

the statute provides the opportunity to petition the Secretary.

Defining community as a jurisdictional authority or political subdivision is also consistent with the definition of community in Order 5050.4B, ¶1203(b)(1).

Accordingly, only a political subdivision of a state that enjoys general jurisdiction, or a Tribal government meets the definition of community in this context. Political subdivisions of a state that have a specific, substantive authority, such as water districts or school districts, do not adequately represent the interests of the community at large. They are not required to balance the interests of the whole community on a wide range of issues. Rather, they seek to promote their specific substantive interest. Additionally, water districts or school districts would not normally be invited to sit on an airport management board. Thus, only a political subdivision of a state which enjoys general jurisdiction is a community entitled to file a petition under Section 47106(c)(1)(A)(ii).

Finally, under the statute, a community is only eligible to petition under Section 47106(c)(1)(A)(ii) if the project is located in the community. If land is disturbed in the community, then the project is considered to be located in that community. The courts have also provided instruction on when a project is located in a community. In *City of Bridgeton v. FAA*, 212 F. 3d 448 (8th Cir. 2000), the court determined that a community in which there was no construction and no significant noise impact could not challenge the failure to notify it that it could petition the Secretary. Thus, outside the construction context, a project may be located in a community only if the project will have a significant impact on the community. For example, where a project will cause a significant noise impact on a community, the project is located in that community. If the project does not create a significant impact in the community, the community will have no right to petition the Secretary.

E. Other Considerations

There are currently ten states that participate in the FAA's State Block Grant Program (SBGP). Under the program, the State agency (usually the aviation division of the state Department of Transportation) assumes responsibility for administering AIP grants and if applicable, discretionary grants for non-primary airports. See 49 U.S.C. Section 47128. As part of the responsibility, the state assumes various responsibilities for the FAA including reviewing and approving proposed

changes to the Airport Layout Plan (ALP) and compliance with the National Environmental Policy Act (NEPA).

The FAA interprets 49 U.S.C. Section 47106(c)(1)(A)(ii) as not being applicable to a project approved and administered as part of a state block grant. The plain language of this statutory provision states that this Section is triggered when a proponent submits a project grant application to the FAA. In the case of the SBGP, no such request is made as the funds are given to the states as a block and the state assumes responsibility for administering those funds. Participants in the SBGP are required to engage communities according to FAA guidance and to circulate the draft EA if warranted. Some who have sought to use this provision have argued that it should apply to State Block Grant projects. The FAA invites comments on this interpretation.

F. Agency Response

The FAA will provide a written response to a petition to the Secretary. The FAA may respond by outlining the issues raised in the petition and providing its responses either within the environmental record of decision, or it may elect to respond in a separate document.

Authority: 49 U.S.C. 47106(c)(1)(A)(ii), 14 CFR part 1.

Issued in Washington, DC, on July 29, 2015.

Elliott Black,

Director, Office of Airport Planning and Programming APP-001.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of the Record of Decision (ROD) for the Cal Black Memorial Airport, Halls Crossing Replacement Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) and Council on Environmental Quality regulations (40 CFR parts 1500-1508), the Federal Aviation Administration announces the availability of the Record of Decision for the Cal Black Memorial Airport, replacement airport for the Halls Crossing Airport.

ADDRESSES: Copies of the ROD may be viewed during regular business hours at the following locations:

1. Federal Aviation Administration Airports Division, Suite 315, 1601 Lind Avenue SW., Renton, WA 98057.

2. Federal Aviation Administration, Airports District Office, Suite 224, 26805 East 68th Avenue, Denver, CO 80249.

3. San Juan County Courthouse, County Executive Office, 117 S. Main, Monticello, Utah 84535.

The ROD will also be available on the following Web site: <http://halls.crossing.airportnetwork.com/>.

FOR FURTHER INFORMATION CONTACT: Janell Barrilleaux, Environmental Program Manager, Federal Aviation Administration Airports Division, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98057. Mrs. Barrilleaux may be contacted during business hours at (425) 227-2611 (phone), (425) 227-1600 (fax), or via email at Janell.Barrilleaux@faa.gov.

SUPPLEMENTARY INFORMATION: The Halls Crossing replacement airport was originally proposed in 1966 due to the inadequacy of the existing Halls Crossing airstrip. After completion of numerous planning studies, the Federal Aviation Administration completed an Environmental Impact Statement (EIS) (June, 1990) with the cooperation of the National Park Service (NPS) and the Bureau of Land Management (BLM). A Record of Decision (ROD) was issued in August 1990 approving the development of what is now named the Cal Black Memorial Airport. Concurrently, the BLM approved an amendment of a land plan which allowed the conveyance of land to San Juan County for the construction of the new airport.

In 1990, the National Parks Conservation Association (NPCA),¹ et al.² brought suit concerning the adequacy of the 1990 Final EIS and the adequacy of the BLM plan amendment and land transfer process. In its July 7, 1993 decision, the U.S. Court of Appeals for the Tenth Circuit concluded that "the action of FAA approving the project based on a finding of 'no significant impact' and 'no significant adverse impact' [was] arbitrary and capricious." The court proceeding stated:

¹ **Note:** The title of the organization as documented in the 1993 United States Court of Appeals case *National Parks Conservation Association, et al. v. Federal Aviation Administration, et al.*

² Other parties to the suit included the Southern Utah Wilderness Alliance, the Sierra Club, and Deborah L. Threedy.

