

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NOTICE: WFF-2016-01

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA): Establishment of Restricted Area Airspace (R-) 6604C/D/E at Wallops Flight Facility (WFF)

AGENCY: NASA

ACTION: Finding of No Significant Impact (FONSI)

SUMMARY: Pursuant to the NEPA of 1969, as amended (42 U.S. Code [U.S.C.] § 4321 et seq.), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] § 1500-1508), and NASA Procedures for Implementing NEPA (14 CFR Subpart 1216.3), NASA has made a FONSI with respect to its proposed establishment of Restricted Area Airspace R-6604C/D/E at WFF, Accomack County, Virginia.

ADDRESS: The Final Environmental Assessment (EA) that supports and serves as a basis for this FONSI may be reviewed at:

- Chincoteague Island Library, Chincoteague, Virginia
- Wallops Flight Facility Visitor's Center, Route 175 near Chincoteague, Virginia
- Eastern Shore Public Library, Accomac, Virginia

An electronic copy of the Final EA is available on the Internet at:

http://sites.wff.nasa.gov/code250/Establishment_R-6604CDE_FEA.html.

A limited number of copies of the Final EA may be obtained by contacting the NASA representative at the address or telephone number indicated below.

FOR FURTHER INFORMATION, CONTACT: Ms. Shari Miller, NASA WFF, Mailstop: 250.W, Wallops Island, Virginia, Phone: (757) 824-2327, Email: Shari.A.Miller@nasa.gov.

SUPPLEMENTAL INFORMATION:

NASA has reviewed the EA prepared for the establishment of Restricted Area Airspace R-6604C/D/E and has concluded that the EA represents an accurate and adequate analysis of the scope and level of associated impacts. NASA hereby incorporates the EA by reference into this FONSI.

The Federal Aviation Administration (FAA) Air Traffic Organization served as a Cooperating Agency in preparing the EA, as it possesses both specialized expertise and regulatory authority regarding the proposal.

Alternatives Considered

The EA evaluates in detail two alternatives: the Proposed Action and the No Action Alternative. Under the Proposed Action, the FAA would grant NASA's request for additional Restricted Area Airspace such that NASA can conduct aircraft experimental test profiles with a much lower risk of encountering non-participating aircraft. No changes are proposed to the types of aircraft or types and number of operations conducted within the airspace adjacent to WFF. The new Restricted Area Airspace would supplement WFF's existing R-6604A/B airspace.

With the purpose of safely segregating civil air traffic from flight testing of unproven, modified, and experimental aerial systems, NASA has applied to FAA for the expansion of R-6604 by adding new airspaces designated R-6604C/D/E. R-6604C would incorporate the airspace from the ground surface up to, and including, 1,065 m (3,500 ft) above ground level (AGL); would be linked to R-6604A/B; and would extend through and beyond WFF's Class D airspace. R-6604D would extend from 30 m (100 ft) AGL to 1,065 m (3,500 ft) AGL; whereas, R-6604E would span from 213 m (700 ft) AGL to 1,065 m (3,500 ft) AGL. To ensure the least impact on the general aviation community, NASA would implement the following as integral parts of the Proposed Action:

- Similar to existing R-6604A/B, each section of airspace could be activated separately, as needed.
- Activation of R-6604C/D/E would be accomplished by issuing a Notice to Airmen (NOTAM) at least 12 hours prior to the activation.
- NASA would staff the WFF Air Traffic Control (ATC) tower whenever R-6604C/D/E are active.
- Status messages would be broadcast real-time through the airfield's Automatic Terminal Information Service (ATIS) system.
- Washington Air Route Traffic Control Center (ARTCC) would be the sole controlling agency for NASA utilized airspace.
- WFF proposes to enter into Letters of Agreement with local aviators and airfield owners to facilitate procedures (e.g. checklists, WFF ATC tower contact information, etc.) for operating in the airspace, whether active or inactive.
- NASA proposes to allow small unmanned aerial systems (UAS) (defined as those less than 25 kilograms [55 pounds]) to conduct flight operations in accordance with FAA Rule Part 107 within the proposed Restricted Area Airspace without a Letter of Agreement.

Under the No Action Alternative, FAA would not grant the airspace change that NASA has

requested. In either instance, aircraft operations at WFF would continue at the same tempo within the Class D airspace, R-6604A/B, and offshore Warning Areas controlled by the Navy's offshore Fleet Area Control and Surveillance Facility, Virginia Capes Operating Area (FACSFAC VACAPES).

Environmental Analysis

The EA examines the potential direct, indirect, and cumulative effects of the alternatives on physical, biological, and social resources. Resources evaluated in detail include Department of Transportation (DOT) Act of 1966 Section 4(f) (49 U.S.C. § 303) properties, airspace management, health and safety, general/civil aviation, and noise. In summary, the EA concludes that potential effects to these resources would be negligible to minor.

Furthermore, in accordance with the CEQ Regulations, NASA must consider both the context and intensity of potential environmental effects when determining significance under NEPA (40 CFR § 1508.27). The following presents NASA's assessment of both.

Context – This means that the significance of an action must be analyzed in several contexts such as society as a whole, the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action.

The airfield has been operated by the government for more than 70 years. Moreover, the types of aircraft flown and the operational tempo of WFF test flights would remain unchanged with the Proposed Action. The Proposed Action is focused on simply extending the Restricted Area Airspace to protect existing operations and non-participating aircraft.

Intensity – This refers to the severity of impact. The following ten factors should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.

