

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WESTERN-PACIFIC REGION

***FINDING OF NO SIGNIFICANT IMPACT
AND
RECORD OF DECISION***

Terminal B South Concourse Improvements Project

Norman Y. Mineta San José International Airport
City of San José, Santa Clara County, California



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GENERAL INFORMATION ABOUT THIS DOCUMENT

WHAT'S IN THIS DOCUMENT? This document is the Federal Aviation Administration's (FAA) Finding of No Significant Impact (FONSI) and Record of Decision (ROD) for the proposed Terminal B South Concourse Improvements Project at Norman Y. Mineta San José International Airport (SJC/Airport) located in San José, Santa Clara County, California. This document includes the agency determinations and approvals for those proposed Federal Actions described in the *Norman Y. Mineta San José International Airport Terminal B South Concourse Improvements, Final Environmental Assessment* (Final EA) dated April 2023. This FONSI/ROD discusses all alternatives considered by the FAA in reaching its decision, summarizes the analysis used to evaluate the alternatives, and briefly summarizes the potential environmental consequences of the Proposed Action and No Action Alternatives, which are evaluated in the attached Final EA. This FONSI/ROD also identified the environmentally preferable alternative and the agency-preferred alternative.

BACKGROUND. In January 2023, the City of San José (City), released a Draft Environmental Assessment (Draft EA) that it prepared for public review. The Draft EA addressed the potential environmental effects of the proposed Terminal B South Concourse Improvements Project including the alternatives to that proposal. The Draft EA was prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) [Public Law 94-190, 42 United States Code (U.S.C.) 4321-4347], the implementing regulations of the Council on Environmental Quality (CEQ) [40 Code of Federal Regulations (CFR) Parts 1500-1508][1978], and FAA Orders 1050.1F, *Environmental Impacts: Policies and Procedures* and 5050.4B, *National Environmental Policy Act (NEPA), Implementing Instructions for Airport Actions*. The City published the Notice of Availability for the Draft EA on January 20, 2023 in *The Mercury News* and on the City's website at <https://www.flysanjose.com/environment>. The public review period occurred from January 20, 2023 to March 3, 2023. A Public Workshop and Public Hearing were held on February 23, 2023. No members of the public or agencies attended the Public Workshop and Public Hearing; no written or verbal comments were submitted. During the Draft EA public review period, the City received a total of 3 comment letters. The copies of the comments received and the responses are included in Appendix K of the Final EA. The Final EA became a Federal document when the Responsible FAA official signed the document on April 24, 2023.

WHAT SHOULD YOU DO? Read this FONSI/ROD to understand the actions that the FAA intends to take relative to the Proposed Terminal B South Concourse Improvements Project at SJC.

WHAT HAPPENS AFTER THIS? The City of San José may begin to implement the Proposed Action.

**U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
AND
RECORD OF DECISION**

**PROPOSED TERMINAL B SOUTH CONCOURSE IMPROVEMENTS
PROJECT**

**NORMAN Y. MINETA SAN JOSÉ INTERNATIONAL AIRPORT
SAN JOSÉ, SANTA CLARA COUNTY, CALIFORNIA**

- 1. Introduction.** This document is a Finding of No Significant Impact (FONSI) and Record of Decision (ROD) (FONSI/ROD) for the proposed Terminal B South Concourse Improvements Project at Norman Y. Mineta San José International Airport (SJC/Airport) located in the City of San José, Santa Clara County, California. The City of San José (City) is the airport sponsor for SJC. The Federal Aviation Administration (FAA) must comply with the National Environmental Policy Act of 1969 (NEPA) and other applicable statutes before being able to take the proposed Federal Actions that are necessary prior to implementation of the project. Pursuant to Section 163 of the *Federal Aviation Administration Reauthorization Act of 2018* (Public Law 115-254), Congress limited the FAA’s approval authority to portions of the Airport Layout Plan (ALP) that meet certain statutorily defined criteria, including those portions necessary for aeronautical purposes. Therefore, FAA approval of the ALP is limited to those portions of Proposed Action that are within FAA’s authority to approve. FAA approval of the ALP is authorized by the Airport and Airway Improvement Act of 1982, as amended. The FAA evaluated and accepted the *Final Environmental Assessment, Terminal B South Concourse Improvements at Norman Y. Mineta San José International Airport* (Final EA) prepared by the City on April 24, 2023.
- 2. Purpose and Need of the Proposed Action.** Purpose and Need, Section 1.4 of the Final EA, identifies the City’s overall purpose and need for the proposed action as providing the necessary terminal improvements to accommodate projected demand for commercial air carrier services at SJC, to enhance operational efficiency, and improve the level of service (LOS) and convenience for airport users through the year 2029. FAA’s purpose and need it to ensure that proposed airport development is safe, efficient, sustainable, is reasonable, meets airport design standards, and follows environmental policy.¹

Final EA, Section 1.2, Background, identifies SJC as a Medium Hub Commercial Service airport in the FAA’s *National Plan of Integrated Airport Systems*. The Airport serves commercial airlines with statewide, national, and international destinations as well as air cargo and general aviation aircraft. SJC has two 11,000 foot-long parallel runways 12R/30L and 12L/30R with a parallel and connecting taxiway system. The SJC Airport Layout Plan indicates both runways 12R/30L and 12L/30R accommodate critical design aircraft to Aircraft Design Group (ADG)-V. There are two passenger terminals at SJC. Terminal A and Terminal B, as described in Section 1.2.2 and Table 1.1, the terminals have a combined total of 36 gates. Terminal B includes an Interim Terminal Facility with 8 gates. The Interim Terminal Facility was added between 2017 and 2019 to

¹ U.S. Department of Transportation, Federal Aviation Administration, Advisory Circular (AC) 150/5360-13A, Airport Terminal Planning, July 13, 2018.

accommodate increasing passenger demand exceeding 14.2 million annual passengers (MAP). The City identified 14.2 MAP as the activity level associated with significant decline in LOS for passengers and airlines resulting from limitations in space for terminal processing functions and gate availability.

