

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

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

Proposed Land Exchange

San Bernardino International Airport
San Bernardino, San Bernardino County, California



For further information

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Western-Pacific Region

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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 Land Exchange at San Bernardino International Airport (SBD) located in San Bernardino, San Bernardino County, California. This document includes the agency determinations and approvals for those proposed Federal actions described in the Final Environmental Assessment dated April 2021. This document discusses all alternatives considered by FAA in reaching its decision, summarizes the analysis used to evaluate the alternatives, and briefly summarizes the potential environmental consequences of the Proposed Action Alternative, the Similar Action, and the No Action Alternative, which are evaluated in detail in this FONSI and ROD. This document also identifies the environmentally preferable alternative and the agency-preferred alternative. This document identifies applicable and required mitigation.

BACKGROUND. In February 2021, the San Bernardino International Airport Authority (SBIAA) prepared a Draft Environmental Assessment (Draft EA). The Draft EA addressed the potential environmental effects of the proposed Land Exchange and a proposed Similar Action, as well as the No-Action Alternative. The Draft EA was prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) [Public Law 91-190, 42 USC 4321-4347], the implementing regulations of the Council on Environmental Quality (CEQ) [40 CFR Parts 1500-1508], and FAA Orders 1050.1F, *Environmental Impacts: Policies and Procedures* and 5050.4B, *National Environmental Policy Act (NEPA), Implementing Instructions for Airport Actions*. SBIAA published the Notice of Availability for the Draft EA on February 11, 2021. SBIAA received no written comments on the Draft EA during the 32-day public comment period (February 11, 2021 through March 15, 2021). The Final EA became a Federal document when the Responsible FAA Official signed the document on April 23, 2021.

WHAT SHOULD YOU DO? Read the FONSI and ROD to understand the actions that FAA intends to take relative to the proposed Land Exchange at San Bernardino International Airport.

WHAT HAPPENS AFTER THIS? The SBIAA may implement the Proposed Action.

**U.S. DEPARTMENT OF TRANSPORTATION
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PROPOSED LAND EXCHANGE

**SAN BERNARDINO INTERNATIONAL AIRPORT
SAN BERNARDINO, SAN BERNARDINO COUNTY, CALIFORNIA**

- 1. Introduction.** This document is a Finding of No Significant Impact (FONSI) on the environment and Record of Decision (ROD) (FONSI/ROD) for the proposed Land Exchange at San Bernardino International Airport (SBD), San Bernardino County, California. The San Bernardino International Airport Authority (SBIAA) is the airport sponsor for SBD. The Federal Aviation Administration (FAA) must comply with the National Environmental Policy Act of 1969 (NEPA) and other applicable statutes before taking any federal actions to implement the project. The FAA has completed the environmental assessment, considered its analysis, and determined that no further environmental review is required. The FAA must comply with NEPA before being taking the federal action. Pursuant to Section 163 of the Federal Aviation Administration Reauthorization Act of 2018, Congress limited 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 (see Public Law 115-254). Therefore, FAA approval of the Airport Layout Plan depicting the proposed Land exchange is not required. FAA’s proposed federal action that requires compliance with NEPA, is releasing the SBIAA from its federal obligations on a parcel of land as depicted on the ALP for SBD.
- 2. Purpose and Need of the Proposed Action.** Section 1.3 of the Final EA states SBD is the former Norton Air Force Base that was closed by the United States Air Force in 1994. Following the closure, the former base has been reused as a commercial service airport that accommodates both air carrier aircraft as well as general aviation activity. The majority of aircraft operations at SBD are General Aviation with about 11 percent air taxi and commercial aircraft operations. The Proposed Action is to release the SBIAA from federal obligations on 10.306 acres of SBIAA property not necessary for aviation purposes and to authorize an acre-for-acre land exchange between the SBIAA and the San Manuel Band of Mission Indians (SMBMI). The Proposed Action would provide the Airport with ownership control over the primary access road to its general aviation and air cargo areas (Victoria Avenue). The SBIAA needs to ensure that the ownership control of this primary access road cannot be compromised. The FAA must fulfill its statutory mission and ensure the safe and efficient use of navigable airspace in the U.S. pursuant to 49 U.S.C. Section 47101 (a)(1).

