

**National Park Service
U.S. Department of the Interior**

**Grand Teton National Park
Wyoming**



**Jackson Hole Airport Agreement Extension
Record of Decision**

Recommended:

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**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

RECORD OF DECISION

**JACKSON HOLE AIRPORT AGREEMENT EXTENSION
ENVIRONMENTAL IMPACT STATEMENT**

Grand Teton National Park

Wyoming

The Department of the Interior, National Park Service has prepared this Record of Decision on the *Jackson Hole Airport Agreement Extension/Final Environmental Statement* (FEIS). This Record of Decision includes a description of the background of the project, a statement of the decision made, synopses of other alternatives considered, the basis for the decision, findings on impairment of park resources and values, a description of the environmentally preferable alternative, a listing of measures to minimize environmental harm, and an overview of public and agency involvement in the decision-making process.

BACKGROUND OF THE PROJECT

The Jackson Hole Airport was created by the Town of Jackson at its present location in the 1930s, before the site was part of Grand Teton National Park. When Congress established the park in its current form in 1950, the federal lands upon which the airport is located were included within the boundaries. Since 1950, the Jackson Hole Airport has operated within Grand Teton National Park pursuant to authority provided in the Department of the Interior Airports Act of 1950. The current agreement between the Jackson Hole Airport Board (Board) and the Department of the Interior was signed on April 27, 1983. The term of the agreement was for 30 years, with two 10-year renewal options, both of which have been exercised. As a result, the agreement would expire on April 27, 2033.

The Jackson Hole Airport Board requested a 20-year extension to the term of the agreement in order to remain eligible for federal funding through the Federal Aviation Administration (FAA) beyond 2013. Although the agreement currently has an expiration date in 2033, the FAA requires that in order to be eligible for grants, an airport must own the land on which it is located or have more than 20 years remaining on its lease or agreement. Therefore, the Jackson Hole Airport would become ineligible for federal funding in 2013 if no action were taken to extend the term of the agreement.

Airport Improvement Program grants cover 95% of eligible costs for airfield capital improvement or repair projects that enhance airport safety, capacity, or security, or address environmental concerns. Over the past decade, the program funded almost \$28 million in projects at the Jackson Hole Airport. Similar levels of funding will be needed in the future to enable the Board to maintain the airport such that it meets the certification requirements for scheduled commercial passenger service.

DECISION (SELECTED ACTION)

Description of the Selected Action

This decision is based on the elements presented in Alternative 2 of the FEIS, the NPS Preferred Alternative, which will provide the conditions necessary for the Jackson Hole Airport to continue providing scheduled commercial passenger service until 2033. The decision will also result in an amendment to the text of the 1983 Agreement that will strengthen the requirements of the Airport Board to work in good faith to further reduce and mitigate the effects of the airport on Grand Teton National Park. Specifically, the decision includes the following elements:

- Amendment of the 1983 Agreement to extend the authorized term by 20 years through the addition of two 10-year options that may be exercised by the Board;
- Amendment of the 1983 Agreement to make certain revisions to the text for clarification purposes;
- Amendment of the 1983 Agreement to add a provision requiring the Board and the National Park Service to meet periodically, but not less than every 5 years, to (a) review any changed circumstances, and discuss whether any further amendments to the agreement would result in better ensuring the airport's compatibility with the purposes and values of the park or improve the safety and efficiency of park and airport operations, and (b) discuss and identify mitigation measures that may then be available to comply with the requirements of the agreement;
- Amendment of the 1983 Agreement to add a provision requiring the Board to work in good faith to seek to further reduce the impacts of the airport. The effect of this provision would be to ensure that even if the Board has complied with the requirements of the agreement, including those pertaining to noise, that efforts are made to further reduce the impacts to as low a level as is practicable, provided that the measures are reasonable, consistent with the safe and efficient operation of the airport, and with applicable law, regulation, and contractual requirements;
- Amendment of the 1983 Agreement to add a provision requiring the Board to prepare a biennial report, due on March 31, 2012 and every two years thereafter, describing the Board's efforts to reduce the noise impacts and other environmental effects of the airport.

The selected action will allow the Board to exercise the two additional 10-year options in 2013 and 2023, respectively, provided that the Board has complied with all of the essential terms and conditions of the Agreement, as amended. Therefore, the Board must comply with all of the existing terms and conditions, as well as the new terms and conditions described above and in the text of the proposed amendment (See Appendix A). As amended, the Agreement will provide greater accountability and more clearly establish actions that the Board must take prior to exercising either of the 10-year options.

This Record of Decision will authorize the amendment of the 1983 Agreement. That action will likely occur within the first 3-6 months of 2011, through the addition of the signatures of both parties to the proposed amendment. That action will add two 10-year options and thereby extend the *authorized* term of the Agreement by 20 years. However, the actual term will not be extended until such time as the Board exercises the first 10-year option, sometime in early 2013.

Prior to the Board exercising the first 10-year option in 2013, the Agreement, as amended, requires that the Board will have prepared the first biennial report of its activities and operations. This report will document actions taken by the Board to reduce the environmental effects of the airport and specifically to reduce noise impacts on the park. The report will be due March 31, 2012, and will be made available to the public. The intent of the report is to provide greater accountability for the Board's actions, and provide documentation of the Board's compliance with the terms and conditions of the Agreement as a prerequisite for exercising the 10-year option.

The biennial reports will also document the Board's efforts to work in good faith to seek to further reduce and mitigate the impacts of the airport, as required by Section 4(i) of the Agreement, as amended. This requirement will apply regardless of whether the Board is in compliance with the existing noise requirements of the agreement and will extend over the lifetime of the agreement.

The "good faith" requirement in the agreement will be further and more specifically defined in writing periodically over the lifetime of the agreement. As described in the following paragraph, the NPS and the Board will meet periodically to determine specific actions that the Board shall take in furtherance

of the requirements of the agreement, in particular with respect to mitigation measures. Agreement on such actions will be included in a written document that clearly defines the actions that the Board must take over a specified period in order to meet the "good faith" requirement, and thereby be in compliance with the terms of the agreement.

The Agreement, as amended, will require the Board and the NPS to meet at least once every five years to comprehensively review the terms and conditions of the Agreement and determine whether any changes should be made, and to discuss and identify mitigation measures. This meeting is a formal requirement of the Agreement, and is in addition to other meetings between the Board and airport and park staff that occur on a regular and ongoing basis. The Board and the NPS will meet at least once to satisfy this requirement prior to the time that the Board may exercise the first 10-year option.

Additionally, the Jackson Hole Airport Board and National Park Service have established a working group to address the environmental effects of the airport on the park and to identify and develop mitigation measures to reduce these effects. The group is composed of two members of the Jackson Hole Airport Board, the airport director, the park superintendent, and key staff from the airport and the park. The members of this group already work together closely on a wide variety of matters related to the airport. Nonetheless, the group will continue meeting together several times (at least quarterly) each year for the specific purpose of addressing environmental effects and mitigation measures.

The text of the proposed amendment to the 1983 is shown in Appendix A of this Record of Decision.

Mitigating Measures/Monitoring

The selected action includes a number of changes to the existing text of the 1983 agreement, the net effect of which is to strengthen the requirements for the Board to undertake efforts to further reduce the adverse effects of the airport on the park. These additional changes are beyond compliance with the existing noise and other requirements of the agreement. The selected action will not alter the existing single-event and cumulative noise requirements of the agreement, but will require the Board, in cooperation with the National Park Service, to identify, develop, and implement additional measures to reduce noise and other environmental impacts to the lowest practicable levels which are reasonable, consistent with the safe and efficient operation of the airport, and with applicable law, regulation, and contractual obligations.

Continuation of Existing Mitigation Measures

The Board will continue to implement the following existing mitigation measures as required by the 1983 Agreement, or adopted in furtherance its requirements. The agreement included a number of provisions and requirements intended to ensure that the airport would remain compatible with the purposes of the park. Measures taken by the Jackson Hole Airport Board and others that contribute to meeting these requirements are identified below. Under the selected action, these requirements and measures already taken to mitigate the effects of the airport would remain in effect through the extended term of the agreement, unless superseded by more stringent requirements.

- The agreement includes both single-event and cumulative noise requirements. Specifically, the agreement requires that the 55 DNL contour remain outside of the noise-sensitive areas of the park, and that the 45 DNL contour not extend beyond a specified restriction line.
- No aircraft is permitted to operate at the Jackson Hole Airport if it has a single-event noise level exceeding 92 dBA on approach, as determined by Federal Aviation Administration Circular 36-3B or a specified equivalent certification procedure.
- The Board's noise abatement plan establishes a limit on the number of commercial jet aircraft operations of 6.5 average daily departures of the Boeing 737-200 aircraft. A greater number of departures is allowed only by substituting quieter aircraft based on a noise equivalency factor.