Section 1.2.3 of the Final EA discusses the aviation activity forecast for SJC operations. The City provided FAA with its predicted operations which considered the coronavirus disease 2019 (COVID-19) Pandemic decline in passenger activity and estimated recovery projections at SJC based upon the FAA's 2020 Terminal Area Forecasts issued in May 2021. The FAA evaluated and approved the City's request to adopt the FAA 2020 TAF on August 12, 2021. These approved forecast, shown in Table 1.2, provide the basis for activity level analysis within the Final EA. It is projected that passenger enplanements will return to 2019 levels (over 7.5 MAP) by 2024. The approved forecasts anticipate from 2019 to 2034 the total enplaned passengers would increase 67% from 7.5 MAP to 12.5 MAP, and the total aircraft operations would increase from 204,503 to 306,933 operations.

The Proposed Action, detailed in Section 1.3 of the Final EA, is to provide necessary terminal infrastructure to serve the traveling public efficiently and with an appropriate LOS through the year 2029 when passenger enplanements are projected to be approximately 21.8 MAP. Terminal infrastructure includes a concourse extension with additional security checkpoint and holding areas, increased baggage handling capacity, extended curbside, supporting concessions, and the accompanying airfield apron².

Terminal improvements also need to accommodate projected commercial air carrier demand to enhance operational efficiency, and improve LOS and convenience for airport users. The terminal facilities would be extended to reduce the need for gate sharing and ground loading, increase space for terminal processing and improve the associated apron pavement. The City's proposed Terminal B South Concourse Improvements Project is not an airfield capacity enhancement project, rather it is being proposed to accommodate the forecast aviation demand that is predicted to occur with or without the terminal improvements. Section 1.4.1 identifies 18.6 MAP, predicted to occur in 2025, as the activity level that triggers the need for additional gates beyond the Interim Terminal Facility. To accommodate the 21.8 MAP predicted in 2029 it is estimated an additional six gates beyond the Interim Terminal Facility would be required. Table 1.6 summarizes the predicted future gate requirement at SJC to 2029. Without the additional gates ground loading of aircraft would be necessary and departing passengers may be held for longer periods in the terminal resulting in over-crowding of hold rooms.

- 3. Proposed Action and Federal Actions.** As discussed in Section 1.3 of the Final EA, the Proposed Action includes extension of Terminal B through construction of the proposed South Concourse³, including:
- a. Construction of 16 airline gates with jet bridges within up to 750,000 square feet (SF) of terminal building space; and
 - i. Of the gates proposed, 8 gates currently exist in the Interim Terminal Facility, 2 gates would be relocated from elsewhere in the existing terminals, and 6 gates would be new.
 - b. Reconstruction and strengthening up to 392,000 SF of deteriorated airfield apron at the south end of the proposed Terminal B South Concourse to support aircraft terminal parking.

² U.S. Department of Transportation, Federal Aviation Administration, AC 150/5300-13B, *Airport Design*, March 31, 2022.

³ The proposed South Concourse would be designed to accommodate ADG-III class of aircraft, such as the Boeing 737-9 Max.

FAA will take the following Federal Actions, identified in Section 1.5 of the Final EA, to authorize implementation of the Proposed Action:

- Unconditional approval of the portions of the ALP that depict the Proposed Action pursuant to 49 U.S.C § 47107(a)(16).
- Determinations under 49 U.S.C. §§ 47106 and 47107 that are associated with the eligibility of the Proposed Action for Federal funding assistance under the Airport Improvement Program and 49 U.S.C. § 40117, as implemented by 14 CFR § 158.25, to use passenger facility charges (PFCs) collected at the Airport for the Proposed Action to assist with construction of potentially eligible development items as shown on the ALP, and the *Infrastructure Investment and Jobs Act* of 2021, (Public Law 117-58).

4. Reasonable Alternatives Considered. Chapter 2 of the Final EA presents the alternatives analysis conducted in accordance with CEQ regulations at 40 CFR § 1502.14. Figure 2-1 depicts the two-step screening process used to evaluate reasonable alternatives.

Step 1, Purpose and Need – Would the alternative meet the purpose and need as described in Chapter 1?

- Do the improvements provide optimum terminal facilities to accommodate existing and projected passenger demand (forecast growth through 2029)?
- Do the improvements improve LOS and convenience for airport users, including passengers and airlines?

Step 2, Feasibility – Would the alternative be feasible (e.g. practical from a technical, logistical, and economic perspective)?

- Can the improvements be implemented in a timely manner to meet air transportation and air passenger demand before LOS is significantly reduced?
- Can the improvements be implemented in a way that minimizes disruption of airport operation?
- Do the improvements balance future development with the mitigation of adverse environmental impacts (e.g. air quality, threatened & endangered species, cultural resources)?

Table 2.1 provides the range of alternatives that were considered and Section 2.3 provides a detailed description of the alternatives. Off-Site Alternatives included Relocation of SJC or Construction of a New Airport, detailed in Section 2.3.1.1; Use of Other Airports as described in Section 2.3.1.2.; and Section 2.3.1.3, Use of Other Modes of Transportation. On-Site Alternatives included Extension of Terminal A, Section 2.3.2.1; a New Terminal Facility Location, described in Section 2.3.2.2; and Section 2.3.2.3, Terminal B South Concourse (Proposed Action Alternative). Paragraph 6-2.1 of FAA Order 1050.1F states in part *“There is no requirement for a specific number of alternatives or a specific range of alternatives to be included in an EA. An EA may limit the range of alternatives to the proposed action and no action when there are no unresolved conflicts concerning alternative uses of available resources. Alternatives are to be considered to the degree commensurate with the nature of the proposed action and agency experience with the environmental issues involved.”*

Results of the alternatives screening process are depicted in Table 2.2. The Off-Site Alternatives were eliminated from further consideration in Step 1 of the analysis. The remaining On-Site Alternatives were evaluated in Step 2 where it was determined that the Terminal B South Concourse Alternative (Proposed Action), shown in Figures 2-2 and 2-3, was the only alternative to pass both levels of the screening process. Although the No Action Alternative would not meet

the purpose and need or other identified screening criteria, it was retained for detailed analysis as required by CEQ regulations at 40 CFR § 1502.14(d). Under the No Action Alternative no proposed improvements to Terminal B and its Interim Terminal Facility, or the aircraft apron pavement would occur. The No Action Alternative is shown on Figure 2-4.