The FAA must also ensure that the Proposed Action does not derogate the safety of aircraft and operations at the Airport. SBIAA retains the grant-in-aid obligation to maintain an up-to-date Airport Layout Plan (ALP)ⁱ

This FONSI/ROD addresses SBIAA’s proposed land exchange as described below.

ⁱ See Grant Assurance Number 29 - Airport Layout Plan.: https://www.faa.gov/airports/aip/grant_assurances/

3. Proposed Project and Federal Actions. The Proposed Action evaluated in this FONSI includes the following components (See Section 1.4, and Exhibit 1C of the Final EA):

- SBIAA would acquire 10.306 acres located along the south side of E. 3rd Street at Victoria Avenue along the northern Airport property boundary (Parcel D) for the purpose of controlling the primary access road to its general aviation and air cargo areas.
- SMBMI would acquire 10.306 acres located north of “W” Street (Parcel A).

FAA will take the following Federal action to authorize implementation of the proposed project:

- Approval of the SBIAA request to release the SBIAA from its obligations to use certain SBIAA property for aviation purposes and to authorize the Proposed Action.ⁱⁱ

4. Reasonable Alternatives Considered. Due to the nature of the Proposed Action to exchange real property, Chapter 2 of the Final EA, used a single step alternatives analysis screening process. This screen states: *“Would the alternative complete an Airport property boundary modification to provide the Airport with ownership control over the primary access to its general aviation and air cargo areas?”*

The Final EA evaluated three alternatives, the Proposed Action, the No Action Alternative and an Alternative Location. Analysis of the No Action Alternative is required pursuant to 40 CFR § 1502.14(dⁱⁱⁱ).

Section 2.3 of the Final EA describes the Proposed Action Alternative, which is to release the SBIAA from its obligations to use 10.306 acres of SBIAA property for aviation purposes and to exchange the released land with 10.306 acres owned by SMBMI through a real property transfer. 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 Alternative and No Action Alternative 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 Alternative and agency experience with the environmental issues involved.”*

The Proposed Action was found to meet the stated purpose and need. It was also found reasonable to implement, and was carried forward for detailed impact analysis in the Environmental Consequences chapter of the EA.

Section 2.5 of the Final EA states, under the Alternative Location alternative, the SMBMI owns approximately 46.6 acres of land adjacent to the Airport between East (E.) 3rd Street and “X” Street, from Central Avenue to the Airport property boundary west of Victoria Avenue, which is inclusive of the 10.306 acres proposed for land exchange. This alternative would consider other acreage owned by SMBMI in proximity to the Airport that could be exchanged with SBIAA.

An alternative location would not include Victoria Avenue, which is the primary access road into the Airport’s general aviation and cargo areas. Thus, alternative locations for transfer of acreage

ⁱⁱ There is no ALP approval per 49 U.S.C. Sec. 47107(a)(16). SBIAA retains the obligation to revise the ALP and submit it to the FAA.

ⁱⁱⁱ FAA used the 1978 version of CEQ Regulations for preparation of the EA because preparation of the EA began before the revised regulations became effective on September 14, 2020.

from SMBMI to SBIAA would not meet the stated purpose and need of the Proposed Action to provide the Airport with ownership control over the primary access to its general aviation and air cargo areas.

The No Action Alternative has fewer environmental effects than the Proposed Action. However, the No Action Alternative does not meet the Purpose and Need for the proposed action.

