

The Executive Director of the FAA Office of Environment and Energy, Julie Ann Marks, signed the following notice on June 30, 2025, and FAA submitted it for publication in the *Federal Register*. While we have taken steps to ensure the accuracy of this pre-publication version, it is not the official version. Please refer to the official version in a forthcoming *Federal Register* publication, which will appear on the *Federal Register* website, <https://www.federalregister.gov/>, Government Printing Office's website, <https://www.govinfo.gov/app/collection/fr>, and on <https://regulations.gov> in Docket No. FAA-2025-1571. Once the official version of this document is published in the *Federal Register*, this version will be removed and replaced with a link to the official version.



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

**ORDER
1050.1G**

Effective Date:
6/30/25

SUBJ: FAA National Environmental Policy Act Implementing Procedures

This Order serves as the Federal Aviation Administration's (FAA) policy and procedures for compliance with the National Environmental Policy Act (NEPA), as amended, and reflects the February 25, 2025, Interim Final Rule issued by the Council on Environmental Quality rescinding its regulations implementing NEPA. The provisions of this Order apply to actions directly undertaken by the FAA and to actions undertaken by a non-Federal entity where the FAA has authority to condition a permit, license, or other approval. The requirements in this Order apply to, but are not limited to, the following actions: grants, loans, contracts, leases, construction and installation actions, procedural actions, research activities, rulemaking and regulatory actions, certifications, licensing, permits, plans submitted to the FAA by state and local agencies for approval, and legislation proposed by the FAA. The Order was last revised in 2015.

This Order updates FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures* to: 1) provide streamlined procedures that maintain environmental amenities and protection; 2) reduce regulatory delays that may impede aviation safety improvements and infrastructure development as well as integration of new entrant technologies; and 3) provide a clear, concise, and up-to-date statement of the FAA's requirements for implementing NEPA.

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Acting Administrator

Table of Contents

PURPOSE, POLICY, AND APPLICABILITY	1
PART 1—NEPA AND AGENCY PLANNING	2
PART 2—ENVIRONMENTAL IMPACT STATEMENTS	18
PART 3—EFFICIENT ENVIRONMENTAL REVIEW	23
PART 4—AGENCY DECISION MAKING	28
PART 5—PROCEDURES FOR APPLICANT-PREPARED NEPA DOCUMENTS	30
PART 6—DEFINITIONS	31
PART 7—SEVERABILITY	35
APPENDIX A—SIGNIFICANCE DETERMINATION FOR FAA ACTION	A-1
APPENDIX B—EXTRAORDINARY CIRCUMSTANCES AND CATEGORICAL EXCLUSIONS	B-1
APPENDIX C—FEDERAL AVIATION ADMINISTRATION REQUIREMENTS FOR ASSESSING IMPACTS RELATED TO NOISE AND NOISE-COMPATIBLE LAND USE	C-1

FAA National Environmental Policy Act Implementing Procedures

PURPOSE, POLICY, and APPLICABILITY

Purpose and policy.

(a) The purpose of these procedures is to integrate the National Environmental Policy Act (NEPA) into FAA's decision-making processes. Specifically, the procedures: describe the process by which FAA determines, based on its statutory authorities and Congressional statements of purpose and policy, e.g. safety, efficiency, and minimizing effects of aviation activity on people and the environment, what actions are subject to NEPA's procedural requirements and the applicable level of NEPA review. These procedures also ensure that relevant environmental information is identified and considered early in the process in order to ensure informed decision making; enable FAA to conduct coordinated, consistent, predictable and timely environmental reviews; reduce unnecessary burdens and delays; and implement NEPA's mandates regarding lead and cooperating agency roles, page and time limits, and sponsor preparation of environmental documents.

(b) *Procedural and Interpretive Guidance.* This Order sets forth FAA's procedures and practices for implementing NEPA. It further explains FAA's interpretation of certain key terms in NEPA. It does not, nor does it intend to, govern the rights and obligations of any party outside the Federal government. It does, however, establish the procedures under which FAA will typically fulfill its requirements under NEPA.

