

(2) Further, airport operations will not generate a 55 Ldn noise contour which extends beyond the boundary of the noise sensitive areas of the park as set forth in Attachments C (Figure 1) and D (Figure 2), which has been established based on the environmental resource needs of the park.

The 55 Ldn contour will be determined from the FAA Integrated Noise Model, Version 3.8, using the most current airport operations, including aircraft operation, flight tracks and time of operation. The noise contour shall then be validated using a measured estimate of the yearly average Ldn. The estimate shall be based on a sample of measured 24-hour Ldn values for not less than ten (10) days, each day characterized by nominal yearly-average operational characteristics. The estimate shall be reported along with the 90% confidence interval (CI). If the 90% CI exceeds 1.5 dB, the sample size shall be increased until a 90% CI of 1.5 dB is attained. Noise data shall be measured using appropriate acoustical engineering methodology as defined in American National Standards Institute (ANSI) and International Electrotechnical Commission (IEC) publications, and at location(s) agreed to by the Airport Board and the National Park Service.

(g) Single Event Noise Standard. No aircraft will be permitted to operate at the Jackson Hole Airport which has a single event noise level which exceeds 92 on the dBA scale on approach.

The single event noise standard specified above will be enforced as soon as practicable after the effective date of the agreement, but no later than 6 months. Failure to enforce this noise standard shall be a material breach of the agreement.

Compliance with the single event noise standard above will be determined by reference to Federal Aviation Administration Advisory Circular 36-3B, or the version of that document currently in effect. No adjustments for gross weight will be allowed. Aircraft types and models which are not listed in Advisory Circular 36-3B will be allowed to operate if the FAA determines that the aircraft type and model would meet the noise limits stated below if it were tested according to FAA procedures and the operator obtains approval from the Airport Board certifying that operation of the aircraft is compatible with conditions for operation of the airport.

(h) Commercial Scenic, Charter, and Training Flights. The Board agrees that it will insert in all subcontracts involving aircraft operations, and take reasonable measures to enforce, a provision prohibiting the origination of commercial scenic or charter flights, as well as aircraft training operations, over noise sensitive areas of the park, (see Attachments C (Figure 1) and D (Figure 2)), except when instrument operations are required to or

from the north by weather conditions or for instrument flight training, or are desirable for night time operations and except when required to utilize Victor (VOR-Federal) airways; provided, however, the above-instrument operations not specifically required by weather conditions must be conducted under Instrument Flight Rules (IFR) and cleared through FAA Air Traffic Control, and Victor airways must be intercepted outside the noise sensitive areas of the park at the minimum en route altitude prescribed for the airway and aircraft must maintain at least that altitude over the noise sensitive areas of the park.

#### 5. REVOCATION.

In the event the Board shall be in default due to its failure to perform any of the terms and conditions set forth in this agreement, the Department shall be entitled to terminate this agreement. The agreement may not be terminated without giving the Board an opportunity for a hearing on the merits as to the alleged default and without providing the Board a reasonable period within which to cure the alleged default. This reasonable period shall be such time as will be sufficient to provide the Board with an opportunity to cure the alleged default and, shall, in any event, not be less than ninety (90) days.

#### 6. ASSIGNMENT.

This agreement may not be assigned or transferred without the written consent of the Department, provided, however, this provision shall not be construed to prevent assignments for the purpose of obtaining financing, transfers by operation of law, or to successor governmental authorities.

#### 7. IMPROVEMENTS.

(a) General Construction. The Board may construct or install upon the lands included in this agreement such buildings, structures, or other improvements and build or construct such roads as are necessary and desirable for the operations permitted hereunder in the development subzone as marked on Attachment B. In addition, the Board may construct additional aircraft parking in the area marked on the attached map. The Board may not, however, do any of the following:

- (1) Install any improvements other than navigational and safety aids west of the existing runway.
- (2) Construct or permit the operation of any commercial overnight lodging accommodation facilities.

- (3) Construct or permit the operation of any industrial or other facilities unrelated to direct airport operations.
- (4) Construct any facilities (other than a control tower) at an elevation height in excess of the existing buildings.

All such structures or improvements will be compatible in architectural style and appearance with existing structures. The Board will be solely responsible for securing funds and carrying out any construction project. The Board will notify the Department of any proposed construction when and if preliminary or conceptual plans are developed. In addition, the Board will provide the Department with copies of proposed, detailed plans and specifications at least 150 days prior to planned initiation of construction and the Department will provide the Board with its written comments, if any, within 60 days thereafter.

The Board agrees to immediately cease all construction activities and notify the Department if any significant scientific, prehistorical, historical, or archeological data is being or may be irrevocably lost or destroyed as the result of such construction. Once construction has been discontinued, the Board agrees it will not be resumed prior to approval from the Department.

(b) Runway Extension. This agreement does not authorize the extension of the runway, which can only be accomplished by amendment to the agreement.

(c) Signs. All signs constructed or authorized by the Board shall be compatible with signs utilized by the National Park Service in Grand Teton National Park.

(d) Removal. Upon termination or revocation of this permit, the Board may remove any such building, structure, or improvement and if removed, shall restore the site thereof to as nearly a natural condition as possible. Any buildings, structures or improvements as have not been removed by the Board within six months following the revocation or termination of this permit shall become the property of the United States without compensation therefor. The Board agrees to remove any terminal facility on the land at its cost within six months after termination or expiration of this permit, if requested to do so by the National Park Service.

(e) Maintenance. The Board will physically maintain and repair all facilities used in the operation, including grounds maintenance and all necessary housekeeping activities associated with the operation, in a safe, sanitary, and sightly condition. Snow removal on the runways, taxiways, parking ramps, public parking lots, and roads including the access road, shall be the responsibility of the Board. Maintenance of the access road will be the responsibility of the Board. In order that a high standard of physical appearance, operations, repair and maintenance will be assured, appropriate annual inspections will be carried out jointly by the Department and the Board to determine such maintenance and repair needs.

The Board shall, at all times, keep the airport on the lands covered by this agreement equipped and maintained in accordance with the requirements of the Federal Aviation Administration or such other governmental agency or official as may have lawful jurisdiction and authority thereover.

## 8. INSURANCE.

(a) Insurance on Improvements. The Board shall carry or cause subcontractors and lessees to carry insurance on buildings and improvements against losses by fire or other hazards in an amount satisfactory to the Board. Amounts shall be subject to approval by the Department for facilities constructed with Department funds. In the event of loss, in whole or in part, of any such buildings or improvements as may be insured pursuant to the provisions hereof, such insurance shall be applied toward either (1) the replacement, rehabilitation, or repair of such building or improvements; or (2) the Board may elect to not rebuild and shall thereupon use the proceeds to remove any debris and restore the site; or (3) the construction of other buildings or improvements.

(b) Indemnity Insurance. The Board shall indemnify and hold the government harmless for any and all losses, damages, or liability on account of personal injury, death, or property damage, or claims for personal injury, death, or property damage of any nature whatsoever and by whosoever made, arising out of the activities of the Board, its employees, subcontractors, lessees, or agents.

For the purpose of fulfilling its obligations under this paragraph, the Board will provide the Department with written notice that the Board has obtained insurance, and the Board shall thereafter provide the Department written notice of any material change affecting the insurance program effected by the Board. The Board shall annually provide the Department with certificates of

insurance or other similar documents sufficient to evidence compliance with this section. The amounts of the insurance shall be equal to or greater than what is usually carried by prudent operators of similar airports.

## 9. SERVICES AND RATES.

(a) Business Activities. The business activities as shown on Attachment E providing services to the public by virtue of subcontracts, all of which activities have in the past and are presently being carried on, are authorized. The Board may provide other goods and services at the airport which are customary and usual for airports of this class and size and which are, to the maximum extent practicable, compatible with the purposes of Grand Teton National Park. When instituted, such activities shall be listed by the Board by written notice to the Department.

(b) Rates and Prices. Pursuant to 16 U.S.C. 7d all rates and prices charged by the Board and its subcontractors and licensees to the public shall be fair and reasonable. Reasonableness shall be judged primarily by comparison with those current for airports of comparable character under similar conditions, with due consideration for length of seasons, availability and costs of labor and materials, a reasonable rate of return on capital invested, and other factors affecting pricing at the Jackson Hole Airport. The Board shall advise the Department in writing of any proposed additional business activities or implementation of any proposed rates prior to institution of such activities or implementation of changes in previous rates, and such activities will also be subject to the provisions of section 7 of this agreement.

## 10. NON-DISCRIMINATION.

See Attachment F.

## 11. PUBLIC SAFETY.

(a) Law Enforcement. The board shall be responsible for general airport security and for the prevention of or the investigation of criminal activity on the airport grounds; however, the Department shall be notified immediately of such crimes as burglary, larceny, assault rape or homicide, or any other felony.

(b) Fire and Rescue. The Board shall be responsible for the prevention and suppression of fires which occur on airport grounds including those resulting from aircraft accidents during the hours in which scheduled air carrier (FAR Part 121) operations are in

progress. The Board shall also respond as quickly as possible to fires occurring at all other hours. The Board shall also ensure that a crash truck and sufficient personnel are available to man the crash truck and are trained in the suppression of aircraft fires and the rescue of victims of aircraft crashes. The Department shall be notified of any personal injury accident or fatalities, all fires, and all aircraft accidents.

## 12. COOPERATION.

The parties agree to confer with each other on a continuing basis during the term of this Agreement relative to any changed circumstances, including, without limitation, any technological advances which are available on a commercially reasonable basis relative to operations at the Jackson Hole Airport and to negotiate in good faith to adopt any reasonable amendment to this Agreement in recognition of any such developments.

## 13. MISCELLANEOUS PROVISIONS.

(a) Water Rights. The Board will obtain all water rights necessary or proper for use in connection with this agreement. At the end of the term of this agreement or upon revocation, the Board shall assign all water rights obtained to the Department.

(b) Visitor Information Services. The Department through the National Park Service reserves the right to institute information and interpretive activities in the terminal building as deemed desirable in recognition that the Jackson Hole Airport is a visitor entrance to Grand Teton National Park.

(c) Right of Entry. Representatives of the Department shall have the right, at any time, to enter upon any lands, buildings, or structures included within this agreement for any purposes deemed reasonably necessary for the administration of the area and the Government services therein, but not so as to conflict with Federal Aviation Administration security regulations, nor unreasonably interfere with the Board's use of such lands or the improvements thereon.

(d) Payment and Notices of Actions. Payments by the Board and all correspondence hereunder between the parties, including informational notices of proposed actions by either party shall be sent by certified mail, return receipt requested, addressed to the appropriate party at the addresses hereinafter indicated or at such other address as may be hereafter designated in writing by either

the parties: President, Jackson Hole Airport Board, P.O. Box 159, Jackson Wyoming, 83001; and Superintendent, Grand Teton National Park, Moose, Wyoming 83012.

(e) Officials Not to Benefit. No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

(f) Termination of Existing Permit. Upon the effective date of this agreement, Special Use Permit No. 1460-9-9022, August 1, 1979, is terminated, by agreement of the parties, in its entirety.

(g) Financial Report. The Board shall submit, not later than sixty (60) days after the close of its fiscal year, a copy of their financial report for the preceding year. The Department shall have the right to examine the Board's records to verify all such reports.

ATTEST:

JACKSON HOLE AIRPORT BOARD

John W. Richards  
Secretary

By:

W. H. Jensen  
President

April 27, 1983  
Date

April 27, 1983  
Date

THE UNITED STATES OF AMERICA

By:

James G. Watt  
Secretary of the Interior

Malcolm Wallop → Malcolm Wallop  
U.S. Senator (Idaho)  
Dick Cheney



JACKSON HOLE AIRPORT BOARD BUDGET RECEIPTS.

SUBJECT TO FEE'S

The following are specific types of receipts which the parties agree are subject to the fee:

1. Rental for the use of any building or improvement located at the Jackson Hole Airport.
2. Landing fees charged for aircraft utilizing Jackson Hole Airport.
3. License fees received from any fixed base operator.
4. License fees received from auto rental agencies.
5. Rental received from food establishments.
6. Gas tax refund to the extent not redistributed to local governments.

The following are specific types of receipts which the parties agree are not subject to the fee:

- (a) Reimbursements received by the Board for providing security and maintenance services.
- (b) Gas tax refunds redistributed to local governments.
- (c) Grants or gifts received by the Board.
- (d) Receipts from third parties for the use of the airport photo copy machine on an actual expense basis.
- (e) Interest income on investment funds.
- (f) Appropriations from the Town of Jackson, Teton County and the State of Wyoming
- (g) Loan receipts.

**BUSINESS ACTIVITIES: JACKSON HOLE AIRPORT**

The following are the types of activities permitted at the Jackson Hole Airport:

1. FAR Part 121 air carriers, commercial, commuter, air taxi and charter services.
2. Auto Rental Agencies.
3. The following services, alone or in conjunction with a Fixed Base Operator operation:
  - a) Flight and Ground School
  - b) Charter Service
  - c) Scenic Flights
  - d) Air Ambulance Service
  - e) Hangar Space
  - f) Fuel and Storage
  - g) Service and maintenance facilities for aircraft engine, airframe and avionics.
  - h) Soaring
  - i) Aerial Spraying
  - j) Other operations or activities specifically listed in the September 8, 1977 Airport Use Agreement between the Board and the Fixed Base Operator.
4. Cafe with liquor and malt beverage service
5. Vending machines
6. Airport terminal facilities
7. Automotive parking lot
8. Indoor advertising and courtesy phone system
9. Sundries

## NON-DISCRIMINATION

### United States Department of the Interior

The following provisions constitute Condition in accordance with Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967.

Nondiscrimination. If use of the land covered by the agreement will involve the employment by the Board of a person or persons, the Board agrees as follows:

(1) The Board will not discriminate against any employee or applicant for employment because of race, creed, color, ancestry, or national origin. The Board will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, ancestry, or national origin. Such action shall include but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination, rated of pay or other forms of compensation; and selection for training, including apprenticeship. The Board agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Department setting forth the provisions of this nondiscrimination clause.

(2) The Board will, in all solicitations or advertisements for employees placed by or on behalf of the Board, state that all qualified applicants will receive consideration for employment without regard to race, creed, color or national origin.

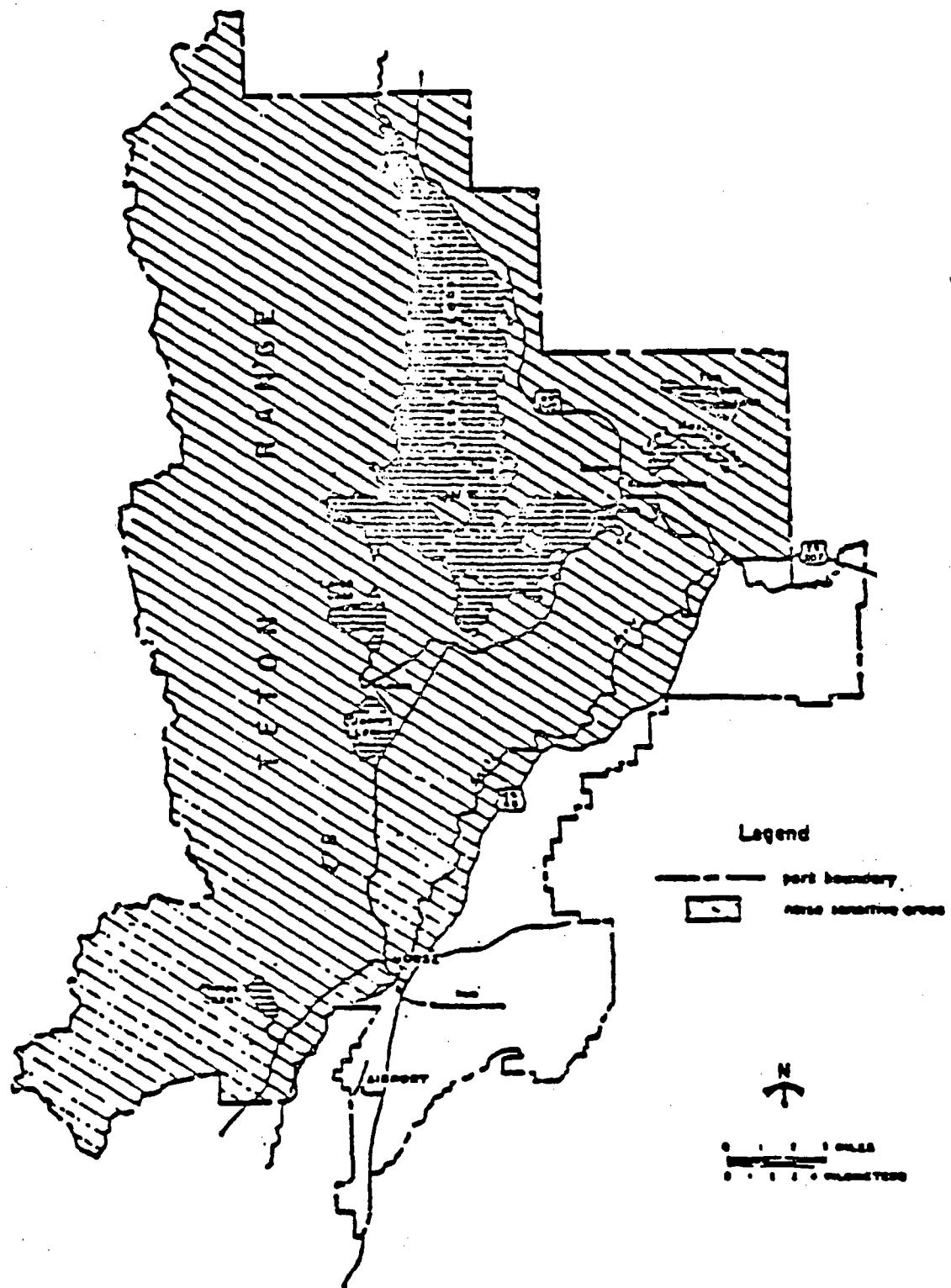
(3) The Board will send to each labor union or representative of workers with which it had a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Department, advising the labor union or workers' representative of the Board's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Board will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and amended by Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Board will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(6) In the event of the Board's noncompliance with the nondiscrimination clauses of this agreement or with any of such rules, regulations, or orders, this agreement may be cancelled, terminated or suspended in whole or in part and the Board may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

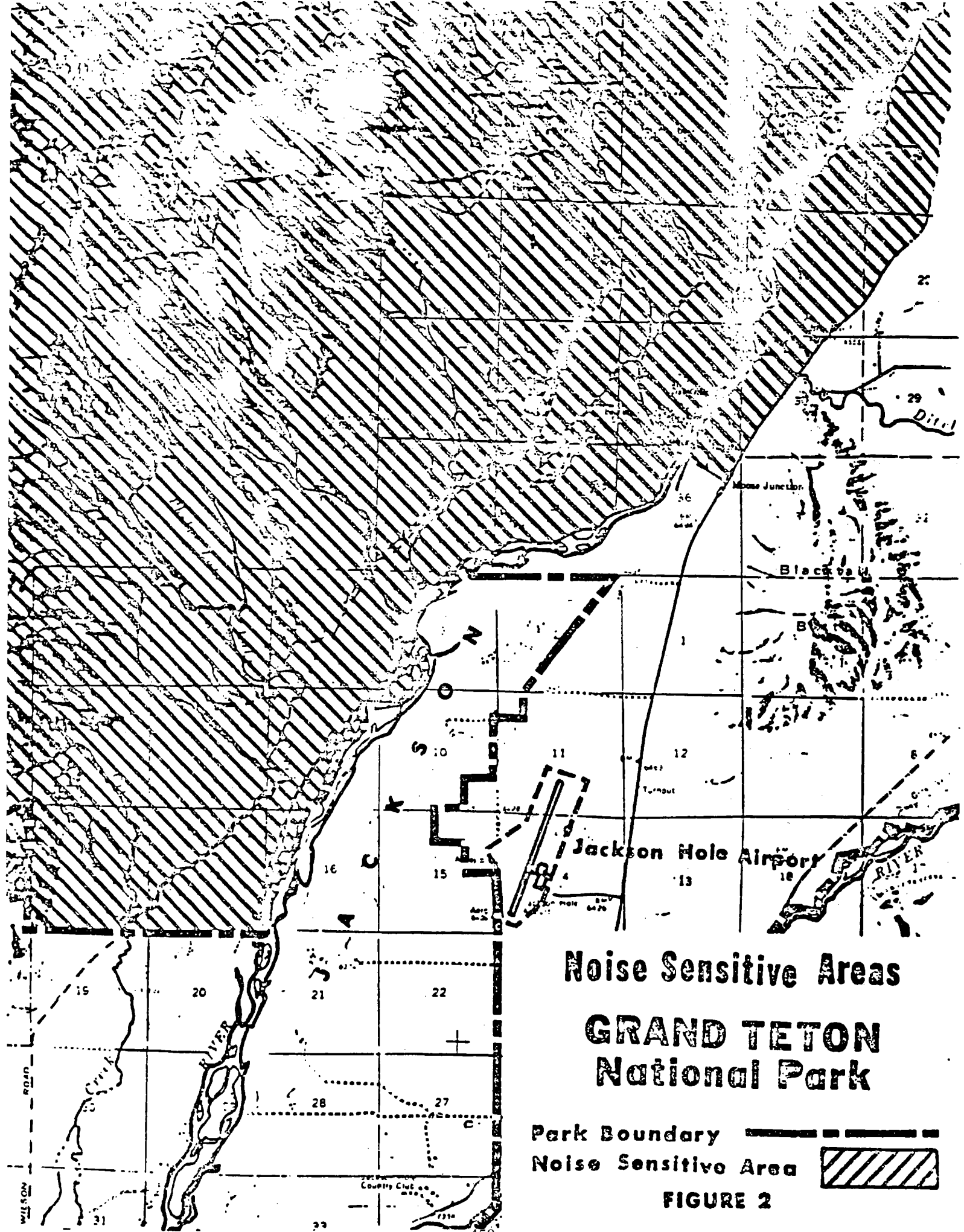
(7) The Board will include the provisions of paragraph (1) through (7) in every subcontract or purchase order unless executed by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 284 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Board will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Board becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department, the Board may request the United States to enter into such litigation to protect the interests of the United States.



**NOISE SENSITIVE AREAS**  
**GRAND TETON NATIONAL PARK**  
**TETON COUNTY, WYOMING**  
 UNITED STATES DEPARTMENT OF THE INTERIOR · NATIONAL PARK SERVICE

124 1 02.021  
 0.12.00 1 00.00

FIGURE 1.



Noise Sensitive Areas

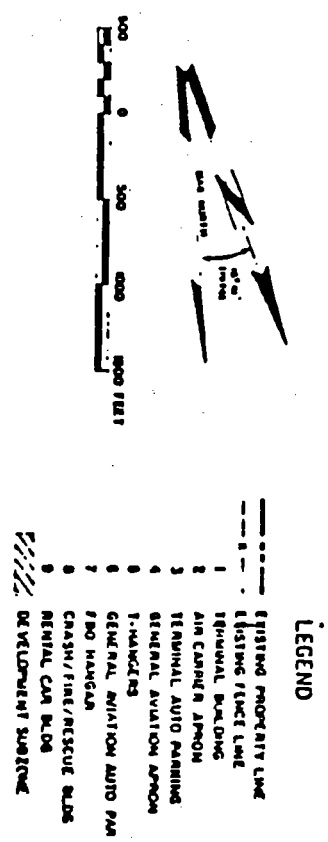
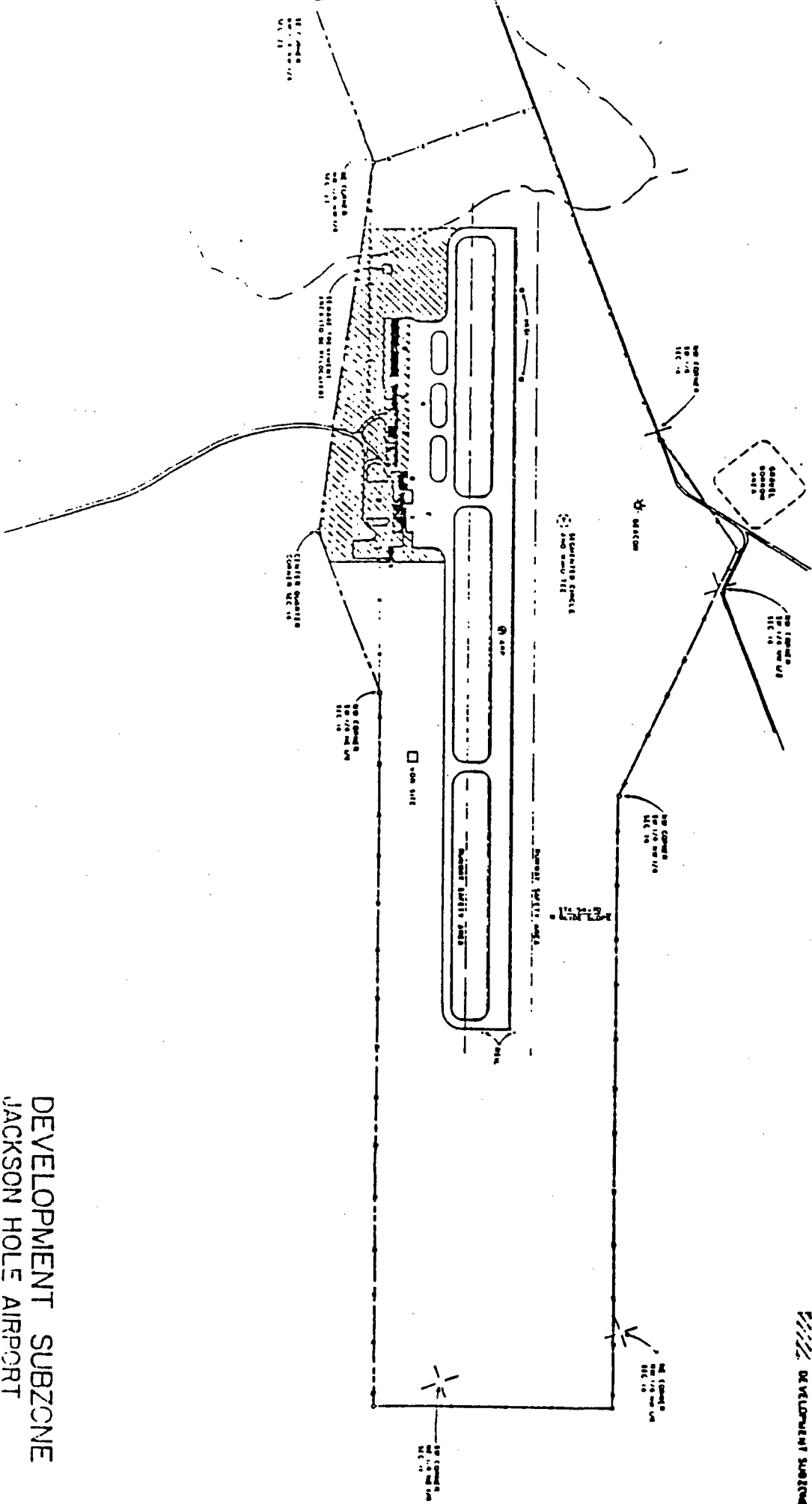
# GRAND TETON National Park

Park Boundary ————

Noise Sensitive Area 

FIGURE 2

# DEVELOPMENT SUBZONE JACKSON HOLE AIRPORT



AMENDMENT TO THE  
"AGREEMENT BETWEEN THE  
UNITED STATES DEPARTMENT OF THE INTERIOR  
AND THE  
JACKSON HOLE AIRPORT BOARD,"  
DATED APRIL 27, 1983

This amendment is entered into pursuant to Section 1(b) and Section 12 of the subject agreement.

first sentence in the  
The third paragraph of Section 4(e) of the subject agreement is hereby amended to read as follows: *E.H. Lm.*

"The Board shall implement all measures contained in the revised plan as soon as is practicable, but no later than two (2) years from the effective date of this agreement. The Board shall take reasonable, timely, and diligent actions to secure Department of Transportation approval by November 14, 1985, that the revised plan is in accordance with FAR Part 150; shall timely amend said plan if necessary to obtain Department of Transportation approval; and shall implement any such amended revised plan as soon as is practicable after receiving approval, but no later than thirty (30) days thereafter."