- The Board prohibits the operation of all Stage 2 aircraft under 75,000 pounds. Heavier Stage 2 aircraft are prohibited by federal law.
- The Board has adopted a voluntary curfew on night flights, with a system for notifying owners of aircraft that violate the curfew by letter and requesting them to refrain from further violations. The curfew, which applies to all scheduled passenger service and general aviation aircraft, is between the hours of 11:30 p.m. and 6:00 a.m. for landing and 10:00 p.m. and 6:00 a.m. for takeoff. The Board also includes a curfew provision in its airline contracts that prohibits jet arrivals and departures between 9:30 p.m. and 7:00 a.m. The curfews have been successful and only a few curfew violations occur. Overflights of the park below 3,000 above ground level are also discouraged.
- The Board has made the airport's noise abatement procedures widely available to all pilots and aircraft operators through a variety of means, including an insert for pilot notebooks, the airport website, air traffic control broadcasts, aeronautical publications, magazines, and other materials typically used by pilots for flight planning. The procedures indicate that Runway 01 (from the south) is the preferred arrival runway and Runway 19 (to the south) is the preferred departure runway, and request that all pilots stay east of the Snake River and/or U.S. Highway 26/89/191. In addition, control tower personnel inform pilots of the noise abatement procedures and encourage their compliance.
- The Board includes language in all leases with scheduled passenger service airlines requiring them to ensure that their pilots are made aware of the noise abatement rules and procedures and to take appropriate action against employees for operations contrary to the noise control plan where there exists no valid reason for noncompliance. Similar language in the airport's contract with the fixed-base operator requires the fixed-base operator to insert language into all subcontracts to ensure noise abatement plan compliance, and requiring them to distribute copies of the noise abatement plan to pilots departing the airport.
- As required by the agreement, the Board inserts in all contracts a prohibition on the origination from the airport of scenic, charter, and training flights over noise sensitive areas of the park.
- An air traffic control tower was constructed in 2000. The tower is at the center of a Class D airspace "cylinder" extending to a radius of 5 miles and 3,000 feet above ground. Within this airspace, all aircraft must be in communication with the tower and operate under the direction of controllers. The presence of the tower facilitates the safe and efficient use of the airspace and reduces overflights of the park below 3,000 feet above ground level.
- The Federal Aviation Administration's Air Traffic Control Beacon Interrogator-6 aircraft tracking system became operational in 2009, and provides air traffic controllers with the ability to track aircraft in the Jackson Hole area. The BI-6 has the potential to more efficiently move aircraft in and out of the airspace and thereby decrease noise impacts on the park.
- The Board established a noise complaint system to record all noise complaints from the public. The Board investigates complaints, and persons filing complaints are given available information regarding the cause of their complaint, any reasons given for the violation, and action taken.
- The Board has adopted a comprehensive noise monitoring program that documents the level of compliance with the terms of the 1983 agreement. In 2003, the Board upgraded its noise monitoring capabilities and installed a permanent system that gathers data continuously. This system has subsequently been integrated to collect data from the BI-6 and correlate it with specific noise events. The system provides the Board with a highly accurate database of how the park is affected by aircraft noise and is/will be useful in identifying additional measures that may be effective in reducing aircraft noise.
- In accordance with the agreement, the Board has ensured that all buildings are compatible in architectural style and appearance with structures that were present in 1983, and that they do not exceed the specified height. The low height of the buildings, muted colors that are

compatible with the natural surroundings, and vegetative screening and planting have ensured that the airport is visually subordinate to the landscape character.

With respect to noise, the Board has complied with the terms of the agreement, and with the objectives of the noise abatement plan, which are to ensure that aircraft noise exposure will remain compatible with the purposes of the park and will result in no significant increase in cumulative or single-event noise impacts on noise sensitive areas of the park. In fact, the DNL noise contours have actually decreased in size since the first Federal Aviation Regulations Part 150 study in 1984. The most important reason for this decrease is the introduction of quieter Stage 3 aircraft, and the prohibition of noisier Stage 2 aircraft.

New Mitigating Measures/Monitoring

Revise Noise Abatement Plan Based on Federal Aviation Regulations Part 150 Study.

Under the selected action, the Board will undertake an airport noise compatibility study (Part 150 study) update to serve as the basis for revising the existing Noise Abatement Plan. The current plan has been in effect since 1985. The 1983 agreement includes a provision that requires the Board to review and amend its noise abatement plan to incorporate new prudent and feasible technological advances which would allow further reduction in noise impacts on the park. Although the plan itself has not been revised, the Board has complied with the intent of that provision by updating the Federal Aviation Regulations 150 study at intervals between 1985 and 2003, and implementing a variety of noise mitigation measures, including technological advances, to reduce noise impacts on the park.

A Part 150 study is the primary program under which the Federal Aviation Administration supports local airport noise compatibility planning and projects. The requirements of a Part 150 Study are contained within Title 14 *Code of Federal Regulations* 150 (Part 150). These regulations were promulgated to implement the Aviation Safety and Noise Abatement Act of 1979 (ASNA), and provide criteria for a voluntary program that allows airport operators to prepare noise exposure maps and recommend measures in a noise compatibility program to reduce noise and non-compatible land uses. Airport operators may submit noise compatibility programs for approval to the Federal Aviation Administration, and may be eligible for Airport Improvement Program funding to implement noise abatement projects. Part 150 studies must comply with the criteria established in the regulations.

A Part 150 Study is an in-depth process that involves working with the community and other stakeholders to address airport noise issues. These studies require varying amounts of time to complete, depending on the types of issues and their complexity, and result in the development of measures that may be available to reduce airport noise impacts. The Part 150 study is conducted in accordance with Federal Aviation Administration criteria and requirements. To be eligible for Federal Aviation Administration noise abatement funding, any measures adopted must first be approved by the Federal Aviation Administration.

Prepare Soundscape Management Plan. Under the selected action, the National Park Service will prepare a soundscape management plan for the park to determine how best to protect the natural soundscapes and determine desired future conditions. This may be a desirable prerequisite for any effort to establish goals for the airport and other sources of noise. This is an effort that will be lead by the National Park Service in coordination with the Board.

Pursue Implementation of NextGen Approach and Departure. Under the selected action, the Board, in cooperation with the National Park Service, will continue to work with the Federal Aviation Administration to develop and seek early implementation of the Next Generation Air Transportation System (NextGen) approach and departure procedures for the Jackson Hole

Airport. NextGen is the Federal Aviation Administration's plan to modernize the National Airspace System through 2025. This program is intended to address the national growth in air traffic while simultaneously improving safety and reducing environmental impacts. One of the benefits of NextGen is that it will allow precision GPS-based approaches and departures which can be designed to reduce environmental impacts in the areas surrounding airports.

The advantage of NextGen relative to the Jackson Hole Airport is that it could reduce or perhaps eventually eliminate the need for the existing instrument approach to the airport. This approach extends in a straight line from the southern end of Jackson Lake to the threshold of Runway 19, a distance of about 16 miles. When and if available, GPS-based curved approaches and departures would use much less of the airspace over the park, and could therefore allow aircraft to approach or depart the airport with much less effect on the park. The Board is currently working with the Federal Aviation Administration and NetJets to develop a pilot program to evaluate a precision approach around Blacktail Butte with a short final to Runway 19. A similar approach is commonly used by aircraft under visual flight rules, but NextGen could make it available for IFR approaches.

Pursue Establishment of New Instrument Approach to Runway 19. Under the selected action, the Board, in cooperation with the National Park Service, will work with the Federal Aviation Administration to determine whether a new instrument approach could be developed to reduce noise impacts on the park.

About 85% of arrivals to the airport occur on Runway 19, although many of these are visual approaches that overfly only a small area of the park near the airport. Instrument arrivals to Runway 19 typically involve navigating to the DUNOIR (DNW) VOR, which is located on Rosie's Ridge, approximately 8 miles east of Moran Junction. From that point, the approach proceeds west to a point over Jackson Lake near Signal Mountain, at which point the localizer is intercepted. Once on the localizer, the approach proceeds south, directly to the airport for a straight-in landing on Runway 19. Aircraft are typically at about 13,000 to 14,000 feet above mean sea level crossing DNW. Once on the localizer, aircraft descend from about 11,000 feet to the airport's elevation of 6,451 feet. Moving the VOR and/or moving the localizer intercept point further south could potentially reduce aircraft time aloft over the park. Further study and modeling would be necessary to determine what effects a new approach would have on the park, as well as on surrounding wilderness areas.

Pursue Establishment of a Precision Approach to Runway 01. As noted above, the majority of landings at the Jackson Hole Airport utilize Runway 19, landing from north to south. Installation of a precision approach to Runway 01, either GPS-based or guided by an Instrument Landing System (ILS), could potentially reduce the number of aircraft utilizing the ILS approach to Runway 19, thereby reducing noise impacts on the park. Even with a precision approach to Runway 01, use of Runway 19 for landing would continue at times when the prevailing southerly winds, departing traffic, and/or other factors dictated the approach direction.

A GPS-based approach as discussed above may be possible. Under the selected action, the Board, in cooperation with the National Park Service, will further evaluate whether different or emerging technologies could make a precision approach to Runway 01 feasible.

Enhance Educational Efforts with Aircraft Owners, Operators, and Pilots. Under the selected action, the Board and National Park Service will develop further outreach procedures and products to enhance the information provided to pilots, and would also meet with representatives of the Federal Aviation Administration to encourage air traffic control procedures into and out of the airport that would facilitate pilot compliance with noise abatement procedures to the maximum extent consistent with the safety of operations. The National Park Service will

actively participate in outreach meetings with airline personnel, aircraft owners and operators, Federal Aviation Administration and control tower personnel, and others to encourage operations that minimize impacts on the park. The Board currently meets with airline chief pilots on at least an annual basis regarding airport operations and noise abatement procedures. It also communicates regularly with control tower personnel, the fixed-base operator, and others who have a role in airport operations. The Board also provides information on airport operations and noise abatement procedures through a wide variety of media that are normally used by pilots in flight planning.