The Proposed Action and No Action Alternatives were carried forward for detailed analyses in the Environmental Consequences Chapter of the Final EA.

- 5. Environmental Consequences.** The potential environmental impacts were identified and evaluated in the attached Final EA dated April 2023. The FAA has reviewed the Final EA and determined that the Final EA adequately describes the potential impacts of the Proposed Action and No Action Alternatives.

The Final EA examined the following environmental impact categories: Air Quality; Biological Resources; Climate; United States (U.S.) Department of Transportation Act, Section 4(f) [DOT Section 4(f)]; Hazardous Materials, Pollution Prevention, and Solid Waste; Historical, Architectural, Archaeological, and Cultural Resources; Land Use; Natural Resources and Energy Supply; Noise and Noise-Compatible Land Use; Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks; Visual Effects; Water Resources – Floodplains, Surface Waters, and Groundwater. Each of these resources is also evaluated under a cumulative impacts analysis. Final EA Section 3.2 identified the two general study areas, the Direct Study Area (DSA) and Indirect Study Area (ISA), shown in Figure 3-1, and further explained that certain environmental impact categories used specific study areas based upon the resource under consideration.

In accordance with FAA Orders 1050.1F, *Environmental Impacts Policies and Procedures*, and 5050.4B, *National Environmental Policy Act (NEPA), Implementing Instructions for Airport Actions*, environmental impact category resources that are not present within the study area or would not be affected by the alternatives were identified, briefly noted, and eliminated from further evaluation in Sections 3.1 and 4.1 of the Final EA. Table 3.1 provides describes why Coastal Resources, Farmlands, and Water Resources – Wetlands, and Wild and Scenic Rivers were not subjected to detailed evaluation in the Final EA.

- A. Air Quality.** Sections 3.3 and 4.2, and Appendix C, of the Final EA, identify that SJC, located within Santa Clara County, is designated as marginal non-attainment of the National Ambient Air Quality Standards (NAAQS) for Ozone (O₃), and moderate non-attainment for Fine Particulate matter (PM_{2.5}) standards. As noted in Sections 1.1 and 4.2.1 of the Final EA, the Proposed Action Alternative would not change the aircraft fleet mix, operational procedures, or increase aircraft activity or passenger loads when compared to the No Action Alternative. Emission inventories were prepared for the Proposed Action and No Action Alternatives. Operational emissions were calculated for disclosure purposes for 2029 the first year of operations and 2034, five years after implementation, utilizing Aviation Environmental Design Tool (AEDT) Version 3e⁴. For the Proposed Action Alternative construction emissions were calculated for the years 2023 through 2028 utilizing the California Emissions Estimator Model (CalEEMod 2020.4.0). The emission inventories were compared to the Clean Air Act of 1970, as amended (CAA) NAAQS General Conformity thresholds.⁵

⁴ AEDT 3e was the most current version of the model available at the time the analysis was conducted.

⁵ No components of the Proposed Action Alternative would require approval by either the Federal Highway Administration or the Federal Transit Administration under Transportation Conformity. Thus FAA evaluation is conducted under General Conformity pursuant to the Clean Air Act of 1970.

Table 4.1 of the Final EA, presents the annual construction emissions for the Proposed Action Alternative for each of the years 2023 through 2028, and the CAA General Conformity *de minimis* Thresholds. No exceedance of the *de minimis* thresholds would occur with construction of the Proposed Action Alternative therefore a General Conformity Determination is not required.

Tables 4.2 and 4.3 of the Final EA, present the Proposed Action Alternative compared to the No Action Alternative, operational emissions for the years 2029 and 2034, along with the CAA General Conformity *de minimis* Thresholds for disclosure purposes. No exceedance of the *de minimis* thresholds would occur.

The Proposed Action Alternative is *de minimis* and therefore would not result in a exceedance of the NAAQS. Implementing the Proposed Action Alternative would not result in a significant impact to Air Quality. No mitigation measures are required.

B. Biological Resources. Section 4.3 of the Final EA describes the potential impacts to biological resources. The analysis considered potential direct and indirect impacts to federal and state listed threatened and endangered species including designated critical habitat (listed species) and other biological resources including migratory birds located within the DSA and ISA. Section 4.3.2 provides the Significance Threshold based upon FAA Order 1050.1F, Exhibit 4-1. A significant impact would occur when, *“The United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) determines that the action would be likely to jeopardize the continued existence of federally listed threatened or endangered species or would result in the destruction or adverse modification of federally designated critical habitat.”*

Final EA, Section 3.4, identified the existing biological conditions within the DSA and ISA. There are no waters, wetlands, riparian, or other sensitive habitats within the DSA or ISA. The DSA and ISA are entirely developed and landscaped habitat, with minimal vegetation maintained to minimize attraction of wildlife in accordance with FAA Advisory Circular (AC) 150/5200-33C, *Hazardous Wildlife Attractants on or near Airports* (AC 150/5200-33).

Table 3.6, *Federally Listed Species and Potential Occurrence in the DSA or ISA*, evaluated listed species, critical habitat and Essential Fish Habitat (EFH) identified in the USFWS and NMFS lists. As summarized in Section 4.3.3.1, the DSA and ISA are highly disturbed and no federally listed species, EFH or designated critical habitat is present in the DSA or ISA.

Table 3.7, *State-Listed Species and Potential Occurrence in the DSA or ISA*, identified the potential presence of State listed or candidate species (special status species). Of these species one state-listed species, the burrowing owl, is known to occur within the ISA.