Further, Section 5 of the subject agreement is hereby amended to read as follows:

"In the event the Board shall be in default due to its failure to perform any of the terms and conditions set forth in this agreement, the Department shall be entitled to terminate this agreement. The agreement may not be terminated without giving the Board an opportunity for a hearing on the merits as to the alleged default and without providing the Board a reasonable period within which to cure the default. This reasonable period shall be such time as will be sufficient to provide the Board with an opportunity to cure the default and shall be thirty (30) days from receipt of notice of default, or in the case of a default in the requirements of Section 4(f) of this agreement, ninety (90) days from receipt of notice of default; unless the Board shall demonstrate in writing and the Department shall concur, such concurrence not to be unreasonably withheld, that a longer period is necessary to provide the Board with an opportunity to cure the default."

ATTEST:

*John W. Richards*  
Secretary

July 29, 1985  
Date

JACKSON HOLE AIRPORT BOARD

By: *[Signature]*  
President

July 29, 1985  
Date

UNITED STATES DEPARTMENT OF THE INTERIOR

By: *Lorraine Mintz*  
Regional Director, Rocky Mountain Region  
National Park Service

July 29, 1985  
Date



**SECOND AMENDMENT  
TO THE  
AGREEMENT BETWEEN  
THE UNITED STATES DEPARTMENT OF THE INTERIOR  
AND THE JACKSON HOLE AIRPORT BOARD**

This Second Amendment to the Agreement Between the United States Department of the Interior and the Jackson Hole Airport Board is entered into effective the 30<sup>th</sup> day of July, 2003 by and between the Jackson Hole Airport Board, a body corporate organized under the laws of the State of Wyoming (the "Board") and the United States of America, acting through the Department of the Interior (the "Department").

**WHEREAS**, the Act of March 18, 1950, 16 U.S.C. § 7a-7e authorizes the Secretary of the Interior to enter into agreements with public agencies, such as the Board, for the improvement, operation and maintenance of airports within national parks;

**WHEREAS**, pursuant to said Act, the Department and the Board entered into an Agreement dated April 27, 1983, as amended July 29, 1985 (the "Agreement"), for the operation of the Jackson Hole Airport within Grand Teton National Park;

**WHEREAS**, the Department proposes to construct a helicopter facility on the Airport at a location outside the development subzone, and the Board desires to facilitate such construction, under mutually agreeable terms; and

**WHEREAS**, the Department has complied with the requirements of the National Environmental Policy Act with respect to its proposed construction of a helicopter facility at such location on the Airport.

**NOW THEREFORE**, for valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

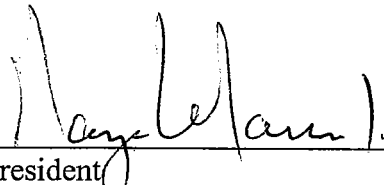
1. The Agreement is amended by adding a new Section 7(f) as follows:
  - (f) Department Helicopter Facility. Notwithstanding anything to the contrary herein, the parties agree that the Department may construct, operate and maintain a helicopter facility (the "Helibase") at a location generally depicted on the annexed **Attachment G**. The construction, operation and maintenance of the Helibase shall be contingent upon and subject to the terms of a separate agreement to be negotiated and executed by the parties.

2. The Agreement is further amended by adding a new Subsection 4(i) as follows:

(i) Exemption for Certain Operations Necessary for Public Health and Safety. Notwithstanding anything in this Section 4 to the contrary, in recognition that the helicopter operations from the Helibase authorized in Section 7(f) of this Agreement are conducted for purposes of public health and safety, and/or in direct furtherance of the mission of federal resource management agencies, the Board is relieved of its obligation under Paragraph 4(e) above, to notify operators of aircraft originating from the Helibase to avoid noise sensitive areas of Grand Teton National Park, or to take efforts to limit the approaches and departure routes of such aircraft, and such aircraft operations shall be exempt from the single event limit, and shall not count against the cumulative noise limits of Subsections 4(f) and (g) above.


3. Other than as set forth in Paragraph 1 above, the Agreement shall not be otherwise amended, but shall remain in full force and effect in accordance with its terms.

JACKSON HOLE AIRPORT BOARD

By:   
President


Date: 07/30/03

ATTEST:

  
For Secretary

Date: 7/30/03

UNITED STATES DEPARTMENT OF  
THE INTERIOR

By:   
Regional Director, Intermountain  
Region, National Park Service

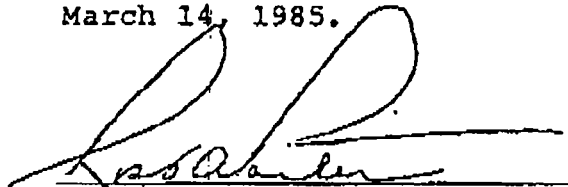
Date: 7/21/03

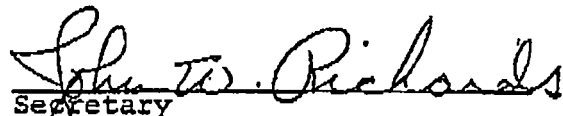
**APPENDIX D: CURRENT JACKSON HOLE AIRPORT  
NOISE ABATEMENT PLAN**

JACKSON HOLE AIRPORT

REVISED NOISE ABATEMENT PLAN

Adopted by the Jackson Hole Airport Board by resolution on  
March 14, 1985.

  
President

  
Secretary

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### ATTACHMENTS:

1. Town of Jackson Ordinance # 309
2. Airport Noise Abatement Rule - March 14, 1985
3. Aircraft Operator Information Checklist
4. Letter of Information - Single Event Standard
5. Quick Reference File Card
6. Town of Jackson - Summons and Complaint
7. Warning - Single Event Standard
8. Letter of Explanation - Single Event Standard
9. Airline Operations Log Sheet
10. Noise Abatement Departure Report
11. Noise Sensitive Area Map
12. NAP Procedure Handout
13. Jeppesen Airways Chart
14. Airport Incident Report Form
15. Noise Report - Follow-up

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#### INTRODUCTION:

This Revised Noise Abatement Plan ("Plan"), is based on FAR Part 150 and complies with the requirements of the Airport Use Agreement between the Jackson Hole Airport Board ("Board") and the United States Department of the Interior of April 27, 1983 (the "Agreement"). The Agreement requires the Board to implement all measures contained in this Plan, as approved by the United States Department of Transportation, as soon as is practicable, but no later than April 27, 1985.

This Plan, which includes a Noise Abatement Rule:

- (1) will ensure that future operations at the Jackson Hole Airport ("Airport") are controlled in such a manner that Airport noise exposure will remain compatible with the purposes of Grand Teton National Park (the "Park");
- (2) will ensure that future Airport operations will result in no significant increase in cumulative or single event noise impacts on noise sensitive areas of the Park;
- (3) will ensure that Airport operations are conducted in such a manner that aircraft noise exposure will be reasonably compatible with other adjacent land uses;
- (4) will achieve optimum accommodation of both Airport users and Airport neighbors within acceptable safety, economic and environmental parameters;
- (5) will not create an undue burden on interstate and foreign commerce, and will not relate to rates, routes or service of any air carrier;
- (6) is consistent with the Board's assurances to the Federal Aviation Administration ("FAA") that the Airport will be available for public use on fair and reasonable terms and without unjust discrimination, and that no exclusive right for the use of the Airport shall be granted.

1. MAXIMUM NOISE LEVEL LIMIT

The Maximum Noise Level Limit ("MNLL") is a single event noise standard which assures that aircraft operations do not result in a significant increase in single event noise impacts on noise sensitive areas of the Park or on residential areas in the vicinity of the Airport.

A. Standard. No aircraft will be permitted to operate at the Airport which has a single event noise level which exceeds 92 on the dBA scale on approach.

B. Measurement. Compliance with the MNLL above will be determined by reference to FAA Advisory Circular 36-3C, or the version of that document currently in effect. No adjustments for gross weight will be allowed. Aircraft types and models which are not listed in Advisory Circular 36-3C will be allowed to operate if the FAA determines that the aircraft type and model would meet the MNLL if it were tested according to the FAA procedures and the operator obtains approval from the Board certifying that operation of the aircraft is compatible with conditions for operation at the Airport.

C. Enforcement. The MNLL shall be enforced in accordance with (1) Town of Jackson Ordinance 309 (see Attachment #1) which amends Section 5 of the Town of Jackson Ordinance 175 and Section 12.16.210 of the Municipal Code of the Town of Jackson; and (2) the Airport Noise Abatement Rule, adopted on March 14, 1985 (see Attachment #2).

(1) If a pilot or a representative of an aircraft contacts the Airport, an AIRCRAFT OPERATOR INFORMATION CHECKLIST (Attachment #3) will be completed. If it is determined that the aircraft would be in violation of the MNLL, the person contacting the Airport and the owner of the aircraft will be sent a Letter of Information (see Attachment #4). This letter will be sent by certified mail with a return receipt requested. A Quick Reference File Card (see Attachment #5) will be filled out and kept as a permanent record. When the return receipt arrives, it shall be attached to this Quick Reference File Card.

(2) If it is determined that an aircraft which has landed at the Airport is in violation of the MNLL and the aircraft owner or pilot has had prior notification from the Airport that the aircraft is in violation of the MNLL, then the pilot or representative of the aircraft will be served a Town of Jackson Summons and Complaint (see Attachment #6) following the appropriate procedures for this document. A Quick Reference File Card will be completed and kept as a permanent record.

(3) If it is determined that an aircraft which has landed at the Airport is in violation of the MNLL and the pilot, owner or representative of this aircraft has never had prior notification

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from the Airport that the aircraft is in violation, Airport Safety Officers, at their discretion, may issue a Warning with an attached Letter of Explanation (see Attachments #7 and #8) instead of the Summons and Complaint. The pilot, owner or representative of the aircraft will be asked to sign the completed Warning, and a copy of the Warning with the attached letter of explanation will be issued to the party. A Quick Reference File Card will be completed and kept as a permanent record along with the Warning.

(4) A copy of the Warning or Summons and Complaint, along with the Letter of Information, will be sent to the registered owner of the aircraft if they are not originally served. A brief cover letter will be included to explain the circumstances and to instruct that the aircraft not land at the Airport again.

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## 2. CUMULATIVE NOISE STANDARD.

The cumulative noise standard assures that aircraft operations do not result in a significant increase in cumulative noise impacts on noise sensitive areas of the Park. It also seeks to limit aircraft noise exposure on adjacent land uses.

A. Standard. The Agreement establishes cumulative, or average noise standards for airport operations. The Board adopts the standards and agrees to ensure that Airport operators do not result in their violation. The standards are expressed in Ldn, an annual day-night average measurement of noise exposure, which includes a 10 dBA penalty for nighttime operations. The Airport's 55 Ldn contour may never enter the noise sensitive areas of the Park. Aircraft noise may not exceed 45 Ldn as measured along the geographic line established to protect the noise sensitive area of the Park (see Attachment #11).

B. Access Plan. The Board's Noise Abatement Rule of March 14, 1985 (see Attachment #2) considers the Boeing 737-200 a "Base Class" aircraft and establishes a limitation on its operations. No more than 6.5 daily departures (averaged annually) and 6.85 daily departures (averaged each calendar quarter) may operate at the Airport. If an aircraft is quieter than the "Base Class" aircraft, it may operate in greater numbers based on an "equivalency" formula. The limitation applies to all scheduled commercial aircraft having published noise levels above 86 dBA on approach, and above 74.5 dBA on departure. Noise levels will be determined by use of FAA Advisory Circular 36-3C or its most recent edition. If airlines propose to schedule flights in excess of the limitation, slots will be allocated among the airlines based on criteria set forth in the Noise Abatement Rule.

C. Noise Monitoring. Compliance with the cumulative noise standards will be determined through the collection of noise measurement data over the periods identified and locations specified in the Agreement. The National Park Service ("NPS") has monitoring equipment and plans to monitor single event aircraft noise events along the geographic line specified in the Agreement, where airport operations shall not exceed a level of 45 dB (Ldn). They also plan to monitor noise levels in other points of the Park which are noise sensitive.

The Board has completed a comprehensive monitoring program, based on FAR Part 150, and plans to update that program at the end of five years, unless there is a prior significant change in aircraft types or numbers, in which case the study will be updated at an earlier date. The Board will also initiate an annual program to monitor noise levels to determine the need to update the Ldn contours and measure the effectiveness of this Plan.

### 3. AIRCRAFT OPERATING PROCEDURES

Aircraft operating procedures seek to ensure that aircraft operations are safely conducted to mitigate aircraft noise impacts on the Park and adjacent land uses.

A. Preferential Departure Runway - 45° Left Traffic Pattern Exit. Departures to the south using Runway 18 are preferred. Pilots are requested to use a 45° left traffic pattern exit in VFR conditions to reduce noise impact on the residential areas southwest of the Airport. This procedure will result in a left turn prior to reaching the golf course area.

#### B. Air Carrier Compliance.

(1) Scheduled air carriers are required by contract with the Board to comply with this noise abatement procedure.

(2) All scheduled departures of airlines using aircraft that are non-exempt in accordance with the Access Plan of the Noise Abatement Rule (see Attachment #2) are monitored by Airport personnel. If an aircraft fails to follow the requested noise abatement procedure, Airport personnel will investigate to determine the reason for the deviation (i.e., IFR, traffic, other instrument meteorological conditions (IMC), north wind, etc.) and record all relevant operating information on the Airline Operations Log Sheet (see Attachment #9). If no valid safety reason is apparent, it will be noted on the Log Sheet and a Noise Abatement Departure Report (see Attachment #10) will be completed and routed to the appropriate airline personnel or to Airport management for routing to the airlines. Responses from the airlines are recorded on the Log.

(3) At the end of each month, the above information is compiled to determine compliance with this requested noise abatement procedure. These monthly reports are distributed to each airline involved.

(4) Airlines are requested to send the Board the names of the crews who fly each trip into the Airport. These records are compared to our reports, and letters are sent to pilots who have shown an extra effort in abiding by this noise abatement procedure. This positive approach has been a beneficial way to increase pilot compliance and awareness of the noise sensitive nature of the area surrounding the Airport.

C. Preferred Approach Procedure. Aircraft operators are asked to plan their arrival and departure routing from and to the south of the Airport, avoiding the noise sensitive areas of the Park. Since the wind is predominantly out of the south to southwest, aircraft usually approach from the north. Pilots approaching from the north are asked to maintain a course east of U. S. Highway 26/89 north of Moose when weather and safety will allow.

D. VFR Departure Route to Idaho Falls. The Board supports Western Airlines' ("Western") intention to utilize the following noise abatement procedure during VFR departures on Runway 18 to mitigate the noise impact on noise sensitive areas west of the Airport:

"Climb on runway heading to 6,700' MSL; initiate a left climbing turn to arrive over JAC VOR at 14,000' MSL. Depart JAC VOR on the 205° radial to 8 DME; initiate a right turn to intercept the JAC 248° radial then direct to IDA."

E. Aircraft Abatement Procedures. All aircraft operators are asked to use noise abatement procedures for their particular aircraft, including lower flap settings on approach as long as safety is not compromised.

F. Overflights. All aircraft operators are asked to completely avoid overflight of the noise sensitive areas of the Park. (See Attachment #11). ILS Approaches and Traffic Pattern requirements are excepted.

G. Minimum Altitude. When it is necessary to overfly the Park, all aircraft operators are asked to stay 3,000 AGL and to stay east of the Snake River.

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#### 4. OPERATIONS SPECIFICATIONS OF COMMERCIAL CARRIERS

The FAA made permanent the amendment to Frontier Airlines' ("Frontier") operations specifications permitting regularly scheduled Boeing 737 jet service at the Airport on January 31, 1983. The amendment was subject to the conditions stated below. When Western subsequently began service on June 1, 1983, the amendment to its operations specifications included the same conditions. The Board supports these conditions and will request that FAA include them if they find it necessary to amend the operations specifications of any airline with similar aircraft that may choose to operate into the Airport in the future. The Board actively monitors the operations of Western and Frontier and will report any deviation from the amended operations specifications to the FAA. The conditions are as follows:

A. The service may be scheduled only between the hours of 7:00 a.m. and 9:30 p.m.

B. The airlines must use 737's which are equipped with quiet nacelles and which meet the stage two noise limits set forth in FAR Part 36 (14 CFR Part 36).

C. The airlines must use, to the maximum extent feasible, established procedures for abatement of aircraft noise during landings and takeoffs.

## 5. REQUIREMENTS FOR AERONAUTICAL CONTRACTORS

The Board inserts in all contracts involving aircraft operations, and takes reasonable measures to enforce, provisions requesting all contractors to follow noise abatement procedures consistent with safety and the operating limitations of their aircraft. The Board also requires contractors to abide by all present or future Airport rules and regulations, and applicable Ordinances of the Town of Jackson.

A. Commercial Scenic, Charter, and Training Flights. The Board will insert in all contracts involving aircraft operations, and take reasonable measures to enforce, a provision prohibiting the origination of commercial scenic or charter flights, as well as aircraft training operations, over noise sensitive areas of the Park (see Attachment #12). An exception will be provided for periods when instrument operations are required to or from the north by weather conditions or for instrument flight training, or are desirable for nighttime operations and except when required to utilize Victor (VOR-Federal) airways. Provided, however, that the above instrument operations not specifically required by weather conditions must be conducted under Instrument Flight Rules (IFR) and cleared through FAA Air Traffic Control, and Victor airways must be intercepted outside the noise sensitive areas of the Park at the minimum en route altitude prescribed for the airway. The aircraft must maintain at least that altitude over the noise sensitive areas of the Park.

## 6. NOISE COMPLAINT/INQUIRY REPORT SYSTEM

A. Noise Complaint System. The Board encourages inquiries about aircraft operating procedure. This will lead to quieter aircraft operation and to a better educated public. When Airport personnel receive an inquiry or complaint about an aircraft operating procedure which may be a deviation from requested noise abatement procedures or Airport rules, the report will be investigated and classified as follows:

(1) Justified Procedure. Deviation from requested noise abatement procedure for safety reason:

EXAMPLES:

(a) Weather Related - IFR conditions, wind factor, etc.

(b) Air Traffic - Aircraft in immediate vicinity of aircraft operation that required deviation from noise abatement procedure in behalf of safety.

(c) Aircraft Operating Capability - heavy weight load, high density altitude, etc.

(2) Unjustified Procedure. Unable to ascertain acceptable reason for not abiding by any given section of this Noise Abatement Plan.

EXAMPLES:

(a) Aircraft operation was aware of the requested procedures, noise abatement rules, or City Ordinance 309, and intentionally violated these standards.

(b) No safety reason is immediately determined for procedure and explanation from a flight crew or aircraft representative is not adequate to justify the deviation.

(3) Unfounded Report. Investigation fails to produce enough evidence or information about incident to ascertain the reason for the deviation of this Plan.

EXAMPLE:

(a) Reporting party saw a low flying aircraft over the Park and could not acquire enough information about the identity of the aircraft or its specific location for follow-up action to be taken.

All inquiries or complaints about aircraft operating procedures will be logged and assigned an Airport Incident and a Noise Report number.

Airport personnel will include all available pertinent information about the incident including the location and identity of the aircraft and weather and operational conditions at the time of the reported incident (see Attachments 14 and 15).

If it is determined that an aircraft has violated the 2,000 ft. AGL requirement specified in FAA Advisory Circular No. 91-36C, and Airport personnel are able to acquire sufficient information to identify the aircraft, and provide a reasonable assurance that the aircraft was below 2,000 ft. AGL, the report will be sent to the FAA Flight Standards District Office in Salt Lake City for its consideration.

B. Aeronautical Contractors. If it is determined that a contractor has used an aircraft operating procedure which is classified as unjustified, and therefore may constitute a possible breach of its contracts with the Board, the following guidelines will be used:

(1) Written notice of the alleged noise abatement violation will be sent to the contractor.

(2) It will be requested to respond in writing within one week after receiving the notice.

(3) If the charge cannot be answered to the satisfaction of the Airport Manager, the Manager will take further action as necessary, lawful and appropriate in furtherance of the purposes of this Plan.

C. Feedback System. At the end of each investigation, a copy of all reports or another form of written response will be sent to the person who inquired or complained. A copy of these reports and/or written responses will also be sent to the Park Superintendent if the complaint involves the noise sensitive areas of the Park, or any other time deemed appropriate. These reports will include how the Airport classified the report, the reasons for that classification, action taken by the Airport, and what resulted from that action.

Statistics on this reporting system as well as other applicable sections of the Plan will be kept on a month-to-month basis. At least annually, these statistics will be made available to the general public through local news media or through direct mailing.

## 7. EDUCATIONAL EFFORTS

Educational efforts are an effective tool in implementing the Plan. These efforts inform Airport users of our rules, regulations and noise abatement procedures so that they will voluntarily comply with the Plan.

### A. Local.

(1) At each end of the parallel taxiway and on the fence near the air operations area exits are conspicuously placed signs informing departing and arriving pilots of noise abatement procedure.

(2) Arriving pilots are provided with a handout outlining noise abatement procedures when they register at the Fixed Base Operator. (See Attachment #12.)

(3) All locally based pilots are periodically reminded of the noise abatement plan via direct mailings or through news media.

(4) The Fixed Base Operator reminds arriving and departing aircraft of noise abatement procedures via the airport advisory service UNICOM (122.8 Mhz).

(5) Any Airport user who requests information is sent an information letter and noise abatement handout.

(6) There is an ongoing dialogue with the air carriers to keep them informed and to encourage cooperation.

### B. National.

(1) Flight information publishers are sent the Airport's noise abatement information and are asked to publish the information in their documents. These include the FAA Airman's Manual, Airline Flight Procedures Manual, and the Jeppesen Airways Manual (see Attachment #13).

(2) Letters are periodically sent to business and corporations that frequently use the Airport. The letters explain noise abatement procedures and regulations.

(3) In an effort to reach as many potential Airport users as possible, news releases are periodically prepared and sent to local news media as well as national and state aviation publications, including the Wyoming Aeronautics Commissions quarterly newsletter, AERO, Plane and Pilot, Flying, Professional Pilot, AOPA, and Business and Commercial Aviation.



PLAN SUPPLEMENT "A" : LAND USE CONTROL RECOMMENDATIONS TO TETON COUNTY

Land use control is not within the jurisdiction of the Board. This section is therefore a Supplement to the Plan.

Upon completion of its FAR Part 150 program, the Board will actively work with the Teton County Planning Commission and the County Commissioners to assist them in developing land use controls recommended by the Board. These recommendations will result in a reduction of noncompatible land uses, as defined in the guidelines of FAR Part 150, located within the 65 Ldn contour. These recommendations, along with the measures defined in this Plan, seek to ensure reasonable compatibility with the Airport's adjacent land uses.

Along with the mitigating measures in this Plan, the Board will recommend new land use controls to Teton County in accordance with FAR Part 150.