Section 2.6 of the Final EA describes and evaluates the proposed Land Exchange at SBD. Table 2A in the Final EA summarizes the results of the alternatives screening process. The Alternative Location and No Action Alternatives would not meet the purpose and need for the airport to provide the Airport with ownership control over the primary access to its general aviation and air cargo areas. The Proposed Action alternative meets the purpose and need and continues forward for further analysis. The No Action alternative, while not meeting the purpose and need, is also carried forward for further analysis as required by 40 CFR § 1502.14(d).

Also considered in the Final EA is a Similar Action. CEQ regulations at 40 CFR § 1508.25(a)(3) defines similar actions as those which, *“when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography.”* The SMBMI is currently considering a site-specific development plan for the new property in conjunction with approximately 37 acres of adjacent land already owned by SMBMI. The Environmental Consequences chapter of the Final EA combines the potential impacts of the Proposed Action and Similar Action, and compares them to the No Action Alternative.

5. **Assessment.** The potential environmental impacts were identified and evaluated in the Final EA prepared in April 2021. The FAA determined that the Final EA for the proposed action adequately describes the potential impacts of the Proposed Action Alternative and Similar Action. No new issues surfaced as a result of the public review process.

The Final EA examined the following environmental impact categories: Air Quality; Biological Resources; Climate; Hazardous Materials, Solid Waste, and Pollution Prevention; Historic, Architectural, Archaeological and Cultural Resources, Land Use; Natural Resources and Energy Supply; Socioeconomics, Environmental Justice and Children’s Health and Safety Risks; Water Resources; and Cumulative Impacts from Past, Present, and Reasonably Foreseeable Future Actions.

Section 3.3 and Table 3A of the Final EA disclose that the following environmental impact categories of Coastal Resources, Department of Transportation Section 4(f) or Section 6(f) or Land and Water Conservation Fund Act Resources; Farmlands; Floodplains; Noise and Compatible Land Use; Wetlands, and Wild and Scenic Rivers were not evaluated further because the Proposed Action Alternative at SBD would not pose an impact to these environmental resources.

- A. **Air Quality.** Section 4.3 of the Final EA states that the Proposed Action would not result in additional emissions compared to the No Action Alternative since it would not involve physical changes to the project study area and is a land exchange only. “Transfers of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form or method of the transfer” are listed as exemptions to the *Clean Air Act’s* general conformity requirements as they are presumed to conform (72 Federal Register [F.R.] 41568). The Similar Action discussed in the Final EA involves the

construction and operation of a warehouse by the SMBMI. When combining the impacts of the Proposed Action and Similar Action and comparing them to the No Action Alternative, there are no significant impacts with regard to air quality. The Proposed Action and the No Action Alternatives would both be presumed to conform under the Clean Air Act, and the proposed warehouse under the Similar Action could be constructed under either the Proposed Action or the No Action Alternative.

- B. Biological Resources.** Section 3.5 of the Final EAS indicates, due to the proximity of federally listed species near, but not on the project site, a Biological Assessment was prepared pursuant to 50 C.F.R. Part 402 for formal Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) if necessary. Table 3C of the Final EA lists the various federally listed species that had the potential to occur in the Proposed Action's Action Area. This includes the San Bernardino kangaroo rat (*Dipodomys merriami parvus*), Stephens' kangaroo rat (*Dipodomys stephensi*), Coastal California gnatcatcher (*Polioptila californica*), least Bell's vireo (*Vireo belli pusillus*), Southwestern Willow Flycatcher (*Empidonax traillii extimus*), and the following plant species: Marsh sandwort (*Arenaria paludicola*), Nevin's barberry (*Barberis nevinii*), Salt marsh bird's beak (*Choropyron maritimum ssp. maritimum*), Santa Ana River woollystar (*Erastrum densifolium ssp. sanctorum*), and Slenderhorned spineflower (*Dodecahema leptoceras*). The Biological Assessment revealed the site is **not** occupied by any federally listed species and there is no designated critical habitat located within the Action Area. Section 4.4 of the Final EA states the FAA determined the Proposed Action would not affect any federally listed threatened or endangered species or designated critical habitat based on the information contained in the Biological Assessment. Since FAA made a no effect determination, formal consultation with the USFWS was not needed or required under Section 7 of the Endangered Species Act of 1973, as amended. The USFWS does not consult on a Federal agency's no effect determination.