Develop and Implement a Fly Quiet Program. Under the selected action, the Board will develop and implement a Fly Quiet program for the Jackson Hole Airport. Fly Quiet programs have been implemented at several airports. These programs seek to influence airlines and other aircraft operators to operate as quietly as possible, and typically use a variety of incentives to reward aircraft operators and airlines for operations that reduce noise. For example, this could include developing fleet quality measures for airlines and fractional/charter aircraft and track improvements over time. Operators could be recognized with environmental awards for improvements in fleet quality.

Enhance Compliance with Use of Preferential Runway. The 1983 agreement states "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." The Board has made this preference well known to pilots and it is also encouraged by the control tower. Nonetheless, primarily because of the prevailing winds, the vast majority of departures are made to the south. For the same reason, most landings are made from the north onto Runway 19. Although many approaches involve flying the 16-mile ILS from Jackson Lake to the airport, a substantial number fly over only a small part of the park near the airport. For example, under VFR conditions, aircraft arriving from the south or east will often proceed to a point just north and east of Blacktail Butte and then enter a left 180-degree turn to fly a short final from approximately Moose to the airport.

Mandatory use of Runway 01 for landings and Runway 19 for takeoffs would have serious implications for safety due to the direction of the prevailing winds. The length of the runway and its high elevation necessitate that operations occur into the wind in most circumstances. In addition, contra-flow operations would pose safety concerns because of potential conflicts between departing and arriving aircraft. Furthermore, when the ILS approach is required, the only ILS is for Runway 19. A mandatory restriction to enforce use of the preferential runway would require Federal Aviation Administration approval and would likely be denied for safety reasons.

The Board and National Park Service will continue to monitor runway utilization and consistency with the preferential use provisions of the agreement. In addition, the Board and National Park Service will review data on wind speed and direction and other factors influencing runway utilization, and will work with the Federal Aviation Administration and the air traffic control tower to determine how to improve preferential runway use.

Eliminate Victor Airways 520 and 311. These established air routes bisect the park from east to west, with a minimum enroute altitude of 15,000 feet above mean sea level. Neither is used frequently. In a 1983 letter to the Secretary of Transportation, Secretary of the Interior James Watt requested that the Federal Aviation Administration eliminate V520. The Federal Aviation Administration declined, noting that such an action could have the unintended consequence of reducing the altitudes of enroute aircraft. The route has a minimum enroute altitude of 15,000 feet, but if it were eliminated IFR flights could occur as low as 13,000 feet above mean sea level. The National Park Service will consult with the Federal Aviation Administration regarding

whether any revisions to the airways or airspace could result in reducing aircraft noise exposure on the park.

Construct Glycol Recovery System. Propylene glycol is used for deicing aircraft. Prior to 2008, glycol that did not remain on the aircraft was allowed to simply evaporate from the ramp or be handled with storm water runoff. In 2008, the Board obtained a vacuum truck to remove glycol from the ramp and began trucking it to a Salt Lake City area recycle facility. The Board currently has a project in the airport's capital improvement plan to design and construct a deicing pad that would collect and recover glycol in a designated tank. When completed, such a system will significantly reduce glycol runoff into the storm water system. In addition, glycol use could be reduced by using forced air to blow accumulated snow from an aircraft, rather than using glycol to melt it.

Further Reduce the Effects of Fugitive Light Emissions. Under the selected action, the Board, in consultation with the National Park Service, will periodically review airport light emissions and the effects on night skies to determine any additional measures and new technology that may be used to reduce the effects of airport lighting.

Sources of light emissions from the airport include airfield lighting, such as runway, taxiway, approach, and other lighting systems designed to guide aircraft operations; parking lot lights, external building lights in and around pedestrian or vehicle movement areas. Light emissions have been reduced by a variety of measures. Pilot-activated runway lights remain off unless activated by a pilot prior to landing or takeoff. Certain portions of the parking lot are left unlighted after the last scheduled arrival at night. Lights on the ramp are shielded, and parking lot lights are of low intensity. Additional measures to curb light emissions could include the use of LED lights where applicable/feasible, further reduce the time pilot-activated runway lights remain on (currently 15 minutes), and installation of motion-activated lighting systems.

Conversion of Boilers, Generators, and Other Ground Equipment to Clean Energy Sources. In addition to the energy saving measures described above, under the selected action the Board will pursue conversion of its boilers and stand-by electrical generators from fuel oil or diesel to clean energy sources such as propane or natural gas.

Visual Quality and Vegetation/Habitat. The Board has planted trees and other vegetation at many locations on and around the airport perimeter, masking its presence from various locations. Under the selected action, this practice will be continued to further screen the airport, such as by planting trees along the access road and in other areas. Grasses could be planted in the unpaved but disturbed areas beyond the runway, and in other areas, to reduce the heat plume.

Wildlife. The Board and National Park Service will collaborate to develop procedures, methods, and strategies regarding techniques to minimize conflicts between sage grouse and aircraft. The lek at the north end of the runway has been present for decades, despite the presence of aircraft. In cooperation with the National Park Service, the Board will develop procedures, methods, and strategies to minimize conflicts between sage-grouse and aircraft operations. In addition, the National Park Service and Board will collaborate on funding research studies that could help determine whether the airport is affecting other wildlife, such as gleaning bats and insects that may be sensitive to noise and light emissions.

Additional Options for Mitigation Measures to Further Reduce Impacts of the Airport

In addition to the mitigation measures described above, the Airport Board and the NPS have developed a preliminary list of other potential mitigation measures that may be helpful in reducing noise and other environmental impacts of the airport on the park. These measures have not yet been fully evaluated in terms of their effectiveness, costs and benefits, ease of implementation, availability of funding sources, and consistency with applicable laws, regulations, executive orders, and other mandates.

Some of the measures may require substantial new funding, or require lengthy planning and/or review and approval processes. Some of the measures would require actions by other agencies, such as the Federal Aviation Administration. Some of the actions may prove to be impractical or have little effect. The National Park Service and Jackson Hole Airport Board will further evaluate these measures, and as required by the 1983 agreement, the Board will update the existing noise abatement plan, through a Federal Aviation Regulations Part 150 process to study new measures to mitigate and reduce the effects of the airport on the park. The Federal Aviation Regulations Part 150 process will include opportunities for public involvement.

The potential mitigation measures identified thus far fall into five general categories –

- Data collection, planning, and analysis;
- Improved technology and new procedures;
- Education and voluntary compliance;
- Noise and access restrictions;
- Measures to address non-noise related environmental impacts.

Data Collection, Planning, and Analysis

Expand Noise Monitoring and Measurement Programs. The Jackson Hole Airport currently has an advanced noise monitoring and measurement program. The Board maintains five permanently installed noise monitoring stations (four of them in the park and one in a residential community just south of the airport). This noise monitoring program is specifically designed to measure sounds from airport-related aircraft operations. The monitors are located in areas that have been agreed to by the National Park Service and provide data used in determining the Board's compliance with the noise requirements of the 1983 agreement. In addition, with the installation of the Federal Aviation Administration's Air Traffic Control Beacon Interrogator-6 aircraft tracking system at the airport in 2008, each aircraft noise event can be correlated to individual aircraft. This capability can provide the Board and National Park Service with depictions of the noise exposure that is related to specific aircraft operations. For each aircraft arriving at or departing the airport, data are captured that include the aircraft tail number, type of aircraft, and detailed flight track information such as altitude, speed, and heading. Computer software can be used to display the aircraft's noise "footprint as it moves over the park and surrounding areas.

In addition to the Board's noise monitoring equipment and capabilities, Grand Teton National Park maintains fixed and portable state-of-the-art sound monitoring equipment as part of its sound monitoring program. These sound monitors are used at numerous locations to collect data to quantify both natural and non-natural sounds. Aircraft sounds are the specific focus at some of these measurement locations, but the program was not designed to target operations related to Jackson Hole Airport. Many other sounds are of interest including the measurement of the non-natural sounds of road vehicles, over-snow vehicles, utilities, motorboats, and high-flying aircraft, and the identity and extent of the park's many and diverse natural sounds.

Four of the five airport noise monitoring locations are within 4 miles of the airport runway, and the fifth is approximately 6 miles north of the runway. Additional long-term locations tied into the existing airport system might provide data of the airport's operation impacts in areas currently not

as well understood. They could also be located in strategic areas to specifically measure the beneficial changes in airport operations resulting from mitigation measures. Another benefit would be that upgraded systems might be used to measure aircraft audibility based on any number of user-defined parameters.

Improved Technology and New Procedures

Reduced Power Takeoffs and Reduced Use of Reverse Thrust. The use of reduced power on takeoff can be used to lessen wear and tear on aircraft engines, as well as reducing noise. The use of reverse thrust on landing is used to slow the aircraft quickly and reduce wear and tear on brakes. Both high takeoff power settings and use of reverse thrust contribute to higher noise impacts near airports.