Summary of Land Use Control Recommendations

1. The area south of the Airport should be included in the development and implementation of Transferable Development Rights ("TDR's") as soon as possible.
2. During the development of the TDR concept, unplatted areas south of the Airport should be downzoned to a density of one unit per six acres.
3. Subdivision regulations should be amended to require the dedication of noise easements for all new development within the Ldn 65 contour.
4. The building code should be amended to require noise level reductions of 25 and 30 dB for new construction of single family residences within the 65 Ldn and 70 Ldn contours, respectively.
5. A joint Board/Teton County accoustical survey will be recommended to be performed on appropriate existing houses to determine the degree and feasibility of sound attenuation necessary to achieve the desired noise reduction.
6. Subsequent to all of the above recommendations, and contingent upon funding, cost effectiveness and other relevant circumstances, the following possibilities will be explored: sound attenuation of existing homes, purchase of noise easements or purchase of real estate.

## APPENDIX E: COMMENTS AND RESPONSES ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

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### INTRODUCTION

A notice of availability for the draft environmental impact statement for the Jackson Hole Airport agreement extension was published in the *Federal Register* on April 3, 2009 (NPS 2009). A 60-day public comment period that was opened for the draft environmental impact statement on that same day was later extended by two weeks, until June 15, 2009, to accommodate users of the NPS' Planning, Environment, and Public Comment project management system.

The National Park Service received 3,111 responses by letter, through electronic email, or by submission to the NPS planning website (3,097 from individuals or businesses, eight from organizations, and six from public agencies). These responses included 1,074 form letters. There were 5,147 individual comments identified within the total responses, including both substantive and non-substantive comments.

At the close of the comment period, the National Park Service analyzed the content of public and agency responses. Every response was divided into its individual comments, each of which received a unique number. Each comment was then categorized in terms of its subject matter and content and assigned one or more codes to identify the topics it addressed. The codes generally follow the organization of the environmental impact statement chapters, and some are alphabetical within chapters.

After all comments were coded, similar comments were grouped as “issues.” Each issue was evaluated to determine whether it was substantive or non-substantive, according to the criteria in section 4.6.A of *Director’s Order #12 and Handbook* (NPS 2001a), which are based on the Council on Environmental Quality (1978) regulations for implementing the National Environmental Policy Act.

Substantive comments are defined as those that do one or more of the following:

- Question, with reasonable basis, the accuracy of information in the environmental impact statement;
- Question, with reasonable basis, the adequacy of environmental analysis;
- Present reasonable alternatives other than those presented in the environmental impact statement; or
- Cause changes or revisions in the proposal.

In other words, they raise, debate, or question a point of fact or policy.

Comments in favor of or against the proposed action or alternative, or comments that only agreed or disagreed with NPS policy, were not considered substantive. For about half the codes, the National Park Service did not receive any comments, or all of the comments received were non-substantive.

A response was provided for each of the issues that were considered substantive. Typically, the response identified where the information was already available in the environmental impact statement, described how the final environmental impact statement was changed, or explained why the final document was not changed. Non-substantive comments did not receive a response.

There often were multiple comments that addressed the same issue. In these cases, one or more comments that effectively expressed the issue were selected as representative of the issue and are included in this appendix. Comments are mostly verbatim, but minor editing was provided to correct spelling or grammar, improve clarity, or reduce length.

The comment and response section is followed by reprinted copies of the responses received from public agencies. Because of the large number of documents received from individuals, organizations, and businesses, these letters have not been reprinted but are on file at Grand Teton National Park.

## ORGANIZATION OF THIS APPENDIX

Most of this appendix consists of the issues identified by commenters, and the responses by the National Park Service to each of these issues.

The comment letter from the U.S. Environmental Protection Agency included a number of unique comments, and considerable detail explaining some comments. Therefore, a scan of this letter is included, followed by a comment-by-comment response from the National Park Service to each of the issues raised by the U.S. Environmental Protection Agency.

The National Park Service also received letters from five other agencies. Scans of these letters are provided after the NPS’ responses to the letter from the U.S. Environmental Protection Agency. Where these agencies identified substantive comments, they were addressed with the other substantive comments in the first part of this appendix.

## ACRONYMS AND ABBREVIATIONS

The National Park Service avoids the use of acronyms and abbreviations in documents that are likely to be reviewed by the public. However, many of the comments included acronyms and abbreviations. The most commonly used are provided below. Less common acronyms and abbreviations were written out when comments were reviewed for grammar and spelling.

|      |   |
|------|---|
| ANCA | Airport Noise and Capacity Act          |
| EIS  | Environmental impact statement          |
| CEQ  | Council on Environmental Quality        |
| dba  | A-weighted decibel                      |
| DNL  | Day-night average sound level           |
| EPA  | U.S. Environmental Protection Agency    |
| FAA  | Federal Aviation Administration         |
| GTNP | Grand Teton National Park               |
| GYC  | Greater Yellowstone Coalition           |
| INM  | Integrated Noise Model                  |
| Leq  | Sound level equivalent                  |
| Lmax | Maximum sound level                     |
| NA   | Number above                            |
| NEPA | National Environmental Policy Act       |
| NHPA | National Historic Preservation Act      |
| NHL  | National historic landmark              |
| NPCA | National Parks Conservation Association |
| NPS  | National Park Service                   |
| TA   | Time above                              |

## 04: CLOSING THE AIRPORT FASTER THAN UNDER THE NO ACTION ALTERNATIVE TIMEFRAME

### ***Issue 04.1: Need to evaluate closing the airport earlier than under the no action alternative.***

***Comment:*** *I would recommend a supplemental draft EIS that analyzes additional alternatives: immediate elimination of air travel to Grand Teton, within 1 year; and phased elimination of air travel to Grand Teton, within 5 years (0694.005).*

***Response:*** The purpose of this environmental impact statement is to evaluate the proposal made by the Jackson Hole Airport Board to extend the existing agreement until 2053 so that the airport will remain eligible to receive funding from the Federal Aviation Administration. The existing agreement between the Board and the Department of the Interior authorizes the airport to operate in its present location until April 27, 2033. Unless the Board was to be found in default of the agreement, and failed to cure such default, the agreement could only be terminated earlier than the specified date through the agreement of both parties. Such a change in the term is inconsistent with the Board’s current request.

## 05: MOVE THE AIRPORT ELSEWHERE

### ***Issue 05.1: Need to consider moving the airport to a location outside the park.***

***Comment:*** *The airport should be relocated outside the park (0114.002.)*

***Comment:*** *It's an incompatible use for the area and should be moved outside the park before it gets any bigger (0557.002).*

***Comment:*** *The airport should be moved to outside the park boundaries. We implore you to establish some long-term plan to have the airport relocated (0430.003).*

***Response:*** The purpose of this environmental impact statement is to evaluate the proposal made by the Jackson Hole Airport Board to extend the existing agreement until 2053 so that the airport will remain eligible to receive funding from the Federal Aviation Administration. Alternative 1 would result in expiration of the agreement between the Board and Department of the Interior in 2033, and operation of the airport in the park would cease. Development of a new airport at an alternate site outside the park, however, is beyond the scope of this environmental impact statement. The existing agreement between the Board and the Department of the Interior authorizes the airport to operate in its present location until April 27, 2033. Unless the Board was to be found in default of the agreement, and failed to cure such default, the agreement could only be terminated earlier than the specified date through the agreement of both parties. Such a change in the term is inconsistent with the Board's current request.

If, in the future, the Jackson Hole Airport Board proposed any actions that would extend the length of the runway or expand the size of the airport to encompass additional NPS lands, the National Park Service would require that the National Environmental Policy Act process would have to evaluate at least one alternative that would relocate the airport to a site not in Grand Teton National Park. No amendment to the agreement between the Department of the Interior and the Board that would authorize either such action would occur in the absence of such a National Environmental Policy Act process.

## 06: MODIFY AGREEMENT PROVISIONS (INCLUDING TERM OF EXTENSION)

### ***Issue 06.1: Need for the agreement to include additional mitigation provisions, and plans to enforce those provisions, to protect park resources or values.***

***Comment:*** *This new lease agreement provides a valuable opportunity to review and provide additional provisions to enforce and mitigate against airport impacts on the park - an appropriate step to take prior to extending the lease to 2053 (NPCA, 1479.001).*

***Comment:*** *Under the draft environmental impact statement recently released by the NPS, the park is still not afforded the level of protection that is warranted in order to ensure current and future protection of park values. Additional enforcement and mitigation plans need to be put in place in the lease extension agreement prior to approving an additional 20-year lease extension for the Jackson Hole Airport (NPCA,1479.004).*

***Comment:*** *We feel that GTNP has the opportunity to create further standards on operations of the Jackson Hole Airport which would significantly reduce the impacts to wildlife, soundscapes, dark skies, and*

*visitor experience in GTNP. We urge GTNP to use this opportunity to shape the impacts of airport operations in the best interest of the park (GYC, 0463.001).*

**Response:** The preferred alternative was revised to strengthen the commitment of the Jackson Hole Airport Board to further reduce and mitigate the effects of the airport on the park. An extensive list of potential mitigation measures was included in Chapter 2 of the final environmental impact statement.

***Issue 06.2: Need for a threshold for “unacceptable” noise impacts, with a penalty for exceeding the threshold.***

**Comment:** *A triggering mechanism should be included within one or more of the alternatives, whereby, if still unacceptable noise thresholds are reached or exceeded, there would be a consequent alteration to the length of the use agreement, itself even affecting the possibility of its further renewal or extension. (NPCA, 1479.011).*

**Comment:** *A potential cut-off, via shortening of the lease agreement, should be predictable when the “unacceptable” adverse noise impact threshold(s) are crossed, since NPS under its management policies may NOT manage for unacceptable impacts (Sierra Club, 3078.008).*

**Comment:** *GTNP could consider reducing the length of the leases to ensure the airport remains within the compliance criteria of the environmental impacts to visitor experience, dark skies, air quality, and soundscapes (GYC, 0463.019).*

**Response:** The 1983 agreement already includes thresholds for noise impacts that were established “to ensure that future airport operations are controlled in such a manner that aircraft noise exposure will remain compatible with the purposes of Grand Teton National Park and will result in no significant increase in cumulative or single event noise impacts on noise sensitive areas of the Park.” These thresholds are presented in sections 4(e) through 4(g) of the agreement, and were reprinted on pages 312 through 316 of the draft environmental impact statement.

The 1983 agreement also includes consequences for failure to comply with all of the stated requirements. Section 5, which was reproduced on page 317 of the draft environmental impact statement, says, “In the event the Board shall be in default due to its failure to perform any of the terms and conditions set forth in this agreement, the Department shall be entitled to terminate this agreement.” Moreover, according to section 1(a), the Jackson Hole Airport Board can exercise its option to renew the agreement for additional 10-year terms only “if the Board has substantially and satisfactorily complied with all of the essential terms and conditions of this agreement.”

The Jackson Hole Airport Board has consistently met the noise requirements and all of the other provisions of the 1983 agreement. A new figure (Figure 4) showing day-night average sound level contours from 1984 and 2008 was added to the final environmental impact statement. Comparison of these contours to the 1983 agreement threshold boundaries that are mapped on Figure 2 and Figures G-21 and G-26 in Appendix G of the final environmental impact statement demonstrate that the airport has been, and continues to be, in compliance with use agreement noise requirements.

The National Park Service will continue to affirm this compliance as part of its review for each 10-year option renewal. In addition, provisions are included in the proposed text of the amendment (see Appendix F of the final environmental impact statement) requiring the Jackson Hole Airport Board to:

- Comprehensively review the terms and conditions of the agreement with the National Park Service no less often than every five years to discuss whether any additional amendments would better ensure that the airport remained compatible with the purposes and values of the park;
- Act in good faith to develop and implement mitigation measures to reduce further environmental impacts on the park; and
- Provide a biennial report to the National Park Service describing its efforts at reducing negative environmental impacts and, specifically, its efforts to reduce its noise impacts on the park.

**Issue 06.3: Consider different durations for the agreement extension (other than extending it for two 10-year terms).**

**Comment:** *I would like to see the agreement extended for two 50-year terms instead of 10-year extensions (0722.002).*

**Comment:** *Please renew this lease, in perpetuity, forever (0707.003).*

**Comment:** *Maybe instead of extending the use agreement by 20 years, the NPS could extend the use agreement every 5 years. This would allow the NPS to reanalyze these quickly changing factors without being locked into an agreement that could result in an airport remaining on public land for decades after it has become obsolete (1427.005).*

**Response:** The 1983 agreement provided for an initial 30-year term, with provisions that allow the Jackson Hole Airport Board to incrementally extend the term in 10-year periods. The purpose of structuring the term in this manner was to ensure that the Board is able maintain “satisfactory property interests” with between 20 and 30 years remaining at any given time, thereby meeting Federal Aviation Administration requirements related to funding. Alternative 2 would extend the authorized term of the agreement by 20 years, in two 10-year increments. Shorter increments would be problematic with respect to capital improvement planning, which typically has a lengthy horizon. A longer extension, beyond that requested by the Board, is unnecessary to meet the purpose and need of the environmental impact statement, which is to ensure that the airport remains eligible for Federal Aviation Administration grants through 2033.

**Issue 06.4: Need for additional provisions that would limit airport or runway expansion.**

**Comment:** *I want to see strict and additional limitations on future airport expansion (1093.002).*

**Comment:** *We urge the park to make sure that any new agreement that allows continued airport operations within the park include provisions . . . and restrict any further airport expansion (1132.003).*

**Comment:** *Specifically I would urge the following: That no runway extension or other expansion onto park property be allowed (0032.002).*

**Response:** The 1983 agreement includes provisions regarding the size and boundaries of the airport, its development subzone, and “the extension of the runway, which can only be accomplished by amendment to the agreement.” See the text of the 1983 agreement, section 2, Description of Land, and section 7, Improvements, respectively starting on pages 310 and 317 of the draft environmental impact statement.

Any future development that was inconsistent with the existing terms of the agreement would require both parties to agree to amend the agreement, supported by an appropriate National Environ-

mental Policy Act process. The National Park Service has stated in the final environmental impact statement that if in the future, the Jackson Hole Airport Board proposed any actions that would extend the length of the runway or expand the size of the airport to encompass additional NPS lands, the National Park Service would require that the National Environmental Policy Act process would have to evaluate at least one alternative that would relocate the airport to a site not in Grand Teton National Park. No amendment to the agreement between the Department of the Interior and the Board that would authorize either such action would occur in the absence of such a National Environmental Policy Act process.

## 07: OTHER ACTIONS OR ALTERNATIVES

### ***Issue 07.1: Need to consider more than the two existing alternatives (no action and the preferred alternative).***

***Comment:*** *Interests at this juncture are not fully satisfied by the overly limited draft EIS choice of just two alternatives, which deficiency really does not suggest full application to the public interest and the "hard look" requirements of NEPA. NEPA requires a reasonable range of alternatives (Sierra Club 3078.002).*

***Response:*** In its response to the 40 most-asked questions concerning national environmental policy act regulations, the Council on Environmental Quality (1981) recognizes that, "What constitutes a reasonable range of alternatives depends on the nature of the proposal and the facts in each case. . . . Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." Chapter 2 of the final environmental impact statement was revised to better describe the rationale for the range of alternatives, including alternatives or actions considered but dismissed.

### ***Issue 07.2: Need to evaluate ground transportation modes.***

***Comment:*** *I would recommend a supplemental draft EIS that analyzes the provision of passenger rail service to Grand Teton as an alternative to airplane travel (0694.005).*

***Comment:*** *Perhaps an organized effort could be made by the National Parks Service to have Amtrak operate trains on existing or new tracks to Jackson, Wyoming (1093.004).*

***Comment:*** *Further needs in transportation to this area should be met with rail or bus service (0608.002).*

***Comment:*** *Let's build a fleet of electric buses that will transport visitors from the nearest airport to the park (0298.002).*

***Response:*** Alternate forms of ground transportation to the area already exist. The "Surface and Air Transportation" section of the draft environmental impact statement (pages 156 through 160) described the major roads, including several U.S. highways, that provide access to the area. Commercial transit is provided to the area by carriers that include Greyhound Lines, Inc. and several shuttle services. The mountainous terrain historically has made rail travel to the area impractical. As a result, the closest Amtrak routes are in northern Colorado and Utah, and in northern Montana, each about 300 miles from Grand Teton National Park. Development of a regional transportation system is beyond the scope of this EIS.

### ***Issue 07.3: Need to evaluate alternatives that eliminate jet use at the Jackson Hole Airport.***



**Comment:** *I'd rather see other options explored. Perhaps the jets could land at nearby larger airports and smaller "puddle jumpers" be used to shuttle guests. (0698.004).*

**Response:** The nearest large airports are in Denver and Salt Lake City, both of which currently provide air carrier service to Jackson. Airlines serving Jackson from these hubs have typically used a combination of smaller commuter aircraft and medium-sized jets. The trend in recent years has been toward the larger aircraft, which carry more passengers with fewer flights. Restrictions on the types and classes of aircraft would have to be consistent with laws and policies regarding aviation, which are described in Chapters 1 and 2 of the environmental impact statement. Also see the response to issue 08.1, below.

## 08: MITIGATION MEASURES

### ***Issue 08.1: Need to consider options for reducing noise impacts by changing airport operations.***

**Comment:** *Please adjust all flight patterns to avoid unnecessary overflights of the park! (subject to emergency safety concerns only) (0218.003)*

**Comment:** *Reductions in noise impacts over the park could be achieved in several ways: 1) mandatory use and FAA enforcement of south preferential runway for landing and take-off; 2) reduced and enforced hours of operation; 3) reduction of the number of private aircraft parked at the airport (especially relevant given the lack of hangar space, high costs, and prevalent use of the Driggs, Idaho Airport for private aircraft parking; and 4) enforcement and penalties for noise violators by the FAA (NPCA, 1479.051).*

**Comment:** *GYC would also ask the park to consider implementing regulations or seeking such, in conjunction with the FAA, on the flight paths used in landing approach and takeoffs to and from Jackson Hole Airport, respectively. Currently, pilots can decide upon their own flight paths in coordination with the air traffic control at the Jackson Hole Airport. Depending on final destination, pilots tend to choose the flight path that reduces their costs in fuel and travel time rather than the path that would limit impacts to GTNP's soundscape. GYC believes reducing takeoffs and landing approaches from the north could significantly reduce the Jackson Hole Airport's impacts to soundscapes throughout much of GTNP (GYC, 0463.014).*

**Comment:** *GYC encourages GTNP to work with the airport board to regulate the number of private flights and charter services. More management of private flights could reduce the soundscape impacts within the park and shift smaller private operations to regional airports that may have the room for growth of private hangars and facilities (GYC, 0463.008).*

**Response:** The implementation and enforcement of noise and access restrictions, such as those suggested in these comments, are under the sole purview of the Federal Aviation Administration, pursuant to laws and regulations applicable to the operation of all airports nationwide. The final environmental impact statement includes an expanded discussion of this agency's regulations, which primarily implement the Airport Noise and Capacity Act of 1990 and are included in Title 14, Part 161 of the *Code of Federal Regulations*.

The Federal Aviation Administration will approve a restriction only if it meets the following six statutory conditions:

- The restriction is reasonable, non-arbitrary, and non-discriminatory;

- The restriction does not create an undue burden on interstate or foreign commerce;
- The restriction is not inconsistent with maintaining the safe and efficient use of the navigable air-space;
- The restriction does not conflict with a law or regulation of the United States;
- An adequate opportunity has been provided for public comment on the restriction; and
- The restriction does not create an undue burden on the national aviation system.

The type and amount of data needed to establish these conditions and the rigor of the analysis, result in a lengthy, time consuming, and costly study process. In the 20 years since the Airport Noise and Capacity Act was enacted, no airport or other entity has been successful in meeting these conditions and imposing a noise or access restriction on Stage 3 aircraft. Although undertaking a Part 161 process to seek approval for implementation of noise and access restrictions is an action that could potentially be taken by the Board, the cost, complexity, and likelihood of success would need to be carefully considered. Additionally, some of the measures suggested by commentors would be contrary to law.

***Issue 08.2: Adequacy of the alternatives in incorporating noise impact mitigation and enforcement plans in the amendment to the airport agreement***

***Comment:*** *We fail to see where the preferred alternative incorporates any meaningful mitigation (as required by section 1508.20 of the CEQ Regulations for Implementing the Provisions of the NEPA) such as strict enforcement of the noise abatement plan, including but not limited to preferential runway use and curfews. Until proper mitigation is identified, put in place, and enforced, we believe this draft EIS is insufficient (JHCA, 0297.008).*

***Comment:*** *Under the draft environmental impact statement recently released by the NPS, the park is still not afforded the level of protection that is warranted in order to ensure current and future protection of park values. Additional enforcement and mitigation plans need to be put in place in the lease extension agreement prior to approving an additional 20-year lease extension for the Jackson Hole Airport (NPCA, 1479.004).*

***Response:*** The description of the preferred alternative in Chapter 2 and the proposed text of the amendment to the 1983 agreement in Appendix F of the final environmental impact statement have been revised to strengthen the requirements of the Board to identify potential mitigation measures that could further reduce the effects of the airport.

***Issue 08.3: Providing compensatory mitigation for major adverse impacts.***

***Comment:*** *No mitigation “compensating for the impact by replacing or providing substitute resources or environments” for these major adverse impacts is provided by the 1983 Jackson Hole Airport use agreement signed by Interior Secretary James Watt. For the past 25 years, the 1983 Airport use agreement’s failure to provide this compensatory mitigation has resulted in overall net degradation to park resources. This deficiency has also resulted in missed opportunities to provide the required mitigation. This deficiency must be corrected prior to the agreement extension record of decision by “compensating for the impact by replacing or providing substitute resources or environments,” as clearly called for in the NEPA regulations.*

*The deficiency in the Jackson Hole Airport use agreement can be substantially remedied by protection of “substitute resources” within Teton National Park, as required under the mitigation provisions of NEPA.*

*Acre-for-acre mitigation would require that 533 acres be protected elsewhere in the park. Protection of these areas as they voluntarily become available from willing sellers could provide the required mitigation. An airport use mitigation fund needs to be established to be used exclusively to respond quickly to owners of inholdings who want to protect their land. It could be based on a per person take-off and landing fee (The Nature Conservancy, 0998).*

**Response:** Under the implementing regulations for the National Environmental Policy Act, agencies are required to consider and include mitigation measures in alternatives and impact analyses whenever possible. Specifically, mitigation is addressed in the Council on Environmental Quality (1978) regulations for implementing this act in 40 *Code of Federal Regulations* Parts 1502.14(f) and 1502.16(h). The regulations provide many means for mitigating impacts, including compensating for, minimizing, reducing, avoiding, rectifying, or eliminating adverse impacts (40 *Code of Federal Regulations* Part 1508.20). The regulations do not require that each of these means be adopted in every case.

Alternative 2, the preferred alternative, would not increase the footprint of the airport, which was reduced to its present configuration more than 30 years ago. Alternative 2 does include a number of measures that will mitigate impacts on park resources, including but not limited to, wildlife, soundscapes, air quality, and water quality. These mitigation measures are described in Chapter 2 of the final environmental impact statement.

Collection of a per-person takeoff or landing fee at the Jackson Hole Airport for the purpose suggested in this comment would likely violate the Federal Anti-Head Tax Act, which is published in 49 *United States Code*, section 40116. Therefore, such a fee was not evaluated in the mitigation measures provided in Alternative 2, the preferred alternative.

**Issue 08.4: Restrict the size of commercial jets allowed to use the airport.**

**Comment:** *The park should also consider restricting, through the Federal Aviation Administration, the advancement of commercial jets that are allowed to use the park airport. The trend has been to bring larger jets as the airport footprint and facilities expand. We are currently witnessing such facility expansions. The result is consistent: More improvements lead to more development and increased impacts to the soundscapes, dark skies, and park visitor experience. We urge the park to consider limiting future commercial operations to those which can safely use the park runways at the current length in this preferred alternative (GYC, 0463.011).*

**Response:** The Boeing 757-200 is the largest aircraft that currently operates at the Jackson Hole Airport. Larger (that is, heavier) aircraft, such as the Boeing 767 or 777, would be unlikely to ever operate at the airport because of weight-bearing limitations of the runway, taxiways, and ramp area, and because of the physical layout of the airport, which would limit parking and operation of larger aircraft. Aircraft larger than the Boeing 757 are used almost exclusively between major hubs (such as Atlanta, Chicago, Los Angeles, Denver, and Seattle) or on international flights, and are not anticipated to be proposed for use at the Jackson Hole Airport. All commercial aircraft must comply with their specific operating specifications and safety regulations of the Federal Aviation Administration. The final environmental impact statement has been revised to explain aviation laws and regulations regarding restrictions on the use of aircraft.

**Issue 08.5: Implement mitigation measures to control airport impacts.**

**Comment:** *Since there already is an airport in Grand Teton, could you at least correct and contain some problems, such as noise and air pollution, as well as congestion (0084.002).*

**Comment:** *I would like to see strong actions against noise violations. The park service needs to do more than what is currently being provided (0342.003).*

**Comment:** *It is important that steps be taken to minimize the impact of transportation. When visitor traffic or visitor activity damages the environment visitors come to admire, it is unfortunate but necessary to limit that impact (0189.003).*

**Comment:** *Noise, light pollution, smog and particulate contamination, and impacts on wildlife and national historic structures are all serious problems that should never be tolerated in a national park. If they cannot be prevented, there must be constant vigilance to minimize and reduce them wherever possible (0214.002).*

**Comment:** *Barring a closure, there should be better protections placed in any use agreement extension to reduce the adverse impacts of the airport (0755.003).*

**Response:** The final environmental impact statement has been revised to better explain mitigation measures that are currently in effect, as well as potential options for further reducing the environmental effects of the airport.