As identified in the Final EA, the Proposed Action would result in beneficial effects on the safety of NASA test pilots and aircrew and the general aviation community. Additionally, the Proposed Action would further protect those individuals that reside on the land directly underneath the proposed Restricted Area Airspace by mitigating the risks of a mid-air collision. The Final EA also identifies unavoidable adverse effects, potentially by inconveniencing the general aviation community. However, these adverse effects would be infrequent with a short-term duration.

(2) The degree to which the proposed action affects public health or safety.

The Proposed Action would beneficially affect public health or safety. As discussed in the Final EA, additional Restricted Area Airspace would safely segregate participating and non-

participating aircraft; thereby reducing the risk of possible in-flight mishaps and accidents.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The geographic area over which Proposed Action would occur (i.e., the area underneath the proposed Restricted Area Airspace) contains prime farmlands. Wallops Island and the surrounding area do contain two National Wildlife Refuges (NWR), a National Seashore, and a large network of both tidal and non-tidal wetlands. As discussed in the Final EA, aircraft test operations in the new Restricted Area Airspace would not affect nearby Chincoteague NWR, Wallops Island NWR, the Assateague Island National Seashore, wetlands, or any other ground resources.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The environmental effects of the Proposed Action are unlikely to be scientifically controversial. In preparing the Final EA, NASA relied upon the best available information in scientific journals, government reports, and its own monitoring data. While conducting its research, NASA did not identify conflicting scientific positions regarding a potential effect induced by its Proposed Action.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The environmental effects of aircraft operations are well studied and understood. Furthermore, the types of aircraft flown and the operational tempo of WFF test flights would remain unchanged from current operations.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Proposed Action would not establish a precedent for future actions, nor would it represent a decision in principle about a future consideration. Rather, the action represents simply extending the Restricted Area Airspace to protect existing operations and non-participating aircraft.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Supported by the cumulative effects analyses performed for actions on WFF that were incorporated by reference and summarized in the Final EA, the additive effects of the Proposed Action when considered with other past, present, and reasonably foreseeable future actions, would not result in significant cumulative effects on any resource considered.

(8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

In accordance with the Section 106 of the National Historic Preservation Act (54 U.S.C. § 300101 et seq.), NASA consulted with the Virginia State Historic Preservation Office which concurred that the Proposed Action would have no potential to affect historic properties.

(9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

In accordance with Section 7 of the Endangered Species Act ([ESA] 16 U.S.C. § 1531 et seq.), NASA consulted with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). NASA received concurrence from NMFS that the agency did not have any comments or concerns related to ESA-listed species under its jurisdiction. NASA included the potential for expanding its Restricted Area Airspace in its August 18, 2015, Biological Evaluation. The USFWS concluded in its June 2016 Biological Opinion and accompanying Incidental Take Statement that collision with aircraft may cause the injury or death of a small number of piping plover (*Charadrius melodus*) or rufa red knots (*Calidris canutus rufa*) but would not be likely to result in jeopardy to either of these species, and that WFF aircraft operations and the proposed expansion of R-6604 would not be likely to adversely affect loggerhead sea turtles (*Caretta caretta*).

(10) *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

NASA and/or FAA have either obtained or would obtain all necessary environmental approvals prior to conducting the Proposed Action.

Public Involvement

NASA notified the public of the availability of the Draft EA through a combination of electronic correspondence and published notices in local newspapers. The Draft EA was also available for public review on the internet, at local libraries, and at the WFF Visitor Center.

A 30-day public comment period was scheduled from July 1, 2016, until August 1, 2016. In response to requests from elected officials and members of the public, NASA extended the public comment period until September 1, 2016. NASA held two open-house public information meetings, one on August 4, 2016, and the other on August 11, 2016, at the WFF Visitor Center. In addition to the public open house sessions, at the request of a State elected official, on August 3, 2016, NASA met with representatives of the Eastern Shore Pilots Association, the Eastern Shore of Virginia Chamber of Commerce, and Accomack County Farm Bureau to discuss the airspace proposal and to hear members' concerns. Further, upon invitation of the Accomack

County Board of Supervisors, NASA presented the proposal and listened to public comment, during the August 17, 2016, Board of Supervisors Regular Meeting.

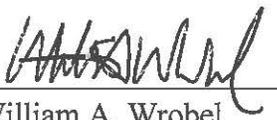
During the public comment period, NASA received comments from one Federal agency, the U.S Environmental Protection Agency (USEPA). The majority of USEPA's comments requested NASA to: 1) clarify the purpose and need for the Proposed Action as compared to current actions, 2) provide additional details about the Proposed Action, and 3) include additional detail regarding the extent of the alternatives' potential environmental effects.

In parallel with its 60-day review of the Proposed Action under Section 307 of the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.), the Virginia Department of Environmental Quality submitted comments on behalf of six state agencies. These comments provided Virginia's Federal Consistency concurrence and reiterated requirements of state regulatory programs; they did not raise specific concerns regarding the alternatives or environmental impact analysis presented in the Draft EA.

In preparing the Final EA, NASA considered all comments received. Comments received on the Draft EA and NASA's responses to them are included in the Final EA as Appendix C. Based upon public involvement, NASA amended the Proposed Action to include the processes and procedures, mentioned above, that would ensure the least impact to the general aviation community while also meeting NASA flight testing objectives.

Conclusion

On the basis of the Final EA, NASA has determined that the environmental impacts associated with its request to FAA to grant additional Restricted Area Airspace at WFF will not individually or cumulatively have a significant impact on the quality of the human environment within the meaning of Section 102(2)(c) of NEPA. Therefore, an Environmental Impact Statement is not required.



William A. Wrobel
Director
Wallops Flight Facility

09/19/16
Date