The relatively short length of the airport's runway, as well as its high altitude (which results in higher operating speeds on the runway) currently make either of these noise reduction measures impractical and unsafe for most jet operations at the Jackson Hole Airport. It is unknown whether future improvements in aircraft and navigation technologies could make such measures feasible.

Education, Incentives, and Voluntary Compliance

Increase the Number of Hours Voluntary Curfew is in Effect. In 2004, the Jackson Hole Airport Board adopted a voluntary curfew, with a system of notifying owners of aircraft that violate the curfew by letter and requesting them to refrain from further violations. The curfew applies to general aviation aircraft, and is between the hours of 11:30 p.m. and 6:00 a.m. for landing, and 10:00 p.m. and 6:00 a.m. for takeoff.

The curfew has been largely successful, with only a few violations per month on average. One reason for the high rate of compliance may be the perceived reasonableness of the restricted hours. Since the measure is voluntary, further restriction may have a limited effect and simply increase the number of violations. However, even assuming a similar level of compliance, the effects of further restricting the hours would apply to only a small number of takeoffs and landings and would have little effect on the overall noise impacts of the airport. Rather than reducing the number of operations, takeoffs and landings would be compressed into the hours that the curfew was not in effect. Under the selected action, the Board, in consultation with the National Park Service, will continue to monitor the effectiveness of the voluntary curfew and determine whether any changes are warranted.

Noise and Access Restrictions

The primary program under which the Federal Aviation Administration supports local airport noise compatibility planning and projects is contained within Title 14 *Code of Federal Regulations* 150 (Part 150). The regulations were promulgated to implement the Aviation Safety and Noise Abatement Act of 1979 (ASNA), and provide criteria for a voluntary program that allows airport operators to prepare noise exposure maps and recommend measures in a noise compatibility program to reduce noise and non-compatible land uses. Airport operators may submit noise compatibility programs for approval to the Federal Aviation Administration, and may be eligible for Airport Improvement Program funding to implement noise abatement projects. Part 150 studies must comply with the criteria established in the regulations. The existing noise abatement plan for the Jackson Hole Airport was developed pursuant to a Part 150 study that was completed in 1985. It has been updated at intervals from 1985 to 2003.

As a result of concerns over a proliferation of uncoordinated and inconsistent noise and access restrictions at airports throughout the United States, Congress enacted the Airport Noise and

Capacity Act of 1990 (ANCA). ANCA established a comprehensive national policy for regulating aviation noise, established criteria for noise and access restrictions at U.S. airports, and provided for an orderly phase-out of older and noisier Stage 2 aircraft weighing over 75,000 pounds. Under ANCA, a noise or access restriction on Stage 3 aircraft may become effective only if it is agreed to by all aircraft operators using the airport or it is submitted to and approved by the Federal Aviation Administration following a detailed study and notice process. The Federal Aviation Administration will approve a restriction only if it meets six statutory conditions specified in ANCA:

- 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 airspace;
- 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.

Pursuant to the Airport Noise and Capacity Act, the Federal Aviation Administration developed implementing regulations codified at 14 *Code of Federal Regulations* 161 (Federal Aviation Regulations Part 161). The regulations establish a national program for the review of airport noise and access restrictions, and outline the information that the Federal Aviation Administration considers essential to demonstrate the substantial evidence required to support the six conditions for approval of a restriction. The Part 161 regulations also require that the measurements of noise levels at airports and surrounding areas, and the land uses that are normally compatible or non-compatible with various noise exposure levels be identified in accordance with the procedures established in Part 150.

As an example of the types of information that must be provided to the Federal Aviation Administration, the essential information needed to show that the first condition has been satisfied includes 1) evidence that a current or projected noise or access problem exists, and that the proposed action could relieve the problem; 2) evidence that other available remedies are infeasible or would be less cost effective; and 3) evidence that the noise or access standards are the same for all aviation users classes, or that the differences are justified. Typically, the type and amount of data, the rigor of the analysis, and other information needed for Federal Aviation Administration review require a lengthy, time consuming, and costly Part 161 study process. This process has never before been applied in a national park setting.

In the 20 years since the Airport Noise and Capacity Act was enacted, no airport has been successful in imposing a noise or access restriction on Stage 3 aircraft. The Jackson Hole Airport Board imposed a prohibition on the use of Stage 2 aircraft under 75,000 lbs only after obtaining legislative authority in a rider on the 2003 Federal Aviation Administration reauthorization act.

The National Park Service and Jackson Hole Airport Board recognize that the requirements of the Airport Noise and Capacity Act and Part 161, which were not in effect in 1983, make it significantly more difficult to impose noise and access restrictions than it was when the agreement was first signed. With that in mind, the National Park Service and Board have identified a preliminary list of potential measures for consideration to further reduce the impacts of the airport on the Park. If it is determined that any of the following measures should be pursued, such measures could be implemented only with Federal Aviation Administration approval following the completion of a Federal Aviation Regulations Part 161 process.

Establish a Mandatory Curfew. In 2004, the Jackson Hole Airport Board adopted a voluntary curfew, with a system of notifying owners of aircraft that violate the curfew by letter and

requesting them to refrain from further violations. The curfew applies to general aviation aircraft, and is between the hours of 11:30 p.m. and 6:00 a.m. for landing, and 10:00 p.m. and 6:00 a.m. for takeoff. The curfew has been largely successful, with only a few violations per month on average. One reason for the high rate of compliance may be the perceived reasonableness of the restricted hours. A mandatory curfew would likely have little effect on aviation noise associated with the airport because very few operations normally occur during voluntary curfew hours.

Reduce the Single-Event Noise Limit. The 1983 agreement includes a provision that no aircraft louder than 92 dBA on approach, by reference to Federal Aviation Administration Circular 36-3H, may use the airport. The noise levels for each aircraft in the circular are determined through certification of measurements at a specified distance from the runway threshold. With the advent of the stage classification system for aircraft noise, the measurement procedures are different and take into consideration the size/weight of the aircraft as well. Definitions for each of the stages are found in 14 *Code of Federal Regulations* 36.

Impose Limits on the Number of Operations. As recorded by the air traffic control tower, there are approximately 140 operations per day at the Jackson Hole Airport during the peak summer season. One way of reducing noise impacts on the park would be to reduce the number of operations. Any such limit would have to be established and implemented in a manner consistent with applicable laws and regulations. At a minimum, it would have to apply equally to all classes of aviation users utilizing the airport.

Establish Noise Reduction Targets. The 1983 agreement includes performance requirements related to noise, using the DNL metric to determine whether the Board is in compliance. Specifically, the Board is required to ensure that the 55 DNL contour does not extend into areas of the park that are defined in the agreement as noise sensitive, and furthermore that the 45 DNL contour does not extend west or north of a specified restriction line. The Board has been, and continues to be in compliance with these requirements, and has demonstrated its compliance through an annual noise report every year since 1986.

The Federal Aviation Administration employs DNL as the metric to be used in determining noise exposure due to its usefulness in correlating the cumulative exposure of individuals with various levels of annoyance. However, the National Park Service believes that other metrics are more useful in describing the impacts of noise on the natural soundscapes of parks. For example, percent-time audible and various time-above metrics (for example, time above 60 DBA) are useful in describing how the natural soundscapes of a park are affected. One possible way of addressing the impacts of the airport on the park would be to redefine the performance requirements in terms of metrics that are designed to be more appropriate to a national park setting.

Designate Restricted Airspace. In his 1983 letter to Transportation Secretary Elizabeth Dole, Secretary Watt also requested that the Federal Aviation Administration restrict the use of the airspace over noise sensitive areas of Grand Teton National Park. As an interim measure, Secretary Watt asked for a restriction that would specify a minimum altitude of 3,000 feet above ground level over noise sensitive areas of the park, except for operations into and out of the airport. The purpose of both requests was to reduce noise associated with overflights. In a March 1984 response letter, the Federal Aviation Administration declined to impose such an airspace restriction, noting that it did not have any special airspace dedicated to environmental issues, and that the operations at the airport did not warrant restricted airspace. The installation of the air traffic control tower in 2000 has established a Class D restricted airspace within a 5-mile radius of the tower, up to an elevation of 3,000 feet above ground level.

Restrict or Limit the Amount of the Airport Available to Support General Aviation. The existing aircraft ramp is divided into a general aviation ramp and a more secure air carrier ramp. Approximately 65% of the ramp is for general aviation, and the remaining 35% is for air carrier. As air carrier needs have expanded over the years, the portion available to general aviation has been reduced. During most times of the year, the general aviation ramp is adequate to accommodate general aviation demand. However, during peak times the ramp is not adequate and excess general aviation aircraft must either divert to another airport, or in the case of corporate jet aircraft, it is more likely to result in passengers being dropped off and picked up later, with the aircraft being flown to another airport during the intervening time.

If less of the ramp were available to support general aviation, it is possible that the number of general aviation operations would be reduced. However, with respect to larger (and noisier) corporate jet aircraft, the number of operations could potentially increase. When there is no room for larger general aviation aircraft to remain at the airport, they usually drop off passengers and go to another airport and return. A reduction in ramp capacity therefore could potentially increase the number of operations and the resulting aircraft noise.

