



# Federal Aviation Administration

---

---

## Memorandum

### FAA Order 1050.1 Guidance Memo

Date: July 15, 2015  
To: FAA Lines of Business and Managers with NEPA Responsibilities  
From: Julie Marks, Manager, Environmental Policy and Operations, AEE-400  
Subject: Supplemental Guidance for Implementation of the Categorical Exclusion in Section 213(c)(1) of the *FAA Modernization and Reform Act of 2012*

---

---

In December 2012, AEE issued Guidance for Implementation of the Categorical Exclusion in Section 213(c)(1) of the FAA Modernization and Reform Act of 2012 (see Attachment A), hereafter referred to as CATEX1 Memo. This memorandum provides clarified guidance to:

- Provide more precision on the types of airports and procedures to which this CATEX may be applied;
- Provide guidance on appropriate airport operator and community engagement; and
- Require concurrence by the Office of Environment and Energy (AEE-400) and the Office of Chief Counsel (AGC-600) prior to the use of this CATEX.

### **Applicable Airports:**

#### *Core Airports:*

As the original CATEX1 Memo specified, the CATEX applies to Area Navigation System (RNAV) and Required Navigation Performance (RNP) and procedures at the 30 Core Airports and any medium or small hub airport located within the same metroplex area considered appropriate by the Administrator.

FAA has defined specific airport categories (including medium and small hub airports) based on number of enplanements<sup>1</sup>. The definitions are contained in 49 USC 47102(13) and (25), and provided below:

- A medium hub airport means a commercial service airport that has at least 0.25 but less than 1.0 percent of passenger boardings.

---

<sup>1</sup> [http://www.faa.gov/airports/planning\\_capacity/passenger\\_allcargo\\_stats/categories/](http://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/categories/)

- A small hub airport means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of passenger boardings.

A list of the applicable Core Airports and the associated medium and small hub airports, to which this CATEX may potentially apply, are included in Attachment B. Note that CATEX1 does not apply to non-hub primary, non-primary commercial service, reliever or other general aviation airports. The FAA's Office of Airport Planning and Programming or regional Airports Divisions should be contacted to confirm the category of specific airports if there is any doubt.

### *35 Non-core Airports*

The CATEX can also be used for RNP procedures at 35 Non-OEP/Non-Core Airports listed in Attachment C.

### **Applicable Procedures:**

The CATEX may only be used for applicable RNAV and RNP procedures, as follows:

- FAA-identified RNAV and RNP procedures to be “developed, certified, published, or implemented” at Core airports, as well as at medium and small hub airports located within the same metroplex area as the Core Airports
- FAA-identified RNP procedures to be “developed, certified, published or implemented” at non-Core Airports

CATEX1 may not be used for new conventional procedures, or a combination of conventional procedures and applicable RNAV and RNP procedures. All instrument flight procedures in development, including procedures for which this CATEX may potentially apply, are available on FAA's Instrument Flight Procedures Information Gateway which is located at [https://www.faa.gov/air\\_traffic/flight\\_info/aeronav/procedures/](https://www.faa.gov/air_traffic/flight_info/aeronav/procedures/). If CATEX1 is being considered for a procedure, it should be confirmed that the procedure is listed on the Instrument Flight Procedures Information Gateway to fulfill the requirements of Section 213(c)(1) of the FAA Modernization and Reform Act of 2012.

As indicated in the original memo, before applying this CATEX, it must be determined that extraordinary circumstances do not exist and connected actions must be evaluated in conjunction with the proposed action to ensure cumulative impacts are appropriately evaluated.

### **Airport Operator and Community Engagement**

FAA collaboration with airport operators is critical during the planning and design of proposed RNP/RNAV procedures, and as part of determining the applicability of this CATEX. This collaboration should include consideration of appropriate FAA community engagement that would inform the affected public of proposed procedures and help identify community concerns.

### **Required AEE and AGC Concurrence**

Due to the unique nature of this CATEX, all Lines of Business / Staff Offices must coordinate with and obtain written concurrence from AEE-400 and AGC-600 prior to applying this CATEX to a proposed action until further notice.