## 10: AIRPORT FUNDING

### ***Issue 10.1: Airport funding sources other than the Federal Aviation Administration.***

**Comment:** *Absent from this draft EIS is any mention of other funding sources available to the Jackson Hole Airport Board such as, but not limited to, various State of Wyoming economic development programs. We are confident that the Jackson Hole Airport has a history of receiving funds from a variety of sources, however the discussion of Funding Sources and Airport Funding (pages 14-15 and 148-151 of the draft EIS) are lacking of any alternative revenue source(s) analysis, and any analysis of long-term budgeting based upon predicted revenue sources and surpluses and anticipated operational improvement needs (JHCA 0297.004).*

**Response:** Although other sources of revenue are occasionally available to the Board, it is highly unlikely that they could substitute for the funds that are available through the Federal Aviation Administration. For example, the recent terminal expansion was funded through a combination of Federal Aviation Administration grants, grants from the state of Wyoming, loans, and cash. Although funds from sources other than the Federal Aviation Administration could potentially be available on occasion, it is highly unlikely that they could be a reliable and sustainable source of revenue over the long term, and that they would be sufficient for the airport to maintain its Part 139 certification. Federal Aviation Administration funds made available to the airport average several million dollars per year, and are by far the primary source of revenue for projects necessary to sustain the airport's operations and infrastructure. Virtually all commercial airports rely heavily on grants through the Federal Aviation Administration, and the absence of such funds for the Jackson Hole Airport would likely be an unreasonable and unsustainable burden on local and state governments.

## 11: FEES COLLECTED BY THE U.S. DEPARTMENT OF THE INTERIOR FOR THE AIRPORT'S USE OF THE LAND

### ***Issue 11.1: Size and use of fees.***

**Comment:** *If it does get renewed, landing fees should be extremely expensive and donated to the national park system (0539.002).*

**Comment:** *Could there be some extra fee charged to companies who use the airport and the money generated could be used for care of Grand Teton National Park (1921.002).*

The National Park Service does not have the authority to impose landing fees or other types of fees associated with airport operations. Chapter 1 of the final environmental impact statement was revised to provide a discussion of relevant aviation laws and policies that apply airport operations.

**Issue 11.2: Payment for airport removal and site restoration in Alternative 1.**

**Comment:** *Make sure they [the Jackson Hole Airport Board] pay full clean up and restoration costs. In fact, they should be required to post a bond for these costs immediately (1292.003).*

**Response:** Responsibilities for removal of facilities and site restoration are specified in section 7(d) of the 1983 agreement. The environmental impact statement discloses the approximate cost of airport removal and site restoration in Chapter 2, under “Costs of the Alternatives.”

## 15: METHODS (INCLUDING MODELING)

**Issue 15.1: Adequacy of baseline conditions used in the environmental impact statement.**

**Comment:** *Can't the NPS wait a couple more years before finalizing the environmental impact statement in order to obtain a better analysis of the impact global warming, peak oil, and the current economic depression will have on the need for extending the lease? The draft EIS relies on assumptions, statistics, and models based on transportation patterns from when the economy was healthier and fuel costs were lower to justify the need to extend the lease to 2053, assumptions and models which are extremely unlikely to be applicable to the future (1427.004).*

**Response:** Most of the analyses in the environmental impact statement are based on a decade of data that included economic prosperity and recession, and oil prices that, based on constant dollars, ranged from near-record lows to highs. These data accurately represent the continuously changing socioeconomic climate and provide an effective basis for determining impacts.

## 16: COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT, ORGANIC ACT, OTHER LEGISLATION, OR REGULATIONS

**Issue 16.1: Rationale regarding why the airport is necessary for the proper function of the U.S. Department of the Interior.**

**Comment:** *We understand that the existing (1983) use agreement between the Department of the Interior and Jackson Hole Airport Board stems from the unsupported directive "...that the Jackson Hole Airport is necessary for the proper performance of the functions of the Department of the Interior" (April 27, 1983 letter from Sec. of Interior James Watt to Sec. of Transportation E. Dole). The draft EIS presents no review of or rationale for the continuance of this directive. We believe this 1983 directive needs to be reviewed with detailed explanations provided to the public as to why or why not the Jackson Hole Airport is necessary for the proper performance of the functions of the Department of the Interior (JHCA 0297.001).*

**Response:** The 1983 agreement was entered into pursuant to a determination of the Secretary under the Department of the Interior Airports Act. Since that time, no Secretary has made any finding to the contrary and the determination remains intact. The determination itself is not the subject of this environmental impact statement. The purpose of the environmental impact statement is to evaluate the proposal made by the Jackson Hole Airport Board to extend the existing agreement for two 10-year terms, to 2053.

**Issue 16.2: Adequacy and Legality of the 1983 agreement.**

**Comment:** *The 1983 agreement that the airport operates under is deficient and may be illegal. This deficiency must be corrected prior to the record of decision in the Jackson Hole Airport use agreement extension. The 1983 agreement does not comply with the most fundamental principle of the National Environmental Policy Act, and may be in conflict with the cornerstone prohibition of National Park Service Organic Act (The Nature Conservancy 0998.001).*

**Response:** The 1983 agreement was challenged by the Sierra Club in a lawsuit filed in the U.S. District Court for the District of Wyoming. The agreement was upheld in a 1985 decision by the court.

## 19: AIR QUALITY

**Issue 19.1: Need for a comprehensive analysis of airport impacts on air quality.**

**Comment:** *It is abundantly clear conditions [increased population, auto and air traffic, and energy development in the area] have certainly changed since the 1983 lease agreement, and should be reassessed. It is no secret that population has increased exponentially since that time, and with it a decrease in overall air quality. The EPA [in its January 2006 scoping comment letter] advises the NPS to consider additional mitigation through the use agreement to reduce air quality effects on the park (NPCA, 1479.048).*

**Comment:** *In addition, Grand Teton National Park relies on air monitoring equipment located within Yellowstone National Park. In the face of EPA air quality alerts in Sublette County, Grand Teton should reassess the cumulative impacts on overall air quality, including a comprehensive look at how increasing air traffic exacerbates the deterioration of air quality (NPCA, 1479.049).*

**Response:** The final environmental impact statement was revised to include air quality as an impact topic analyzed in detail for both alternatives. The methods and protocols used in the analysis were developed in consultation with the U.S. Environmental Protection Agency and the NPS' Air Resources Division.

## 21: AIRPORT OPERATIONS

**Issue 21.1: Adequacy of information regarding direction of landings.**

**Comment:** *The NPS should provide a graphic representation of the numbers of north-south landings that have occurred on an annual basis since the 4/27/83 lease was signed. This would illuminate whether or not the tower has made a significant difference since its installation, and document the need for future operational changes, in keeping with the original lease that requires the Jackson Hole Airport Board of Directors to "incorporate technological advances that will further reduce aircraft noise impacts in Grand Teton National Park" (NPCA, 1479.050).*

**Response:** Prevailing winds are the main factor in determining the active runway and, therefore, the direction of takeoffs and landings. No specific information is available to demonstrate any significant change in the direction of operations since installation of the tower. However, the direction of runway use does not necessarily indicate how much of the park might be affected by a particular flight. For example, a landing on Runway 19 (toward the south) could be an instrument approach using a 16-mile, straight-line approach from the south end of Jackson Lake, or it could be a visual approach of an aircraft that turns west near Blacktail Butte and makes a short final approach of 3 miles or less over the park. Figures depicting the flight tracks typically used on arrival and departure have been added to the final environmental impact statement as Figures G-32 and G-33 in Appendix G.

**Issue 21.2: Adequacy of aviation forecasts from the Federal Aviation Administration.**

**Comment:** *Given the current global economic climate, aviation forecasts should be reviewed and updated. The final EIS should use only the most up-to-date forecast. The draft EIS (at page 129) is relying on FAA aviation forecasts now three years out of date, and counting, and furthermore, "consistently biased towards growth," as recently acknowledged by the FAA (NPCA, 1479.052).*

**Response:** The cited text explains why the environmental impact statement did *not* use forecasts from the Federal Aviation Administration. As described on that same page, the forecast used in the draft environmental impact statement was prepared by The Boyd Group in 2007. A second, independent forecast was prepared by Mead & Hunt, Inc. and is described in the final environmental impact statement. Both forecasts showed similar numbers of operations through the forecast period.

## 23: CULTURAL RESOURCES

**Issue 23.1: Special protection needs of the "noise-sensitive" Murie Ranch National Historic Landmark and Laurance S. Rockefeller Preserve.**

**Comment:** *[There is] enormous national significance and symbolic value of the Murie Ranch NHL, and the Laurance S. Rockefeller Preserve. We request, therefore, a rigorous acceptability and impairment analysis be applied specifically to these two named properties, for years 2015 and 2025, also to the nearby campground, using the full array of noise metrics discussed above (NPCA, 1479.033).*

**Response:** The final environmental impact statement discloses the affected environment and potential impacts to the Murie Ranch, Laurance S. Rockefeller Preserve and the Gros Ventre Campground from airport operations under the "Visitor Use and Experience" sections in chapters 3 and 4.

**Issue 23.2: Adequacy of the section 106 consultation for the Murie Ranch National Historic Landmark.**

**Comment:** *What is the status of section 106 analysis and consultation required under law for the Murie Ranch National Historic Landmark? NPS Director's Order 12 mandates consultation under section 106 of the National Historic Preservation Act (NHPA), with the information gathered as part of section 106 review to be included in the NEPA document, and completion of the section 106 process before a FONSI can be signed, with its accompanying statement about consultation under section 106.*

*Only an initial scoping letter went to the Wyoming state historic preservation officer, it appears. The draft EIS index does contain several cursory references to the NHPA; however, a check of those pages reveals no required consultation performed, as to the Murie Ranch National Historic Landmark.*

*Further, by "preferring" Alternative 2 to Alternative 1, and affording no other alternatives, the NPS seemingly endorses that this significantly high impact level as "acceptable," indeed, a "minor" adverse impact. This ignores important guidance regarding section 106 application to "setting," "feeling" and "association" (vs. noise, visible intrusions), as reinforced by the provided quotes from this [Murie Ranch] NHL nomination papers (see above). Thus, this assessment appears arbitrary and capricious. Further consultation is required. We particularly take issue with NPS, that the site has the "feel" of a remote, isolated setting despite its location (see draft EIS page 189). This ignores the significant aircraft noise and visuals burden*

*What will be needed from NPS, appropriate to this site [Murie Ranch] in particular, is a determination of noise impact for the full range of Number Above levels, per hour, cited previously. Only then can the audibility data and other noise metrics provide sufficient information as to the persistent impact on this cultural property's setting, feeling, and association. If sufficient mitigation / respite is not provided, this NHL could become a candidate for inclusion on the "Threatened" or "Watch" listings for National Historic Landmarks (NPCA, 1479.034-.038).*

**Response:** The draft environmental impact statement served as a basis for consultation with the Wyoming state historic preservation officer regarding the Murie Ranch and other cultural resources listed or eligible for listing under the National Register of Historic Places. The consultation occurred in 2009 and 2010, and the documenting correspondence is provided in Appendix A of the final environmental impact statement. This correspondence includes an assessment of effect prepared by the National Park Service and a concurrence letter provided by the Wyoming state historic preservation officer on the no adverse effect determination pursuant to section 106.

In its January 14, 2010 letter, the Wyoming state historic preservation officer documented concurrence with the finding of "no historic properties adversely affected." Justifications for this finding were presented in the NPS' December 22, 2009 letter. Based on the findings from the state historic preservation officer, the proposed action would not affect the criteria for nomination or actual listing of the Murie Ranch as a national historic landmark.

Potential impacts on the Murie Ranch and Laurance S. Rockefeller Preserve are analyzed in Chapter 4 under "Visitor Use and Experience."

A finding of no significant impact (FONSI) is one of the two possible outcomes of the analysis contained in an environmental assessment. The other is a notice of intent to prepare an environmental impact statement. Because this document is already an environmental impact statement, the applicable decision document will be a record of decision. Regardless, this evaluation of impacts is in compliance with all aspects of the National Historic Preservation Act and Director's Order #12.

## 24: CUMULATIVE, CONNECTED, OR SIMILAR ACTIONS OR EFFECTS

### **Issue 24.1: Adequacy of the alternatives to reduce cumulative impacts.**

**Comment:** *The two 10-year terms, until 2053, does not provide the necessary restrictions to reduce cumulative impacts that will be directly caused by an increase in air traffic in the Grand Teton (2376.002).*

**Comment:** *Restrictions addressing the cumulative impacts caused by increased air traffic within Grand Teton need to be included (0506.004).*



**Comment:** *As the lease comes up for extension, limitations on usage and restrictions to reduce cumulative impacts should be put in place (0189.004).*

**Response:** The preferred alternative was revised to strengthen the commitment of the Jackson Hole Airport Board to further reduce and mitigate the effects of the airport on the park. An extensive list of potential mitigation measures was included in Chapter 2 of the final environmental impact statement.

## 25: DARK SKIES

### ***Issue 25.1: Mitigation of light pollution.***

**Comment:** *It should not be allowed any exemptions concerning light pollution (0138.003).*

**Comment:** *Light pollution should be mitigated as much as possible (0148.002).*

**Response:** The airport does not have any light pollution exemption. The National Park Service and Jackson Hole Airport Board are committed to reducing and mitigating the impacts of the airport on park resources, including impacts on dark skies. Page 97 of the draft environmental impact statement describes existing mitigation measures that the airport employs to reduce effects of airport operations on dark skies. Additional measures to mitigate impacts on dark skies are included in Chapter 2 under “Other Mitigation and Environmental Protection Measures” in the final environmental impact statement.

## 28: HEALTH AND SAFETY

### ***Issue 28.1: Adequacy of the analysis of impacts on traffic safety.***

**Comment:** *My concern is the impact this visitation will have on the transportation corridors in and around the Town of Jackson if the airport closes. Currently, visitors who arrive by airplane utilize taxis or rental cars during their sojourn in the valley. In the absence of the airport, visitors will be bringing their vehicles with them. That means more vehicles entering the valley, further clogging our already-congested main arteries and town streets. This will also have a negative impact on traffic violations, traffic crashes, parking, and vehicle emissions in our valley. In his regard, the airport is not just an economic issue, it is also a health and safety issue (JPD 3073.004).*

**Response:** The environmental impact statement included detailed analyses of impacts on ground transportation and on public health and safety on highways. No changes were needed in the final document to either impact topic.

### ***Issue 28.2: Limiting airport jet use to emergencies.***

**Comment:** *Restrict the use of jets in Jackson Hole to medical emergencies only (0215.002).*

**Response:** The Jackson Hole Airport operates under the terms of the existing agreement between the Airport Board and the Department of the Interior. As a public airport, restrictions on the types or classes of aircraft must conform with applicable federal laws and regulations. Such a restriction would be inconsistent with existing laws.

### ***Issue 28.3: Adequacy of the analysis of impacts on medical evacuations by fixed-wing aircraft.***

**Comment:** *Avcenter provides fixed wing air ambulance service for Portneuf Regional Medical Center in Pocatello, Id and we have flown tens of hundreds of life flights out of Jackson over the last 20 years (2023.003).*

**Comment:** *I have flown into the Jackson Hole airport many, many times over the last ten years while flying a PC-12 in support of patient transport missions for the University of Utah hospital. The airport is critical to efficient transport of patients down to Salt Lake City and other destinations. Fixed wing aircraft are able to support medical missions into Jackson Hole when helicopters are prevented from operating in the valley during conditions of adverse weather (0961.001).*

**Response:** The final environmental impact statement was modified to include effects on medical evacuations that currently are occurring from the Jackson Hole Airport using fixed-wing aircraft.

***Issue 28.4: Adequacy of the analysis of impacts on visiting physician services.***

**Comment:** *Avcenter transports doctors from Jackson Hole Airport every week to outlying clinics in Rock Springs and Kemmerer, allowing these doctors to bring health care to Wyoming citizens that would otherwise have to travel long distances to medical specialists or forego that care altogether (2023.004).*

**Response:** The final environmental impact statement was modified to include effects on visiting physician services.

**29: PARK AND AIRPORT OPERATIONS**

***Issue 29.1: Fees for airport charter services.***

**Comment:** *Charter services should pay for user permits to use GTNP land, and be managed similar to other park concessionaires. Any business operating on NPS land should incur permit fees as other concessions within the park (GYC, 0463.007).*

**Response:** The Jackson Hole Airport operates under the agreement with the Department of the Interior, under which the Jackson Hole Airport Board is deemed the proprietor of the airport. The Board provides services to users, such as food, rental cars, and fixed-base operations for general aviation, through contracts with businesses. A portion of the revenues derived by the Board from these contracts is made as payments to the NPS, pursuant to section 3 of the 1983 agreement. The National Park Service does not consider the businesses operating at the airport to be subject to the same requirements as park concessioners, in part because they serve airport users almost exclusively. Airport users are not considered to be park visitors until they have left the airport and taken some action to visit the park.

***Issue 29.2: Restricting use of the airport.***

**Comment:** *It should be closed to everything but park service and emergency use (1342.003).*

**Comment:** *Commercial activity in our national parks should be limited to activities that enhance visitors' experience of the park. A commercial airport in a national park is clearly not an activity that enhances visitors' experience (1351.001).*

**Response:** The Department of the Interior Airports Act of 1950 provided specific authority for the Secretary of the Interior to authorize the construction, operation, use, and maintenance of airports in national parks and national monuments. The law provided that the Secretary could

authorize such uses when determined necessary for the proper performance of the functions of the Department of the Interior, but did not limit such circumstances to those that enhance visitors' experiences. The determination made by the Secretary of the Interior in 1983 remains in effect and, thus, the airport operates pursuant to the authority provided by Congress.

**Issue 29.3: Effects of insurance coverage.**

**Comment:** *If we will not be able to fly into a certified airport, our insurance will not cover the flights. I am sure that this applies to most other private pilots' insurance provisions (1070.003).*

**Response:** The final environmental impact statement was changed to consider general aviation insurance coverage as a factor influencing pilots' decisions regarding whether to use the Jackson Hole Airport under Alternative 1.

## 32: SOUNDSCAPE / NOISE

**Issue 32.1: Management of cumulative noise impacts from future aircraft industry growth within constraints imposed by the Airport Noise and Capacity Act.**

**Comment:** *Constraints Imposed by the Airport Noise and Capacity Act set up a tough conundrum, or quandary: how, in the face of continued industry growth, will it be possible to ensure that the NPS can manage to prohibit cumulative noise impacts which reach levels of (1) major adverse, and/or (2) unacceptable, and/or (substantial) impairment? This question must be addressed to cumulative noise aviation impacts arising from any or all levels of altitude (NPCA, 1479.008).*

**Response:** The final environmental impact statement has been revised to more clearly describe the range of existing mitigation measures that are currently in effect. In addition the document includes additional information about the potential future mitigation actions and the roles of the National Park Service, Jackson Hole Airport Board, and Federal Aviation Administration

All non-natural sounds, including all non-airport related aircraft, are analyzed in the cumulative impacts sections of the natural soundscape and visitor experience sections. The purpose and need of the environmental impact statement is only related to the Jackson Hole Airport. The impacts of high-altitude aircraft not associated with the airport are appropriately treated to the same analyses as the impacts from motorized boats, road vehicles, and other non-natural sounds in the park.

**Issue 32.2: Modeling with the Federal Aviation Administration's Integrated Noise Model (INM) version 6.2a.**

**Comment:** *We note that model validation for INM v. 6.2a has not yet been conducted for this EIS, but we request Grand Teton validation for the noise model be completed and reported in the final EIS. At page 167 in the draft EIS, the NPS also acknowledged (1) that the model produces an overstatement of percent-time-audible when two or more aircraft overlap, and (2) that the Lmax could be understated by up to 3 dB, under similar conditions of overlap. So likewise, these significant flaws should be corrected and appropriately remodeled, for the final EIS. Accuracy and quantitative precision are increasingly key to application of impact thresholds, particularly when we get to "major adverse," "unacceptable," and "impairment" thresholds (NPCA, 1479.018).*

**Response:** The sound level functions of the Integrated Noise Model (INM) have been validated multiple times over many years of its use, and the audibility functions have been and are currently being compared to field measurements at Grand Canyon National Park. The final environmental

impact statement includes comparisons of the modeled results to field measurements within Grand Teton in Table G-31 in Appendix G. These modeled and field measured results compare well and demonstrate that the model provided good estimates of Jackson Hole Airport aircraft audibility.

In Integrated Noise Model 6.2a, audibility is calculated assuming that there are no simultaneous aircraft events. In reality, there are occasional overlapping aircraft events near the airport. However, unlike with busy air tour operations (for example, at Grand Canyon National Park) where aircraft events overlap frequently, event overlap at the Jackson Hole Airport rarely occurs away from the immediate area of the airport and, therefore, seldom affects the results in this area of the park.

The potential increase in maximum sound level because of overlap is minor following the same reasoning presented in the preceding paragraph.

As stated in the final environmental impact statement, all models have inherent limitations. However, Integrated Noise Model 6.2a is the worldwide standard for assessing sound impacts of aircraft and the final environmental impact statement (in Table G-31) shows that the model results compare favorably to field measurements.

**Issue 32.3: Remodeling of maximum sound level data using a compression or overlap algorithms.**

***Comment:** As for the oft over-stated per-cent-time audible, the NPS/FAA for over ten years has known that a "compression algorithm" can correct the model errors created from overlapping flights. Such algorithms, in fact, have long been developed with precision for tour aircraft at Grand Canyon National Park, where a final rule/EIS is being readied. With direct NPS input, such algorithms have likewise been developed and applied more recently for high-altitude, en route jet aircraft overflying that park.*

*NEPA and the courts will not support unnecessarily and meaningless data for percent time audible, without feasible prior correction of the model with the available, required, validated "compression algorithm," one properly field-tested in the park for the aircraft sources of interest.*

*The Lmax underestimation, similarly, can be modeled correctly, if proper "overlap" algorithms are developed and applied. Therefore we anticipate their immediate application for the final EIS in re Lmax data as well (NPCA, 1479.019 and 020).*

**Response:** Compression algorithms were not necessary for these analyses because of the general lack of overlap of aircraft events using the Jackson Hole Airport in the vast majority of the park. See the response to issue 32.2.

**Issue 32.4: Need to model other parameters.**

***Comment:** The noise metric TA45 [time above 45), and NA45 should therefore be analyzed for all location points for the final EIS (Sierra Club, 3078.007).*

***Comment:** The bulleted parameters at the bottom of draft EIS page 173 are appropriate, as far as they go, but we request additional modeling of supplemental metrics as follows -- particularly for the named, noise-sensitive properties within the park (consistent with modeling already completed for Grand Canyon overflights). These supplemental metrics would serve as a basis for improved thresholds and standards, particularly as to the "unacceptable" threshold.*

- Number Above (NA), for levels of NA35 45 55 65 75 85.

- *The Number Above time unit should be peak hour, and peak 15-hour day. Results may be usefully displayed as histograms, contour maps, and gridpoint tables.*
- *Sound Intensity Index.*
- *The quantitative grid point data should be shown, in tabular form, and on graphics with contours.*
- *Noise Free Interval (NFI) or, as an adaptation, "Time Between Events," as is being currently modeled for Grand Canyon.*
- *Time Above 45 (TA45)(for a 15-hour day) should also be modeled, since this level is about where such substantial noise surges, well above natural ambient, become inescapably noticeable if not annoyingly persistent in quiet natural conditions. (They are, re some especially quiet conditions or sites, quite noticeable at 35 dBA) (NPCA, 1479.022).*

**Response:** The final environmental impact statement includes a discussion of the rationale for the energy-based, audibility-based, and area-based metrics that were used in these analyses. The final environmental impact statement also acknowledges that other metrics could provide additional information, but these other metrics would not substantially add to our understanding of aircraft sound impacts.

**Issue 32.5: Need to model audible, en route, transient, high-altitude aircraft traffic.**

**Comment:** *Further, the noise of audible, en route "transient," high-altitude aircraft traffic should be modeled, as has been previously done for both the FAA's St. George (Utah) replacement airport EIS, and for the upcoming NPS/FAA draft EIS for Grand Canyon overflights (NPCA, 1479.023).*

**Comment:** *The cumulative impacts analysis, likewise, must not become as casual as to be arbitrary and capricious. En route, high-altitude aircraft noise, and the lower-altitude aircraft noise connected to the Jackson Hole Airport, when then lumped together as "all-aircraft" noise, would be totaled up and scientifically modeled collectively, in aggregate. This measurement would apply to all individual location points, for each specially designated property (e.g., Murie Ranch NHL, or the Laurance S. Rockefeller Preserve, for example) as well as for park recommended wilderness, by quadrant, or for the "Park as a Whole (Sierra Club, 3078.010).*

**Response:** See the response to issue 32.1 regarding cumulative impacts. Based on actual noise monitoring data, en route, high-altitude aircraft not associated with the Jackson Hole Airport are audible approximately 5% to 10% of the time over Grand Teton National Park in quiet areas and during quiet times, and are less frequently heard in other areas and times. High-altitude aircraft are audible for much greater periods of time in the southwestern United States where Grand Canyon National Park and Zion National Park are located and, as a result, have a much larger impact. Because of this, the analyses at those two parks included en route aircraft in the modeling.