The Proposed Action Alternative would not result in adverse impacts to special-status species (such as migratory birds) as the action would be administrative only, and no vegetation removal or ground disturbance is proposed. Consequently, there are no significant impacts expected with regard to biological resources. Potentially adverse impacts to migratory birds could occur as a result of the Similar Action. Section 4.4 of the Final EA states for the Similar Action a qualified biologist will be retained to conduct pre-construction surveys (generally between February 1, and September 15) for any birds protected by the Migratory Bird Treaty Act or the California Fish and Game Code. If bird nests are identified during the pre-construction surveys, the qualified biologist will notify the appropriate resource agencies. An adequate no-disturbance buffer (as determined by the resource agency) will be imposed within which no construction activities or disturbance should take place until the nests are no longer occupied and the birds can survive independently from the nests.

- C. Climate.** Section 4.5 of the Final EA states that FAA has not established a significance threshold for climate and Greenhouse Gas (GHG) emissions. FAA has not identified specific factors to consider in making a significance determination for GHG emissions, especially as it may be applied to a particular project. The Proposed Action would not result in additional GHGs since it would not involve physical changes to the project study area but is an administrative land exchange only. The Similar Action would contribute GHGs to the air basin related to construction, vehicular traffic, and energy use from the proposed warehouse. Tables 4D and 4E of the Final EA disclose the annual emissions of GHG during construction and operation of the Similar Action Alternative. The estimated amounts of annual GHGs for the Similar Action are 23,617 MT/CO₂e, which will result

primarily from mobile vehicle access. The Final EA indicates that the Proposed Action Alternative and construction of the Similar Action would account for an extremely small percentage of US GHG emissions, and would comprise a negligible contribution to global climate change.

D. Hazardous Materials, Solid Waste and Pollution Prevention. Section 4.6 of the Final EA notes that no physical change or use of the project study area would occur due to the Proposed Action Alternative. The exchange of 10.306 acres owned respectively by SBIAA and SMBMI would not result in the violation of applicable laws or regulations regarding hazardous materials management, solid waste, or polluting activities. Construction of the Similar Action would generate approximately 8,236 pounds/day of solid waste. This amount of waste would not exceed either landfill maximum or maximum daily permitted capacities (see Section 3.7.2 of the Final EA). The subject properties are part of a former Superfund site and received prior remediation activities. The parcel related to the Similar Action is part of a larger area that has already been remediated for former known contaminants. Section 4.6.1 states: since the parcel related to the Similar Action is part of a larger area that has already been remediated for former known contaminants, no direct or indirect impacts to the environment would occur. The proposed warehouse would not trigger a concern for the FAA Order 1050.1F “factors to consider.” There are regulatory avoidance and minimization measures related to pollution prevention already in place that are applied to all development. Consequently, combined impacts of the Proposed Action and construction of the Similar Action would not result in significant impacts to hazardous materials, solid waste, or pollution. Section 4.6.1 also includes the following avoidance/minimization measure: *If previously unknown contaminants are discovered or a spill occurs, work (including routine maintenance activity) shall be halted and the National Response Center notified, where applicable. At a minimum, the Airport administration shall be apprised of the situation. If necessary, FAA and California Environmental Protection Agency (Cal EPA) shall also be notified.*

E. Historic, Architectural, Archaeological, and Cultural Resources. Section 4.7 of the Final EA states that the Proposed Action and Similar Action would result in no impacts to Historic, Architectural, Archaeological, and Cultural Resources. A cultural resources study was prepared and no historic properties were identified. Additionally, the subsurface sediments are low in potential for containing significant archaeological deposits of prehistoric or early historic origin. The FAA consulted with 12 Native American tribes culturally affiliated with the project area regarding the Proposed Action. One request for government-to-government consultation was received from the Gabrieleno Band of Mission Indians - Kizh Nation. The tribe expressed interest in being present during any ground disturbance. The tribe agreed they would contact the SMBMI regarding their plans for the Similar Action.