**Effective Date**

This supplemental guidance is effective immediately.

*For further information, contact:*

Julie Marks, Office of Environment and Energy, Manager, Environmental Policy and Operations (AEE-400), Federal Aviation Administration, 800 Independence Avenue, SW, Washington DC 20591, telephone (202) 267-3494

or

Michon Powell, Air Traffic Organization, Mission Support Services, Acting Manager, Environmental Policy Team (AJV-11), Federal Aviation Administration, 800 Independence Avenue, SW, Washington DC 20591, telephone (202) 267-9183.

## ATTACHMENT A

### Guidance for Implementation of the Categorical Exclusion in Section 213(c)(1) of the FAA Modernization and Reform Act of 2012 December 2012



## Federal Aviation Administration

---

---

# Memorandum

FAA Order 1050.1E, Change 1, Guidance Memo #5<sup>1</sup>

Date: December 6, 2012

To: FAA Lines of Business and Managers with NEPA Responsibilities

From: Julie Marks, Manager, Environmental Policy and Operations, AEE-400  
*Julie Marks 12/6/12*

Subject: **Guidance for Implementation of the Categorical Exclusion in  
Section 213(c)(1) of the *FAA Modernization and Reform Act of 2012***

---

---

This memorandum provides guidance to implement a new legislative categorical exclusion (213(c)(1) CATEX) that was established by Congress in the FAA Modernization and Reform Act of 2012 (“Act”). Implementation of the 213(c)(1) CATEX is effective as of the date of this memorandum.

The CATEX in Section 213(c)(1) of the Act provides:

(c) COORDINATED AND EXPEDITED REVIEW.

“(1) In General.—Navigation performance and area navigation procedures developed, certified, published, or implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.”

### Implementing Instructions

The 213(c)(1) CATEX is specific to procedures described under Section 213 of the Act at:

- 35 Operational Evolution Partnership (OEP) airports and any medium or small hub airport located within the same metroplex area considered appropriate by the Administrator,
- and at 35 non-OEP airports.

---

<sup>1</sup> This document is guidance memo #5 for FAA Order 1050.1E (Change 1). It is the fifth in a series of memos to provide additional guidance on FAA’s NEPA requirements, procedures, and practices.

In March 2011 the FAA replaced the OEP with an initiative to incorporate NextGen technology into the National Airspace System based on the Core Airports (see Attachment 1). The Core Airports consist of the 29 large hub airports plus Memphis International Airport. The FAA interprets the phrase ‘35 OEP airports’ in section 213 to refer to the 30 Core Airports. The FAA identified the RNAV and RNP to be “developed, certified, published, or implemented” at Core airports, as well as at medium and small hub airports located within the same metroplex area as the Core Airports, to which this CATEX will potentially apply at the following website:

[http://www.faa.gov/air\\_traffic/flight\\_info/aeronav/procedures/reports/](http://www.faa.gov/air_traffic/flight_info/aeronav/procedures/reports/)

The FAA also identified the RNP to be “developed, certified, published or implemented” at non-Core Airports at this website pursuant to section 213 (b)(1). The 213(c)(1) CATEX does not apply to other types of proposed procedures or other airports. Most proposed air traffic procedures are covered by established CATEXes under paragraph 311 in Chapter 3 of FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*. This new 213(c)(1) CATEX may be used for proposed RNP/RNAV procedures at the specified airports in addition to other CATEXes that may also apply.

FAA Order 1050.1E lists two categories of procedures in paragraphs 401m and 401n that normally require an Environmental Assessment (EA). These are:

“New instrument approach procedures, departure procedures, en route procedures, and modifications to currently approved instrument procedures which routinely route aircraft over noise sensitive areas at less than 3,000 feet above ground level (AGL).”

“New or revised air traffic control procedures which routinely route air traffic over noise sensitive areas at less than 3,000 feet AGL.”

Proposed RNP/RNAV procedures that have to date normally required an EA under the provisions of Order 1050.1E will, as of the date of the FAA Modernization And Reform Act of 2012, February 14, 2012, fall within the scope of the 213(c)(1) CATEX at the specified airports absent extraordinary circumstances. Procedures other than RNP/RNAV still fall under the provisions of paragraphs 401m and 401n.