**Issue 32.6: Procedure for analyzing cumulative impact of en route, high-altitude air traffic.**

**Comment:** *It has been noted by the U.S. Court of Appeals, D.C. Circuit, in successive opinions of May 2002, and August 2002, that for NEPA cumulative impacts analyses, the noise of en route traffic may not be treated casually, or as "de minimus," even at levels of 5 to 10%, as is implied in this draft EIS (at pages 174, 175). Over the time frame of analysis (2008-2025), noise, and number of events from such high-altitude, en route traffic will increase. All such noise must be counted and integrated into the cumulative analysis. Consequently, this high-altitude noise, when combined with growth in low-level local-airport-*

*related noise, at some point likely will reach a "tipping point" in terms of reaching unacceptable or impairment, cumulative-noise thresholds. The appeals court, in the St. George airport case, was speaking particularly in re potential cumulative impacts at Zion National Park.*

*The court referred to these incremental additions (when also factoring in smaller airport-related increased impacts), being ultimately concerned with the potential "straw that breaks the environmental camel's back." Thus, the Jackson Hole final EIS, as with St. George (Zion), or as with the Grand Canyon, cannot ignore or treat so casually en route transit noise (NPCA, 1479.024).*

**Comment:** *Its cumulative impacts analysis must follow the important precedents for Zion and Grand Canyon. There, the high-altitude noise has been quantitatively factored (integrated, added in) for all the sound modeling location points. So it needs to be for data for each of the 659 grid points (and resultant tables) within and around Grand Teton National Park, as indicated from draft EIS Figure 4 (NPCA, 1479.025).*

**Comment:** *The philosophic basis for calling airport-related noise "negligible" at less than ten percent time audible over 95% of the Grand Teton National Park may consequently need to be re-thought, once the new, integrated data tables are compiled. There may be potential, cascading effect on the various impact categories in view of these modified tables (NPCA, 1479.026).*

**Response:** See the response to issue 32.1 regarding cumulative impacts, and issue 32.5 regarding en route, high-altitude aircraft. The legislation pertaining to the effects of aircraft overflights at Grand Canyon National Park addressed the effects of all overflights, not just the effects of any particular airport. However, this environmental impact statement is concerned with the environmental effects of the Jackson Hole Airport and, therefore, the modeled aircraft sounds were limited to only those using the airport. Other sources of non-natural sounds not associated with the airport, such as motor vehicles or enroute aircraft transiting the airspace, were appropriately considered in the cumulative impacts analysis.

#### **Issue 32.7: Use of more appropriate noise metrics.**

**Comment:** *In this regard [to day-night average sound level (DNL) noise standards in the use agreement], we would refer to a new study, "What's In Your DNL?" by William Albee, Tom Connor, et al., published October 2006 by Wyle Laboratories, Arlington, Virginia. The study concluded that DNL needs to be broken down "into its component parts (TA and NA, across the full range of thresholds)," as is now being done for NPS/FAA's Grand Canyon overflights draft EIS. Best practices now means that this be applied particularly for national parks EIS analyses regarding soundscape and visitor experience concerns.*

*It is recommended to de-emphasize DNL analysis as such for national parks and wilderness areas. More reliance is due on appropriate, supplemental metrics for such properties, which give people a feel for the number and intensity of events. Even the individual is more interested in knowing how frequently he or she will be exposed to intrusive noise events, and how loud and how long they will be (NPCA, 1479.027).*

**Response:** The final environmental impact statement clarifies that the modeled 15-hour sound level equivalent (Leq) is not the same as a day-night average sound level.

The final environmental impact statement includes a discussion of the rationale for the energy-based, audibility-based, and area-based metrics that were used in these analyses. The final environmental impact statement also acknowledges that other metrics could provide additional information, but would not substantially add to our understanding of aircraft sound impacts.

The final environmental impact statement did not use the day-night average sound level metric for impact determination or assessment of aircraft impacts to the park. Day-night average sound level was mentioned in this environmental document because it is one of the metrics defined and used for establishing thresholds in the 1983 agreement and the airport's current noise abatement plan.

**Issue 32.8: Use of peak day or peak hour versus peak season in the noise analyses.**

**Comment:** *It is important that "peak day" be used for all analyses and conclusions. This was one of the seminal outcomes from the D.C. Circuit Court of Appeals decision of August 2002, in re Grand Canyon overflights. Apparently, the present draft EIS limits such assessment to "peak season," even though the typical visitor, and their experience is connected to a particular day (such as an 8-mile trail walk through the Rockefeller Preserve, or a 2-hour visit at Murie Ranch NHL, for example) (NPCA, 1479.030).*

**Comment:** *It seems arbitrary and capricious for the NPS to rely on the broad-brush "peak season" (July/August/September) noise averaging, in lieu of the more precise and apt "peak day" and "peak hour" reportage. The typical, serious visitor experiences such units only for a given day, or maybe for an hour or two.*

*Furthermore, the draft EIS makes it clear that certain "peak days" have up to 40% more flights than the average "peak season" day. The U.S. appeal courts have made it clear that proper NEPA analysis needs to include "peak day." A histogram of high-season operations numbers, by day, is requested, and would inform that selection.*

*Further, the draft EIS lacks any quantitative graphic showing the daily hourly cycle during peak times. (A histogram would be very helpful.) One can infer from the text that certain hours may be 40% (at least) busier than the 15-hour average, for that same day.*

*Taken together, some "peak hours" may have double the amount of audible aircraft operations, thus noise, than in the tables and graphics of this draft EIS, even for "peak season's average 15-hour day" (Sierra Club, 3078.011).*

**Response:** The 2002 U.S. Court of Appeals for the District of Columbia decision regarding Grand Canyon overflights pertained to use by the Federal Aviation Administration of an average annual day to determine whether its rules for overflights at the Grand Canyon would result in substantial restoration of natural quiet. The Federal Aviation Administration was required to adopt the NPS' definition for substantial restoration of natural quiet at Grand Canyon. However, the court found that the use of an average annual day was inconsistent with the NPS' definition, which established a threshold for Grand Canyon that could not be exceeded on any given day. The court's decision was specific to the Grand Canyon overflights issue pursuant to requirements for that park in the National Parks Overflights Act of 1987, and did not establish a peak-day standard that must be used elsewhere.

The analyses in this environmental impact statement used peak-season rather than an all-year average to represent the conditions that typically exist during the summer, when the airport is busiest and when the most visitors are present. Using a daily average of peak-season operations better represents the effects on the natural soundscapes, and what a typical visitor would experience, rather than a single, peak day, which would differ from year to year, and would be unrepresentative of the actual conditions for all but that one day. Figures 5, 6, and 7 were added to the final environmental impact statement to show the number of operations by day during the peak season, as well as operations by hour and by month.

**Issue 32.9: Adequacy of the noise analysis for the Murie Ranch, Laurance S. Rockefeller Preserve, and Gros Ventre Campground.**

***Comment:*** Applying the unacceptability standard only to the park as a whole, in such a limited, truncated fashion, blatantly ignores the protection needs of, and risks permanent impairment of, specific, noise-sensitive park properties clustered adjacent/around the airport. The limited NPS application can thus be viewed as arbitrary and capricious, given the enormous national significance and symbolic value of the Murie Ranch NHL, and the Laurance S. Rockefeller Preserve.

*We request, therefore, a rigorous acceptability and impairment analysis be applied specifically to these two named properties, for years 2015 and 2025, also to the nearby [Gros Ventre] campground, using the full array of noise metrics discussed above (NPCA, 1479.033)*

***Comment:*** NEPA disclosure in the draft EIS has demonstrated the incongruity of airport noise encroaching ever further, and ever more intensely, into specially protected, specific areas of the Grand Teton National Park, such as the Murie Ranch NHL, and the Laurance S. Rockefeller Preserve. Yet the park service continues to abdicate its opportunity to (1) restore the soundscape of the former site - even partially; or (2) to fully protect the soundscape of the latter (see sound intensity index graphics, "peak season" for Alternative 2, for these two valuable federal properties.) Alternatives must be developed to substantially restore the Murie Ranch NHL to its historical, authentic acoustical as well as visual integrity, its feeling, its symbolism. We must also address the noise build-up within the Laurance S. Rockefeller Preserve-with its special stipulations re motorized use-illustrated in the draft EIS, Figs F-3, F-9, and F-11 for "peak season."

*The special noise/legal considerations regarding the Murie Ranch NHL and Laurance S. Rockefeller Preserve need thus to be translated into inviolable, special standards, (including such as the sound intensity index) to which the courts will give NPS "substantial deference," as long as they are appropriate, not overly vague, or arbitrary and capricious, or so insufficient as to not protect the high-quality integrity and dignity of setting or association demanded by their establishment within context of a national park (Sierra Club, 3078.004 and 009).*

***Response:*** The NPS Organic Act applies equally to all resources within Grand Teton National Park. *Management Policies 2006* (NPS 2006a) provide guidance on interpretation and implementation of the Organic Act, and recognize that managers must take into consideration resources of special significance and other factors when determining whether particular uses are appropriate, or could result in unacceptable impacts or impairment.

In addition to the protection afforded under the NPS Organic Act, the Murie Ranch is a designated national historic landmark and, thus, is also protected under the National Historic Preservation Act. Under consultation pursuant to section 106 of that act, the Wyoming State Historic Preservation Officer concurred with the NPS' determination that no historic properties, including the Murie Ranch, would be adversely affected by the preferred alternative.

The NPS' determination and the concurrence from the State Historic Preservation Officer are included in Appendix A of the final environmental impact statement. The document also has been revised to better describe the potential impacts on the Murie Ranch, Laurance S. Rockefeller Preserve, and Gros Ventre Campground. These impacts are detailed in the "Visitor Use and Experience" sections for each alternative in Chapter 4.



**Issue 32.10: Appropriateness of the impact intensity finding for the Murie Ranch.**

**Comment:** *The NPS' conclusion appears highly incorrect, that frequent aircraft overflight approaching near 90 dBA (!) repeatedly, frequently, and at 46% time audible, is a "minor to moderate adverse impact" on so historic and special a natural setting [as the Murie Ranch National Historic Landmark]. In no way does such assessment correspond to the impact thresholds at draft EIS pages 175-176 (NPCA, 1479.036).*

**Response:** The conclusion regarding level of effect was based on thresholds defined for the park as a whole, not for specific sites within the park. Some sites would have fewer impacts and other would have greater impacts. In addition, under consultation pursuant to 106 of the National Historic Preservation Act, the Wyoming State Historic Preservation Officer concurred with the park's determination that there would be no adverse affect to the Murie Ranch from preferred alternative in this environmental impact statement.

**Issue 32.11: Adequacy of the presentation of soundscape impacts in the southern third of the park.**

**Comment:** *The NPS' sound intensity index gives highly visible indication of the steady encroachment of significant, potentially unacceptable aircraft noise pollution into the [Laurance A. Rockefeller] Preserve (increasingly colored orange and red, for high intensity) into the preserve by 2025. (See Figure F-11 B, at page 396, "Sound Intensity Index for Peak- Season Conditions for Alternative 2," which compares against Figure F-11A, at draft EIS page 395: "2025 Sound Intensity Index for Peak-Season Conditions for Alternative 1.")*

*We therefore request that the NPS, in its final EIS, display a similar graphic for the sound intensity index, for the year 2033 peak season and day, immediately following the anticipated April 27, 2033 closure of the Jackson Hole Airport, as per Alternative 1.*

*This last graphic would require no complex extra noise modeling or forecasts; the number of airport operations would be zero. The inexorable encroachment of increasing noise on the preserve is of sufficient concern that, Figure F-11A, Fig F-11 B, and this "no airport" graphic ought be displayed side-by-side, but focused (enlarged) for the southern third of the park, with the boundaries of the Rockefeller Preserve, and its trail system, and the Murie Ranch NHL, and the Gros Ventre Campground clearly identified. The geographic coverage of the map would thus be approximately that of Figures F-12 through F-15 (having to do with DNL levels). This enlargement/focus request also applies for corresponding Figures F- 3A and F-3B, and Figures F-9A and F-9B, (for corresponding, earlier years being evaluated). (NPCA, 1479.039).*

**Response:** The sound intensity index was replaced in the final environmental impact statement by similar maps of the percent time audible and time above 60 dBA. These figures give actual modeled results rather than a derived, combined metric. Both of the newly mapped metrics illustrate the same pattern: that the impacts from the airport aircraft are more pronounced in the southern parts of the park nearest the airport.

The final environmental impact statement discloses that there would be no soundscape impacts after airport closure. An additional graphic is not necessary to demonstrate this fact.

**Issue 32.12: Adequacy of the noise modeling data for the Gros Ventre Campground.**

**Comment:** *In developing the final EIS, and as a possible condition in the record of decision, we request that the NPS summarize the available INM 6.2(b) noise modeling data, for Gros Ventre. Also, the NPS should conduct additional, empirical, ground-based research of sound levels within the campground dur-*

*ing selected evening and nighttime hours. Such research could include interview surveys with campers (tent, and recreational vehicle), much as the NPS Natural Sounds Center has conducted in other park locations (NPCA, 1479.040).*

**Response:** Noise modeling results for the Gros Ventre Campground for 2005 conditions and each alternative in 2015 and 2025 are available in tabular form by following the links on the park planning page at <<http://www.nps.gov/grte/parkmgmt/planning.htm>>. The results in the tables correspond to the 659 modeling points inside and outside the park that are shown in the environmental impact statement map titled “Grand Teton National Park Management Zones and Sound Modeling Points.” None of the points exactly corresponds to this campground, but the results of points 633, 634, and 649 approximate this site.

The results of modeling provide effective characterization of impacts now and in the future to meet the requirements of the National Environmental Policy Act. Interviews or ground-based research would only add to knowledge about the existing condition. However, such information may be appropriate in the future development of a park-wide soundscape management plan.

**Issue 32.13: Adequacy of the analysis of effects from nighttime noise exposures at the Gros Ventre Campground.**

**Comment:** *In turn, and as feasible, the results [for the Gros Ventre Campground] should be compared against data and findings published in, or referenced in, the American National Standard "Quantities and Procedures for Description and Measurement of Environmental Sound - Part 6: Methods for Estimation of Awakenings Associated with Outdoor Noise Events Heard in Homes" (ANSI/ASA S12.9-200/Part 6, Acoustical Society of America, approved July 3, 2008 by the American National Standards Institute, Inc.).*

*The results should also be compared against data and findings published in, or referenced in, The European Heart Journal, February 12, 2008, "Acute effects of night-time noise exposure on blood pressure in populations living near airports," by Alexandros S. Haralabidis et al. Available at <http://eurheartj.oxfordjournals.org/cgi/reprint/ehn013v1> (NPCA, 1479.041)*

**Response:** The final environmental impact statement discusses potential sleep interruption because of aircraft sounds in the visitor use and experience sections. It also places the airport’s daily operational schedule into context related to campground functions. Almost all aircraft operations take place from 7 A.M. to 9 P.M., when few people are trying to sleep. A road, river, and other camper sounds contribute to the ambient sound level at the Gros Ventre Campground. These and other sounds tend to be much more frequent and louder than sounds associated with the airport operations.

A new graphic (Figure 6) was added to the final environmental impact statement to show operations by hour in the peak season. There are fewer than 0.5 operations per hour on average between 10 P.M. and 7 A.M.

**Issue 32.14: Adequacy of the consideration of sound effects, including noise modeling, at the National Elk Refuge.**

**Comment:** *National Elk Refuge: We add this property, nearly adjacent to the airport, for its obvious wildlife sensitivity. The National Elk Refuge, being a significant federal property, also of great value to park visitors, the INM 6.2 noise modeling and mapping should therefore be extended to all location grid points within this property. We are deeply concerned at the implications of increasing airport-related*

noise events spreading across the northwest border of this refuge, as shown in figure F-11 B (draft EIS page 396) where it abuts the Gros Ventre campground (NPCA, 1479.043).

**Response:** Modeling included all lands within the boundary of Grand Teton National Park *plus* the land within 10 miles of the runway center-point. This area includes the National Elk Refuge. See the response to issue 32.12 regarding how to access the modeling results and how to identify the designations of the modeling points that covered the National Elk Refuge. The results of modeling in the National Elk Refuge were included in the analyses and conclusions for soundscape and wildlife in the draft and final versions of the environmental impact statement.

**Issue 32.15: Adequacy of day-night average sound levels for determining impacts on the natural soundscape.**

**Comment:** *The draft EIS lists the 3 cumulative Grand Teton noise standard requirements. Two are for DNL levels (by park zone); the other for Lmax of aircraft. These appear increasingly outmoded as truly sufficient to acceptable national park protection requirements. We also note that under ANCA, these may not be re-visited or changed, except with FAA approval. However, we agree with the NPS, indeed lately, also with FAA Order 1050.1e, that DNL values (such as in the use agreement or in the draft EIS, Table 6), are not directly applicable to a proper soundscape evaluation of Grand Teton National Park (NPCA, 1479.054).*

**Response:** The final environmental impact statement clarifies that day-night average sound level was not used in the impact analyses. Day-night average sound level is used in the current airport noise abatement plan to assess compliance with the noise standards and thresholds. Changing the metrics in the noise abatement plan would require completion of studies in compliance with Federal Aviation Administration regulations in 14 Code of Federal Regulations parts 150 and 161. These studies are proposed as part of future mitigation.

**Issue 32.16: Appropriateness of ending the soundscape analysis in 2025.**

**Comment:** *The detailed presentation of the recent noise analysis is impressive. However, we take issue in the manner in which comparisons were conducted between Alternative 1 and Alternative 2. For example, page 245 of the draft EIS discusses results only to the year 2025, not 2033 or 2053. Even under this incomplete comparison, it is stated that more of the park will be impacted by aircraft noise with Alternative 2 than Alternative 1. By not doing comparisons for the later dates (which we suspect would identify an even greater difference between the two alternatives) phrases such as "...The figures indicate that the percent of time aircraft were audible would increase slightly from Alternative 1 conditions." (JHCA, 0297.006).*

**Response:** As was stated in the final environmental impact statement, projecting environmental impacts beyond 2025 is too full of uncertainty to be useful. It is unknown if the impacts would be higher or lower because of changes in factors such as technology, economics, and travel patterns.

**Issue 32.17: Adequacy of the baseline used in the soundscape analysis.**

**Comment:** *Using 2005 as a noise impact baseline does not satisfy cumulative impact analysis requirements. The purpose of the draft EIS is to provide the rationale for amending or not amending the April 27, 1983 use agreement; therefore, the document should use that date as the baseline and show trends in operations from 1983 to the present in order to meaningfully evaluate cumulative impacts. (1462.001).*

**Response:** Additional information about historical aircraft use was added to the final environmental impact statement (Chapter 3) and the document was updated with most recent airport operation data available. Much of the historical information requested was not collected and/or is currently unavailable.

**Issue 32.18: Adequacy of metrics employed in the sound analyses.**

**Comment:** *Noise footprints utilizing averaging methods such as DNL and sound intensity index are irrelevant for determining impacts on national park lands. Because of the special status and characteristics of national park lands, with uniquely low ambient noise levels and specific resource management objectives, single-event impacts should be the focus of any cumulative impact analysis. Each increment of increase in the number of single-event impacts at the Jackson Hole Airport since the 1983 use agreement represents escalating cumulative impact and should be displayed in a transparent and forthright manner (1462.001).*

**Response:** Additional information about historical aircraft use was added to Chapter 3 of the final environmental impact statement and the document was updated with most recent airport operation data available. The final environmental impact statement also discloses the rationale for the acoustic metrics that were used to describe the sound impacts.

### 37: VEGETATION

**Issue 37.1: Adequate consideration of contributions to the decline of sagebrush steppe.**

**Comment:** *While the draft EIS considers wildlife impacts to be negligible for the two lease extensions, GYC believes that wildlife impacts could pose significant concerns in the future. GTNP recognizes that "Sagebrush steppe acreage is expected to continue declining on private lands south around Jackson," and should consider how the Jackson Hole Airport contributes to this decrease (GYC, 0463.015).*

**Response:** There would not be any expansion of the airport footprint under the preferred alternative and, therefore, no direct loss of sagebrush habitat would occur either within the park or regionally. The environmental impact statement discloses the potential cumulative impacts to wildlife habitat (specifically sage habitat) outside the park under the wildlife cumulative impact analysis in Chapter 4.

### 40: Water Quality and Hydrology

**Issue 40.1: Adequacy of the analysis of the impacts of propylene glycol deicer.**

**Comment:** *Aquatic Considerations: We are very concerned with the movement and storage of propylene glycol. The airport uses propylene glycol for deicing, which is actually found in ice cream; however, it is great media for bacteria growth and may allow for bacteria to multiply much quicker. We are unsure of what impacts this increase in bacteria growth could cause for fish, wildlife, and/or water quality. Therefore, we recommend that these potential impacts be analyzed. Currently, the airport does not have a collection system for the deicer. We recommend that the airport address snow storage and construct a drainage system to a lined pond for the storage of propylene glycol. If this is not feasible, we recommend that the airport utilize the "vac-all" truck, as was done in 2007-2008, which allowed for recycling of deicer (WYGFD 3077.002).*

**Response:** The environmental impact statement includes a detailed description of past and current management practices for propylene glycol, including the potential for impacts on water quality, (and by extension, on wildlife and aquatic life). In Chapter 4, it analyzes the potential impacts of this substance for both alternatives. As detailed under Alternative 2 in Chapter 2 of the final environmental impact statement, the Jackson Hole Airport Board currently collects spent propylene glycol for recycling using a vacuum truck. The Board currently has a project in the capital projects plan for glycol recovery system at the airport.

## 41: WILDLIFE AND THEIR HABITATS

### **Issue 41.1: Adequacy of protection for the pronghorn migration corridor.**

**Comment:** *Although there are many studies that document the ability of wildlife to tolerate noise over time, it would be prudent to apply a low-noise threshold over this protected public lands corridor to prevent any further disruption to movement patterns of this threatened [pronghorn] band (NPCA, 1479.045).*

**Response:** The Chapter 4 description of effects on wildlife, including pronghorn, was expanded in the final environmental impact statement. However, the types of noise restrictions or low-noise threshold stipulations that are suggested by this comment are under the purview of the Federal Aviation Administration, pursuant to laws and regulations applicable to the operation of airports, and cannot be modified by the National Park Service or Jackson Hole Airport Board. The environmental impact statement addresses such laws and regulations and their applicability to the implementation of mitigation measures in Chapters 1 and 2.

### **Issue 41.2: Adequacy of the analysis of impacts on pronghorn.**

**Comment:** *The direct impacts of the Jackson Hole Airport's footprint to pronghorn habitat should be considered in this draft EIS, as well as the impacts from noise disturbances during takeoff and landing. Using a south approach for landing and takeoff direction would limit impacts to the sagebrush steppe directly north and east of the airport (GYC, 0463.018).*

**Response:** Chapter 4 of the final environmental impact statement contains an expanded discussion of the potential impacts on wildlife, including pronghorn, from airport operations. Prevailing winds are the main factor in determining the active runway and, therefore, the direction of takeoffs and landings. As described in the response to issue 21.1, the direction of runway use does not necessarily indicate how much of the park might be affected by a particular flight.

### **Issue 41.3: Effects of hazing sage-grouse near the runway.**

**Comment:** *Within the fenced perimeter, we have concerns about aircraft/bird strikes. Currently, an assessment of the risk and magnitude of the strike problem is underway. While we support the direction to review future changes to the airport to ensure that improvements will not increase the potential for aircraft/wildlife strikes, we have concerns if grouse are hazed off of the runway lek (WGFD, 3077.001).*

**Response:** The final environmental impact statement was modified to include the recommendation from the U.S. Fish and Wildlife Service, Wyoming Game and Fish Department, and Upper Snake River Basin Sage-Grouse Working Group to not haze sage-grouse at the airport because it could cause birds to fly and become a hazard, and it could disrupt lek activity.

**Issue 41.4: Adequacy of the analysis of impacts on the sage-grouse.**

**Comment:** GYC feels the park must consider how the two lease extensions and continued operations of the Jackson Hole Airport may impact grouse and limit disturbance of sage-grouse habitats at the airport lek during breeding, nesting, and brood-rearing phases of the annual cycle (March-August). Additionally, future expansion that could add to habitat loss, though not considered in this draft EIS, should be avoided (GYC, 0463.016).

**Response:** Chapter 4 of the final environmental impact statement includes an expanded discussion of the potential impacts on sage-grouse from airport operations for each alternative. Because neither alternative would involve any expansion of existing airport footprint, neither would result in any additional habitat loss.

**Issue 41.5: Adequacy of mitigation measures to decrease the risk of bird strikes.**

**Comment:** We would like to see the addition of measures that would reduce the potential of all bird and aircraft collisions. (GYC, 0463.017).

**Response:** Because collisions between birds and aircraft represent a hazard to human safety and equipment, as well as to wildlife, the Jackson Hole Airport maintains a program to identify and implement measures that will minimize such collisions. As described on page 116 of the draft environmental impact statement, this includes current participation in an assessment of the risk and magnitude of the wildlife strike problem that is underway through the Wildlife Services Division of the U.S. Department of Agriculture in accordance with Title 14, *Code of Federal Regulations*, Part 139.337. Based on the results, managers will determine if there are opportunities to further reduce the potential for collisions between birds and aircraft at the Jackson Hole Airport.

**Issue 41.6: Need for monitoring of effects on wildlife.**

**Comment:** There should be continuous monitoring of the effects on nearby wildlife, the results of which to be used in considering future lease extensions (0032.004)

**Response:** The preferred alternative was revised to strengthen the commitment of the Jackson Hole Airport Board to further reduce and mitigate effects of the airport on the park, including wildlife. The expanded list of mitigation measures is included under Alternative 2 in Chapter 2 of the final environmental impact statement.

## **43: CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS**

**Issue 43.1: Need to consider project effects on emissions of greenhouse gases and climate change.**

**Comment:** There is no analysis in the draft environmental impact statement concerning global climate change or the effect that continued promotion of air travel will have on park resources. The National Park Service should consider how global climate change and peak oil will impact airport operations in the future (1427.003).

**Response:** A discussion on greenhouse gas emissions and climate change with regard to airport operations was added to the air quality sections in Chapters 3 and 4 of the final environmental impact statement.