The Board is required by federal law to make the airport available "to all types, kinds and classes of aeronautical activity on fair and reasonable terms." If limiting the space available for general aviation purposes occurs in conjunction with an expansion of use by the Board for other aviation-related purposes, such as commercial aviation, then this is generally permissible. However, any restriction on general aviation which is not connected with another aviation use (such as a stand-alone restriction as a noise mitigation measure) would be contrary to federal law.

Use Incentives to Reduce Impacts of General Aviation. The voluntary curfew on landings and takeoffs that is currently in effect has been successful in reducing late night operations at the airport, although several violations typically occur each month. Currently, the airport's fixed-base operator (FBO) charges a higher rate for its services after curfew hours due to the additional expense of keeping employees on late, or recalling them after hours. Although the higher charges are intended to address legitimate business operations and costs, an incidental effect may be to encourage compliance with the voluntary curfew.

Similar market-based incentives could potentially be used to encourage charter and general aviation aircraft operators modify behaviors in a manner that would reduce impacts on the park. However, if intended primarily to address noise, and/or serve as a restriction on use, such measures would be subject to the Federal Aviation Regulations Part 161 approval process.

Other Mitigation and Environmental Protection Measures

Reduce Energy Consumption. The Board has recently issued a request for proposals to begin the process of pursuing ISO 14001 certification. There are numerous actions that could be taken to reduce energy consumption, including limit idle time for vehicles and equipment (applicable to the airport, tenant, and contractors), use of LED lighting, replace gasoline-powered fleet vehicles with electric, LNG, or hybrid vehicles, and provide incentives for rental car companies to include hybrid or high mileage vehicles in their fleets. Motion-activated lighting or reductions in the duration of pilot-activated lighting could also reduce energy consumption, as could use of alternative energy sources to power some lighting systems, such as parking lot lights. The use of mobile ground power units for aircraft could be reduced or eliminated by providing 440V 200 amp power connections.

It is recognized that not all of these measures are ripe for implementation, some of them because the technology is not yet available, others because they would be unlawful (i.e. certain noise and access restrictions), and still others due to the availability of funding. Nevertheless, in meeting the

requirements of the agreement, as amended, the Board will make reasonable efforts to pursue these measures and either implement them directly or determine whether they are desirable and/or feasible to implement.

In addition to the mitigation measures discussed above and in Chapter 2 of the FEIS, the FEIS also included a statement regarding the NEPA process that would be required by the NPS should future development proposals consider expanding the overall size of the airport or extending the length of the runway (FEIS p.17). The NPS recognizes that the length of the runway at the Jackson Hole Airport is shorter than for most other airports with comparable operational profiles and that the number of runway excursions (i.e. overruns) has been and continues to be of concern. While the NPS has always been and will continue to be steadfastly supportive of improvements that are necessary to ensure aviation safety, the NPS also recognizes that significant changes in or expansion of the development footprint of the airport may be inconsistent with its operation within a national park. Therefore, should any future development proposals that would result in an expansion of the airport's overall size or lengthening of the runway be considered, the NEPA process will necessarily consider at least one alternative that would discontinue airport operations in its current location and relocate it to an alternate site outside of Grand Teton National Park.

OTHER ALTERNATIVES CONSIDERED

Several alternatives or actions suggested during scoping by other agencies or the public were not examined in detail in the environmental impact statement. Consistent with section 1502.14 of the Council on Environmental Quality (1978) regulations for implementing the National Environmental Policy Act, this section identifies those alternatives and actions, and presents the reasons why they were not considered further.

Evaluate an Alternative that Would Allow an Increase in the Height of Airport Buildings. The 1983 agreement limits the height of buildings at the airport to an elevation not greater than the height of buildings that were present in 1983, agreed to be 6,437 feet above mean sea level. It was suggested that increasing the 1983 agreement's height restriction for buildings by 6 feet would enhance the airport's operational flexibility.

Response: Jackson Hole Airport staff examined the potential for, and benefits of, increasing the height of existing buildings and/or constructing new buildings to a height of 6,443 feet above mean sea level instead of the existing ceiling. Staff determined that such an increase in the allowable height of buildings would provide little or no operational benefit. Therefore, this change was eliminated from further consideration.

Evaluate an Alternative that Would Close the Airport and Develop Air Service Elsewhere.

Suggestions ranged from phased reductions to immediate termination of existing operations at the Jackson Hole Airport. Suggested locations for airport facilities that could be created or expanded to handle air service for the area included Afton, Alpine, Casper, Daniel, Dubois, Driggs, Idaho Falls, Salt Lake City, and Star Valley. A related suggestion included exploring a land swap for a replacement airport site on private in-holdings on Bureau of Land Management or other federal land.

Response: The 1983 agreement between the Department of the Interior and the Jackson Hole Airport Board authorizes the airport to operate within Grand Teton National Park until April 27, 2033. The agreement, as amended in 1985, may be terminated for default prior to that time, but not without giving the Board an opportunity for a hearing on the merits of the alleged default and without providing a reasonable period within which to cure the default. Absent those conditions, the Department of the Interior may not simply terminate the agreement earlier than its 2033 expiration date.

The no action alternative considered in the environmental impact statement would result in closure and removal of the airport in 2033.

During the 1970s and early 1980s, Jackson Hole Preserve and the Federal Aviation Administration investigated the possibility of relocating the airport to an alternate site. Although many sites were studied, none was considered both feasible and prudent as a replacement for the existing Jackson Hole Airport. A site known as Webb Draw, near Daniel, Wyoming, was investigated most closely. The Federal Aviation Administration concluded that although it was technically feasible to build an airport at the site, airport relocation was not prudent, given the practical and political ramifications (Federal Aviation Administration 1982).

In addition, an alternative that would close the airport and develop air service elsewhere does not meet the purpose and need of the proposal that was evaluated in the environmental impact statement.

Improve Transportation from Other Airports. These suggestions presumed that operations at the Jackson Hole Airport would be severely limited or terminated and that another airport in the region would be created or expanded to provide replacement air service. Suggestions included enlarging the Snake River Canyon road (U.S. Highway 26) to create a four-lane highway, and building concrete avalanche snow sheds on Teton Pass to keep Wyoming Highway 22 open throughout the winter to accommodate travel from candidate Idaho airport sites to Jackson. It also was suggested that a shuttle bus service should be provided from a new or expanded airport in another community to Jackson.

Response: The improvement of highways and other transportation systems is managed and largely funded by the states and the U.S. Department of Transportation and is outside the responsibility of the National Park Service. Independent of actions associated with the Jackson Hole Airport, the Southern Teton Area Rapid Transit (START) already provides bus service to some of the nearby communities that have been suggested as locations for a replacement airport.

Evaluate an Alternative that Includes Additional Requirements to Further Reduce and Mitigate the Effects of the Airport. Commenters suggested that any airport agreement should require the Jackson Hole Airport Board to further reduce the impacts of the airport on Grand Teton National Park. Many comments were non-specific with regard to the types of mitigation or other requirements that should be imposed. Others suggested specific measures, such as limits the number of operations or enplanements, limits or prohibitions on types of aircraft, restrictions on use of the airspace or aircraft operational procedures, restrictions on the development footprint or future development, or revisions to the noise abatement plan or noise exposure limits in the 1983 agreement.

Response: The draft environmental impact statement included two alternatives, including the no action alternative, under which the term of the agreement would not be extended, and the preferred, which would extend the term by 20 years. In response to comments received on the draft environmental impact statement, the National Park Service revised the preferred alternative to strengthen the agreement's commitment to reduce the impacts of the airport to the lowest levels practicable. The rationale for responding to comments by revising the preferred alternative, rather than including one or more additional alternatives, is set forth below.

The 1983 agreement was entered into, among other reasons, "to provide a mechanism to facilitate the qualification for Federal Aviation Administration grants-in-aid." When airport owners or sponsors, such as the Jackson Hole Airport Board, accept funds from the airport financial assistance programs of the Federal Aviation Administration, they must agree to obligations (assurances). These obligations require the recipients to maintain and operate their facilities safely and efficiently and in accordance with specified conditions. The assurances appear either in the application for federal assistance, where they become part of the final grant offer, or in restrictive covenants to property

deeds. The duration of these obligations depends on the type of recipient, the useful life of the facility being developed, and other conditions stipulated in the assurances. The terms of the 1983 agreement were crafted to enable the Board to comply with these obligations.

None of the terms and conditions in the 1983 agreement precludes the Board from taking actions to reduce the impacts of the airport on the park. However, in doing so, the Board must comply with all applicable laws, regulations, and contractual requirements. Some of the features governed by these laws and regulations include airport noise compatibility planning, noise and access restrictions, and funding procedures and requirements. For example:

- By law, the Board must make the airport available as a public facility, open to all classes and types of aviation users.
- The Board may not impose new noise or access restrictions without submitting them to the Federal Aviation Administration for review and approval in accordance with a process prescribed by the Airport Noise and Capacity Act of 1990 and its implementing regulations.

Even when changes “may” be made, experience has demonstrated that the approval process makes changes unlikely. For example, in the 20 years since the enactment of Airport Noise and Capacity Act, no airport in the nation has been successful in implementing noise or access restrictions for Stage 3 aircraft.

Because of these types of limitations, the National Park Service does not believe that an alternative that required the Board to take many of the types of actions suggested by the commenters would be viable. Instead, the National Park Service revised the preferred alternative to require the Board to work within the framework of existing laws and regulations to further reduce the impacts of the airport on the park.