(c) *Consultation with the Council on Environmental Quality ("CEQ").* In addition to the process for establishing or revising categorical exclusions (CATEXs) set forth in § 1.4(b) and (d), FAA will consult with CEQ while developing or revising their proposed NEPA implementing procedures, in accord with NEPA § 102(2)(B), 42 U.S.C. § 4332(B).

Applicability.

(a) *Applicability.* This Order is applicable to all FAA employees who approve, manage, or otherwise participate in actions requiring FAA compliance with 42 U.S.C. §§ 4321 *et seq.*, DOT Order 5610.1, and all FAA contractors, and state aviation agencies participating in FAA's State Block Grant Program (SBGP), involved in such actions under the FAA's purview. This Order provides guidance to applicants on how to provide information to the FAA to comply with NEPA or to draft NEPA-related documents as part of their applications. The Order does not in fact, nor does it intend to, govern the rights and obligations of any party outside the FAA. The FAA will independently review and assess whether applicant furnished information, data, and draft NEPA-related documents comply with the FAA's interpretations of existing law, agency procedure, practice, and guidelines with respect to NEPA compliance.

(b) *Authority.* NEPA imposes certain procedural requirements on the exercise of FAA's existing legal authority in relevant circumstances. Nothing contained in these procedures is intended or should be construed to limit FAA's other authorities or legal responsibilities.

(c) *Line of Business NEPA Procedures.* This Order supersedes Lines of Business (LOB)-specific orders, as well as any LOB-specific guidance, manuals, or other NEPA-related instructions to the extent that they conflict with this Order. LOB-specific NEPA Orders, guidance manuals, or instructions may be used as a reference or guide to NEPA practices in those instances where there are no substantive conflicts with this Order.

Cancellation and Effective Date.

This Order cancels FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” issued July 16, 2015. This Order is effective immediately, but FAA is soliciting public comment on this Order and may update it based on comments received. This Order does not apply to or alter any decisions made and final environmental documents issued prior to the effective date of this Order. FAA will apply the procedures in this Order to actions initiated on or after the effective date of this Order.

PART 1—NEPA AND AGENCY PLANNING**§ 1.1 Determining when NEPA applies.**

- (a) FAA will determine that NEPA does not apply to a proposed agency action when:
- (1) The activities or decision do not result in final agency action under the Administrative Procedure Act, *see* 5 U.S.C. § 704, or other relevant statute that also includes a finality requirement;
 - (2) The proposed activity or decision is exempted from NEPA by law;
 - (3) Compliance with NEPA would clearly and fundamentally conflict with the requirements of another provision of law;
 - (4) In circumstances where Congress by statute has prescribed decisional criteria with sufficient completeness and precision such that FAA retains no residual discretion to alter its action based on the consideration of environmental factors, then that function of FAA is nondiscretionary within the meaning of NEPA § 106(a)(4) and/or § 111(10)(B)(vii) (42 U.S.C. § 4336(a)(4) and § 4336e(10)(B)(vii), respectively), and NEPA does not apply to the action in question;
 - (5) The proposed action is an action for which another statute’s requirements serve the function of agency compliance with the Act; or
 - (6) The proposed action is not a “major Federal action.” The terms “major” and “federal action,” each have independent force. NEPA applies only when both of these two criteria are met. While such a determination is inherently bound up in the facts and circumstances of each individual situation, and is thus reserved to the judgment of FAA in each instance, FAA provides its officials and the public at large with the following interpretive guidance:
 - (i) FAA will presume, on the basis of its experience, that the following list of actions, though not exhaustive, generally qualify as “major”:
 - (A) Unconditional or mixed ALP approval of airport development for which the FAA has ALP approval authority under 49 U.S.C. § 47107(a)(16) and § 47107(x);
 - (B) Federal financial participation in airport development via any of the following funding sources: Passenger Facility Charges; grants authorized under Subtitle VII, Part B of Title 49 of the U.S. Code; under Title VII or Division J of Public Law No. 117-58; or similarly situated future programs for Federal assistance.
 - (C) Issuance, modification or renewal of commercial space launch site operator licenses, vehicle operator licenses, and experimental permits.
 - (ii) NEPA does not apply to “non-Federal actions.” Therefore, under the terms of the statute, NEPA does not apply to actions with no or minimal Federal funding, or with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project or ministerial actions. NEPA § 111(10)(B)(i), 42 U.S.C. § 4336e(10)(B)(i). A but-for causal