## 44: SAFETY AUDIT

### **Issue 44.1: Need to include information regarding the airport safety audit.**

**Comment:** *We are concerned that the safety audit recommendations will lead to additional impacts, and will likely drive continued expansion and development of airport facilities within the park. We are concerned that the NPS is considering lease extensions without the information in the safety audit, which we believe could request modifications of current airport operations that will accelerate impacts on park resources (NPCA, 1479.002).*

**Comment:** *The Conservation Alliance is aware of the Jackson Hole Airport Board's ongoing safety study and has reason to believe that this study, with its findings and recommendations, may have a direct, connected impact on the operations at the Jackson Hole Airport and could likely "... trigger other actions that may require environmental impact statements. " It is for this reason that the Conservation Alliance on May 28, 2009 made a request to the superintendent of GTNP and the regional director of the NPS to extend the comment period for no less than 60 days after the release to the public of the Jackson Hole Airport Board's ongoing safety audit (JHCA, 0297.003).*

**Comment:** *We believe the park should extend the comment period on this draft EIS until the completion of the airport safety audit that is currently underway. (GYC, 0463.004).*

**Response:** A description of the safety audit and how it would be used by the Jackson Hole Airport Board was added to Chapter 1 of the final environmental impact statement.

## 45: IMPAIRMENT AND UNACCEPTABLE IMPACTS

### **Issue 45.1: Accuracy of conclusions regarding impairment unacceptable impacts and of park resources.**

**Comment:** *NPCA does not accept (based on the inadequate degree of reasoning in the draft EIS-- for either Alternative 1 or Alternative 2) NPS' cursory conclusion that there are no unacceptable impacts on, or impairment of, the natural soundscape of Grand Teton National Park. The primary reasons for our disagreement are that NPS has applied virtually no effort to quantifiably address and analyze for "unacceptable" impacts to specific lands of immense national value, symbolism, and legal protection requirements nearest to the airport. These are, as previously cited, (1) Murie Ranch NHL, (2) Laurance S. Rockefeller Preserve, and (3) Gros Ventre Campground (NPCA, 1479.031).*

**Response:** The final environmental impact statement has been revised to more clearly state the rationale for concluding that no unacceptable impacts or impairment would occur under either of the alternatives. *Management Policies 2006* (NPS 2006a) provide guidance for determining whether unacceptable impacts or impairment may occur. The entire park, including areas of special significance, was evaluated using that guidance.

The National Park Service completed an assessment of effect regarding the Murie Ranch and all other cultural resources that are listed or eligible for listing in the National Register of Historic Places. Based on the assessment of effect, the park determined that there would be no adverse effect. This determination received concurrence from the Wyoming state historic preservation officer. The documentation can be found in Appendix A of the final environmental impact statement.

Using the criteria provided in *Management Policies 2006* (NPS 2006a), the final environmental impact statement describes why no unacceptable impacts or impairment would occur under either alternative.

#### 46: WILDERNESS

***Issue 46.1: Adequacy of the analysis of the effects of noise from operations at the Jackson Hole Airport on the wilderness experience.***

***Comment:*** *Part of the idea of national parks is to preserve "wilderness." Quiet is part of wilderness, and air traffic everywhere is an increasing source of noise pollution (0508.001).*

***Comment:*** *Having planes fly over and around the Tetons is disturbing to the pristine wilderness of the mountains (0764.001).*

***Response:*** Chapter 3 of the environmental impact statement describes the impacts of existing operations at the airport on the park's recommended wilderness in the sections on natural soundscapes and visitor use and experience. The impacts of the alternatives are provided in the corresponding sections of Chapter 4.

#### LETTER FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND NPS RESPONSES

The letter from the U.S. Environmental Protection Agency is provided below. It is followed by the NPS' responses to each of the concerns identified by the U.S. Environmental Protection Agency.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: EPR-N

JUL 16 2009

Ms. Mary Gibson Scott, Superintendent  
Grand Teton National Park  
P.O. Drawer 170  
Moose, WY 83012

Re: Jackson Hole Airport Use Agreement Extension  
Draft Environmental Impact Statement, CEQ#20090098

Dear Ms. Scott:

1-1 In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Draft Environmental Impact Statement (Draft EIS) for the National Park Service's (NPS) proposed extension of the *Agreement Between the United States Department of Interior and the Jackson Hole Airport Board, April 27, 1983*, (Airport Use Agreement). Based on our review, EPA has identified six significant objections and concerns.

- (1) The noise impacts to the natural soundscape are significant and long term. These impacts should be further analyzed and mitigated to protect National Park values.
- (2) The analysis of the noise impacts to the natural soundscape is incomplete, does not fully disclose the extent of the impacts, and does not adequately address current and projected noise impacts on the Park.
- (3) The Draft EIS should include an analysis of the effectiveness of the existing Noise Abatement Plan and identify additional noise mitigation measures to address the significant and long-term impacts to soundscape.
- (4) The Draft EIS included a narrow range of alternatives. Only the proposed action and no action alternatives are analyzed. Reasonable alternatives that include mitigation to reduce the significant environmental impacts should be analyzed in the EIS.
- (5) The Draft EIS should address connected actions that are likely to result if the Airport Use Agreement is extended.
- (6) The Grand Teton National Park is a federal Class I area under the Clean Air Act and the EIS should include additional air quality analysis.

- 2-1 We appreciated the opportunity to recently meet with you to discuss the Draft EIS, and want to reiterate our commitment to working with you, the Airport Board, and the Federal Aviation Administration (FAA) to address our concerns and fully explore mitigation options for the Jackson Hole Airport. As discussed at our meeting on July 15, 2009, EPA accepts NPS' offer to work collaboratively to address our concerns and avoid significant impacts to the National Park. EPA's detailed comments on noise, cultural resources, air quality, lead emissions, and climate change are included in the attachment.

### **Project Background and History of NEPA Actions**

- 2-2 The Draft EIS considers whether to extend the Airport Use Agreement by two 10-year terms to the year 2053. The Jackson Hole Airport is the only major commercial airport in the Nation located within the confines of a National Park. Grand Teton National Park preserves one of the world's most spectacular environments. The Park is largely roadless and is characterized by a natural landscape, except for the aircraft facilities. In addition, the Grand Teton National Park is designated a federal Class I area under the Clean Air Act, requiring special protection of air quality and air quality related values, such as visibility and dark night skies. The airport averages 150 daily flights in the peak summer season with a few days above 200 flights (Draft EIS, page iv). At 200 flights a day, the airport would average an arrival or departure operation every 2.5 minutes during hours of airport operation from 6:00 am to 11:30 pm. This includes five commercial air carriers providing passenger service on 12 to 15 flights per day using aircraft ranging in size and including the 188-seat Boeing 757. Six percent of the approximately 2.4 million visitors to the Park each year arrive by plane through the Jackson Hole Airport (Draft EIS, page 12).

- 2-3 EPA has had longstanding concerns about the environmental consequences of operating an airport in the Grand Teton National Park, which has been given the highest category of protection available as an integral and irreplaceable part of the National Park System. The impacts of a commercial airport in a national park and federal Class I area have significant implications. EPA first raised concerns about the Jackson Hole Airport in 1973 when NPS proposed to lengthen the runway for commercial jet service and implement several other safety improvements. EPA rated the Draft EIS for this proposal Environmentally Unsatisfactory – Insufficient Information (EU-2) and recommended preparation of environmental noise studies and regional transportation studies that accounted for the unique park setting. NPS acknowledged these concerns and denied approval for the runway extension. In 1977, modifications to the airport were again considered when the FAA released a Draft EIS for the Airport Master Plan proposing a runway extension to provide for commercial jets and other capacity improvements. This time, EPA rated the Draft EIS Environmentally Unsatisfactory – Inadequate Information (EU-3) again due to concerns related to noise impacts. This EIS was ultimately referred to the Council of Environmental Quality (CEQ) for resolution (see enclosed referral package). In August 1979, the Secretary of Interior denied the runway extension, imposed a noise abatement plan, and urged airport relocation by 1995. However, the long-term plan to relocate the airport outside the Park was overturned in the early 1980's by Secretary of Interior James Watt who formally signed a new Airport Use Agreement with the Jackson Hole

Airport Board on April 27, 1983, allowing for continued operation of the airport for a term for 30 years with two 10-year renewal options.

- 3-1 It is noteworthy that Secretary Watt's decision included a noise abatement plan and additional mitigation actions to address the potential significant noise impacts. EPA had the opportunity to discuss Secretary Watt's Noise Abatement Plan during a meeting with NPS and airport management in May of this year. NPS conveyed that overall these measures have not been fully effective for the purpose intended of reducing noise impacts to the Park. In particular, airport management noted its lack of authority to implement these measures as mandatory conditions for using the airport and that many mitigation measures in the Noise Abatement Plan are essentially voluntary.

### Adverse Impacts to Natural Soundscape

- 3-2 Quiet and solitude are vital elements of a high quality experience in our National Parks. The Draft EIS discloses that impacts of aircraft noise to the natural soundscape from the proposed Airport Use Agreement extension would be major, indirect, long-term, and adverse (Draft EIS, page 64). While EPA agrees with these conclusions, we are concerned that the Draft EIS in fact may underestimate these impacts.

- 3-3 In 1979, when a runway extension was being considered, Secretary of Interior Cecil Andrus acknowledged that continued expansion and incremental improvement of the airport would only result in continued growth of aircraft operations with a significant and deleterious effect on the National Park. At that time, only three daily commercial jet aircraft flights were being considered. Growth at the airport has exceeded projections made in the late 1970s and there are currently up to 15 regularly scheduled commercial jet flights a day during peak season. Furthermore, there are no limitations currently in place that would curb the future growth of this facility for either commercial or general aviation. The EPA, therefore, remains concerned that continued operation of Jackson Hole Airport without additional restrictions and enforceable noise mitigation measures will continue to further impair Grand Teton National Park.

- 3-4 EPA found aircraft noise impacts to be unacceptable in the past and the Agency remains concerned given the substantial growth in aircraft operations since the last use agreement extension, the ineffectiveness of the current noise abatement plan and the unfettered growth of future aircraft operations that would be allowed under the existing use agreement. Potential impacts from the Airport Use Agreement extension should be carefully examined in the context of NPS's statutory mandate and management policies to reduce impairment of the natural experience the National Park System aims to provide<sup>1</sup>. In particular, EPA would like a

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<sup>1</sup> The National Park Service Organic Act bestows on NPS the power to promote and regulate the national park system and "to conserve the scenery and . . . provide for the enjoyment of the same in such manner and by such means as will leave them *unimpaired* for the enjoyment of future generations." See 16 U.S.C. Sections 1-4. The NPS Management Policies handbook discusses unacceptable impacts, including actions that unreasonably interfere with "the atmosphere of peace and tranquility, or the natural *soundscape* maintained in wilderness and natural, historic, or

demonstration that the airport is managed in a way that will minimize and reduce this impairment over time. EPA believes the Noise Abatement Plan should be strengthened to minimize these significant impacts and this should occur before the use agreement is extended. Given the predicted increase in noise impacts in the Park with the Airport Use Agreement extension, EPA recommends the NPS and the Jackson Hole Airport Board, in coordination with the FAA and EPA, identify additional noise mitigation measures in an EIS and include an implementation plan in the Record of Decision and ensure this plan is addressed as a condition of any extension of the Airport Use Agreement. The measures should also include those identified by the Secretary of Interior in 1983 at the time of the last use agreement extension which have yet to be acted upon. As discussed at our meeting on July 15, 2009, EPA supports and is willing to work with the NPS and the Jackson Hole Airport Board to request FAA implement these mitigation measures.

#### **Analysis of Impacts to Natural Soundscape**

4-1 Without a more thorough analysis, it is difficult to ascertain the full scope of the project's impact on the environment and soundscape of the Park. The application of the Integrated Noise Model was conducted in a way that could not be clearly understood by EPA experts. The assumptions and model variables are not disclosed fully in the Draft EIS and the Day Night Average Noise Levels ( $L_{dn}$ ) analysis appears to have excluded night time aircraft operations within and outside of the "voluntary curfew" time period at the airport. EPA believes that a decision this important to the future of Grand Teton National Park should be supported with a thorough and rigorous analysis of the current and future operations at the airport and the effectiveness of the existing noise abatement plan. This is particularly important given that noise control objectives in the existing noise abatement plan are delineated in terms of  $L_{dn}$ . The  $L_{dn}$  analyses should also evaluate the noise impacts separately for commercial and general aviation activities as well as the combined effects.

4-2 EPA believes that audibility of aircraft noise in both duration and intensity is the most important impact to quantify and disclose for this project. It is essential to quantify as accurately as possible the time aircraft noise intrudes over the extremely low ambient sound levels ( $L_{90}$ ) found in large areas of Grand Teton National Park. The sound intensity level analysis performed as part of this Draft EIS is not an adequate approach and serves to underestimate the audibility of aircraft in intensity, duration, and geographic extent. Multiplying the two values ( $L_{eq} \times \% \text{audible}$ ) has the effect of underestimating the intensity and duration of aircraft noise audibility in the Park. The NPS should not proceed with the decision to extend the Airport Use Agreement until the issue of audibility is more thoroughly and accurately analyzed and disclosed.

4-3 An analysis of both existing and future aircraft operations should be performed with adequate documentation of assumptions used in the analysis. Given the long term nature of the decision to be made by the Department of Interior, adequate protection of the Park should include a sensitivity analysis of a range of growth projections for the airport operations. The Draft EIS

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commemorative locations within the park." See NPS, Management Policies 2006: The Guide to Managing the National Park System Section 1.4 *available at* <http://www.nps.gov/policy/mp/policies.html#Toc157232605>

and noise analyses were based on a very modest projection of growth in the future which cannot be supported by the rapid growth trend in operations observed since the last Airport Use Agreement. If the 3.5% growth rate is justified with further information and analysis, the EIS should consider an alternative which caps the future airport operations at an appropriate number. If not, the EIS should evaluate a range of possible future aircraft activities to ensure that noise abatement procedures and operational controls will not continue to significantly impact the Park.

5-1 In summary, EPA believes the full impacts of noise on the Park have not been accurately or fully disclosed. The document does not adequately describe to the public the methods, assumptions and data used in either the analysis of the Day Night Average Sound Levels ( $L_{dn}$ ) or in the analysis of sound intensity index. The document should disclose impacts in a way that can be understood and replicated by other agencies and/or the public. The Draft EIS did not adequately achieve this objective.

5-2 The attached comments provide additional detail on this subject. At considerable expense and under the constraints of time, EPA retained an independent noise expert to review the Draft EIS and these comments. Based on consultation with this independent expert, EPA believes additional analysis of aircraft noise in Grand Teton National Park should be conducted to more accurately disclose the existing and future aircraft noise impacts, evaluate the effectiveness of the current noise abatement plan, and identify modifications or new actions needed to protect Grand Teton National Park during the next 40 years. Given the EPA's historical involvement with the Department of Interior on this issue, we request to be more actively engaged in future matters involving the airport and protection of Grand Teton National Park's soundscape. EPA offers to work with the NPS to develop a more accurate methodology and more accurate disclosure of aircraft noise impacts in Grand Teton National Park.

#### **Inadequate Noise Abatement Plan**

5-3 The Draft EIS includes no evidence that the noise monitoring and noise abatement efforts established in the 1980's are effective in preserving and protecting the noise sensitive areas of the Park. EPA notes important airport noise mitigation measures first directed 25 years ago by Secretary Watt to ensure safe, efficient airport operations compatible with Grand Teton National Park have never been fully implemented. NPS has indicated to EPA, as noted above, that the Noise Abatement Plan has had limited success. EPA recommends the EIS disclose how the Noise Abatement Plan has functioned since its enactment in 1985, along with its current status and NPS's understanding of its overall effectiveness. With a more thorough discussion of how the Noise Abatement Plan has served its intended purpose, NPS would be in a better position to identify additional noise mitigation measure that would be more effective. EPA recommends NPS consider implementing such additional noise mitigation measures as a condition of the Airport Use Agreement extension. The updated Noise Abatement Plan should be based on a thorough aircraft noise analysis and should be designed in a manner that ensures the effectiveness and enforceability to protect the National Park into the future.

5-4 To this end, we recommend that the NPS establish an independent public stakeholder group to monitor and evaluate the effectiveness of noise abatement procedures as part of a

Record of Decision and/or revised Airport Use Agreement. This group would provide valuable oversight and public accountability for the Noise Abatement Plan to protect the Park. EPA requests to be a participant in this proposed process.

### **Range of Alternatives**

- 6-1 EPA is concerned about the limited range of alternatives analyzed in the Draft EIS. NEPA requires analysis of a range of reasonable alternatives to a proposed action. While the Draft EIS identified several action alternatives that included additional noise mitigation measures (i.e. limiting airport use, modification of noise abatement plan to reduce noise limits), these alternatives were eliminated from detailed study. Accordingly, the Draft EIS examines in detail only two alternatives: the proposed action and the no-action alternative. Based on our review of the Draft EIS, we believe that several of the alternatives that were eliminated from detailed consideration meet the stated purpose and need for this project and may indeed be reasonable and practicable alternatives that merit a full exploration and evaluation in the EIS. Without additional supporting documentation or discussion as to why all of these alternatives were eliminated from detailed consideration, we believe the alternatives analysis is inadequate because it does not rigorously explore and objectively evaluate all reasonable and practicable alternatives, including reasonable and practicable alternatives not within the jurisdiction of the lead agency. Given the predicted significant, adverse noise impacts and the lack of demonstrated effectiveness of the Noise Abatement Plan, EPA recommends these the EIS provide a detailed analysis of additional appropriate alternatives.

- 6-2 While we recognize that the Draft EIS indicates that Congressional authorization may be required to implement some of the alternatives, the need for Congressional authorization, in and of itself, should not be a reason to exclude an alternative from detailed consideration. Moreover, our discussions with NPS lead us to believe that it may be feasible to negotiate a modification to the Airport Use Agreement to implement additional mitigation measures.

### **Connected Actions**

- 6-3 EPA is concerned that the Draft EIS does not thoroughly address actions that are likely to result if the Airport Use Agreement is extended. The projected growth that is anticipated is dependent upon continuous infrastructure and safety improvements. The Draft EIS indicates that the airport's current plans include expansion of the terminal building, a new deicing pad and glycol recapture system, runway rehabilitation and centerline lights, and a safety planning study. NPS should consider whether these anticipated repairs or modifications are connected actions or similar actions that merit further discussion in the EIS. EPA recently learned from NPS that an airport safety audit is currently being conducted, and that the findings of this audit may have ramifications for future airport operations. The EIS should disclose information regarding the safety audit and explain the process NPS will undertake to address the findings and any directives provided through the audit. More thorough discussion of likely future actions at the airport will lead to a clearer understanding of the potential environmental impacts.

### **Insufficient Air Quality Analysis**

7-1 The Clean Air Act requires special protection of air quality and air quality related values (such as visibility) in many of the nation's wilderness areas and national parks. Subpart II of Part C of the Clean Air Act prescribes a program specifically for the protection of visibility in federal Class I areas and establishes "as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I federal areas which impairment results from man-made air pollution." As the Jackson Hole Airport is unique in that it is perhaps the only commercial airport located in a federal Class I area, its impacts on air quality merit thorough attention and should be fully addressed in the EIS.

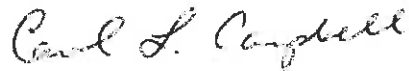
7-2 EPA is concerned that, despite the location of the Jackson Hole Airport inside a federal Class I area, the Draft EIS does not analyze the direct, indirect, and cumulative impacts of the proposed Airport Use Agreement extension on air quality and relies on an old air emissions inventory. The Draft EIS does not disclose emissions of lead, a persistent, bio-accumulative and toxic pollutant that continues to be used in leaded aviation fuel. The 2000 Air Emissions Inventory used in the Draft EIS is outdated and does not reflect all the current emissions data for the sources at and using the airport. EPA recommends NPS update the current baseline emission inventory for the airport and provide projections of future year emission inventories to reflect the anticipated airport growth. As emission inventories do not provide the decision-maker with a sense of the potential impacts to visibility, EPA further recommends NPS complete a visibility screening air quality model, such as VISCREEN, to consider the potential impacts to the Grand Teton federal Class I area from the decision to extend the Airport Use Agreement. Regarding lead, EPA recommends the lead emissions and the potential impacts to the Park and nearby residents be discussed in view of current and projected future aviation activities at the airport.

### **EPA's Rating**

7-3 Consistent with section 309 of the Clean Air Act, it is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. In accordance with our policies and procedures for reviews under NEPA and Section 309 of the Clean Air Act, EPA is rating this Draft EIS as "Environmental Objections – Insufficient Information" ("EO-2"). This rating is based primarily on EPA's concern that the Draft EIS does not contain sufficient information or thorough analysis to fully assess the potential noise and air quality impacts of a decision to extend the current use agreement, and that the proposed action alternative may have significant impacts that should be avoided in order to adequately protect the environment. The Agency believes additional analysis and information is needed before proceeding with a decision on this project. In addition to EPA's detailed comments on the Draft EIS, a full description of EPA's EIS rating system is enclosed.

8-1 EPA would welcome the opportunity to work with NPS towards the development of long-term solutions to the problems posed by continuation of airport operations. If you have any questions regarding our comments or this rating, please contact me at 303-312-6340 or Larry Svoboda, EPA Region 8 NEPA Program Director, at 303-312-6004.

Sincerely,



Carol L. Campbell  
Assistant Regional Administrator  
Office of Ecosystems Protection and Remediation



**Detailed Comments by the Region 8 Environmental Protection Agency for the  
Draft Environmental Impact Statement (Draft EIS)  
Jackson Hole Airport Use Agreement Extension  
Grand Teton National Park, Wyoming**

**Audibility**

9-1 EPA believes the noise impacts disclosed in the Draft EIS are underestimated and minimize the potential impacts to the Park. EPA is specifically concerned about the sound intensity index, the percent time audible and the ambient sound levels used in the analysis. Noise impacts in the Park may be considerably greater than disclosed.

9-2 The Draft EIS includes a sound intensity index that is depicted as "useful in visually illustrating the relative intensity of aircraft sound impacts." (Draft EIS page 82) EPA had concerns that including the sound intensity index as presented may be unintentionally misleading to the public due to the calculation methods used to derive this index. According to the Draft EIS, "The sound intensity index is the product of the modeled percent of time audible and energy average sound levels into a single unit." (Draft EIS, page 81) High percent audibility is correlated with low energy average sound level, while low percent audibility is correlated with high energy average sound level. As a result, high percent audibility areas and low percent audibility areas are lumped together with similar sound intensity indices. Only areas with high percent audibility and high energy average sound level, such as the vicinity of the airport can have a high sound intensity index. As calculated, EPA believes the sound intensity index minimizes the impact of noise to the National Park and therefore needs to be either revamped or removed from the EIS to avoid confusion. EPA acknowledges that the Draft EIS discloses on page 82 that this index "was not used in determining the impacts of the alternatives on the natural soundscapes of Grand Teton National Park." However, we think the index misrepresents the significance of the impacts.

9-3 EPA further believes the noise impacts and estimated percent of time an aircraft is audible in the Park is underestimated and may be considerably higher. NPS used FAA's Integrated Noise Model ("INM") to estimate the percent time audible based on an ambient sound average of 30 dBA. EPA is concerned that this may be too high of a value to represent the conditions in the Park and recommends that NPS clarify the basis for using an ambient sound average of 30 dBA. We have at least four reasons to question the application of the FAA's model for use in this situation. (1) The Draft EIS concedes that audibility has been underestimated in quiet, i.e. noise sensitive areas of the Park. (2) The modeling results for the Timber Island are inconsistent with the Airport monitoring at that site, in a noise sensitive area. (3) The use of an energy average sound level to gauge audibility cannot provide reliable results. Sounds can be audible even though the average sound level of the intruding sound is less than the energy average sound level of the background. (4) Science has shown that you must use a methodology that is consistent with one third octave band analysis. This conclusion is based on studies of audibility in Grand Canyon National Park. Given the unique location of Jackson Hole Airport, a

more defined and well-explained analysis of the baseline ambient sound is recommended to fully understand the impacts to the Park. The Draft EIS identifies an average ambient sound level of 28.8 dBA (Draft EIS, Table 8). However, by averaging the various sound levels found within the Park to arrive at one level, the lower values that would seem to be most representative of a Park visitor's experience are essentially eliminated. Given the circumstances, multiple ambient sound averages (high, medium, low) should be used to better represent the potential change. Using an average sound level in this model could potentially misrepresent the conditions of the Park and would underestimate the frequency, magnitude, duration and geographic extent of the aircraft noise impacts.

10-1 EPA notes that commercial jet overflights of western parks are audible for approximately five minutes when background sound levels are under 30 dBA. This translates to the jets being audible when they are within 23 miles of an observer. With this, we can estimate the audibility of southerly jet departures at Timber Island, a permanent noise monitoring site in the noise sensitive area. Timber Island is seven miles north of the airport and a jet will be audible at Timber Island until the jet is 23 miles away, or 16 miles south of the airport. Using an average jet speed of four miles per minute over those 16 miles, we calculate an estimated audibility of four minutes. This leads to approximately 200 minutes per day in the peak season, or 22 percent of time audible. Consideration of jet approaches, northerly jet departures, and non-jet operations would increase the percent of time audible still further.

10-2 Under the proposed Airport Use Agreement extension, the Draft EIS states that aircraft would be audible more than 10 percent of the time in 27 percent of the Park in both the 2015 and 2025 peak seasons (Draft EIS, page 245). By comparison, aircraft were audible more than 10 percent of the time in 23 percent of the Grand Teton National Park for the baseline 2005 peak season. It is EPA's view that the method for calculating audibility of aircraft noise has been underestimated. This is a critical consideration in evaluating the impact on the Park.