The Proposed Action involves no ground disturbance. The FAA determined there were no properties listed or eligible for listing on the National Register of Historic Places. FAA made a finding that the proposed undertaking would not affect any historic properties listed or eligible for listing on the NRHP. The California State Historic Preservation Office concurred with the FAA’s determination and finding on November 4, 2020. Since there is no federal action for the warehouse project in the Similar Action, the FAA has not made an “effects” finding under the NHPA. Section 4.7 of the Final EA states, based on a cultural resources study conducted on the proposed Similar Action site in August 2020, no significant historical or cultural resources were encountered within the Similar Action project area. Overall, there are no anticipated adverse impacts to cultural resources as part of the Proposed Action or Similar Action Alternative.

- F. Land Use.** Section 4.8 of the Final EA states no land use changes are proposed by SBIAA as part of the Proposed Action Alternative. Both parcels are located within the City of San Bernardino and are included on its general plan land use and zoning maps. The San Bernardino Alliance California Specific Plan would need to be amended to reflect the Proposed Action prior to any future development on either of the affected parcels. The Similar Action would require a City of San Bernardino rezone and general plan amendment for the portion of the site included in the proposed land exchange, subject to the City of San Bernardino's discretion. In addition, the City of San Bernardino would be required to approve the proposed site plan. However, the Similar Action is located within an area already developed with light industrial uses. Therefore, the Proposed Action and Similar Action would not result in significant impacts to land use when compared to the No Action Alternative.
- G. Natural Resources and Energy Supply.** Section 4.9 of the Final EA states that no additional use of natural resources or demand for energy would occur as a result of the Proposed Action as it is an administrative action only. The new warehouse proposed in the Similar Action would be constructed to meet CALGreen energy and water efficiency requirements. Operational water demand would be subject to all local water use requirements. The irrigation system would meet current water efficiency standards and would use recycled water to the greatest extent feasible. Non-potable water use during construction would be necessary for dust suppression and the washing of construction vehicles but would not exceed local water supplies. Although fossil fuels and electricity would be required for both the construction and operation of the Similar Action, the project would complete the construction in the most efficient way possible to reduce unnecessary energy consumption. The County of San Bernardino has numerous sand and aggregate mining operations, including several along the Santa Ana River, consequently no impacts to the local or regional supply of mineral resources due to the demand for construction material would occur. When combining the impacts of the Proposed Action and Similar Action and comparing them to the No Action Alternative, there are no significant impacts with regard to natural resources and energy supply.
- H. Socioeconomic, Environmental Justice and Children's Environmental Health and Safety Risks.** Socioeconomic, Environmental Justice and Children's Environmental Health and Safety Risks are discussed in Section 4.10 of the Final EA. Section 4.10.1 of the Final EA, notes that the Proposed Action includes an acre-for-acre land exchange, and therefore no change in future economic activity, employment, income, population, housing, public services, or social conditions would result from the Proposed Action. Section 3.12.2 of the Final EA states the U.S. Census Bureau's data shape files and tables were used to identify environmental justice populations within the census tracts surrounding the airport as well as in the City and County of San Bernardino overall.