relationship is insufficient to make an agency responsible for a particular action under NEPA. By the same token, minimal Federal funding or involvement, which may in a causal sense be a but-for cause of an action, does not by itself convert that action into a Federal action within the meaning of the language of the statute. In addition to the illustrative general categories set forth in NEPA § 111(10), 42 U.S.C. § 4336e(10), FAA has determined that the following non-exhaustive list of FAA's activities are not subject to NEPA because they presumptively do not meet the definition of a "major Federal action":

- (A) The FAA presumes that the definition of a major federal action is not applicable to projects or proposals for which FAA funding comprises 14% or less of the total project funding and where the FAA has no other Major Federal Action or maintains minimal ongoing federal control and responsibility relating to the use of the funds or the resulting project. This presumption does not apply to airport development projects funded in whole or in part via Passenger Facility Charges under Subtitle VII, Part A of Title 49 of the U.S. Code or federal grants authorized under Subtitle VII, Part B of Title 49 of the U.S. Code; Title VII of Division J of Public Law No. 117-58; or similarly situated future programs for Federal assistance.
- (B) Advisory Actions: Some FAA actions are of an advisory nature, such that the FAA does not have substantial control or responsibility over their outcome. Actions of this type are not subject to NEPA review. If it is known or anticipated that some subsequent Federal action is subject to NEPA, the FAA must indicate so in the advisory action. Examples of advisory actions include:
 - a. Determinations under 14 CFR part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace;
 - b. Determinations under 14 CFR part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports, which applies to civil or joint-use airports, helipads, and heliports;
 - c. Designation of alert areas and warning areas under FAA Order 7400.2, *Procedures for Handling Airspace Matters*;

(b) **Administrative Actions**. NEPA review is not required for the promulgation of this Order or similar orders issued by the FAA Administrator or organizational elements as authorized by the FAA Administrator that provide supplemental instructions for agency compliance with this Order. NEPA review is also not required for administrative actions (e.g., contractor selection associated with a NEPA review) or for making editorial changes or corrections to publications that do not change the action being taken.

- (1) Clarifying or administrative procedural changes that do not have the potential to result in or direct changes in the environment, including but not limited to:
 - (i) amending or removing notes to procedures that will not change where or how aircraft fly;
 - (ii) changing the naming conventions, including the names of airports, waypoints, fixes, or procedures, and documenting such change in aviation charts;
 - (iii) issuing memoranda, directives, notices, and similar documents that would not result in physical or operational changes;

(A) Exemptions granted under 49 U.S.C § 41718 of the FAA Reauthorization Act of 2024 (the Act) from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 to air carriers on select routes between Ronald Reagan Washington National Airport and domestic hub airports and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations of the Act shall not be considered a major Federal action.

- a. FAA may make determinations under this section or on an individual basis, as appropriate.
- b. FAA may seek the Council's assistance in making an individual determination under this section.
- c. FAA shall consult with other Federal agencies concerning their concurrence in statutory determinations made under this section where more than one Federal agency administers the statute.

(c) The issuance or update of the FAA's NEPA procedures is not subject to NEPA review.

(d) In determining whether NEPA applies to a proposed agency action, FAA will consider only the action or project at hand.

§ 1.2 Determine the appropriate level of NEPA review.

(a) If FAA determines under § 1.1 that NEPA applies to a proposed activity or decision, FAA will then determine the appropriate level of NEPA review in the following sequence and manner. At all steps in the following process, FAA will consider the proposed action or project at hand and *its* effects.

(1) If FAA has established, or adopted pursuant to NEPA § 109, 42 U.S.C. § 4336c, a CATEX that covers the proposed action (see appendix B of these procedures), FAA will analyze whether to apply the CATEX to the proposed action if appropriate, pursuant to § 1.4(e). Where a proposed action consists of multiple activities, and all of the activities that comprise the proposed action fall within more than one CATEX, the FAA may rely on multiple categories for a single proposed action, provided that the aggregate extraordinary circumstances are not present that cannot be mitigated below the level of significance.