The 213(c)(1) CATEX is subject to the same requirements as other CATEXes in Order 1050.1E. The statutory language specifically states that the Administrator must determine if extraordinary circumstances exist before applying this legislative CATEX. Extraordinary circumstances exist when a proposed action involves one or more of the circumstances described under paragraph 304 of Order 1050.1E and may have a significant impact. Screening<sup>2</sup> and other consultation or analyses that are performed to determine the potential for extraordinary circumstances apply to the 213(c)(1) CATEX, just as they do to other procedural CATEXes. If extraordinary circumstances do not exist, FAA’s environmental review will be completed with a documented CATEX that includes the results of screening and any other reviews that were performed (i.e., an EA will not be prepared). If extraordinary

---

<sup>2</sup> Screening is a process where a first order analysis is performed to determine if there is a potential for significant environmental impacts. Screening can be completed using FAA approved look up tables and/or screening tools. Specific guidance around the appropriate use of the different screening mechanisms and the interpretations of the results exist and should be referenced during the screening process.

circumstances are found to exist, FAA will prepare an EA or Environmental Impact Statement (EIS) in accordance with Order 1050.1E.

Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) governing cumulative effects and connected actions continue to apply to proposed RNAV and RNP procedures at the specified airports. Proposed RNP/RNAV procedures at the specified airports must not be inappropriately segmented from larger projects or evaluated in isolation from potential cumulative effects with other proposed agency actions (e.g., conventional and PBN procedures for implementation at the same location and the same time, or runway development and associated PBN procedures). Environmental laws in addition to NEPA also continue to apply if they are relevant, e.g. the Clean Air Act.

## **Background**

FAA Order 1050.1E (Change 1) *Environmental Impacts: Policies and Procedures* (March 20, 2006) establishes agency-wide policies and procedures for compliance with NEPA and the implementing regulations issued by CEQ (40 CFR parts 1500-1508). CATEXes are categories of actions which do not individually or cumulatively have a significant effect on the environment and are, therefore, not subject to further review in an EA or EIS. A CATEX is not an exemption from NEPA review. Proposed actions that fall under CATEXes are subject to a sufficient amount of review to allow the FAA to determine that no extraordinary circumstances apply that would require more detailed environmental review with an EA or EIS.

The 213(c)(1) CATEX was created by Congress with the intent to expedite environmental reviews of proposed RNP/RNAV procedures at certain airports. We expect this will be achieved through the ability to use more documented CATEXes for these procedures in lieu of EAs that are concluded with Findings of No Significant Impact (FONSIs). Some concern has been expressed that the 213(c)(1) CATEX enables NextGen procedures to be implemented without appropriate consideration of potential environmental impacts, especially noise impacts. The Act addresses this concern by placing the 213(c)(1) CATEX within the context of FAA Order 1050.1E and making the 213(c)(1) CATEX subject to extraordinary circumstances. Noise screening and other environmental reviews that apply to the FAA's administratively established CATEXes also apply to the 213(c)(1) CATEX. Proposed procedures that would trigger extraordinary circumstances, including significant noise impacts, cannot be CATEXed.

The Act includes a second legislative CATEX in Section 213(c)(2). This second CATEX is subject to future guidance and is not within the scope of this memorandum.

## **Effective Date**

The use of the legislative CATEX in Section 213(c)(1) of the FAA Modernization and Reform Act of 2012 was dependent on FAA identifying the procedures and airports to which this CATEX will potentially apply. Since FAA has identified the procedures and airports at the above referenced FAA website, the CATEX can now be used and is effective immediately. The CATEX will also be incorporated into the revision of Order 1050.1E.

**For further information, contact:**

Julie Marks, Office of Environment and Energy, Manager, Environmental Policy and Operations (AEE-400), Federal Aviation Administration, 800 Independence Avenue, SW, Washington DC 20591, telephone (202) 267-3494

or

Donna Warren, Air Traffic Organization, Mission Support Services, Manager, Environmental Policy Team (AJV-11), Federal Aviation Administration, 800 Independence Avenue, SW, Washington DC 20591, telephone (202) 267-9183.