As described in Section 4.3.3.1, no impact to burrowing owls would occur within implementation of the Proposed Action Alternative as the DSA is entirely paved. Due to the lack of burrowing owl habitat within the DSA, the very small amount of suitable foraging habitat within the ISA, and with ongoing implementation of the SJC Wildlife Hazard and Burrowing Owl management plans, no impact on burrowing owls was identified.

Construction of the Proposed Action Alternative would require removal of trees and the existing Interim Terminal Facility which may contain bat roosts, a common species. Avoidance and conservation measures, described in Table 4.5, would be implemented to ensure no impact to roosting bats, would occur with implementation of the Proposed Action Alternative.

The FAA considered the analysis in the Final EA and Appendix D and determined that the Proposed Action would have “*no effect*” on federally listed species or designated critical habitat protected under the Endangered Species Act. No impact on Biological Resources would occur with implementation of the Avoidance and Conservation Measures identified in Section 4.3.4, *Avoidance, Minimization, and Mitigation Measures*. No mitigation measures are required.

- C. Climate.** The Final EA, Section 4.4.2, identifies that the FAA has not established a significance threshold for Climate. Section 4.4.1 of the Final EA, references FAA 1050.1F Desk Reference (v2) Section 3.3.4 stating that “*There are currently no accepted methods of determining significance applicable to aviation or commercial space launch projects given the small percentage of emissions they contribute. CEQ has noted that “it is not currently useful for the NEPA analysis to attempt to link specific climatological changes, or the environmental impacts thereof, to the particular project or emissions, as such direct linkage is difficult to isolate and to understand.” Accordingly, it is not useful to attempt to determine the significance of such impacts. There is a considerable amount of ongoing scientific research to improve understanding of global climate change and FAA guidance will evolve as the science matures or if new Federal requirements are established.*” Tables 4.6 and 4.7, disclose the construction and operational emissions of Greenhouse Gas (GHG) Emissions, respectively. Table 4.6 estimates the metric tonnes of carbon dioxide equivalent (MT CO_{2e}) for the construction years 2023 through 2028, with 2026 contributing 1,648 MT CO_{2e} and 2028 contributing 34 MT CO_{2e}. Table 4.7 presents the operational GHG emission inventories for the Proposed Action and No Action Alternatives for the years 2029 and 2034. The operational GHG emissions inventory accounts for increased airport activity levels projected to occur at SJC with or without implementation of the Proposed Action Alternative. Therefore, as a basis of comparison, the No Action and Proposed Action Alternative operational GHG emissions are identical and the net operational GHG emissions in both future years 2029 and 2034 are zero. As identified in Section 4.4.2, there is no significance threshold, and no mitigation measures are required.
- D. Department of Transportation Act, Section 4(f).** DOT Section 4(f) (now codified as 49 U.S.C. § 303) protects significant publicly owned parks, recreational areas, wildlife and waterfowl refuges, and public and private historic sites. Section 3.6 of the Final EA, identifies the study area for DOT Section 4(f) resources as the Noise Study Area represented by the 2019 Community Noise Equivalent Level (CNEL) 65 decibel (dB) or greater contours, shown in Figure 3-4. There are no DOT Section 4(f) resources in the DSA, however there are 12 local historic sites, one National Register of Historic Places site, and ten City parks within the applicable noise study area. Section 4.1.1.1 of the Final EA, identifies that no use of DOT Section 4(f) resources would occur as a result of implementation of the Proposed Action Alternative. The Guadalupe River Trail may experience some noise during construction which would only be temporary and would not constitute a constructive use. Because of the trail’s urban location adjacent to an airport environment, a quiet setting is not a protected activity, feature, or attribute of the Guadalupe River Trail that contributes to its significance or enjoyment. As such, the construction noise would not qualify as a constructive use of the resource. No impact to DOT Section 4(f) resources would occur with implementation of the Proposed Action Alternative.
- E. Hazardous Materials, Pollution Prevention, and Solid Waste.** Final EA Section 3.7 describes the affected environment related to Hazardous Materials, Pollution Prevention, and Solid Waste. The Airport manages the storage, use, and transport of hazardous and non-hazardous materials, and the generation of hazardous wastes, including construction-related debris for the airport owned and controlled operations. Airport tenants are responsible for the management, storage, and disposal of hazardous waste that they

generate in accordance with applicable laws and regulations. Table 3.10 provides a listing of Fuel Storage Areas within the DSA and adjacent to the ISA. One emergency generator within Terminal B Hourly Lot is within the DSA. All leaking underground storage tank cases adjacent to the ISA have been remediated and closed, no sites or influence to the DSA or ISA would occur. There are no locations within the DSA where polyfluoroalkyl substances (PFAS) have been stored. Within the ISA, Fire Station #20 previously stored Aqueous Film Forming Foam (AFFF), however, there are no records of use or release.

Santa Clara County's Integrated Waste Management Plan indicates it has sufficient capacity for anticipated waste disposal and has also implemented diversion programs to further reduce quantity of waste disposed. The City and Airport waste management systems have resulted in an 84% diversion rate for non-hazardous solid waste. SJC has implemented a sustainability program to reduce waste and encourage pollution prevention through source reduction, recycling, treatment, and disposal in an environmentally safe manner.

Final EA Section 4.6 describes the potential impacts related to Hazardous Materials, Pollution Prevention, and Solid Waste. As documented in Section 4.6.3.1, removal of the emergency generator located within the DSA would occur in accordance with applicable state and federal regulations. Construction of the Proposed Action Alternative is not expected to encounter contaminated soil or groundwater. All future use and storage of hazardous materials associated with the Proposed Action Alternative would occur in compliance with federal, state and local regulations and permits. A construction Stormwater Pollution Prevention Plan (SWPPP) would be developed to minimize potential hazardous material-waste impacts during construction. Sufficient solid waste disposal capacity exists and the Airport continues to implement a reduction program with a Zero Waste goal by 2022. Approximately, 75% of the construction and demolition debris are diverted from landfills. No impacts associated with Hazardous Materials, Pollution Prevention, and Solid Waste would occur with implementation of the Proposed Action Alternative. No mitigation measures are required.