(2) If another agency has already established a CATEX that covers the proposed action, FAA will consider whether to adopt that exclusion pursuant to § 1.4(c) so that it can be applied to the proposed action at issue, and to future activities or decisions of that type.

(3) If the proposed action warrants the establishment of a new CATEX or the revision of an existing CATEX, pursuant to § 1.4(b), FAA will consider whether to establish or revise and then apply the CATEX to the proposed action pursuant to § 1.4(e).

(4) If FAA cannot apply a CATEX to the proposed action consistent with paragraphs (a)(1)-(a)(3), FAA will consider the proposed action's reasonably foreseeable effects consistent with paragraph (b), and then will:

- (i) if the proposed action is not likely to have reasonably foreseeable significant effects or the significance of the effects is unknown, develop an environmental assessment (EA), as described in § 1.5 of this Order; or
- (ii) if the proposed action is likely to have reasonably foreseeable significant effects and significant effects cannot be reduced to less than significant levels, develop an EIS, as described in Part 2 of this Order.

(b) When considering whether the reasonably foreseeable effects of the proposed action are significant, FAA will analyze the potentially affected environment and degree of the effects of the action. FAA may use any reliable data source and will not undertake new research unless it is essential to evaluating alternatives and the cost and time of obtaining it are not unreasonable.

(1) In considering the potentially affected environment, FAA may consider, as appropriate to the specific action, the affected area (national, regional, or local) and its resources. The FAA will consider the following resources when preparing the NEPA document:

- (i) Aviation Emissions and Air Quality
 - (ii) Biological resources (including fish, wildlife, and plants)
 - (iii) Coastal Resources
 - (iv) Department of Transportation Act Section 303 (referred to as "Section 4(f)") and Land and Water Conservation Fund (referred to as "Section 6(f)")
 - (v) Farmlands
 - (vi) Hazardous materials, solid waste, and pollution prevention
 - (vii) Historical, architectural, archeological, and cultural resources
 - (viii) Land use
 - (ix) Natural resources and energy supply
 - (x) Noise and noise-compatible land use
 - (xi) Socioeconomics and children's health and safety risks
 - (xii) Visual effects (including light emissions)
 - (xiii) Water resources (including wetlands, floodplains, surface waters, groundwater, and wild and scenic rivers).
- (2) In considering the type and degree of the effects, FAA may consider the following, as appropriate to the specific action:
- (i) Both short- and long-term effects.
 - (ii) Both beneficial and adverse effects.
 - (iii) Effects on public health and safety.
 - (iv) Economic effects.
 - (v) Effects on the quality of life of the American people.
- (3) **Special Purpose Laws and Requirements.** In addition to NEPA compliance, the FAA must comply with all other applicable special purpose laws and requirements. Consultations must be accomplished prior to completing the environmental review. To ensure efficiency in completing environmental and other legal requirements, the FAA must involve other agencies during the NEPA process and meet the public engagement requirements, where applicable, in all applicable special purpose laws. The FAA must report on the status of any special consultation required (e.g., under Section 7 of the Endangered Species Act, 16 U.S.C. § 1536; Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108; Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303; or the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1466). Agency consultation(s) should occur concurrently with the NEPA process to the greatest extent possible to avoid duplication and delay.
- (4) **Reducing Paperwork.** The reduction of excessive paperwork distributing and publishing of the EA, FONSI or joint FONSI/ROD, EIS, and ROD may be made through electronic media, cloud-based, or interactive digital platforms (e.g., a project or agency website, dashboard, email list, or social media). The FAA will apply these concepts to all NEPA reviews (analyses and documents).

§ 1.3 NEPA and agency decisionmaking.