Limit Construction in the Development Subzone. It was suggested that airport growth could be limited by not allowing any new facilities in the development subzone, and not allowing any existing facilities to be replaced or expanded. Specific comments opposed replacing the hangars, expanding the parking areas for aircraft and automobiles, providing a taller terminal for modern ramps to scheduled passenger service aircraft, constructing additional buildings, expanding rental car facilities, increasing ramp lighting, or increasing fuel storage.

Response: These types of limits are not an alternative, individually or collectively, because they do not fulfill the purpose and need for the proposed action. Rather, they are potential mitigation measure that commenters think would reduce the effects of the airport.

Section 7(a) of the agreement authorizes the Jackson Hole Airport Board to “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.” So long as the Board conforms to limitations specified in other sections of the 1983 agreement, it may develop or redevelop the land within the 28.5-acre development subzone as it deems appropriate.

Impose Additional Restrictions on the Jackson Hole Airport Board. Some commenters suggested that the National Park Service should unilaterally impose additional requirements or conditions on the Jackson Hole Airport Board regarding facilities or operations at the airport.

Response: Such requirements do not represent alternatives because they do not fulfill the purpose and need for the proposed action. Rather, they are potential mitigation measure that commenters think would reduce the effects of the airport.

The April 27, 1983 document clearly states that it is an *agreement* between the Jackson Hole Airport Board and the U.S. Department of the Interior. Any changes to the agreement must be negotiated between the parties. The National Park Service cannot unilaterally change the terms and conditions of the agreement without the concurrence of the Board.

Address Regional Carrying Capacity. Because the airport does not substantially affect the carrying capacity of Grand Teton National Park, all of these comments were related to airport carrying capacity or the consideration of regional carrying capacity. Specifically, they mentioned analyzing the area's ability to support the human population without deterioration to the environment and the quality of life that Jackson residents and visitors have come to expect.

Response: Carrying capacity of the airport is addressed in the environmental impact statement in terms of opportunities for changes at the airport under the existing agreement, such as expansion or replacement of buildings, alternate uses of the current parking areas, and modifications to hangars. Indirect effects of the action on the maintenance of natural and social conditions outside the park and quality of life are considered for multiple impact topics, including dark skies, wildlife, socioeconomics, and transportation.

Maintain Development Subzone and Airport Boundaries. Commenters suggested restrictions on future expansions of the airport. Specifically, they said the National Park Service should not allow any facilities outside the existing development subzone or airport boundary.

Response: The boundaries of the development subzone and airport are defined in the 1983 agreement. These boundaries would not be changed by either alternative. The current limitations on the installation of facilities outside these boundaries would continue under both alternatives.

Future changes to the development subzone, changes to the airport boundaries, or other changes to the agreement related to the development of facilities could occur only with an amendment to the 1983 agreement, supported by an appropriate National Environmental Policy Act process. Any proposal to change boundaries or to install facilities outside the development subzone would require the preparation of an action-specific National Environmental Policy Act compliance document. This would include notification and opportunities for comment by the public and other agencies, consistent with Council on Environmental Quality (1978) requirements and the procedures in *Director's Order #12 and Handbook: Conservation Planning, Environmental Impact Analysis, and Decision Making* (NPS 2001a).

Change Sound Management. Suggestions for managing aircraft sound included:

- Change the existing noise limits or noise levels.
- Reduce or eliminate nighttime takeoffs and landings at the airport, except for emergency services.
- Prohibit helicopter and small-plane tours of Grand Teton National Park.
- Update the existing noise management plan. Suggestions from commenters included implementing procedures for monitoring and managing noise levels; a requirement that noise abatement procedures apply to all aircraft, not just the commercial aircraft covered in the current plan; management of noise as a cumulative "noise bucket" that is compared to a "noise bucket capacity" that includes all scheduled passenger service and general aviation flights; better controls on directions of takeoffs and landings; and a ban on aircraft approaches over the park through the contracts airlines sign allowing them to do business at the Jackson Hole Airport.

Response: Sections 4(f) and 4(g) of the existing agreement established noise standards for the operation of the Jackson Hole Airport. Modifications to these sections of the agreement are outside the scope of the alternatives.

The Jackson Hole Airport Board has adopted a voluntary curfew between the hours of 11:30 P.M. and 6:00 A.M. for landing and 10:00 P.M. and 6:00 A.M. for takeoff. Under the Airport Noise and Capacity Act and its implementing regulations, the Board is prohibited from adopting a mandatory curfew. However, to improve compliance with the voluntary curfew, the Board records information on aircraft that violate the curfew and notifies their owners by letter, reminding them of the reasons for the curfew and requesting them to refrain from further violations.

The Airport Noise and Capacity Act and its implementing regulations also prohibit any reduction in existing noise limits without Federal Aviation Administration approval.

With regard to air tours, section 4(h) of the 1983 agreement already prohibits the origination from the Jackson Hole Airport of any commercial scenic or charter flights over the noise-sensitive areas of the park. In addition, there are no known, regularly scheduled, air tour operations over Grand Teton National Park from any other airports.

If an operator wanted to conduct such tours from another airport, the Federal Aviation Administration and National Park Service first would have to implement measures to conform to the requirements of the National Parks Air Tour Management Act of 2000. These would include:

- Establishing an air tour management plan would include holding public meetings and complying with the National Environmental Policy Act and Council on Environmental Quality (1978) regulations for its implementation. (For purposes of complying with the regulations, the Federal Aviation Administration would be the lead agency and the National Park Service would be a cooperating agency.) The air tour management plan would include acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations on the natural and cultural resources and visitor experiences of the park.
- Requiring applications from candidate commercial air tour operators for authority to conduct operations over park lands in conformance with the air tour management plan. The National Park Service would be involved in approving or disapproving applications.

The Federal Aviation Administration and National Park Service have not received any requests for commercial air tour operations over Grand Teton National Park.

The Jackson Hole Airport Revised Noise Abatement Plan has not been formally updated since 1985. However, the Jackson Hole Airport Board continuously implements measures to manage and reduce sound, consistent with the requirement in section 4(e) of the 1983 agreement and in accordance with the Part 150 Airport Noise Compatibility Planning requirements of the Federal Aviation Administration's Airports Environmental Program. For example:

- The Board includes language in all leases with scheduled passenger service airlines that requires airlines to ensure that their pilots are made aware of the sound abatement rules and procedures, and to take appropriate action against employees for operations contrary to the noise control plan where there are no valid reasons for noncompliance. Similar language is included in the airport's contract with the fixed-base operator, Jackson Hole Aviation. In addition, the contract with Jackson Hole Aviation requires them to insert language into all subcontracts intended to ensure compliance with the noise abatement plan, and to distribute copies of the noise abatement plan to departing pilots.
- On June 28, 2004, the Jackson Hole Airport began enforcing a rule prohibiting the operation of all Stage 2 aircraft. The rule affects a relatively small number of general aviation jet aircraft that contributed disproportionately to impacts on the park's soundscape. Violation of the rule may result in a \$750 fine and mandatory court appearance under the Town of Jackson Municipal Code.

- The airport has developed a good working relationship with personnel the control tower, which is operated under contract with the Federal Aviation Administration. The tower provides information to pilots by radio regarding the noise abatement procedures.

In accordance with section 4(e) of the 1983 agreement, the Jackson Hole Airport Board must review and amend the noise control plan for the Jackson Hole Airport “to incorporate new prudent and feasible technological advances which would allow further reduction in sound impacts on Grand Teton National Park” regardless of the alternative selected for extending the agreement.

No Action Alternative – The FEIS also evaluated in detail Alternative 1, the No Action Alternative. This under this alternative the 1983 Agreement would remain unchanged, expiring in 2033. Since there would be less than 20 years remaining on the term of the agreement beginning in 2013, the Board would no longer be eligible for FAA grants. Absent such funding, the Board would be unlikely to be able to maintain the airport such that it could be certified for scheduled commercial passenger service. Within a few years after 2013, the airport would likely lose its Part 139 certification, and continue to serve only general aviation.

BASIS FOR THE DECISION

This decision is based on the elements presented in Alternative 2 of the FEIS, the NPS Preferred Alternative. The selected action will ensure that the expiration date of the 1983 Agreement between the Department of the Interior and the Jackson Hole Airport Board does not preclude the Board from being eligible for grants from the FAA through 2033. Such grants are necessary for the Board to maintain and operate the airport in a manner that allows it to continue providing scheduled commercial passenger service. Additionally, the decision will amend the agreement to immediately strengthen the requirements of the Board to undertake efforts to further mitigate and reduce the impacts of the airport on the park, and such requirements will remain in effect over the lifetime of the agreement. Among the two alternatives fully considered in the FEIS, it is the only one that will meet the purpose and need of the proposed action evaluated in the FEIS.

The 1983 Agreement was entered into by the Secretary of the Interior pursuant to the Department of the Interior Airports Act (16 U.S.C. 7a-7e), and included a statement that the Secretary had “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.” That determination remains in effect, and this decision will ensure that the Board remains eligible for FAA grants through the original 50-year authorized term (30 years plus two 10-year options; i.e. through 2033). Absent additional action and/or changes in law/policy/regulations within approximately 20 years, the Board will face a similar set of circumstances in which it would again become ineligible for FAA grants in beginning in 2033.