We therefore REVERSE the BLM's plan amendment and the transfer of land. We REMAND for further proceedings to determine whether the land should be retained under BLM control and management or reconveyed to San Juan County under a newly proposed land use plan amendment. In the case of the FAA, the airport has already been built. This does not mean that a remand would be meaningless, however. On remand, the FAA should re-analyze the impact of the airport under section 4(f) and section 2208.³ The FAA may determine that it must make use of studies not utilized in the current FEIS. If a "significant" impact is found, section 4(f) and section 2208 require that all reasonable steps be taken to mitigate the damage or adverse impact. We therefore REVERSE the FAA's determination of no significant impact and REMAND to the FAA for further proceedings consistent with this decision.

In response to the court remand, FAA, in cooperation with BLM and NPS prepared a Supplemental EIS (SEIS).⁴ The Draft SEIS for the Cal Black Memorial Airport (Replacement Airport for Halls Crossing Airport) was published on December 12, 2014. The 45-day comment period included an opportunity to request a public hearing; however, no responses were received requesting a hearing. The following parties submitted comments to the FAA on the Draft SEIS during the comment period: U.S. Department of the Interior, U.S. Environmental Protection Agency, BLM, and the NPCA. An errata sheet was drafted to identify changes that were made to the Draft SEIS in response to comments received. Additionally, an appendix was added (Appendix J) to document each comment received, and FAA's response to each comment. These additional documents, in combination with a CD containing the Draft SEIS, constitute the Final SEIS for the Replacement Airport at Halls Crossing. The Final SEIS for the Cal Black Memorial Airport (replacement airport for the Halls Crossing Airport) was published on May 8, 2015.

The SEIS described potential environmental consequences that could result from the continued operation of the Cal Black Memorial Airport to resources located within the Project Area. Direct effects of the new airport (its construction) as well as indirect effects (airport operations) were identified in the 1990 FEIS. The SEIS provided further evaluation of actual and potential aircraft noise impacts, as well as Section 4(f) impacts and cumulative impacts. Evaluation of noise impacts focused exclusively on the effect of aircraft noise on GCNRA and surrounding lands. Chapter III,

³Note: In 1994, the provisions of the Airport and Airway Improvement Act of 1982 were codified in U.S. Code Title 49, chapter 471, subchapter I.

⁴BLM addressed its requirements through its revisions to their Resource Management Plan in 2008. Bureau of Land Management Monticello Field Office, *Record of Decision and Approved Resource Management Plan* (November 2008).

Environmental Consequences, presents the analysis for noise impacts, Section 4(f) impacts, and Cumulative Effects resulting from the operation of the Cal Black Memorial Airport.

The FAA has determined, based on the noise analysis conducted for the SEIS that as there are no significant impacts related to the continued operation of the Cal Black Memorial Airport, there is no need for any mitigation measures under either Section 4(f) or Section 2208.

In addition, the FAA has confirmed that the ROD for the 1990 EIS included the FAA determinations made for the project based upon evidence set forth in the FEIS, public input, and the supporting administrative record. These determinations are not changed by any new information developed for this SEIS.

Issued in Renton, Washington, July 28, 2015.

Stanley C. Allison,

Acting Division Manager, Airports Division, Northwest Mountain Region.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Property at the Morgantown Municipal Airport, Morgantown, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the land release at the Morgantown Municipal Airport, Morgantown, WV, under the provision 49 U.S.C. 47125(a).

DATES: Comments must be received on or before September 3, 2015.

ADDRESSES: Comments on this application may be mailed or delivered to the following address: Glen Kelly, Assistant City Manager, City of Morgantown, Sponsor for Morgantown Municipal Airport, 389 Spruce Street, Morgantown, WV, 304-291-7461, and at the FAA Beckley Airports Field Office: Matthew DiGiulian, Manager, Beckley Airports Field Office, 176 Airport Circle, Room 101, Beaver, WV 25813, (304) 252-6216.

FOR FURTHER INFORMATION CONTACT: Connie Boley-Lilly, Airports Program Specialist, Beckley Airports Field Office, location listed above.

The request to release airport property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Morgantown Municipal Airport under the provisions of Section 47125(a) of Title 49 U.S.C. On July 21, 2015, the FAA determined that the request to release property at the Morgantown Municipal Airport (MGW), WV, submitted by the City of Morgantown, Sponsor for the Morgantown Municipal Airport, met the procedural requirements.

The following is a brief overview of the request:

The Morgantown Municipal Airport is proposing the release of approximately 95.70 acres of fee simple release to permit the transfer of such Property to the Monongalia County Development Authority ("MCDA"). Thereafter, "MCDA" will construct, or cause the construction, and operate, or cause the operation, of a Business Park on the Property. The Property to which this request relates is not a viral part of, or necessary for, the Sponsor's operation and development of Morgantown Municipal Airport (MGW). Therefore, it has been determined by the Sponsor that the most productive use of the Property is commercial development subsequent to its transfer to the "MCDA". The development of the Property demonstrates that significant private investment can occur at MGW and shall serve to establish quality standards for future investments. The release and transfer of this property will allow the Sponsor to develop the roadway and utilities which will benefit this property, the hangar site, and the landside development site. This release will enhance the development of private aviation and commercial development of the east side of the airport.

Issued in Beckley, West Virginia, on July 16, 2015.

Matthew P. DiGiulian,

Manager, Beckley Airport Field Office, Eastern Region.

Any person may inspect the request by appointment at the FAA office address listed above. Interested persons are invited to comment on the proposed lease. All comments will be considered by the FAA to the extent practicable.

Issued in Beaver, West Virginia, July 21, 2015.

Matthew DiGiulian,

Manager, Beckley Airports Field Office.

[FR Doc. 2015-18596 Filed 8-3-15; 8:45 am]

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