10-3 Grand Teton National Park includes vast areas with extremely low ambient sound levels. EPA conducted a field study in 1979 and found ambient sound levels ( $L_{90}$ ) for extended periods of time at levels below 18 dBA which was the limit of the sound monitoring equipment. The EPA understands that the NPS has more recently measured ambient sound levels ( $L_{90}$ ) as low as 7 dBA using more advanced modern equipment. The Draft EIS does not disclose that ambient sound levels can dip as low as 7dBA, but rather indicates that the airport noise monitoring network records ambient sound levels in the 30 dBA range the majority of the time. The EIS should disclose the reason for focusing on these elevated ambient levels without reference to low-end variables. As using an average sound level may be misleading in this context, the EIS should address the effects of lower ambient sound levels on aircraft audibility. Audibility should be thoroughly reevaluated before concluding the scope of impacts on the Park.

10-4 According to the 2008 Annual Noise Report prepared for the Jackson Hole Airport Board, ambient sound levels at the Timber Island permanent noise monitoring site in a noise sensitive area defined by the Airport Use Agreement are sometimes under 30 dBA in mid-morning during the peak season (page A-6). These sound levels are similar to a quiet bedroom or a recording studio. During a 20 minute sample time history at the Timber Island site, three

aircraft events occurred, with an average time audible of at least two minutes. The lack of analysis of these types of events is a serious deficiency of the Draft EIS. Likewise, there is a lack of clarity about how the noise monitoring and abatement programs are assuring "that aircraft noise exposure will remain compatible with the purposes of Grand Teton National Park and will result in no significant increase in the cumulative or single event noise impacts on noise sensitive areas of the Park." (Airport Use Agreement, page 4)

- 11-1 It appears that  $L_{dn}$  has not fully accounted for night time aircraft operations that occur within the airport and, therefore, the calculation is an equivalent sound level ( $L_{eq}$ ) instead of an  $L_{dn}$ , again, under-estimating true  $L_{dn}$  noise levels. We understand that NPS did not include night time operations because of the voluntary curfew for such operations. There are many flights that occur between the hours that are considered "night time" in the Integrated Noise Model (10 p.m. to 7 a.m.) and the hours established for the curfew (11:30 p.m. to 6:00 a.m.), yet these 2.5 hours of flights are not accounted for in the Draft EIS. Furthermore, we understand that the voluntary curfew is violated approximately six times per month. Failing to account for night time operations has the effect of underestimating the  $L_{dn}$  values and the area impacted by aircraft noise. The  $L_{dn}$  approach calculates a penalty or weighted number for flights that occur at night. If you account for those six aircraft, EPA recognized in the  $L_{dn}$  approach that the penalty was equivalent to multiplying the number of nighttime operations by 10. Thus, it would be more appropriate to consider the impact of the nighttime operations (takeoffs and landings) as comparable to 60 to 120 additional daytime operations. It is important to the basic integrity and accuracy of the model to account for these flights. The Draft EIS also does not provide an adequate description of input values and modeling assumptions used in the Integrated Noise Model. The EIS should fully disclose and document this important information.

#### **Inadequate Noise Abatement Plan**

- 11-2 EPA is concerned that the important mitigation measures identified in 1983 by Interior Secretary Watt "to ensure safe, efficient airport operations compatible with Grand Teton National Park" have never been fully implemented by the DOI and FAA. In the first of two directives, Secretary Watt formally requested assistance from the Department of Transportation and FAA on three specific measures to ensure mitigation of noise impacts: (1) restriction of the airspace over noise sensitive areas of the Grand Teton National Park; (2) as an interim measure until the airspace could be formally restricted, promulgation of a special airspace rule which would specify a minimum altitude of three thousand feet above ground level (3,000 AGL) over the noise sensitive areas; and (3) elimination of the Victor Airway 520 between Driggs, Idaho and Jackson, Wyoming. While some of these measures have been implemented as voluntary mitigation, EPA is concerned that none of the important actions proposed by DOI 25 years ago to resolve the noise concerns and to assure compatibility between airport operation and the National Park have been implemented to the full extent possible. EPA recommends the EIS address the status of these actions and detail on-going efforts to implement these important noise mitigation measures and ensure that noise abatement is accomplished.

- 11-3 Secretary Watt's second action to address potential noise impacts from the Jackson Hole Airport was implemented through the Airport Use Agreement and called for the development of

a Noise Abatement Plan. Under the 1983 Airport Use Agreement, the Jackson Hole Airport Board was required to prepare a revised noise control plan that would "ensure that future airport operations are controlled in such a manner that aircraft noise exposure will remain compatible with the purposes of Grand Teton National Park and will result in no significant increase in cumulative or single event noise impacts on noise sensitive areas of the Park." Despite the Jackson Hole Airport Board's reaffirmation of its commitment to implement new and prudent technology to further reduce future noise impacts in the Park in its April 25, 2005 correspondence to NPS, EPA is concerned that the existing Noise Abatement Plan has not been updated in more than 20 years and that no additional noise mitigation measures are considered with this extension proposal. This omission is especially glaring given the projected increase in noise impacts over the Park identified in the Draft EIS. The decision to extend the Airport Use Agreement provides an ideal opportunity for NPS to review current mitigation practices and explore additional measures that may be implemented to address both existing and anticipated noise concerns.

12-1 The 1985 Noise Abatement Plan established by the Jackson Hole Airport Board identifies noise sensitive areas; establishes noise monitoring; and establishes a preferential approach runway. A voluntary curfew has also been established for the airport between the hours of 11:30 pm and 6:00 am for landing and 10:00 pm and 6:00 am for takeoff. The Draft EIS discloses, however, limited success with some of the established mitigation measures. Despite NPS's stated preference that aircrafts approach and depart from the south to minimize flying over the Park, most approaches are being made from the north and 15 percent of departures leave toward the north (Draft EIS, page 89). The voluntary curfew is violated by an average of six aircraft per month (Draft EIS, page 75) and violators are not subject to any substantive penalties. EPA is concerned by the lack of effectiveness of these mitigation measures and asks that NPS evaluate its ability to impose more effective, enforceable measures. This evaluation should be included in the EIS. The proposed extension of the Airport Use Agreement provides the NPS and the Jackson Hole Airport Board with an opportunity to "review and amend the plan to incorporate new prudent and feasible technological advances which would allow further reduction in noise impacts" (Airport Use Agreement, page 5).

12-2 EPA further recommends the Jackson Hole Airport Board consider stricter enforcement of the curfew. Owners of aircraft that violate the curfew are currently notified by letter and requested to refrain from further violation. EPA questions whether the Airport's letter notification system is sufficient for discouraging violations of the curfew. The Aspen/Pitkin County Airport in Colorado has also battled with noise issues and has successfully implemented a curfew between the hours of 11:00 pm and 7:00 am. While commercial flights can request waivers of the Aspen curfew, general aviation flights cannot. Per county code, violations of the curfew are considered a class I petty offense and require a court appearance. EPA recommends that NPS evaluate whether a similar enforcement mechanism for the curfew could be established with the Town of Jackson as has been done to further enforce the ban on Stage II aircraft at the Jackson Hole Airport. Under the Town of Jackson Municipal Code, the ban on Stage II aircraft is enforced and violations of the rule result in a mandatory court appearance and fines (Draft EIS, page 74).

### **Air Quality - Visibility**

- 13-1 The Clean Air Act contains general provisions for a Prevention of Significant Deterioration (PSD) program designed to protect federal Class I areas from air quality degradation under Subpart I of Part C. The PSD program places an affirmative responsibility on federal land managers to protect air quality in many of the most important national parks and wilderness areas in the nation from human-caused pollution.

- 13-2 EPA conducted a visibility screening analysis using VISCREEN of the current operations at the airport based on data included in the 2000 Air Emissions Inventory. The results showed that under very adverse meteorological conditions, airport emissions may cause perceptible visibility impairment (plume blight/discoloration) for several scenic vistas within the Park. NPS should conduct a more thorough analysis of all project related sources, potential growth, and the potential impacts to air quality related values (AQRV).

### **Air Quality – Lead Emissions**

- 13-3 Emissions of lead associated with the airport are of additional concern to EPA, yet are not disclosed in the Draft EIS. Lead is a persistent, bio-accumulative, and toxic pollutant. While EPA has phased out use of leaded fuel from on-road vehicles, leaded fuel continues to be used in aircraft. General aviation aircraft emissions (piston engines) are one of the remaining sources of airborne lead emissions due to the leaded fuel used for the high-compression piston engines used in many of these aircraft. In late 2008, EPA revised the National Ambient Air Quality Standard (NAAQS) for lead from  $1.5 \mu\text{g}/\text{m}^3$  to  $0.15 \mu\text{g}/\text{m}^3$  as measured over a rolling 3-month average (ref. 73 FR 66964, November 12, 2008, effective January 12, 2009.) The primary and secondary standards for lead are the same. In EPA's report, *Lead Emissions from the Use of Leaded Aviation Gasoline in the United States* (EPA420-R-08-020, October 2008), EPA has estimated that the Jackson Hole Airport general aviation aircraft operations emit approximately 76 kg/yr (or 168 lbs./yr) of lead in 2002 (see [http://www.epa.gov/ttn/chief/net/tsd\\_avgas\\_pb\\_inventory\\_2002.pdf](http://www.epa.gov/ttn/chief/net/tsd_avgas_pb_inventory_2002.pdf)). EPA recommends the lead emissions and the potential impacts to the Park and nearby residents be discussed in view of current and projected future general aviation activities at the airport.

### **Air Quality – Emissions Inventory**

For an update to the 2000 Air Emissions Inventory, EPA has the following comments:

- 13-4
1. The "PART" model referenced in the 2000 Air Emissions Inventory is no longer approved for use by EPA for estimating re-entrained road dust emissions and that EPA's MOBILE6.2 model and AP-42 section 13.2 are now required.
  2. The 2000 Air Emissions Inventory incorporated Wyoming data from the 1999 National Emissions Inventory (NEI) maintained by EPA. The 2005 NEI is now available and should be used.

3. Non-road emissions that are not calculated by the FAA's "Emissions and Dispersion Modeling System" (EDMS) ([http://www.faa.gov/about/office\\_org/headquarters\\_offices/aep/models/edms\\_model/](http://www.faa.gov/about/office_org/headquarters_offices/aep/models/edms_model/)) should now be prepared with EPA's Non-Road 2008 model (see <http://www.epa.gov/otaq/nonrdmdl.htm> ).
4. The Draft EIS does not describe current (through, and perhaps including, calendar year 2008) landing and takeoff (LTOs) for both commercial and general aviation aircraft. These data should be provided in order for emissions to be estimated for current aircraft/airport activities. Calendar year 2008 could then be used to compare estimated emissions for the projected LTOs for year 2025 found in Table 12 (Draft EIS, page 122). Further, LTOs should also be provided for 2033 and 2053 so that emissions could be estimated for both alternatives in the Draft EIS.
5. On page 28 of the Draft EIS, a reference is made to Table 14 in the 2000 Air Emissions Inventory to present relevant data for the airport. EPA notes in this table, the only discernable data for the airport are emissions calculated for aviation fuel storage tanks. In Table 19 on page 26 of the year 2000 Air Emissions Inventory, non-road emissions are only presented for the aircraft and ground support equipment. EPA is unable to discern emissions data for point, area, and mobile sources associated with the airport's operations.

**Consistency with the Organic Act, the Department of the Interior Airports Act, and Department of Transportation Act Implementing Regulations**

14-1

The National Park Service Organic Act bestows on NPS the power to promote and regulate the National Park System and "to conserve the scenery and . . . provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The Department of Interior Airports Act authorizes "the Secretary of Interior . . . to plan . . . , regulate, and protect airports in the continental United States in, or in close proximity to, national parks, . . . when such airports are determined by him to be necessary to the proper performance of the functions of the Department of Interior." (16 U.S.C.1, I, Section 7a-7e) Implementing regulations of the Department of Transportation Act restrict use of property for transportation projects. See 23 CFR Part 774, § 774.3. Continued operation of the Jackson Hole Airport could be considered "constructive use" if "the projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility . . . such as . . . [s]leeping in the sleeping area of a campground; . . . [e]njoyment of an urban park where serenity and quiet are significant attributes; or . . . [v]iewing wildlife in an area of a wildlife and waterfowl refuge intended for such viewing." 40 CFR § 774.15(e)(1)

Pursuant to 23 CFR Section 4(f), "[t]he Administration may not approve the use, as defined in §774.17, of Section 4(f) property unless . . . (a) The Administration determines that: (1) There is no feasible and prudent avoidance alternative, as defined in §774.17, to the use of land from the property; and (2) The action includes all possible planning, as defined in §774.17, to minimize harm to the property resulting from such use; or (b) The Administration determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance,

minimization, mitigation, or enhancement measures) committed to by the applicant, will have a de minimis impact, as defined in §774.17, on the property." The Draft EIS does not address whether the proposed action constitutes a "use" and whether it otherwise complies with these statutory and regulatory requirements.

- 15-1 In August 1979, Secretary of Interior Cecil Andrus determined that the airport was not essential to the functions of the Park and that Jackson Hole Airport constituted "a significant environmental intrusion into the park." Secretary Andrus urged airport relocation by 1995 when the use agreement was to expire. He denied further airport improvements including the runway extension and tried to impose a noise abatement plan for the remaining life of the airport. This decision was consistent with the NPS Organic Act and the protection of the park environment for the enjoyment of present and future generations of Americans. Secretary Andrus' determination was, however, later reversed by Secretary James Watt in 1982, paving the way for the 50 year Airport Use Agreement. The growth of the airport has exceeded projections made in the late 1970's and there are no limitations currently in place which would curb the future growth of this facility for either commercial or general aviation. Further, EPA notes that only six percent of the approximately 2.4 million visitors to the Park each year arrive by plane through the Jackson Hole Airport (Draft EIS, page 12). In light of these facts, EPA believes the Draft EIS should disclose the basis for Secretary Watt's conclusion that operation of Jackson Hole Airport as a full service commercial and general aviation facility is necessary to the functions of the Park or consistent with NPS's statutory obligations to protect Grand Teton National Park.

### **Cultural Resources**

- 15-2 Since Grand Teton National Park was established, a number of important preserves and national historic monuments have been donated to the NPS that are in proximity to the Jackson Hole Airport. Most notably, the Laurance S. Rockefeller Preserve was generously conveyed to the NPS in November 2007. The 1,106 acre preserve is one of the most pristine, scenic and wildlife-rich areas in the Park. Mr. Rockefeller intended for the preserve to inspire appreciation and reverence for the beauty and solitude of the wilderness. Nearby, the Murie Center, a National Historic Landmark, works to engage people to understand and commit to the enduring value of conserving wild areas. The Murie Center, in particular, may be heavily impacted by noise from the airport. The 2006 NPS Management Policies direct: "The Service will prevent inappropriate or excessive types and levels of sound (noise) from unacceptably impacting the ability of the soundscape to transmit the cultural and historic resource sounds associated with park purposes." The Draft EIS should detail and provide discussion on the existing and potential noise impacts to these important historic and scenic preserves. Mitigation measures should be identified.

### **Noise Control Act of 1972**

- 15-3 Under the Noise Control Act of 1972, Congress established a national policy "to promote an environment for all Americans free of noise that jeopardizes public health and welfare." Under the Noise Control Act, EPA identified  $L_{dn}$  of 55 db outdoors in residential areas as the maximum level below which no effects on public health and welfare occur due to interference

with speech or other activity. There are a number of residential populations in proximity to the airport both inside the National Park at Moose, Wyoming, and outside the National Park on private lands. The EIS should specify the existing and predicted impacts of noise from the airport to public health at these residential areas.

### **Greenhouse Gas and Climate Change**

16-1 EPA recommends the EIS include an analysis and disclosure regarding greenhouse gas emissions and climate change. We suggest a four step approach:

1. Consider the future needs and capacity of the proposed action to adapt to projected climate change effects.
2. Characterize and quantify the expected annual cumulative emissions that would occur as a result of the extended Airport Use Agreement, operation, and maintenance activities and use CO2-equivalent as a metric for comparing the different types of greenhouse gas emitted.
3. Briefly discuss the link between greenhouse gas and climate change, and the potential impacts of climate change.
4. Discuss potential means to mitigate project-related emissions.



## NPS Responses to U.S. Environmental Protection Agency Concerns

1-1. The National Park Service appreciates the comments from the U.S. Environmental Protection Agency. Detailed responses to the six points are provided in the following pages.

2-2. The draft environmental impact statement described that the mountainous backcountry of the park is largely roadless, but also described the presence of the frontcountry, highways, and roads. The final environmental impact statement has been revised to more clearly describe these different areas of the park.

2-2. Although the comment acknowledges that the draft environmental impact statement shows that there are an average of 150 flights per day during peak season, the U.S. Environmental Protection Agency uses the figure of 200 flights per day – which occurs only rarely – to calculate that there is a takeoff or landing every 2.5 minutes during the hours of airport operation between 6:00 A.M. and 11:30 P.M. That calculation, however, is incorrect, because that rate of operations over the 17.5-hour period cited by the U.S. Environmental Protection Agency would result in 420 operations per day, which is more than twice the actual peak-day value and almost three times the number that occurs on an average summer day.

The term “operation” was defined on page 11 and in the glossary of the draft environmental impact statement. The operational profile of the airport was described in Tables 1, 7, 12, and 27; on page 77; and elsewhere. The terms “flight” and “operation” were sometimes used interchangeably. The National Park Service notes that the erroneously high number of aircraft operations cited in the comment would undoubtedly result in greater impacts than those which actually occur and that were disclosed in the draft environmental impact statement.

3-1. The 1983 agreement between the Department of the Interior and the Jackson Hole Airport Board included a number of provisions regarding aircraft noise exposure and incorporated the voluntary noise procedures that *the Board* had in effect at the time. The agreement further required that the Board prepare a revised noise abatement plan in accordance with Federal Aviation Administration procedures (in 14 *Code of Federal Regulations*, Part 150) within two years of the agreement’s effective date.

3-1. In discussing the limitations and operational practicalities of some measures in the noise abatement plan, such as the preferential use of the runway to approach and depart the airport from/to the south, the National Park Service did not intend those comments to be interpreted as meaning that the measures have not been fully effective in reducing noise impacts on the park. The National Park Service believes that the noise abatement plan has been an important factor in ensuring that the airport remains in compliance with the noise requirements of the agreement. The final environmental impact statement has been revised to describe the noise abatement provisions of the agreement and the effectiveness of the noise abatement plan.

3-3. The U.S. Environmental Protection Agency comments that the growth in aircraft operations has exceeded the projections made in the 1970s and that there are no limitations in place that would curb future growth of the airport for either commercial or general aviation. The projections to which U.S. Environmental Protection Agency is referring are not clear. The National Park Service is not aware of any forecasts made in the 1970s that attempted to project aircraft operations beyond 1995.

The 1985 Federal Aviation Regulation Part 150 study conducted by the Board in accordance with the 1983 agreement identified that there were 18,036 operations in 1984, and projected that number would increase to approximately 27,000 operations by 2003. This compares to the 33,573 operations

actually recorded in 2003. However, the number of operations has since decreased, to 29,003 in 2009. The final environmental impact statement has been revised to include a description of historic enplanement and operations data. It should also be noted that forecasts in the 1970s were based on the noisier Stage 2 aircraft that were then in use, rather than the quieter Stage 3 aircraft of today.

3-3. The agreement with U.S. Department of the Interior places significant limitations on the size and development profile of the airport. The agreement limits the size of the airport to 533 acres, limits the development of improvements such as the terminal, hangars, parking, and other facilities to a 28.5-acre subzone, and imposes a restriction on the height of buildings. Additionally, the agreement limits the amount of noise exposure by defining the extent of the 45- and 55-decibel DNL contours, which establish an upper bound on aircraft noise.

In furtherance of these requirements, the noise abatement plan limits the number of air carrier jet operations to the noise equivalent of 6.5 average daily departures based on the Boeing 737-200 aircraft that were in use when the agreement was signed. Since modern aircraft are much quieter than the older Boeing 737s, a greater number of departures are allowed, but the limitation remains.

These and other restrictions in the agreement serve as limits on growth of the airport and aircraft operations. Other factors are the size of the market served by the airport and the availability of lodging and hospitality services in the Jackson Hole area. The final environmental impact statement has been revised to provide additional discussion of the limitations imposed by the agreement.

3-3. The comment implies that operation of the Jackson Hole Airport is currently resulting in impairment of the park. The National Park Service disagrees. The term “impairment” has a specific statutory meaning within the context of the national park system, as the U.S. Environmental Protection Agency points out in the following paragraph.

Determinations regarding impairment fall within the purview of the Secretary of the Interior, and are made in accordance with the NPS’ management policies and director’s orders, as described in the draft and final versions of the environmental impact statement. No other agency has authority to make such determinations.

The comment that implies that impairment is already occurring is contrary to the analysis in the draft environmental impact statement. The analyses regarding impairment in the draft and final versions of the environmental impact statement have been made in accordance with *Management Policies 2006* (NPS 2006a) and *Director’s Order #12 and Handbook: Conservation Planning, Environmental Impact Analysis, and Decision Making* (NPS 2001a). The final environmental impact statement has been revised to further describe the rationale regarding impairment.

3-4. The U.S. Environmental Protection Agency comments that it has found aircraft noise impacts to be “unacceptable” in the past. The term “unacceptable impacts” has a specific meaning within the context of the national park system, and is explained in *Management Policies 2006* (NPS 2006a), as U.S. Environmental Protection Agency points out. As with impairment, the determination as to whether unacceptable impacts would result from an action is the responsibility of the National Park Service. The National Park Service recognizes that the U.S. Environmental Protection Agency expressed concerns over impacts of the Jackson Hole Airport in the 1970s, prior to the 1983 agreement becoming effective. The draft environmental impact statement included an analysis regarding unacceptable impacts and determined that they would not occur under either alternative.

3-4. The final environmental impact statement includes a discussion of the noise abatement plan and its effectiveness.

3-4. The National Park Service disagrees with the statement that the growth in future aircraft operations would occur unfettered for the reasons described above (see 3-3).

3-4. The National Park Service is well aware of its statutory obligations under the NPS Organic Act, and has described these mandates in the draft and final versions of the environmental impact statement. In addition, the draft and final versions of this document present the impacts of the alternatives in regard to the NPS' statutory obligations and *Management Policies 2006* (NPS 2006a).

4-1. The final environmental impact statement has been revised to include an improved description of the data and other variables that were used in modeling aircraft sound with Integrated Noise Model 6.2a. In addition, the final environmental impact statement clarifies that what was incorrectly referred to as day-night average sound level (DNL) in the draft environmental impact statement is actually a 15-hour sound level equivalent (Leq).

4-1. Alternatives 1 and 2 differentiate between impacts attributable to scheduled passenger aviation and general aviation. In Alternative 1, the impacts described for 2015 and 2025 are exclusively attributable to general aviation because the analysis presumed that the airport would have lost its Part 139 certification to support scheduled passenger service by that time. Neither alternative evaluated scheduled passenger service alone because such a scenario is not contemplated under either. The National Park Service acknowledges that such information could be informative, but would not alter the impact analysis. Such an analysis could be useful in a subsequent Part 150 or Part 161 study.

4-2. The National Park Service agrees that audibility is the most important impact to quantify and evaluate in this environmental impact statement. Accordingly, audibility is thoroughly analyzed in both the draft and final versions of the environmental impact statement, serves as the basis for the impact threshold definitions, and is the core of the impact analysis.

4-2. The National Park Service has removed the sound intensity index from the analysis in the final environmental impact statement.

4-3. The final environmental impact statement has been revised to provide an historical context to the number of aircraft operations and enplanements at the Jackson Hole Airport. The number of aircraft operations has increased from 18,024 in 1984 (based on data from the Federal Aviation Regulation Part 150 study, 1985) to approximately 30,000 in 2009 (air traffic control tower data, 2009), an annual growth rate of approximately 2.0%. Over the same period, enplanements have increased from 62,909 to approximately 300,000, an annual growth rate of approximately 6.5%. If the growth rate in the 1985 Part 150 study was extrapolated to the present, the actual number of operations is somewhat lower than the forecast would suggest (approximately 41,000 using the forecast growth rate versus approximately 30,000 actual operations in 2009).

With respect to the forecast data used in the modeling, the National Park Service relied on a forecast prepared by The Boyd Group in August 2007. The forecast was for the period 2010 to 2025. The Boyd Group projected operations to increase from an estimated 35,300 in 2010 to 36,606 in 2025, a net increase of 3.5% over the forecast period. Subsequent to the preparation of The Boyd Group estimate, a second forecast was prepared for the Jackson Hole Airport Board by Mead & Hunt, Inc. as part of the ongoing safety study. Mead & Hunt projected 37,083 operations by 2028, a slightly lower rate of growth.

5-3. As noted above, the National Park Service has revised the final environmental impact statement to include a discussion of the effectiveness of the noise abatement plan. The National Park Service notes that the U.S. Environmental Protection Agency has misunderstood staff comments regarding

the noise abatement plan. The National Park Service and airport staff expressed that certain elements of the plan, such as the Board's efforts to encourage preferential use of the runway to direct takeoffs and landings away from the park, do not result in 100% effectiveness due to a variety of factors. However, the plan overall has been effective in achieving its purpose.

The National Park Service notes that the reference to Interior Secretary Watt appears to be in regard to a 1983 letter to Transportation Secretary Dole, requesting that the U.S. Department of Transportation impose airspace restrictions over the park. The letter was in the form of a request, rather than a directive, and was not directed at the National Park Service or the Jackson Hole Airport Board. The Federal Aviation Administration responded in 1984, explaining its reasons for denying the request.

5-4. With respect to the establishment of an independent public stakeholder group, the National Park Service notes that the Federal Aviation Regulation Part 150 process, like the National Environmental Policy Act, provides substantial opportunities for public participation in noise compatibility planning efforts.

6-1. The National Park Service has revised the preferred alternative in the final environmental impact statement to address mitigation of noise and other environmental impacts. In addition, the final environmental impact statement explains more clearly the reasons for eliminating other suggested alternatives or actions from detailed study.