- (a) *Planning and timing.* Each of FAA's LOB engages in unique planning procedures based on the nature of their activities and the entity undertaking the activity (FAA vs. applicant/sponsor). As a

result, each LOB will rely on its own statutory and regulatory authorities to determine the appropriate integration of planning and NEPA. Environmental issues should be identified and considered early in a proposed action's planning process to ensure efficient, timely, and effective environmental review. Adequate planning is the foundation for any proposed project and is essential for completing the NEPA process efficiently and effectively. Initiating the appropriate level of environmental review at the earliest reasonable time facilitates the NEPA process. Regardless of whether the FAA or an applicant or contractor is preparing the environmental document, the FAA should ensure that proper planning is completed, and the project is sufficiently developed to permit meaningful review before beginning the NEPA process. FAA coordination with other Federal, State, Tribal, or local agencies may also be required to determine the necessary design level to proceed with the environmental analysis

(b) *Limitations on actions during the NEPA process.* While a NEPA review is ongoing, FAA will take no action concerning a proposal that would:

- (1) have an adverse environmental effect; or
- (2) limit the choice of reasonable alternatives.

(c) *Actions developed by non-Federal entities.* For proposed actions that are initially developed by applicants [e.g., entities that submit applications for Federal financial assistance, permits, or licenses] or other non-Federal entities, FAA will:

- (1) Coordinate with the non-Federal entity at the earliest reasonable time in the planning process to inform the entity what information FAA might need to comply with NEPA and establish a schedule for completing steps in the NEPA review process, consistent with NEPA's statutory deadlines and any internal agency NEPA schedule requirements; and
- (2) begin the NEPA process by determining whether NEPA applies, as described in § 1.1 of this Order, and if it does, determine the appropriate level of NEPA review, as described in § 1.2 of this Order, as soon as practicable after receiving the complete application or the information necessary to undertake environmental review.

An applicant or a contractor hired by the applicant may prepare an EA or EIS under FAA's supervision. FAA's procedures for applicant-prepared EAs and EIS are included in part 5 of this Order.

(d) If FAA is considering an application from a non-Federal entity and becomes aware that the applicant is about to take an action within FAA's jurisdiction that would meet either of the criteria in paragraph (b), FAA will promptly notify the applicant that FAA will take appropriate action to ensure that the objectives and procedures of NEPA are achieved. This section does not preclude development by applicants of plans or designs or performance of other activities necessary to support an application for Federal, State, Tribal, or local permits or assistance. When considering a proposed action for Federal funding, only when not in conflict with 49 U.S.C. § 47106(c)(1)(B), the FAA may authorize such activities, including, but not limited to, purchase of long lead-time equipment, and purchase options made by applicants.

(e) *Rulemaking.* For informal rulemaking conducted pursuant to the Administrative Procedure Act, 5 U.S.C. § 553, the environmental document will normally accompany the proposed rule. When the FAA prepares an EIS for a rulemaking activity that could cause significant environmental impacts, the responsible FAA official should consult with the Office of Rulemaking (ARM-1) and the Office of the Chief Counsel, Airports and Environmental Law Division (AGC-600) to coordinate public engagement.

(f) *Streamlining.* The Office of Airports is required to complete NEPA reviews for certain statutorily identified projects consistent with the streamlining provisions of 49 U.S.C. §47171. Refer to the statute and the FAA's Desk Reference for more detail.

§ 1.4 Categorical exclusions.

(a) *Generally.* This section describes the process FAA uses for establishing and revising CATEXs, for adopting other agencies' CATEXs, and for applying CATEXs to a proposed agency action. FAA's CATEXs, including CATEXs FAA established and substantiated consistent with its NEPA procedures, legislative CATEXs, and CATEXs adopted from other agencies, are listed in Appendix B. Extraordinary circumstances are discussed in Appendix B.

(b) *Establishing and revising CATEXs.* To establish or revise a CATEX, the FAA will determine that the category of actions normally does not significantly affect the quality of the human environment. In making this determination, the FAA will:

(1) Develop a written record containing information to substantiate its determination. The written record may also be established through a decision document supported by a programmatic environmental document that substantiates the FAA's conclusion that the category of actions analyzed in the programmatic environmental document does not have significant effects, individually or in the aggregate. The decision document associated with this programmatic environmental document may contain limitations on the application of the CATEX, including within specific geographic areas or habitat types, in the presence or absence of other environmental conditions, duration, associated mitigation measures, and circumstances under which the categorical exclusion would expire or cease to be available;

(2) Consult with CEQ on its proposed CATEX, including the written record, for a period not to exceed 30 days prior to providing public notice as described in subparagraph (3); and

(3) Provide public notice in the *Federal Register* of FAA's establishment or revisions of the CATEX and the location (*e.g.*, website) of availability of the written record if the FAA determines notice in the *Federal Register* is warranted.

