

John Eagan ECO-068



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue  
Seattle, Washington 98101  
August 23, 1996

Reply To  
Attn Of:

OAQ-107

Mr. Lowell H. Johnson, Manager  
Airports Division  
Northwest Mountain Region  
Federal Aviation Administration  
1801 Third Avenue, S.W.  
Seattle, Washington 98055-4056

Mr. Johnson:

Thank you for your letter of July 15, 1996 to our Regional Administrator, Chuck Clarke. In your letter, you requested clarification of a number of issues related to our June 6, 1996 letter commenting on the Federal Aviation Administration (FAA)'s draft conformity analysis prepared for the proposed Master Plan Update improvements at the Seattle-Tacoma International Airport. Your letter also raised larger issues related to how a project should be evaluated under the general conformity provisions of the Federal Clean Air Act. We view this response letter as supplementing our June 6, 1996 comment letter.

In the July 15, 1996 letter, you requested our concurrence on the conditional approval approach that FAA is considering. From discussions with your agency, we understand the following. The FAA is intending to modify the scope of its approval of the Airport Layout Plan (ALP). The FAA considers certain activities in the ALP, such as the development of an additional runway, to be separate and independent of other activities that may be undertaken to expand airport facilities. The FAA is planning to fully approve some of those activities in the Record of Decision for this Environmental Impact Statement. The FAA will conditionally approve other projects, such as the North Unit Terminal in this action. Before the FAA would grant a full approval, the other projects would have to demonstrate compliance with all applicable environmental laws, including the National Environmental Policy Act (NEPA), the State Environmental Policy Act (SEPA) and the Federal Clean Air Act.

NEPA, SEPA and the conformity rules prohibit the piecemealing or segmentation of projects to obfuscate environmental impacts. During discussions with the FAA, your agency has stated that the activities to be fully approved have independent utility from the activities that would be conditionally approved. In past discussions, the Port of Seattle have noted that the main reason for presenting a 25-year vision of airport facilities in the Master Plan, including those items that would be only conditionally approved, was the desire to fully inform the public of possible planning options, and not because these activities are dependent on one another. Your agency has stated that the activities that will be fully approved in the Airport Layout Plan will not prejudice the decision to build or fund other activities that have been conditionally approved. Further, the FAA has stated that a conditional approval is not a Federal action for the purposes of triggering a conformity review. In the past, EPA has said that the approval of an Airport