- F. Historical, Architectural, Archaeological, and Cultural Resources.** As documented in Section 3.8 of the Final EA, the FAA delineated a Direct and Indirect Area of Potential Effects (APE) for the proposed undertaking. The Direct and Indirect APE encompass approximately 31.0 acres, and are entirely within an area of prior airport development. An architectural evaluation was conducted to assess whether the airport would qualify as a historic district and the National Register of Historic Places (NRHP) eligibility of individual buildings that were 45 years of age or older. The extensive prior archaeological studies of SJC were evaluated and updated with record searches were conducted to include the California Historical Resources Information System and the Native American Heritage Commission's Sacred Land File. The Direct and Indirect APE are not within designated Archaeological Sensitive Areas and are within an entirely disturbed-built environment. SJC does not qualify as a historic district and no individual buildings are eligible for NHPA. No archaeological or cultural resources are located within the Direct or Indirect APE.

In April 2022, the FAA initiated consultation with the following tribes: Amah Mutsun Tribal Band, the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Indian Canyon Mutsun Band of Costanoan, the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, the North Valley Yokuts Tribe, the Ohlone Indian Tribe, the Wuksache Indian Tribe/Eshom Valley Band, and the Tamien Nation. Appendix F of the Final EA contains the tribal consultation documentation.

As summarized in Section 4.7.1 of the Final EA, the FAA initiated National Historic Preservation Act (NHPA), Section 106 consultation with the California State Historic

Preservation Officer (SHPO) on June 2, 2022. The FAA requested concurrence with the APE and its finding of *No Historic Properties Affected*. The California SHPO concurred with the APE and FAA finding by letter dated August 31, 2022 thereby completing the NHPA Section 106 compliance process (see Appendix F of the Final EA).

After completion of the NHPA, Section 106, consultation process, on November 2, 2022, the Tamien Nation submitted a response form dated May 4, 2022 to the FAA. The form requested consultation in accordance with California Environmental Quality Act (CEQA) and California Public Resource Code provisions. The form also requested copies of available cultural resource studies. On November 14, 2022, the FAA responded to the Tamien Nation's request by noting that CEQA and CA PRC are not applicable to NEPA and NHPA requirements, but acknowledged the desire to be protective of cultural resources, if present, and provided a copies of the FAA's NHPA consultation with the California SHPO, the survey reports, and the California SHPO's concurrence letter.

No impact to Historical, Architectural, Archaeological, and Cultural Resources would occur with implementation of the Proposed Action Alternative. No mitigation measures are required. However, as described in Section 4.7.4 of the Final EA, an unanticipated discovery plan in place should unanticipated resources be encountered during construction activities.

- G. Land Use.** Final EA Section 3.9 identifies that the Santa Clara County Airport Land Use Commission maintains a Comprehensive Land Use Plan with the objective of preventing future incompatible development from encroaching on the Airport and to provide for implementation of the Airport's current Master Plan. Title 25 of the San José Municipal Code regulates Airport development and operations related to the Airport Master Plan. The City of San José's *Envision San José 2040* General Plan (General Plan) guides and regulates future growth and development in the City. Zoning is managed by the City and the area within the DSA and ISA are designated as Heavy Industrial. Land uses surrounding the SJC are considered compatible commercial, residential, and light and heavy industrial. The City's Land Use Assurance letter provided pursuant to 49 U.S.C. § 47107(a)(10) is located in Appendix G of the Final EA.

As detailed in Section 4.8.3.1 of the Final EA, the Proposed Action Alternative would be consistent with surrounding land uses of the City's General Plan and existing zoning. The Proposed Action Alternative is within the Airport boundaries and to maintain the safety of aviation operations subject to wildlife hazard management actions consistent with FAA AC 150/5200-33.

No land use impacts would occur with implementation of the Proposed Action Alternative.

- H. Natural Resource and Energy Supply.** Section 4.9.3.1 of the Final EA, notes that the Proposed Action Alternative would consume natural resources and energy during construction and operation of the concourse. Existing utility connections are present and the effort to connect a new concourse to the underground utility network would not be extensive. Power for the Airport is received from San José Clean Energy which is transmitted and delivered by the Pacific Gas & Electric Co. network. Table 4.8 provides a conservative estimate of the Proposed Action Alternative energy use for water, waste generation, and electricity. The Proposed Action Alternative will be designed and constructed to meet Leadership in Energy and Environmental Design (LEED) Silver certification or higher. The anticipated increase in additional resource and energy consumption would be similar to the No Action Alternative and was determined to be minor compared to the available resources and would not exceed available supplies. As reported

in Section 4.9.2, the FAA has not established a threshold of significance for natural resources and energy supply. FAA Order 1050.1F, Exhibit 4-1, provides a Factor to Consider in the analysis, *“The action would have the potential to cause demand to exceed available or future supplies of these resources.”* Final EA Section 4.9.3.1 details that there is sufficient energy and natural resources for the construction and operation of the Proposed Action Alternative. No impact to natural resources or energy supply are anticipated with implementation of the Proposed Action Alternative.

- I. Noise and Noise-Compatible Land Use.** Section 3.11 of the Final EA, described the existing airport noise conditions for 2019 around SJC, with Figure 3-11 depicting the Community Noise Equivalent Levels (CNEL) 65 – 75 decibel (dB) contours. Final EA Section 4.10 analyzes the noise environment for the Proposed Action and No Action Alternatives. Noise impacts during construction of the Proposed Action Alternative are anticipated to occur between 2023 and 2028, and would be generally localized at the vicinity of the construction site. The construction phase of the Proposed Action Alternative is expected to create a minor and temporary increase in noise in the vicinity of the DSA. No noise sensitive facilities, residences or schools, are located within 500 feet of the Proposed Action Alternative or within the CNEL 65-70 dB contour. The closest residence is to the east in the Rosemary Gardens Neighborhood, which is separated from the proposed construction site by more than 600 feet with across the Guadalupe River, State Route (SR)-87 freeway, and the SR-87 soundwall. Given the distance and the presence of the freeway construction related noise in this area would not be substantial. The construction contractor will be required to comply with the City’s Municipal Code, which specifies allowable days and hours for construction, types of permissible construction noise, and other related conditions.