FINDINGS ON IMPAIRMENT OF PARK RESOURCES AND VALUES

The guidance in *Management Policies 2006* (NPS 2006a) requires analysis of potential effects to determine whether or not actions would impair park resources. The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adversely impacting park resources and values. Section 1.4.3 of *Management Policies 2006* states:

“The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States ... Congress, recognizing that the enjoyment by future generations of the national parks can be enjoyed only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act.”

However, the laws give the National Park Service the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of the park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the National Park Service the management discretion to allow certain impacts within the park, that discretion is limited by the statutory requirement that the National Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values. An impact to any park resource or value may, but does not necessarily, constitute an impairment, but an impact would be more likely to constitute an impairment when there is a major or severe adverse effect on a resource or value whose conservation is

- Necessary to fulfill specific park purposes identified in the establishing legislation or proclamation of the park; or
- Key to the natural or cultural integrity of the park; or
- Identified as a goal in the park's general management plan or other relevant NPS planning documents.

An impact would be less likely to constitute impairment if it is an unavoidable result of an action necessary to pursue or restore the integrity of park resources or values and it cannot be further mitigated.

The park's resources or values that are subject to the no-impairment standard generally include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: ecological, biological, and physical processes that created the park and continue to act upon it; scenic features, natural visibility, both in daytime and at night; natural landscapes, natural soundscapes and smells; water and air resources; soils; geologic resources; paleontological resources, archeological resources; cultural landscapes; ethnographic resources, historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals.
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from National Park Service activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and other operating in the park. The NPS's threshold for considering whether there could be impairment is based on whether an action would have major or significant effects.

Impairment findings are not necessary for visitor use and experience, socioeconomics, public health and safety, park and airport operations, and surface and air transportation, because impairment findings relates back to park resources and values, and these impact areas are not generally considered park resources or values according to the Organic Act, and cannot be impaired in the

same way that an action can impair park resources and values. After dismissing the above topics, the topics remaining to be evaluated for impairment include natural soundscapes, visual quality and dark skies, water quality and hydrology, and wildlife.

Natural Soundscapes – For natural soundscapes, the selected action will result in adverse effects of major intensity, based on the amount of the park affected by aircraft audibility of 10% or more of the time. However, as described in Chapter 4 of the FEIS under the Natural Soundscapes section, the effects over the majority of the park would be much less in their magnitude, intensity and duration. Most of the park would be unaffected by aircraft sounds, which would occur infrequently and at low sound levels. Areas of the park in which natural sounds predominate, such as recommended wilderness, would be only slightly affected by the presence of the airport, and much of that area would be essentially unaffected. The effects of the airport would be most pronounced in areas of the park where, for most visitors, their experience is characterized by motor vehicle travel on park roads or the highway, or activities within developed areas. Ambient sound levels in these areas tend to be higher than the values used in the modeling, and the sounds from aircraft would be small in comparison to other non-natural sounds that are ubiquitous, such as those from motor vehicles. Thus, although the effects of the airport on the natural soundscapes of the park are characterized as major and adverse, the effects do not rise to the level of impairment.

Visual Quality and Dark Skies – The selected action would have, at most, minor effects on visual quality and dark skies. In some locations, visitors may notice a one-step change in the observable magnitude of night skies, such as at the airport itself, but within the majority of the park, there would not likely be a perceptible or measurable change when compared with existing visual conditions. Therefore, there would be no impairment to visual quality or dark skies under the selected decision.

Water Quality and Hydrology – Impacts to water quality and hydrology under the selected action are anticipated to be negligible, which means that any impacts that may occur would not be measurable and all water quality parameters would continue to be consistent with all water quality standards for the designated use. Thus, the effects do not rise to the level of impairment.

Wildlife – Impacts on wildlife, including special concern, threatened, endangered, and candidate species would be no greater than minor. Individuals of multiple species may be affected, but those effects would be localized and would not be detectable at the population level. Sage-grouse would continue to experience minor adverse impacts, which may adversely affect individuals, but changes are unlikely to negatively affect the overall population. Because the intensity of impacts would not be greater than minor and would not adversely affect the values protected under the Organic Act, there would be no impairment to wildlife under the selected action.

In conclusion, as guided by the analysis in the FEIS, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the professional judgment of the Superintendent, with concurrence of the Regional Director, that there will not be impairment of park resources and values as a result of implementing the preferred alternative.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The preferred alternative for extending the airport agreement is Alternative 2 (the selected action).

The environmentally preferred alternative is defined as “the alternative that will best promote the national environmental policy expressed in the National Environmental Policy Act’s section 101.” This generally is interpreted to mean the alternative that causes the least adverse effect on physical,

biological, and cultural resources. However, the policy also considers beneficial use of the nation's resources and providing a high standard of living.

Section 101(b) of the National Environmental Policy Act identifies six criteria to help determine the environmentally preferred alternative. The act directs that federal actions should:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
2. Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings.
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.
4. Preserve important historical, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.
5. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities.
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The alternatives for the Jackson Hole Airport agreement extension differ in their abilities to fulfill these criteria. Effects of the alternatives relative to these criteria are described below. A more detailed evaluation of effects is provided in "Chapter 4, Environmental Consequences."

1. *Fulfill the Responsibilities of Each Generation as Trustee of the Environment for Succeeding Generations*

Alternative 1, the no action alternative, would remove the Jackson Hole Airport from within Grand Teton National Park after the existing agreement expired in the year 2033. As a result, it would be most effective in allowing the National Park Service to meet its obligation to future generations as trustee of the environment of Grand Teton National Park.

On a larger scale, a reasonably foreseeable cumulative action that would result from Alternative 1 would be the expansion of an alternate airport elsewhere in the region. Associated with that action would be the major upgrade of the roads leading from the alternate airport to the national parks, national forests, and ski resorts north of Jackson that currently are accessed through the Jackson Hole Airport. Adverse effects may occur at the alternate airport site and, particularly, along the highways from the alternate airport to the Jackson area, which may go over the environmentally sensitive Teton Pass. By maintaining the existing airport, Alternative 2 would enable this generation to be a better trustee of the environment along approximately 50 miles of mountain roads, with associated wetlands, soils, geologic resources, cultural features, and scenic views, for succeeding generations.

2. *Assure for All Americans Safe, Healthful, Productive, and Esthetically and Culturally Pleasing Surroundings*

With regard to aviation at Jackson Hole Airport, there would be little difference between the alternatives regarding this criterion's goal of safe and healthful surroundings, although they would meet the goal using different approaches. Alternative 2 would promote safety and health for aircraft pilots and passengers by providing facilities and equipment that meet Federal Aviation Administration standards for scheduled passenger service. Alternative 1 would ensure safety by changing Jackson Hole airport operations to allow only general aviation at a level that was considered safe by pilots.

Alternative 2 would continue the benefits of productive surroundings that the Jackson Hole Airport currently provides to the northwest Wyoming region. Alternative 1 would transfer many of those benefits to the community where the alternate airport was located, or to other communities

throughout the western United States where potential visitors decided to take vacations because of easier access.

Removing the airport after 2033 under Alternative 1 would best meet the second criterion's goal of providing aesthetically and culturally pleasing surroundings within Grand Teton National Park. However, as described above, a reasonably foreseeable connected action would be the reconstruction and widening of parts of the mountain highways between Jackson and an alternate airport. Major road reconstruction would produce large land disturbances associated with cuts and fills, including disturbances of the extensive wetlands along the highway routes, and would substantially increase the visibility of the road corridors on the landscape. It also would alter the historic alignments of these roads, remove the historic roadbeds that still are in use in many areas, and result in the removal of any prehistoric or historic cultural resources in the new, enlarged rights-of-way.

3. *Attain the Widest Range of Beneficial Uses of the Environment without Degradation, Risk to Health or Safety, or Other Undesirable and Unintended Consequences*

Alternative 2 would be more effective than Alternative 1 in meeting this criterion's goals. Under this alternative, the airport would continue to function as a key component of the economy of Teton County, northwest Wyoming, and eastern Idaho without any additional degradation of Grand Teton National Park. In contrast, Alternative 1 would have serious undesirable and unintended consequences, described for the previous two criteria, relating to the expansion of another airport to serve the region, widening of environmentally sensitive road corridors, and displacement of economic productivity.

4. *Preserve Important Historical, Cultural, and Natural Aspects of Our National Heritage, and Maintain, Wherever Possible, an Environment which Supports Diversity and Variety of Individual Choice*

Within Grand Teton National Park, Alternative 1 would best meet this criterion's goal of preserving important historical, cultural, and natural aspects of our national heritage by, after 2033, restoring the airport site to a natural condition and eliminating airport-related sound. In addition, this alternative could contribute indirectly to the preservation of historical, cultural, and natural resources outside the park by potentially reducing economic incentives to convert private lands that have been used primarily for agriculture into residential or commercial developments.

Regionally, the goal to preserve important historical, cultural, and natural aspects of our national heritage would be better met by Alternative 2. As described previously, Alternative 1 likely would result in construction to expand an alternate airport and the widening or upgrade of mountain highways, including the environmentally sensitive and historic Teton Pass road. These actions would have substantial adverse effects on the surrounding historical, cultural, and natural resources that would not occur with Alternative 2. Pressures to convert private agricultural lands into residential or commercial developments would continue regionally, but would be relocated more to the vicinity of the alternate airport or along the improved road corridors.