There are no persons residing within the general study area; the closest residences are two homes interspersed with the industrial area on the north side of E. 3rd Street. However, the closest residential neighborhood is east of Victoria Avenue between W. 5th Avenue and 6th Avenue (approximately 750 feet from the north edge of the general study area). Census tract (C.T. 76.03) has a 41.7 percent minority and 31.8 percent low income population (Exhibit 3F). This is higher than either the City of San Bernardino (30.2 percent minority and 20.1 percent low income [see Table 3G of the Final EA]) or the County of San Bernardino (35.0 percent minority and 11.7 percent low income (see Table 3H of the Final EA)). The environmental justice population living in C.T. 76.03 are in proximity to an industrial area along E. 3rd Street. Since the proposed warehouse represents a similar type of industrial land use as currently exists at the Airport and along E. 3rd Street, no

additional impacts that are disproportionately high and adverse impacts to an environmental justice population would result from implementation of the Similar Action. The Similar Action would generate traffic related to construction and operation from the proposed warehouse, anticipated to total 3,432 passenger car equivalent (PCE) trip-ends per day, nevertheless the impacts of the Proposed Action and the Similar Action are not significant for Socioeconomics, and there are no mitigation measures required. Since the Proposed Action is an acre-for-acre land exchange of equal value, no physical change in the project study area therefore there would be no disproportionately high and adverse impacts to an environmental justice population would result from implementation of the Proposed Action.

When combining the impacts of the Proposed Action and Similar Action and comparing them to the No Action Alternative, there are no disproportionately high and adverse impacts to minority or low income populations. The Proposed Action Alternative does not propose any land use changes or development activity that would impact environmental health or safety risks to children, and the warehouse proposed under the Similar Action is similar to existing industrial land uses in proximity to the general study area. Therefore, the combined the impacts of the Proposed Action and Similar Action would have no significant impacts with regard to environmental health and safety risks to children.

I. Cumulative Impacts. Section 4.11 of the Final EA examines the past, present and reasonably foreseeable cumulative impact of the Proposed Action and Similar Action. Tables 3I and 3J in the Final EA identifies the various past, present, and reasonably foreseeable future projects from 2015 through 2025 for on and off-airport respectively. The EA finds that the Proposed Action would not result in any cumulative impacts. The Similar Action is a development project and, as such, will contribute to incremental impacts in conjunction with other cumulative projects in the areas of air quality and climate, solid waste, pollution prevention, natural resources and energy supply, and socioeconomics (traffic). Through state, regional, and local regulations, project-specific requirements would be imposed to ensure that incremental impacts of the Similar Action in conjunction with other cumulative projects are not significant.

J. Environmentally Preferable Alternative and FAA Preferred Alternative

In connection with its decision to approve the proposed release of federal obligations for Parcel A owned by SBIAA in exchange for Parcel D owned by SMBMI, the FAA considered the environmental impacts from the Proposed Action and the No Action Alternative. 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 exchange of 10.306 acres of real property at SBD and that 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 action.

The FAA has no statutory or regulatory approval authority on the proposed Similar Action by the SMBMI.

Thus, the FAA's preferred alternative is the Proposed Action as defined in the Final EA and this FONSI and ROD. The FAA selected this alternative because it meets the Purpose and Need of the proposed action. Since it is administrative, there are no mitigation measures required.

6. Public Participation.

The public was encouraged to review and comment on the Draft EA that was released for public review on February 11, 2021. SBIAA published a notice of availability of the Draft EA in the following local newspapers in the vicinity of the airport: *San Bernardino County Sun*, *Highland Community News*, *Black Voice*, and *El Chicano*. SBIAA made the Draft EA available on their web site, at the Norman F. Feldheym Public Library, and at the Airport administrative offices on E. 3rd Street. The public comment period ended on March 15, 2021. No comments were received on the Draft EA.

7. Inter-Agency Coordination.

In accordance with 49 USC § 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 Alternative 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.

8. Reasons for the Determination that the Proposed Action Alternative will have No Significant Impacts.

The attached Final EA examines each of the various environmental resources that were deemed present at the project location, or had the potential to be impacted by the Proposed Action Alternative and Similar Action. The Proposed Action and Similar Action at SBD would not involve 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 finds the proposed project is reasonably consistent with existing plans of public agencies for development of the area [49 U.S.C. § 47106(a)]. The proposed project is consistent with the plans, goals and policies for the area, including the City of San Bernardino General Plan. The proposed project is also consistent with the applicable regulations and policies of federal, State and local agencies. The FAA has decided to implement the Proposed Action as described in the attached Final EA. The FAA has no determination to make on the Similar Action because it is outside of FAA's statutory and regulatory authority.