The Proposed Action Alternative and No Action Alternative CNEL noise contours were modeled using AEDT version 3e, utilizing the FAA approved forecast aviation activity levels described in Section 1.2.3. The forecast activity levels are expected to occur with or without the proposed improvements, as the Proposed Action Alternative does not include airfield capacity enhancements. Figures 4-1 and 4-2 depict the respective 2029 and 2034 Proposed Action Alternative CNEL 65 – 75 dB contours. Figures 4-3 and 4-4 depict the respective 2029 and 2034 CNEL 65 – 75 dB contours for the No Action Alternative. There is no change in the noise exposures between the alternatives as the aviation activity levels and aircraft fleet mix would be the same.

There are no residential land uses in the CNEL 70 – 75 dB noise contours in 2029 or 2034. In 2029 approximately 5% percent of the land use within the CNEL 65-70 dB contour would be residential. Based upon 2010 U.S. Census Bureau block data population and housing units were calculated. It is estimated that a population of approximately 2,895 and 1,011 housing units would be within the CNEL 65-70 dB contour in 2029. The estimate for 2034 is approximately 6% percent of the land use within the CNEL 65-70 dB contour would be classified as residential. It is estimated that a population of approximately 3,449 and 1,182 housing units would be within the CNEL 65-70 dB noise contours in 2034. The adopted 14 CFR Part 150 Noise Control Plan measures discussed in Section 3.11.2 would continue to ensure compatibility of noise from SJC related aviation operations and surrounding land uses.

Implementation of the Proposed Action Alternative would not result in a significant noise or noise-compatible land use impact when compared to the No Action Alternative.

- J. Socioeconomic, Environmental Justice, and Children’s Environmental Health and Safety Risks.** Section 4.11 of the Final EA discusses each of these topics in subsections within the section.

Socioeconomic. Section 3.12.1 describes the demographic profile and economic conditions of the U. S. Census Bureau census tracts (CT) within the Noise Study Area. Figure 3-12 depicts the Noise Study Area, CT, DSA and SJC property boundary. As discussed in Section 4.11.3.1, the Proposed Action would occur within the boundary of SJC within the DSA, which is within CT 5051. Implementation of the Proposed Action Alternative would not disrupt or divide an established community, nor would it displace residences or people within the DSA or Noise Study Area. While some surface vehicle parking within the DSA will be displaced no impact or disruption in traffic patterns or level of service to roadways surrounding the airport would occur. Sufficient parking is available within existing parking garages at SJC. Construction of the Proposed Action Alternative would result in a temporary beneficial increase in construction related employment. The Proposed Action Alternative would not cause any direct or indirect impacts to surrounding communities or shift any business or economic activity or result in reduced roadway level of service.

Environmental Justice. Tables 3.13 through 3.15 in Section 3.12.1 provide the profile of the population within the Noise Study Area. There are minority and low-income populations beyond the Airport property in the Noise Study Area. Minorities are estimated to comprise 69 to 86 percent of the population within all 10 CTs within the Noise Study Area, which is consistent with the Cities, County, and California. CT 5017 to the southeast has the highest percent of Hispanic or Latino population at 76 percent, and CT 5050.06 has the highest percentage of Asian population at 72 percent. The median household income within the CTs vary from \$64,500 in CT 5017 to \$185,000 in CT 5049.02. Table 3.14 includes the percent of families below the poverty line for each of the CTs within the Noise Study Area. As discussed in Section 4.11.3.1, the Proposed Action Alternative would have no direct effect on minority and low-income populations. Temporary construction related noise impacts would occur in the immediate vicinity of the DSA and would not require acquisition or displacement of residences. As described in Section 3.11.2, the Acoustical Treatment Program treated noise sensitive facilities and residences within the CNEL 65 – 70 dB noise contours, and are now considered compatible with the aviation operations at SJC. Implementation of the Proposed Action Alternative would have no disproportionate or adverse impacts on any minority or low-income communities.

Children’s Environmental Health and Safety Risks. There are no residential land uses, daycare facilities, preschools, or schools within the DSA or ISA. The Proposed Action Alternative does not have the potential to lead to a disproportionate health or safety risk to children. No impact to Children’s Environmental Health and Safety Risks would occur with implementation of the Proposed Action Alternative.

- K. Visual Effects.** As reported in Section 4.12.2 of the Final EA, the FAA has not established a threshold of significance for visual effects (Light Emissions, or Visual Resources or Visual Character). However, FAA Order 1050.1F, Exhibit 4-1 does provide Factors to Consider, that are provided in Section 4.12.2 of the Final EA. While the Proposed Action Alternative would include new interior and exterior lighting the expanded lighting would be consistent with the existing light emissions in the area. Lighting would be designed to comply with FAA and local standards. The Proposed Action Alternative would be visually consistent and compatible with the existing SJC environment. The proposed South Concourse would mirror the existing terminal buildings and structures of the Airport, and would not represent a substantial change to the public view. Some westward views of the Santa Cruz Mountains from points east of the Airport including SR-87, Skyport Drive, and the Guadalupe River Trail would be affected by the Proposed Action Alternative, however, these intermittent and partially obscured views are not a vast

departure from the No Action Alternative. For these reasons no impact to Visual Resources would occur with implementation of the Proposed Action Alternative.

- L. Water Resources.** Final EA, Section 4.13, evaluated potential environmental consequences related to the Water Resource categories of Floodplains, Surface Waters, and Groundwater.

Floodplains. Final EA Section 3.14.1 identifies that portions of the Airport property are within the 100-year floodplain as shown in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Panel 06085C0231H, effective May 18, 2009, depicted on Figure 3-13. As discussed in Final EA Section 4.13.3.1, a 6,580 SF portion of the apron reconstruction element of the Proposed Action Alternative is within the 100-year floodplain. Implementation of the Proposed Action Alternative would reconstruct the existing pavement which would be designed to match the existing pavement elevation and would be above the base flood elevation, it would also include stormwater management measures to ensure that the pavement directs runoff to the Airport's closed storm drain system.

Surface Waters. There are no surface waters within the DSA and ISA. As described in Sections 3.14.2, *Surface Waters*, and 3.14.3 *Stormwater Management*, of the Final EA the Proposed Action Alternative is located within an existing impervious surface area which includes a Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permitted stormwater discharge system. While system modifications would be necessary due to implementation of the Proposed Action Alternative no increase in impervious surfaces and no changes to stormwater collection at SJC would occur. Compliance with CWA NPDES discharge requirements would continue to be managed through the existing permitted stormwater management program.

Groundwater. It is anticipated that excavations for the Proposed Action Alternative building foundations would intercept groundwater, present at approximately 10 feet, during construction activities. Dewatering activities would adhere to SJC's Storm Water Pollution Prevention Plan (SWPPP) and City permit requirements. Construction activities would comply with the State Water Resources Control Board NPDES General Permit for *Storm Water Discharges Associated with Construction Activities* including implementation of a construction SWPPP.

No significant impacts to Water Resource categories Floodplains, Surface Waters, and Groundwater would with implementation of the Proposed Action Alternative when compared to the No Action Alternative. No mitigation measures are required, however Best Management Practices (BMP) would be utilized during construction as avoidance measures. Final EA, Appendix I, *Water Resources*, provides suggested BMP details.

- M. Cumulative Impacts.** The cumulative impact analysis presented in Section 4.14. of the Final EA considered the past, present, and reasonably foreseeable on-Airport and off-Airport actions identified in Final EA Section 3.15. Past projects included project that occurring in the years 2018 – 2021; present and reasonably foreseeable future actions are projects that may occur between 2022 and 2034. Figures 3-14 and 3-15 depict the respective on and off Airport project locations. The Cumulative Impact Study Area, a one-mile radius around the Airport property, is also depicted in Figure 3-15. The analysis of environmental resource categories, Section 4.14.1, considered potential impacts to Air Quality; Biological Resources; Climate; DOT Section 4(f); Hazardous Materials, Pollution Prevention, and Solid Waste; Historical, Architectural, Archaeological, and Cultural Resources; Land Use; Natural Resources and Energy Supply; Noise and Noise-Compatible Land Use; Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks;

Visual Effects (including Light Emissions); and Water Resources. The cumulative impact analysis concluded that the Proposed Action Alternative in combination with the past, present, and reasonably foreseeable future projects would not result in significant cumulative impacts for any of environmental resource categories considered.

6. **Environmentally Preferable Alternative and FAA Preferred Alternative.** In connection with its decision to approve the proposed ALP revisions, the FAA considered the environmental impacts from the Proposed Action and the No Action Alternatives. The FAA determined that all practicable means to avoid or minimize environmental harm from the Proposed Action have been adopted and there would be no significant environmental impacts from the Proposed Terminal B South Concourse Improvements at SJC, and the project would not jeopardize the safe and efficient operations at the Airport. The No Action Alternative has fewer environmental effects than the Proposed Action Alternative and thus would be the environmentally preferable alternative. However, the No Action Alternative does not meet the Purpose and Need for the proposed project.

Thus, the FAA's preferred alternative is the Proposed Action Alternative as defined in the Final EA and this FONSI/ROD. FAA selected this alternative because it meets the Purpose and Need of the proposed project and would result in no significant adverse environmental effects.

7. **Public Participation.** The City issued a Notice of Availability (NOA) for the Draft EA on January 20, 2023. The NOA also announced that a Public Workshop and Public Hearing would be held on February 23, 2023 at SJC. The NOA was published in *The Mercury News* and on the City's website at <https://www.flysanjose.com/environment> on January 20, 2023. In addition to the electronic copy of the Draft EA available on the City's website, print copies of the Draft EA were made available for public review at the SJC Administrative Offices, Dr. Martin Luther King, Jr. Library, and the Mission Branch Library. The City held the Public Workshop on Thursday, February 23, 2023 from 5:30 PM to 6:30 PM, and a Public Hearing occurred immediately thereafter from 6:30 PM to 7:30 PM. No members of the public or agencies attended the Public Workshop or Public Hearing, and no written or oral comments were submitted. The Draft EA was available for review and comment by the public, government agencies, and interested parties until the close of business on March 3, 2023. Three comment submissions were received regarding the Draft EA. The submittals and responses are presented in Appendix K of the Final EA. No new issues were raised in these comments that resulted in a change in determination of effects.
8. **Inter-Agency Coordination.** In accordance with 49 U.S.C. § 47101(h), the FAA has determined that no further coordination with the U.S. Department of Interior or the U.S. Environmental Protection Agency is necessary because the Proposed Action does not involve construction of a new airport, new runway, or major runway extension that has a significant impact on natural resources including fish and wildlife, natural, scenic, and recreational assets; water and air quality; or another factor affecting the environment.
9. **Reasons for the Determination that the Proposed Action will have No Significant Impacts.** The attached Final EA examines each of the various environmental resources that were determined to be present at the proposed project location, or had the potential to be impacted by the Proposed Action. The proposed Terminal B South Concourse Improvements Project at SJC would not cause any environmental impacts that would exceed a threshold of significance as defined by FAA Orders 1050.1F and 5050.4B. Based on the information contained in the Final EA, the FAA has determined that the Proposed Action meets the purpose and need, would not cause any significant environmental impacts, and is the most reasonable, feasible, and prudent alternative. The FAA has decided to approve the Proposed Action as it is described in Section 3 of this FONSI and ROD.