With regard to supporting diversity and variety of individual choice, Alternative 2 would promote economic diversity and provide additional choice in modes of transportation to access the region. However, it would limit the ability of individuals to choose to enjoy a natural soundscape within Grand Teton National Park without being affected by airport-related sound.

5. *Achieve a Balance between Population and Resource Use which Will Permit High Standards of Living and a Wide Sharing of Life's Amenities*

Within Teton County and the northwest Wyoming region, Alternative 2 would best meet this criterion's goal of achieving a balance between population and resource use. Without the need for any new construction, the Jackson Hole Airport would remain a key component of the economy and would continue to provide easy access to this otherwise geographically remote area's amenities.

6. *Enhance the Quality of Renewable Resources and Approach the Maximum Attainable Recycling of Depletable Resources*

Alternative 1's reasonably foreseeable outcome of the expansion of an airport elsewhere in the region and the upgrading and widening of roads from that airport to the Jackson area would result in the use of large quantities of depletable resources. As a result, Alternative 2 would be more effective in fulfilling this criterion.

Summary of Ability to Fulfill Criteria

Alternative 1 would best promote the natural and cultural components of the environment within Grand Teton National Park by restoring the 533-acre airport setting to a natural condition and eliminating airport-related sound in the park. On a regional scale, Alternative 2 would better protect the nation's natural and cultural resources by continuing the use of an existing facility rather than indirectly causing extensive new construction in environmentally and historically sensitive settings outside the park. Alternative 2 would be more effective than Alternative 1 in balancing resource use with the environment. The social and economic benefits provided by Jackson Hole Airport would continue without any additional degradation of the natural and cultural resources in the park or the region.

When these factors are weighed with regard to, as stated in the fifth criterion, the ability to "Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities," Alternative 2 is environmentally preferred because it would be most effective in promoting the values expressed in the National Environmental Policy Act.

PUBLIC AND AGENCY INVOLVEMENT

Public Scoping

Based on the internal scoping meetings, the National Park Service prepared a newsletter to inform the public of the intent to prepare a National Environmental Policy Act compliance document on the Jackson Hole Airport agreement extension. The newsletter:

- Described the purpose and need for the extension of the 1983 agreement;
- Presented a map showing the affected area;
- Outlined three preliminary alternatives, including no action, extend the existing agreement, and update and extend the agreement;
- Identified the impact topics that most likely would be considered in the environmental impact evaluation;
- Provided an overview of the National Environmental Policy Act compliance process; and
- Invited the public to comment on any of the elements presented in the newsletter, or to provide additional information that might be useful in evaluating the agreement extension.

A press release was issued to inform all federal, state, and local officials and interested organizations that a newsletter soliciting public feedback on the project was published. The newsletter was mailed to all of the individuals and organizations that previously had indicated an interest in the management of Grand Teton National Park. Additional copies were provided at the Craig Thomas Discovery and Visitor Center at Moose and the Teton County public library. It also was posted on the Internet with links from the Grand Teton National Park web site and from the NPS' Planning, Environment, and Public Comment (PEPC) website at <http://parkplanning.nps.gov>.

A notice of intent to prepare an environmental assessment for the Jackson Hole Airport agreement extension was published in the Federal Register on December 28, 2005. The notice included much of the same information as the newsletter and provided an Internet address to access the newsletter. Similar information was provided in a public notice provided to the press on November 17, 2005.

The period for providing scoping comments ended on January 9, 2006. As a result of scoping, the National Park Service received 24 responses from other agencies and the public by letter, e-mail, or the Internet. Agencies that provided comments included the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and Wyoming Game and Fish Department. Comments were received from three organizations and 18 unaffiliated individuals.

Collectively, the responses from agencies and the public included approximately 250 individual comments. These were combined with the comments made by NPS staff and representatives from the Jackson Hole Airport Board, and then were sorted based on similar concerns. The comments resulted in the lists of issues that are provided at the ends of the "Methods" sections for each of the impact topics in Chapter 4 and that were systematically analyzed in the impact analysis. Comments that were not included among the issues were addressed in Chapter 1 under the heading "Alternatives or Actions Eliminated from Further Study" with a justification for why they were dismissed.

After looking at preliminary data, the National Park Service determined that its planning process would be better served, and the quality of its decision would be enhanced, by preparation of an environmental impact statement rather than an environmental assessment. The notice of intent to prepare an environmental impact statement was published in the Federal Register on August 9, 2007.

During scoping, the National Park Service sent letters requesting consultation with the U.S. Fish and Wildlife Service and Wyoming Game and Fish Department regarding endangered or threatened species within or near the Jackson Hole Airport site. A letter to the Wyoming state historic preservation officer requested consultation regarding cultural resources. The December 19, 2005 response from the U.S. Fish and Wildlife Service and January 6, 2006 response from the Wyoming Game and Fish Department are provided in Appendix A of the FEIS. A written response was not received from the Wyoming state historic preservation officer. All of these agencies received copies of the draft environmental impact statement with a written request for their comments.

In November 2005, the National Park Service sent copies of the scoping brochure to the local tribes, including the Crow, Northern Arapaho, Northern Cheyenne, Eastern Shoshone, and Shoshone - Bannock Tribes. When the environmental impact statement was released to the public, the National Park Service sent letters to the tribes, formally asking for their input.

Public Comment and Review of the Draft Environmental Impact Statement

The Jackson Hole Airport Use Agreement Extension Draft Environmental Impact Statement was officially released for public comment with a notice of availability in the Federal Register on April 3, 2009. The draft environmental impact statement was placed on the NPS' Planning, Environment, and Public Comment (PEPC) website at <<http://parkplanning.nps.gov>> on March 27, 2009. The public comment period originally extended through June 3, 2009, but was extended to June 15, 2009 to allow for additional time for submitting comments. The National Park Service solicited comments from state, county, and town agencies and organizations; park neighbors; the Wyoming state historic preservation officer; and traditionally associated American Indian Tribes. The National Park Service also sent a letter announcing the availability of the draft environmental impact statement to the park's mailing list of private individuals and organizations.

Appendix E of the FEIS summarizes all the substantive comments received on the draft environmental impact statement and provides responses to comments, as required by the Council of Environmental Quality (1978) regulations for implementing the National Environmental Policy Act.

Agency Consultation and Coordination

The following six agencies provided comments on the draft environmental impact statement. Copies of these letters are included in Appendix E of the FEIS.

- U.S. Environmental Protection Agency;

- Governor, State of Wyoming;
- Wyoming Aeronautics Commission;
- Wyoming Game and Fish Department;
- Mayor, Town of Jackson; and
- Police Department, Town of Jackson.

The draft environmental impact statement also was sent to the U.S. Fish and Wildlife Service, and U.S. Forest Service Bridger-Teton National Forest. Neither of these agencies provided letters or other comments.

Compliance with section 7 of the Endangered Species Act was conducted through review and concurrence of the determination of “no effect” stated in the draft environmental impact statement. Because the U.S. Fish and Wildlife Service does not normally concur in writing for a “no effect” determination, and because it did not send a comment letter, the National Park Service requested a letter from this agency indicating successful compliance with section 7 for this project. This letter is included in Appendix A of the FEIS.

Consultation with the Wyoming state historic preservation officer and compliance with section 106 of the National Historic Preservation Act were conducted separately from preparation of the final environmental impact statement, based on that agency’s initial comments on the draft document. Park staff coordinated with the state historic preservation officer regarding the project and a separate assessment of effect, and submitted a determination of “no adverse effect” on cultural resources listed or eligible for listing in the National Register of Historic Places. The state historic preservation officer concurred with this determination in January 2010. All correspondence relating to section 106 compliance is provided in Appendix A of the FEIS.

The draft environmental impact statement was sent to the following American Indian tribes for review and comment: Northern Arapaho, Northern Cheyenne, Crow, Eastern Shoshone, and Shoshone - Bannock Tribes. No comments were received on that document from any American Indian tribe.

CONCLUSION

As described above, this decision will strengthen the requirements of the Jackson Hole Airport Board to further mitigate and reduce the effects of the airport on Grand Teton National Park. This strengthened requirement is in addition to the requirements that already exist in the agreement, such as the limitations on noise and the obligation to incorporate new prudent and feasible technological advances that would allow further reduction in noise impacts. A suite of mitigation measures and potential additional measures was identified in the FEIS and are incorporated in this decision.

Under this decision, all practical means to avoid or minimize environmental harm from the selected alternative have been or will be adopted. Because there would be no unacceptable impacts to resources whose conservation is (1) necessary to fulfill specific purposes in the establishing legislation or proclamation for Grand Teton National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in relevant National Park Service planning documents, there would be no impairment of the park’s resources or values. After a review of these effects, the alternative selected for implementation will not impair park resources or values and will not violate the NPS Organic Act.

APPENDIX A – PROPOSED TEXT OF THIRD AMENDMENT

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 1930's, has been served by commercial airlines since 1941;

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 10th 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

By: _____

Regional Director, Intermountain
Region
National Park Service

Date:

ATTEST

Secretary

JACKSON HOLE AIRPORT BOARD

By:

President

Date:

Date:
