



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

New York Airports District Office  
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February 4, 2019

Mr. George Spanos  
Director, Public Facilities  
Chautauqua County DPF/Dunkirk Dufort Airport  
454 North Work Street  
Falconer, NY 14733

Re: Dunkirk Dufort Airport (DKK) - Environmental Determination for Off Airport Obstruction Removal

Dear Mr. Spanos:

The Federal Aviation Administration (FAA) has recently approved the Environmental Assessment and Finding or No Significant Impact (EA/FONSI) for the Off Airport Obstruction Removal project at Dunkirk Dufort Airport (DKK). A copy of the FONSI signed by the Approving Official and the EA signature page signed by the Responsible FAA Official are attached.

This Federal environmental approval is a determination by the Approving Official that the requirements imposed by applicable environmental statutes and regulations have been satisfied by a FONSI. However, it is not an approval of any other Federal action relative to the proposed project.

In compliance with Council on Environmental Quality (CEQ) regulations 1501.4(e)(I) and 1506.6., we require that your office make the final EA with Signature Page and FONSI available to the affected public, and announce such availability through appropriate media in the area. The announcement shall indicate the availability of the documents for examination and note the appropriate location of general public access where the document may be found (i.e., your office, local libraries, public buildings, etc.). We request that a copy of the announcement be sent to us when it is issued.

The process of making these environmental determinations is that of a partnership between yourself, as airport sponsor, and other contributing parties, both public and private. We thank you for your effort and cooperation.

Please contact our office if you have any questions.

Sincerely,

A handwritten signature in blue ink, reading "Evelyn Martinez". The signature is fluid and cursive, with the first name "Evelyn" and last name "Martinez" clearly distinguishable.

Evelyn Martinez  
Manager, New York Airports District Office

Enclosures: FONSI  
EA Signature Page

**DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**Location**

Chautauqua County/Dunkirk Airport (DKK)  
Dunkirk, New York

**Proposed Federal Action**

The proposed federal action is the approval of a change to the Airport Layout Plan (ALP) and potential for federal financial assistance for the Off Airport Obstruction Removal project at Chautauqua County/Dunkirk Airport (DKK).

**Project Description**

This project entails the maintenance of aircraft instrument approaches and reinstatement of night instrument approaches to Runways 5/23 and 9/27 by removing obstructions (trees, poles, buildings or any structure, natural or man-made) that penetrate approach and departure surfaces at DKK. The project entails updating existing easements to remove off-airport obstructions, acquiring or updating existing aviation easements, or one time right of entries, to remove off-airport obstructions over or on relevant properties off each runway, and installing a box culvert over Scott Creek to access obstructions off Runway 6. Tree mitigation would be done by removing or trimming trees. Building, pole, and antenna mitigation includes placing a red light at the top of them. More specific details about each element of the Proposed Action (the project can be found in Chapter 2 of the final EA.

**Background**

Federal Aviation Regulation (FAR) Part 77 surfaces and the design standards are established and described in FAA Advisory Circular (AC) 150/5300-13 Table 3-2. In 2017, DKK completed an Obstruction Study, as part of its Master Plan, to identify existing off-airport obstructions to all runway ends and determine if new, updated easements are necessary to mitigate the obstructions to Part 77 surfaces and existing Precision Approach Path Indicator (PAPI) instruments.

The approach surface under Part 77 for non-utility, non-precision instrument runways maintains a slope of 34:1, or for every 34 feet horizontally the slope increases 1 foot vertically. In FAA Advisory Circular (AC) 150/5300-13 Table 3-2, the standards call for a runway end siting surface, referred to as the 20:1 visual surface, which is crucial for night instrument operations. Penetrations to the 20:1 visual surface currently limit night instrument operations for that runway end. Mitigating the current obstructions that were identified through the Study will ensure the approaches to each runway end are clear. It will ensure that no objects are negatively impacting landing aircraft by penetrating Part 77 surfaces. This improves safety to the pilots and the surrounding community.

### **Purpose and Need**

The purpose of the Proposed Action is to improve the instrument approaches to Runway 6-24 and maintain the minimums on Runway 15-33. To accomplish the purpose, obstructions that penetrate the Part 77 approach surface and PAPI Obstacle Clearance Surface (OCS) must be removed in order to reinstate night instrument approaches.

The need is to improve instrument procedures that comply with federal regulations and current design standards. The airport's Master Plan identified obstructions to each runway end that limit the instrument approaches to each runway, along with the night instrument operations being limited. The FAA conducted a flight review that removed the PAPI from service because the OCS is not clear. Lastly, the action will comply with an FAA-issued Memorandum to Protect Approaches to Runways.

### **Alternatives**

Four alternatives were considered for this project (see Section 2.0 at Page 5 in the EA), including the No Action Alternative.

**Alternative 1 – No Action.** The Council on Environmental Quality (CEQ) regulations (40 CFR 1500–1508) for implementing the National Environmental Policy Act of 1969 (NEPA) state that NEPA analyses such as the one in this EA shall “include the alternative of no action” (40 CFR 1502.14). The No Action Alternative was considered in the EA. It was not considered appropriate, as it does not meet the purpose and need of the project.

**Alternative 2 – Remove obstructions to the Part 77 surface and PAPI OCS.** This alternative, depicted in Figure 2-2 of the final EA, involves the removal of existing obstructions to the Part 77 34:1 approach surface and PAPI OCS surface for all runway ends to ensure the lowest minimums. Removal of obstructions to the Part 77 approach surface ensures both the 20:1 visual surface and PAPI OCS are clear, thereby returning night instrument operations to Runway 6, 24 and 33, and the PAPI back to service. Therefore, this alternative met the Purpose and Need.

**Alternative 3 - Remove obstructions to the 20:1 visual surface.** This Alternative is depicted in Figure 2-3. In this alternative, the off-airport tree obstructions within the 20:1 visual surface off all four runways are lowered or removed. Removal of the obstructions to the visual 20:1 visual surface should return night instrument operations to Runway 6, 24 and 33. However, it does not clear obstructions to the PAPI OCS for Runways 6 and 24. Therefore, this alternative does not meet the Purpose and Need because it does not clear the PAPI OCS.

**Alternative 4 - Displace runways thresholds to clear 20:1 visual surface Obstructions**  
This alternative is depicted in Figure 2-4. In this alternative, the four runways would displace thresholds to compensate for the inability to remove tree obstructions to the 20:1 visual surface. With the displacement of the runway thresholds, the existing runway edge lights, markings and associated NAVAIDS would need to be relocated. Additionally, the PAPI would require relocation and be re-evaluated to ensure clearance of obstructions. Declared distances would be published for all runways to communicate with pilots the landing distance available based on the displaced runways. This alternative does not meet the Purpose and Need because preliminary analysis shows the PAPI OCS would not be not clear.

**Alternative 2** is the sponsor's preferred alternative (Proposed Action). This alternative removes obstructions to clear the Part 77 approach surface and PAPI OCS and meets the purpose and need. As Alternatives 2, 3, and 4 were viable pending easement acquisition; they were carried forward for detailed evaluation in the EA. A comparison of impacts from each alternative is found at the end of Chapter 4 of the EA, *Environmental Consequences*.

### **Discussion**

The attached November 2018 Final EA addresses the effects of the proposed action on the quality of the human and natural environment, and is made a part of this Finding. The following impact analysis highlights the more thorough analysis presented in Chapter 4 of the EA.

### **Air Quality**

The results of the air emissions analysis resulting from use of non-road construction and logging equipment, utilizing both gas and diesel equipment, to remove obstructions predict that the emissions levels from the project will be below established threshold levels established by the federal Environmental Protection Agency. Thus, emission levels associated with the project will be *de minimus* and a formal conformity determination is not required. Chapter 4.1 of the EA provides analysis indicating this project will not have significant impact on air quality.

### **Wetlands**

Review of the National Wetland Inventory database and the New York State Department of Environmental Conservation (NYSDEC) Wetland map indicates there is a State wetland southwest of the Runway 6 end, outside the project area, and a national wetland northeast of Runway 24. Figure 3-6 of the EA shows a map of the identified water resources.

Alternatives 2 and 3 require tree removal in identified wetlands (see Figure 4-1 of EA). These wetlands were delineated in November 2008 as part of the Runway 24 runway extension project. Referencing the wetland delineation (see Appendix C of EA for excerpts), Wetland "A" is the only wetland that is proposed to be impacted by the project. Overlaying the delineated wetlands with the known obstructions in the area show that some of the trees off Runway 24 are within the limits of the Wetland "A." Total tree removal in the wetlands is 0.13+/-acres. To maintain the structural integrity of the stream bank, trees within the wetlands, will be cut to the ground, but the tree stumps will remain undisturbed. Non-mechanized means to remove trees from the wetlands will be used. Therefore, a permit from the Army Corp of Engineers is not required for this work to be completed. Removing these trees is not anticipated to have a significant effect on the wetlands. Mitigation measures to avoid impacts to wetlands are described below.

### **Biological Resources**

The ECOS-IPaC website maintained by the U.S. Fish & Wildlife Service identifies threatened and endangered species within a specific area. For the area of the Proposed Action, ECOS-IPaC identified the threatened Northern Long-Eared Bat (NLEB) as a species that may occur within the boundary of the proposed project. The New York State Department of Environmental Conservation (NYDEC) has spotted the NLEB in Chautauqua County, though not in Dunkirk. Mitigation measures to avoid impacts to the NLEB can be found below. Additionally, IPaC



returned 13 migratory bird species. Table 4-4 in the EA lists the bird species, breeding season and probability of presence in the project area, as sourced from IPAC.

In addition, the NY Natural Heritage Program indicated the potential for the short-eared owl in the project area, but the immediate project area consists mostly of scrub/shrub and treed areas, which is not short-eared owl habitat. Additionally, the tree removal strategy for the NLEB will also avoid potential impacts for migratory birds.

Finally, the Bog Turtle is another species of concern. While its habitat consist of wetlands, IPAC did not identify any critical habitat for the bog turtle in the project area. Wetland "A" stream banks have a clay/rock substrate with in-stream vegetation absent, which is not suitable to bog turtle habitat. No impact to bog turtle is anticipated.

### **Other Impact Categories**

The impacts or the proposed Federal action on noise, land use compatibility, social, socioeconomic impacts, climate, coastal resources, DOT Section 4(f), biotic communities, coastal barriers, energy supply and natural resources, visual effects, environmental justice, and cumulative impacts, were evaluated in the EA. It is the FAA's finding that the proposed action will not have any significant impact on any of the above noted categories.

### **Mitigation**

To avoid potential impacts to the NLEB, the Airport Sponsor shall adhere to the following mitigation measures:

- Time of year limitation – remove trees between October 31 and March 31.
- File a Streamlined Form for NLEB potential impacts with US Fish and Wildlife Service 30 days prior to construction.

The Airport Sponsor shall adhere to the following Land Use mitigation measures:

- Install an obstruction light on a barn, on private property, as mitigation to the Part 77 34:1 approach surface.
- Install two obstruction lights on airport perimeter fence, as mitigation to the Part 77 34:1 approach surface.

The Airport Sponsor shall adhere to the following mitigation measures to minimize impacts to wetlands and surface waters:

- No tree grubbing will be done within the wetlands, to maintain streambed integrity. Trim trees to ground, using non-mechanized means.
- Use Best Management Practices (BMP) to control sedimentation from tree removal from entering surface waters
- Obtain Nationwide Permit from Army Corp of Engineers for installation of culvert in Scott Creek
- Obtain Nationwide Permit 14 from Army Corps of Engineers for installation of culvert in Scott Creek
- Obtain NYSDEC SPDES permit


**Public Involvement**

A Notice of Availability and Request for Comment for the EA was published in the The Observer on September 20, 2018. The comment period was from September 20 to October 22, 2018. No public comments were received for the project.

**CONCLUSION AND APPROVAL:**

After careful and thorough consideration of the facts contained herein, the undersigned finds the federal action is consistent with existing national environmental policies and objectives as set forth in Section 101 (a) of the National Environmental Policy Act of 1969 (NEPA) and it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(c) of NEPA.

Recommended:

  
Environmental Specialist  
New York Airports District Office

  
Date

Approved:

  
Manager  
New York Airports District Office

  
Date

Disapproved:

\_\_\_\_\_  
Manager  
New York Airports District Office

\_\_\_\_\_  
Date





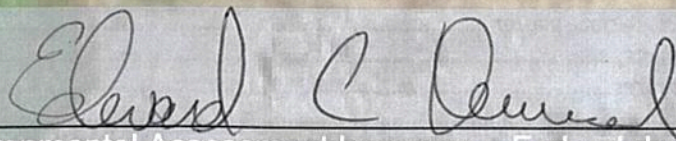
# CHAUTAUQUA COUNTY/DUNKIRK AIRPORT

## ENVIRONMENTAL ASSESSMENT: OFF-AIRPORT OBSTRUCTION REMOVAL - FINAL

Prepared For:  
**Chautauqua County**

Prepared By:  
**Passero Associates**

FAA AIP #: 3-36-0022-53-17  
NYSDOT PIN#: 5905.83  
November 2018



This Environmental Assessment becomes a Federal document when  
evaluated, signed and dated by the responsible FAA official.