## ATTACHMENT B

### List of CATEX 1 Applicable Core Airports and the Associated Medium and Small Hub Airports

Core Airports	Metroplex	Medium Hub Airports	Small Hub Airports
Hartsfield-Jackson Atlanta	Atlanta		
Boston Logan	Boston	Bradley International Airport; T.F. Green Airport	Manchester-Boston Regional Airport
Thurgood Marshall Baltimore-Washington	D.C.		
Charlotte Douglas	Charlotte	Raleigh-Durham International	Columbia Metropolitan; Piedmont Triad International; Greenville-Spartanburg
Ronald Reagan Washington National	D.C.		
Denver	Denver		
Dallas-Fort Worth	North Texas	Dallas Love Field	
Detroit Metropolitan- Wayne County	Detroit		
Newark	New York/ Philadelphia		Westchester County; Long Island MacArthur
Fort Lauderdale- Hollywood	South Florida		
Honolulu	Honolulu		
Washington Dulles	D.C.		
George Bush	Houston	William P. Hobby	
John F. Kennedy	New York/ Philadelphia		Westchester County; Long Island MacArthur
McCarran	Las Vegas Valley		
Los Angeles	Southern California	Bob Hope; Ontario International; John Wayne Airport- Orange County Airport	Long Beach; Palm Springs International
LaGuardia	New York/ Philadelphia		Westchester County; Long Island MacArthur
Orlando	Orlando		Orlando Sanford International
Chicago Midway	Chicago	General Mitchell International	
Memphis	Memphis		
Miami	South Florida		

Core Airports	Metroplex	Medium Hub Airports	Small Hub Airports
Minneapolis-St Paul	Minneapolis-St. Paul		
Chicago O'Hare	Chicago	General Mitchell International	
Philadelphia	New York/Philadelphia		Westchester County; Long Island MacArthur
Phoenix Sky Harbor	Phoenix		Phoenix-Mesa Gateway
San Diego-Lindbergh Field	Southern California	Bob Hope; Ontario International; John Wayne Airport-Orange County Airport	Long Beach; Palm Springs International
Seattle-Tacoma	Seattle		
San Francisco	Northern California	Norman Y. Mineta San Jose International; Sacramento International	Oakland International
Salt Lake City	Salt Lake City		
Tampa	Tampa		St. Petersburg-Clearwater International; Sarasota/Bradenton International

Note: This list is current as of the effective date of this memorandum. When considering use of CATEX1, the current list of Core Airports could potentially change and should be reviewed at <http://www.faa.gov/nextgen/snapshots/airport/>.

## ATTACHMENT C

### List of CATEX 1 Applicable Non-OEP/Non-Core Airports

Airport Code	Airport Name
1V6	Fremont County Airport
ABQ	Albuquerque International Sunport
ALB	Albany International Airport
ANC	Ted Stevens Anchorage International Airport
APF	Naples Municipal Airport
AUS	Bergstrom International Airport
BCT	Boca Raton Airport
BED	Laurence G Hanscom Field Airport
BHM	Birmingham-Shuttlesworth International Airport
BIL	Billings Logan International Airport
BLI	Bellingham International Airport
BNA	Nashville International Airport
CHS	Charleston International Airport
CMH	Port Columbus International Airport
CRW	Yeager Airport
DAL	Dallas Love Field Airport
ECP	Northwest Florida Beaches International Airport
ELP	El Paso International Airport
FAI	Fairbanks International Airport
HRL	Valley International Airport
HTO	East Hampton Airport
IND	Indianapolis International Airport
IWA	Phoenix-Mesa Gateway Airport
JAX	Jacksonville International Airport
MCI	Kansas City International Airport
MHT	Manchester-Boston Regional Airport
OMA	Eppley Airfield Airport
PRC	Prescott Municipal Airport
PUW	Pullman-Moscow Regional Airport
PVD	Green Airport
RIC	Richmond International Airport
SDF	Louisville International Airport
SMF	Sacramento International Airport
SMO	Santa Monica Municipal Airport
TTN	Trenton Mercer Airport