6-3. The National Park Service notes that actions are connected if they 1) automatically trigger other actions which may require an environmental impact statement; 2) cannot or will not proceed unless other actions are taken previously or simultaneously; or 3) are interdependent parts of a larger action and depend on the larger action for their justification. The final environmental impact statement has been revised to clarify and describe connected actions. In particular, the final environmental impact statement includes a discussion of the ongoing safety study and its implications.

6-3. The safety audit is a study that is being undertaken to provide additional information regarding the safety of aircraft operations at the airport. It is not itself a connected action. The final environmental impact statement includes a description of the the safety audit and how the information could be used in the future by decision-makers. In addition, the final environmental impact statement includes a discussion of the types of actions that are allowed under the terms of the agreement, as well as a description about how future actions could be undertaken.

7-1. The finnal environmental impact statement has been revised to include air quality as an impact topic analyzed in detail for both alterantives. The methods and protocols used in the analysis were developed in consultation with the U.S. Environmental Protection Agency and the NPS' Air Resources Divsion.

9-2. The sound intensity index has been removed in the final environmental impact statement.

9-3. The comment regarding the ambient sound levels used by the National Park Service in the modeling analysis is incorrect and unsubstantiated. The National Park Service provided the U.S. Environmental Protection Agency with the values that were used in the modeling in an email dated May 22, 2009. The four values ranged from 24.0 to 28.3, and are L90 values based on several thousand hours of monitoring and data collection in the park. The natural ambient sound determination and modeling inputs are described in Appendix G of the final environmental impact statement.

**9-3.** The comment regarding audibility being underestimated in quiet areas of the park is taken out of context from a discussion regarding the limitations of the model. The same paragraph, and others on pages 166-167 of the draft environmental impact statement, also discuss factors that could result in overestimation of audibility. The L90 values used in the modeling are conservative ambient sound levels that, in reality, are exceeded 90% of the time. Although certain areas of the park may, at times, be quieter than the L90 values used in the modeling, those same areas at other times may have considerably higher ambient sound levels due to wind, insects, birds, or other natural sounds.

**9-3.** The comment that the draft environmental impact statement identifies an average ambient sound level of 28.8 dBA is incorrect. Table 8 of the draft environmental impact statement provides acoustic measurements from selected locations within the park. The first column of the table lists median ambient sound levels for 10 locations. The U.S. Environmental Protection Agency appears to have averaged the values in the column to arrive at a figure of 28.8 dBA. The table itself did not identify an average, nor did the National Park Service use such an average in its modeling. The final environmental impact statement includes a discussion of the ambient sound levels that were used and how they were derived. The National Park Service notes that the use of L90 values for modeling are more conservative than the median ambient sound levels used by the Federal Aviation Administration.

**10-1.** The National Park Service notes that the Integrated Noise Model is the worldwide scientific standard for modeling aircraft sound, and that its use in the draft and final environmental impact statement resulted from the close coordination and cooperation between the Federal Aviation Administration, Volpe National Transportation Center, NPS staff, and contractors. The final environmental impact statement explains in detail the modeling method and its scientific basis. The U.S. Environmental Protection Agency has provided no explanation, scientific basis, or references for its method of attempting to correlate the audibility of high-altitude commercial overflights to takeoffs of jet aircraft. The U.S. Environmental Protection Agency provides no evidence to substantiate the statement regarding aircraft being audible for 5 minutes, nor any explanation of other factors that may affect the amount of time they are audible, such as aircraft type, temperature, humidity, winds aloft, and terrain effects. The U.S. Environmental Protection Agency provides no basis for the results of its calculations. Based on the U.S. Environmental Protection Agency's estimate of 4 minutes of audibility for each southerly takeoff, 50 commercial jet departures would be required to achieve 200 minutes of audibility. However, the airport's 2008 noise measurement report (Jackson Hole Airport Board 2009) indicates that there were approximately 31 daily jet departures to the south, of which approximately 14 are commercial jets.

**10-2.** The National Park Service notes that the relatively small increase in audibility can be explained by the forecast fleet mix, number and type of operations, and other factors described in the draft and final environmental impact statement. The final environmental impact statement has been revised to provide additional acoustic monitoring data, including from the Timbered Island site, showing good correlation between the modeling and measured audibility (see Table G-31).

**10-3.** The draft environmental impact statement disclosed on page 82 that natural ambient sound levels can sometimes be at or below 20 dBA and even near 0 dBA. Additional information on ambient sound levels was provided in Table 8.

**10-4.** The noise plots referred to in the airport's 2008 noise measurement report (Jackson Hole Airport Board 2009) are used to illustrate that aircraft noise events at each of the measurement sites can be distinguished from the ambient sound levels. The 20-minute sample is not intended to be representative of the frequency of aircraft noise events, nor do the data support an accurate analysis of audibility. The National Park Service has included monitoring data for selected locations within the

park, and the core of the analysis in the final environmental impact statement is based on modeled audibility, which correlates with the monitoring data.

**11-1.** The final environmental impact statement has been revised to clarify that the analysis modeled a 15-hour sound level equivalent (Leq) rather than a true 24-hour day-night average sound level (DNL). The National Park Service recognizes that there are a small number of operations that occur during hours that the air traffic control tower is closed, and are not, therefore, accounted for in the tower logs.

Based on preliminary review of the data obtained from the Federal Aviation Administration’s Air Traffic Control Beacon Interrogator-6 aircraft tracking system, it is estimated that during the peak season, approximately 2% to 3% of operations occur between the hours of 9 P.M. and 7 A.M. These data were not available at the time that data were collected for modeling with the Integrated Noise Model, but such a small number of operations would be unlikely to result in any meaningful change in the impacts on natural soundscapes.

Curfew violations occur on average about 6 times per month, or about 72 times per year. This amounts to approximately 0.2% of the total operations. Stated conversely, 99.8% of operations are in conformance with the voluntary curfew. The final environmental impact statement has been updated to include this information, as well as a more detailed discussion of the modeling assumptions and inputs.

**11-2.** The comment refers to a letter sent by Interior Secretary Watt to Transportation Secretary Elizabeth Dole on April 27, 1983. The letter requested Secretary Dole’s assistance with several measures that addressed use of the airspace over the park, as opposed to operation of the airport itself. The characterization of the letter as a “directive” is incorrect. Nothing in the letter created any additional requirements or conditions with respect to the 1983 agreement. The Federal Aviation Administration evaluated the request and responded in a letter dated March 1, 1984, explaining its reasons for denying the request.

**11-3.** The noise abatement plan that is included as part of the 1983 agreement, as amended, remains unchanged since 1985, although the Federal Aviation Regulation Part 150 study that was completed to develop that plan has been updated at intervals through 2003. The Jackson Hole Airport Board has developed and implemented a variety of mitigation measures above and beyond those included in the noise abatement plan, such as the prohibition on Stage 2 aircraft and the voluntary curfew. Therefore, while the plan itself has not been updated, the Board has fulfilled its intent through the Part 150 update process. The Board will continue to update its Part 150 study, using that process to fully evaluate additional measures that could further reduce noise impacts on Grand Teton National Park. The final environmental impact statement includes a list of potential measures that will be considered as part of that process.

**12-1, 12-2.** The final environmental impact statement has been revised to provide a discussion regarding the laws and regulations that pertain to airport noise compatibility planning and the development and implementation of noise and access restrictions, such as mandatory curfews or other limits on aircraft operations. The Airport Noise and Capacity Act of 1990 severely limits the ability of airports to impose noise or access restrictions, and is explained in the final environmental impact statement.

**13-2 and 13-3.** The National Park Service included a detailed analysis on air quality in the final environmental impact statement, including a visibility screening analysis using VISCREEN. The National

Park Service also included a detailed analysis regarding lead emissions associated with airport operations under the air quality impact analysis section.

14-1. The proposed action is not subject to the statutory and regulatory requirements pertaining to transportation projects cited in the comment. The regulations within 23 *Code of Federal Regulations* Part 174 implement 23 *United States Code* 138 and 49 *United States Code* 303, which were enacted as section 4(f) of the Department of Transportation Act of 1966, and are still commonly referred to as “section 4(f).” These statutory and regulatory requirements pertain to transportation programs and projects requiring the approval of the Secretary of Transportation. The proposed action is solely under the jurisdiction of the Secretary of the Interior, and does not require approval from the Secretary of Transportation.

15-1. The Jackson Hole Airport has operated in its present location since the 1930s – prior to the establishment of either Grand Teton National Park or Jackson Hole National Monument. When Congress established the park in 1950, it knowingly included the airport within the boundaries. Pursuant to the authority provided in the Department of the Interior Airports Act, Secretary Watt reversed an earlier decision to discontinue the longstanding operation of the airport. That decision was challenged in a lawsuit filed by the Sierra Club in 1983, and upheld by the U.S. District Court for the District of Wyoming in October 1985. Secretary Watt’s decision remains extant and is not the subject of this environmental impact statement.

15-2. Impacts from airport operations on the Murie Ranch and the Laurance S. Rockefeller Preserve have been included in the final environmental impact statement, under the “Visitor Use and Experience” sections in Chapters 3 and 4.

16-1. The National Park Service added a discussion on climate change with regard to airport operations to the “air quality” sections in Chapters 3 and 4.

## OTHER AGENCY LETTERS

Complete copies of the other agencies that provided comments on the draft environmental impact statement are presented below. Where these agencies identified substantive comments, they were addressed with the other substantive comments in the first part of this appendix.

## Office of the Governor

June 11, 2009

Mary Gibson Scott  
Superintendent  
Grand Teton National Park  
P O Drawer 170  
Moose, WY 83012

Dear Mary:

On behalf of the State of Wyoming, I am writing to express my support of the Jackson Hole Airport Use Agreement Extension. The Jackson Hole Airport is a transportation hub for the region, providing transportation options for both residents and visitors alike, as such its operations should continue.

In March, the National Park Service (NPS) released its Draft Environmental Impact Statement (DEIS) regarding the extension of the use agreement between the United States Department of Interior and the Jackson Hole Airport Board. In the DEIS, the NPS evaluated two alternatives. Alternative 1 was to take "No Action" and Alternative 2, which is identified as the preferred alternative in the DEIS, was to extend the use agreement for two 10-year terms, through April 2053. I am writing to express my support for the acceptance of the preferred alternative.

Wyoming concurs with the conclusions of the DEIS, and looks forward to the Record of Decision approving the use agreement extension. It is my belief that that region of the state will be best served by the continued long-term operation of the Jackson Hole Airport afforded through the extension of the use agreement as outlined in Alternative 2.

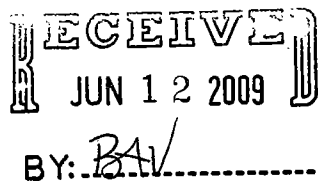
Your consideration of these comments is greatly appreciated.

Best regards,



Dave Freudenthal  
Governor

DF:pjb







# Wyoming Aeronautics Commission

5300 Bishop Blvd., Cheyenne, WY 82009-3340

original to: Jennifer C.

RECEIVED  
MAY 26 2009

BY: *Th*

**Chairman  
District 2**

**Vince Tomassi**  
P.O. Box 364  
Diamondville, WY 83116  
(307) 877-4439

**Vice-Chairman  
At Large**

**Jeff Rose**  
P.O. Box 25  
Lingle, WY 82223  
(307) 837-2261

**District 1**

**Charlie Ksir**  
2068 N. 17<sup>th</sup> St.  
Laramie, WY 82072  
(307) 745-5617

**District 3**

**Carrol Orrison**  
P.O. Box 897  
Casper, WY 82602  
(800) 274-2852

**District 4  
Vacant**

**District 5**

**Pete Schoonmaker**  
1 East Alger  
Sheridan, WY 82801  
(307) 673-9710

**At Large**

**James K. Sandison**  
2020 Kingsbury Dr.  
Casper, WY 82609  
(307) 237-5442

mail to:

**Dennis Byrne**  
**Administrator**  
WYDOT  
Aeronautics Division  
5300 Bishop Blvd.  
Cheyenne, WY  
82009-3340  
(307) 777-3952

May 20, 2009

Superintendent  
Attn: Jackson Hole Airport EIS  
Grand Teton National Park  
PO Drawer 170  
Moose, WY 83012

To Whom It May Concern:

On behalf of the Wyoming Aeronautics Commission, I am writing to express our support of the Jackson Hole Airport Use Agreement Extension.

In March, the National Park Service (NPS) released its Draft Environmental Impact Statement (DEIS) regarding the extension of the use agreement between the United States Department of Interior and the Jackson Hole Airport Board. In the DEIS, the NPS has identified the alternative to extend the use agreement for two 10-year terms, through April 2053, as the preferred alternative. We concur with the NPS analysis.

The extension of the use agreement will allow the airport to continue to accept federal Airport Improvement Program funding which is critical to the continued operation of this airport. The loss of federal airport improvement funds are not likely to be replaced with state funding, especially given the recent world economic downturn and potential state funding cuts. This would leave the local community with an impossible burden to continue to fund the airport through the remainder of the current use agreement term.

The Jackson Hole Airport is within the District I represent and I am personally familiar with the tremendous value this airport contributes to the State Aviation System. Jackson Hole Airport enplaned just under 59% of the entire state's commercial air service passengers in 2008. The airport is also used for a variety of other purposes such as freight transport, air search and rescue, and aerial firefighting.

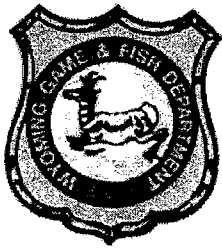
It is my belief that the state aviation community will be best served by the continued long-term operation of the Jackson Hole Airport afforded through the extension of the use agreement.

Your consideration of these comments is greatly appreciated.

Sincerely,

Vince Tomassi, Chairman  
Wyoming Aeronautics Commission

cc: Jerry Blann, Chairman, Jackson Hole Airport Board  
Dennis Byrne, Administrator, WYDOT Aeronautics Division  
Ray Bishop, Airport Director, Jackson Hole Airport



## WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4610

Web site: <http://gf.state.wy.us>

GOVERNOR  
DAVE FREUDENTHAL  
DIRECTOR  
STEVE K. FERRELL  
COMMISSIONERS  
CLIFFORD KIRK – President  
ED MIGNERY – Vice President  
CLARK ALLAN  
AARON CLARK  
JERRY GALLES  
MIKE HEALY  
FRED LINDZEY

June 1, 2009

WER 358.03  
National Park Service  
Draft Environmental Impact Statement  
Jackson Hole Airport Use Agreement Extension  
Grand Teton National Park, WY

Mary Gibson Scott, Superintendent  
Grand Teton National Park  
Attn: Jackson Hole, Airport EIS  
PO Drawer 170  
Moose, WY 83012-0170

Dear Ms. Gibson-Scott:

The staff of the Wyoming Game and Fish Department has reviewed the Draft Environmental Impact Statement for the Jackson Hole Airport Use Agreement Extension within Grand Teton National Park, WY. We offer the following comments for your consideration.

### **Terrestrial Considerations:**

In reviewing the document we have not identified any big game concerns because the perimeter fence precludes large animal movement onto the runways and adjacent habitats. In addition, airport operations include monitoring wildlife and perimeter checks to ensure large mammals are not within the perimeter fence and to ensure smaller wildlife are not near the runway.

Within the fenced perimeter we have concerns about aircraft/bird strikes. Currently an assessment of the risk and magnitude of the strike problem is underway. While we support the direction to review future changes to the airport to ensure that improvements will not increase the potential for aircraft/wildlife strikes, we have concerns if grouse are hazed off of the runway lek.

We also have concerns regarding the use of deicer and we encourage the Airport to continue to explore options for recycling. Particular attention should be given to snow storage and melt water to minimize impacts from runoff.

### **Aquatic Considerations:**

We are very concerned with the movement and storage of propylene glycol. Ms. Traci Stevens, Jackson Region fisheries biologist, spoke with Dan Leemon (TCD) regarding our concerns with the deicing system at the airport. The airport uses propylene glycol for deicing, which is actually

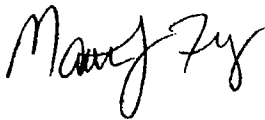
Ms. Mary Gibson Scott  
June 1, 2009  
Page 2 – WER 358.03

found in ice cream; however, it is great media for bacteria growth and may allow for bacteria to multiply much quicker. We are unsure of what impacts this increase in bacteria growth could cause for fish, wildlife, and/or water quality. TCD has been working on this issue with USGS by installing 5 monitoring wells, but final results are not back yet. Therefore, we recommend that these potential impacts be analyzed.

Currently, the airport does not have a collection system for the deicer. There are grates in the apron that drain into an adjacent field. Additionally, snow is stored on the Enterprise Ditch. The airport has indicated that they plan to install a recycling system for deicing fluid. We recommend that TCD address snow storage and construct a drainage system to a lined pond for the storage of propylene glycol. If this is not feasible, we recommend that the airport utilize the "vacall" truck, as was done in 2007-2008, which allowed for recycling of deicer.

If you have any questions or concerns, please contact Ms. Traci Stevens, Jackson Region Fisheries Biologist or Doug Brimeyer, Jackson Region Wildlife Biologist, at 307-733-2321.

Sincerely,



For John Emmerich  
Deputy Director

JE: MF: gfb

cc: USFWS  
Tim Fuchs  
Doug Brimeyer  
Rob Gipson



E

April 23, 2009

Mary Gibson Scott, Superintendent  
Grand Teton National Park  
PO Drawer 170  
Moose, WY 83012

Re: Airport EIS

Dear Superintendent Scott,

The purpose of this letter is to provide the Town of Jackson's comments on the Airport lease extension Environmental Impact Statement (EIS). We appreciate the thorough analysis and level of detail contained in the document. We also appreciate your cooperation and collaborative effort with the Airport. In my role as liaison to the airport board meetings, it is apparent that the Park and Airport have an excellent working relationship.

The Town of Jackson strongly supports Alternative two, as it will allow for the continued operation of the airport. As you are aware, the Airport is extremely important to our local economy and we need its continued operation in order to ensure the economic viability of the town, Grand Tetons and the entire region. Therefore, we support the lease extension.

The consequences of Alternative one increases traffic on our road and highway system and would require highway improvements with costs to Wyoming and Idaho that could approximate \$300M.

As noted, the existence of the airport is vital to the well being of our community. The EIS clearly indicates that the airport's environmental consequence does not reach the level of impairment.

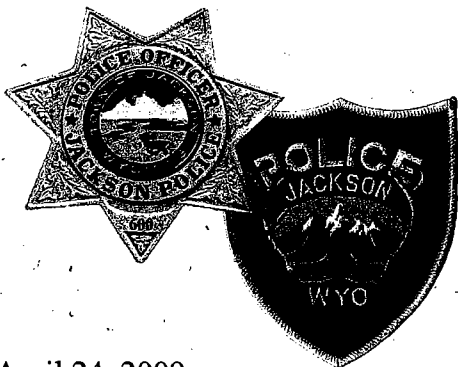
Again, I appreciate the excellent effort with the airport EIS and I look forward to the Record of Decision that affirms alternative two, the preferred alternative.

Best Regards,

  
Mark Barron, Mayor

RECEIVED  
APR 24 2009  
BY: BAV





## Jackson Police Department

Dan Zivkovich, Chief of Police

April 24, 2009

Superintendent Mary Gibson Scott  
Grand Teton National Park  
Post Officer Drawer 170  
Moose, Wyoming 83012

RECEIVED  
APR 24 2009

BY: kh.....

Re: Jackson Hole Airport

Dear Superintendent Scott:

I am writing this letter in support of continuing the Jackson Hole Airport's lease and in support of continuing the National Park Service's support for the airport.

Aside from the obvious economic benefits the airport brings to the community, I have a health and safety concern should the airport operations cease. With the scenic beauty of Jackson Hole and with the presence of Grand Teton National Park and Yellowstone National Park, visitors will come to our community even in the absence of the airport. The fact that we will be impacted by large numbers of tourists should not be an issue of debate. Albeit, there may not be quite as many visitors if the airport closes, visitation will continue to have a significant impact on our community.

My concern is the impact this visitation will have on the transportation corridors in and around the Town of Jackson if the airport closes. Currently, visitors who arrive by airplane utilize taxis or rental cars during their sojourn in the valley. In the absence of the airport, visitors will be bringing their vehicles with them. That means more vehicles entering the valley, further clogging our already-congested main arteries and town streets. This will also have a negative impact on traffic violations, traffic crashes, parking, and vehicle emissions in our valley.

So, for me, the airport is not just an economic issue, it is also a health and safety issue. As a result, I support the continued operation of the Jackson Hole Airport. Please feel free to contact me with any questions you may have.

Respectfully,

Dan Zivkovich  
Chief of Police

*"We enhance the quality of life and provide for the safety and security of residents and visitors through professional police services."*

**APPENDIX F: PROPOSED TEXT OF AMENDMENT NO. 3 FOR ALTERNATIVE 2**

**THIRD AMENDMENT TO THE  
AGREEMENT BETWEEN  
THE UNITED STATES DEPARTMENT OF THE INTERIOR  
AND THE JACKSON HOLE AIRPORT BOARD**

This Third Amendment to the Agreement Between the United States Department of the Interior and the Jackson Hole Airport Board is entered into effective the \_\_\_\_ day of \_\_\_\_\_, 2010 by and between the Jackson Hole Airport Board, a body corporate organized under the laws of the State of Wyoming (the “Board”) and the United States of America, acting through the Department of the Interior (the “Department”).

**WHEREAS**, the Jackson Hole Airport (the “Airport”) was established at its present location in the 1930s, has been served by commercial airlines since 1941, and is the only feasible air carrier airport site in Teton County, Wyoming;

**WHEREAS**, the Act of March 18, 1950, 16 U.S.C. §§7a-7e authorizes the Secretary of the Interior to enter into agreements with public agencies, such as the Board, for the improvement, operation and maintenance of airports within national parks;

**WHEREAS**, pursuant to said Act, the Department and the Board entered into an Agreement dated April 27, 1983, as amended July 29, 1985 and July 30, 2003 (the “Agreement”), for the operation of the Airport within Grand Teton National Park (the “Park”);

**WHEREAS**, the Agreement provides for a term of 30 years, and grants the Board two 10-year options to renew, which options have been exercised by the Board;

**WHEREAS**, to facilitate its qualification for Federal Aviation Administration Grants In-Aid and for appropriate amortization of costs of improvement, including navigation and noise abatement aids, the Board has requested that it be granted two additional 10-year options to renew the Agreement term; and

**WHEREAS**, the Board is in material compliance with the terms and conditions of the Agreement, and the Department has complied with the requirements of the National Environmental Policy Act with respect to this proposal.

**NOW THEREFORE**, for valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The first sentence of Section 1(a) of the Agreement is amended by striking all after the semicolon and substituting the following in lieu thereof: “provided, that at the end of the 10<sup>th</sup> year of said 30-year term and within 120 days prior to the end of each 10-year period thereafter the Board shall have the option to renew this Agreement for an additional 10-year term, unless the Department has given the Board notice that the Board has not substantially and satisfactorily complied with all of the essential terms and conditions of this Agreement, in which event (a) the Board may not exercise an option until the Department determines that such failure of compliance has been cured by the Board, or (b) the Board has obtained a judicial determination that it is in such compliance. In either of these events, the Board's time for option exercise shall be extended until 30 days after its receipt of either determination.”
2. The last sentence of Section 1(a) of the Agreement is amended by striking the word “50” and substituting “70 in lieu thereof.
3. Section 12 of the Agreement is deleted and replaced with the following:

12. Cooperation, Review of Agreement Terms and Mitigation Measures. The parties agree to confer with each other from time to time during the term of this Agreement relative to any changed circumstances, including without limitation any technological advances which are available on a commercially reasonable basis relative to operations at the Airport. In addition, the parties agree to comprehensively review the terms and conditions of this Agreement, from time to time during any term of this Agreement, but no less often than every five (5) years, and (a) discuss whether any amendments to this Agreement would result in better ensuring that the Airport remains compatible with the purposes and values of Grand Teton National Park, would improve the safety and efficiency of Park and/or Airport operations, or other such amendments as the parties deem appropriate, and (b) discuss and identify mitigation measures which may then be available to comply with the requirements of Section 4(i) of this Agreement.

4. Section 4 of the Agreement is amended by adding to the end thereof a new paragraph (i) which reads as follows:

(i) Mitigation of Effects. In addition to meeting the cumulative and single event standards set forth above, the Board shall, as often as reasonable opportunities arise, seek to further reduce noise and other negative environmental impacts associated with the Airport. The Board will act in good faith and in coordination and cooperation with the National Park Service to develop and implement such reasonable and cost-effective mitigation measures as may be available to reduce environmental impacts on the Park to the lowest practicable levels consistent with the safe and efficient operations of the Airport, and with applicable law and contractual obligations.

Nothing in this paragraph 4 (i) shall require the Board to pursue or implement any mitigation or other measure which would result in a violation of law, or FAA grant agreements and assurances, or the Board's other contractual obligations existing on August 1, 2010, or for which funding is not reasonably available, or which would result in a *de minimis* environmental benefit when compared to costs.

5. Section 13 of the Agreement is amended by adding to the end thereof a new paragraph (h) which reads as follows:

(h) Biennial Report. By March 31, 2012, and each two years thereafter, the Board shall submit a report to the National Park Service describing the Board's activities and operations for the previous two calendar years, its efforts at reducing negative environmental impacts, and specifically its efforts to reduce its noise impacts on the Park. The National Park Service shall acknowledge receipt of and respond to each such report within 120-days of receipt.

UNITED STATES  
DEPARTMENT OF THE INTERIOR

JACKSON HOLE AIRPORT BOARD

By: \_\_\_\_\_  
Regional Director, Intermountain Region,  
National Park Service

By: \_\_\_\_\_  
Andrea Riniker, President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

Date: \_\_\_\_\_