9. Agency Findings and Determinations.

The FAA makes the following findings and determinations for this project based on information and analysis set forth in the Final EA and other portions of the administrative record.

- a. **FAA finds, the proposed project 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 City of San Bernardino General Plan. The Proposed Action is also consistent with the applicable regulations and policies of federal, State and local agencies. The San Bernardino Alliance California Specific Plan would need to be amended to reflect the Proposed Action *prior to any future development on either of the affected parcels.*
- b. **FAA finds the proposed project is reasonably necessary for use in air commerce or in the interests of national defense [49 U.S.C. § 44502(b)].**
- c. **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 the No Action Alternatives were studied extensively to determine the potential impacts and appropriate

mitigation measures for those impacts. The FAA provided input, advice, and expertise throughout the analysis, along with administrative and legal review of the project.

- d. **National Historic Preservation Act:** The FAA finds the proposed action will not adversely affect the any historic properties listed or eligible for listing on the National Register of Historic Places. Under the Proposed Action alternative, no ground disturbance would occur. The FAA conducted the required consultation with the California State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.
- e. **Air Quality.** SBD is located in the South Coast Air Basin. This air basin is classified by the U.S. Environmental Protection Agency as an extreme non-attainment area for Ozone, serious non-attainment for Particulate Matter (PM_{2.5}) and partial Non-attainment for Lead (Pb). Implementation of the Proposed Land Exchange is an administrative action. Therefore, there are no emissions associated with the Proposed Project. The Similar Project including the construction of a proposed Warehouse on Tribal property can occur with or without the proposed Land Exchange. The FAA has no authority over Tribal property for the Similar Project.
- 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 is an administrative action and would not create any off-airport environmental impacts. The Proposed Action would not cause a significant impact because the City of San Bernardino's General Plan changed the land use designation of these areas from residential to Industrial and other similar non-noise sensitive land use designations in 1989. The Proposed Action would not create a disproportionate high and adverse impact to minority or low-income populations.

The Proposed Similar 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.

- g. **Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks:** The FAA has determined there would be no change in risk to health or safety for children caused by the Proposed Action.
- h. As necessary, after the land exchange has been completed, the FAA will review changes to the airport's certification manual related to the administrative action to exchange the real property pursuant to [14 C.F.R. Part 139].

10. 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 Land Exchange as the FAA's Preferred Alternative. The FAA must select one of the following choices:

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

Approval signifies that applicable federal requirements relating to the proposed airport development and planning have been met. Approval permits the San Bernardino International Airport Authority to proceed with implementation of the Proposed Action. Disapproval would prevent the San Bernardino International Airport Authority from implementing the Proposed Project.

Under the authority delegated to me by the Administrator of the Federal Aviation Administration, I find that the project is reasonably supported. I, therefore, direct that action be taken to carry out the agency action discussed more fully in Section 3 of this FONSI and ROD.

- Approval of the SBIAA request to release the SBIAA from its obligations to use certain SBIAA property for aviation purposes and to authorize the Proposed Action.^{iv}

This order is issued under applicable statutory authorities, including 49 USC §§ 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 EA. Based on that information, I find that the proposed 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 other applicable environmental requirements. I also find the proposed Federal Action 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. As a result, FAA will not prepare an Environmental Impact Statement for this action.

APPROVED:



Cathryn G. Cason
Manager, Los Angeles Airports District Office

April 28, 2021

Date

DISAPPROVED:

Cathryn G. Cason
Manager, Los Angeles Airports District Office

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.

^{iv} There is no ALP approval per 49 U.S.C. Sec. 47107(a)(16). SBIAA retains the obligation to revise the ALP and submit it to the FAA.