10. **Agency Findings.** The FAA makes the following determinations based on information and analysis set forth in the Final EA and other portions of the administrative record:
- a. **FAA finds, the proposed action is reasonably consistent with existing plans of public agencies for development of the area [49 U.S.C. § 47106(a)].** The Proposed Action is consistent with the plans, goals, and policies for the area, including the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan; Title 25 of the City's Municipal Code and its *Envision San José 2040 General Plan*; and surrounding zoning. As described in Section 4.8.3.1 of the Final EA, the Proposed Action would be consistent with, and not conflict with, the applicable land use plans. The Proposed Action is also consistent with the applicable regulations and policies of federal, State, and local agencies.
 - b. **Independent and Objective Evaluation:** As required by the Council on Environmental Quality (40 CFR § 1506.5) the FAA has independently and objectively evaluated this Proposed Action. As described in the Final EA, the Proposed Action and No Action Alternatives were studied extensively to determine the potential impacts and appropriate mitigation measures, if warranted. The FAA provided input, advice, and expertise throughout the analysis, along with administrative and legal review of the project.
 - c. **Air Quality.** Emission inventories were prepared for operation of the Proposed Action and No Action Alternatives for the years 2029 and 2034. The Proposed Action Alternative would not increase flights, passenger loads, or operational procedures. As shown in Tables 4.2 and 4.3 of the Final EA, operation of the Proposed Action Alternatives when compared to the No Action Alternative are below the CAA General Conformity *de minimis* threshold. Construction emissions for implementation of the Proposed Action Alternative were estimated for the years 2023 through 2028. As shown in Table 4.1 of the Final EA, construction of the Proposed Action Alternative is below the CAA General Conformity *de minimis* threshold. A General Conformity Determination is not required.
 - d. **Endangered Species Act.** The FAA determined that the Proposed Action will have *no effect* on any federally-listed species, candidate species, or designated critical habitat.
 - e. **National Historic Preservation Act.** The Proposed Action will not adversely affect any historic properties listed or eligible for listing on the NRHP. FAA conducted the required consultation with the California SHPO pursuant to Section 106 of NHPA. As described in Section 5.F. of this FONSI/ROD, the California SHPO concurred with the FAA finding of *No Historic Properties Affected* on August 31, 2022.
 - f. **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; and Department of Transportation Order 5610.2, Environmental Justice in Minority and Low-Income Populations:** The Proposed Action Alternative would not cause any significant impacts. The Proposed Action would not result in surface traffic impacts that would create disproportionately high and adverse human health or environmental impacts on minority or low-income populations. There is no disproportionately high and adverse human health or environmental impacts on minority or low-income populations that would be caused by implementing the Proposed Action Alternative.
 - g. **Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks:** The FAA has determined that the Proposed Action Alternative would not result in environmental health and safety risks that would disproportionately affect children.

- h. **Surface Transportation.** The Proposed Action Alternative would not introduce additional surface operations or aircraft operations at SJC.
 - i. **Avoidance and Minimization Measures.** The Proposed Action Alternative avoids and minimizes environmental harm in a variety of ways by including minimizing elements and construction BMPs for air quality, biological, and water resources. Based on the information contained in the Final EA, the FAA has determined that all practicable means to avoid or minimize environmental harm from the Proposed Action Alternative have been adopted.
 - j. **Construction Safety and Phasing Plan.** As necessary, before construction begins, FAA review of a Construction Safety and Phasing Plan to maintain aviation and airfield safety during construction pursuant to FAA AC 150/5370.2F, Operational Safety on Airports During Construction [14 CFR Part 139 (49 USC § 44706)] will occur.
 - k. As necessary, after construction is completed, FAA review of changes to the Airport's certification manual which incorporates the Proposed Action pursuant to (14 CFR Part 139) will occur.
 - l. As necessary, after construction is completed, FAA review of appropriate amendments to air carrier operations specifications pursuant to 49 U.S.C. § 44705.
11. **Decision and Orders.** Based on the information in this FONSI/ROD and supported by detailed discussion in the Final EA, the FAA has selected the Proposed Action Alternative, Terminal B South Concourse Improvements Project, as the FAA's Preferred Alternative. The FAA must select one of the following choices:

- Approve agency actions necessary to implement the Proposed Action Alternative, or
- Disapprove agency actions to implement the Proposed Action Alternative.

Approve signifies that applicable federal requirements relating to the proposed airport development and planning have been met. Approval permits the City to proceed with implementation of the Proposed Action Alternative and associated avoidance and conservation measures. Disapproval would prevent the City from implementing the Proposed Action within SJC.

- Under the authority delegated to me by the Administrator of the FAA, I find that the project is reasonably supported. I, therefore direct that action be taken to carry out the agency actions discussed more fully in Section 3 of this FONSI/ROD. Unconditional approval of the portions of the ALP that depict the Proposed Action pursuant to 49 U.S.C § 47107(a)(16).
- Determinations under 49 U.S.C. §§ 47106 and 47107 that are associated with the eligibility of the Proposed Action for Federal funding assistance under the Airport Improvement Program and 49 U.S.C. § 40117, as implemented by 14 CFR § 158.25, to use passenger facility charges (PFCs) collected at the Airport for the Proposed Action to assist with construction of potentially eligible development items as shown on the ALP, and the *Infrastructure Investment and Jobs Act* of 2021, (Public Law 117-58).

As a condition of approval with this FONSI/ROD, the City shall implement all avoidance and conservation measures in the Final EA.

This order is issued under applicable statutory authorities, including 49 U.S.C. §§ 40101(d), 40103(b), 40113(a), 44701, 44706, 44718(b), and 47101 et seq.

I have carefully and thoroughly considered the facts contained in the attached Final EA. Based on that information, I find the proposed Federal Action is consistent with existing national environmental policies and objectives of Section 101(a) of the NEPA and other applicable requirements. I also find the proposed Federal Action will not significantly affect the quality of the human environment or include any condition requiring any consultation pursuant to section 102(2)(C) of NEPA. As a result, FAA will not prepare an Environmental Impact Statement for this action.

APPROVED:

Laurie J. Suttmeier
Manager
San Francisco Airports District Office, SFO-600

Date

DISAPPROVED:

Laurie J. Suttmeier
Manager
San Francisco Airports District Office, SFO-600

Date

RIGHT OF APPEAL

This FONSI/ROD constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. § 46110.