(4) Update this Order, as appropriate, to reflect the establishment of CATEXs through a programmatic environmental document and associated decision document. Where the programmatic document proposing a CATEX as described in subsection (b)(1) has been made available for notice and comment, this Order may be made available to the public through a public notice in the Federal Register without a public comment period.

(c) *Adopting CATEXs from other Department of Transportation Operating Administrations*

(1) Cross-Modal Use of CATEXs. The FAA may use a CATEX established by another operating administration (OA) or OST office and included in its NEPA procedures.³ In coordination with AGC-600, the LOB/SO should consult with the applicable OA or OST office to confirm that the CATEX was designed to apply to the same kind of action as the proposed action. When determining if extraordinary circumstances exist, the LOB/SO should generally follow the extraordinary circumstances process set forth in the NEPA procedures containing the CATEX but may determine that it is appropriate to also consider the extraordinary circumstances process as described in this Order (refer to Appendix B-1).

(d) *Adopting CATEXs from other Federal agencies.* Consistent with NEPA § 109, 42 U.S.C. § 4336c, FAA may adopt a CATEX listed in another agency's NEPA procedures. When adopting a CATEX, FAA will:

(1) Identify the CATEX listed in another agency's NEPA procedures that covers its category of proposed or related actions;

(2) Notify AEE-400 and AGC-600 of the desire to use another Federal agency's CATEX. In making this notification, the requesting LOB should describe the FAA actions for which this CATEX would

be used and include the rationale describing why the other agency's categorically excluded action and the category of proposed FAA actions are substantially similar.

(3) Once there is a consensus among the requesting LOB, AEE-400 and AGC-600 that the other Federal agency's CATEX could appropriately be applied to the FAA action, AEE-400, in collaboration with AGC-600 and the requesting LOB, will consult with the Federal agency that established the CATEX to ensure it would be properly applied;

(4) AEE-400 will coordinate with AGC-600 and the requesting LOB to publish, if the FAA determines public notice is warranted, a notice in the Federal Register notifying the public of the intent to adopt the CATEX and to incorporate it into these procedures, describe the FAA actions to which the adopted CATEX will apply, describe extraordinary circumstances review that will be undertaken when the CATEX is applied to a specific proposal, and will describe briefly the inter-agency consultation the FAA took with the originating agency; and

(5) Following consideration of public comments if the FAA provides public notice consistent with section 1.4(d), AEE-400, in consultation with AGC-600 and the requesting LOB, will determine whether to adopt the CATEX and incorporate it into Appendix B of this Order.

(e) *Removal of CATEXs.* To remove a CATEX from Appendix B of these procedures, FAA will:

(1) Develop a written justification for the removal;

(2) Consult with CEQ on its proposed removal of the CATEX, including the written justification, for a period not to exceed 30 days prior to providing public notice as described in subparagraph (3); and

(3) Provide public notice of FAA's removal of the CATEX and the written justification in the *Federal Register*.

(f) *Applying CATEXs.* If FAA determines that a CATEX covers a proposed agency action, FAA will evaluate the action for extraordinary circumstances that indicate a normally excluded agency action is likely to have reasonably foreseeable significant adverse impact(s).

(1) If an extraordinary circumstance is not present, FAA will determine that the CATEX applies to the proposed agency action and conclude review.

(2) FAA will determine that the CATEX applies to the proposed agency action and conclude review if FAA either:

(i) Determines that, notwithstanding the extraordinary circumstance, the proposed agency action is not likely to result in reasonably foreseeable adverse significant effects; or

(ii) Modifies the proposed agency action to avoid those effects.

If FAA determines that it cannot apply the CATEX to the proposed action, FAA will prepare an EA or EIS, as appropriate.

(3) *Documentation of CATEX determinations.* How FAA will document its evaluation of the applicability of a CATEX:

(i) Some of the CATEXs listed in Appendix B cover actions for which there are no reasonable expectations of any changes in use or other changes that could cause an environmental impact. These are designated with an asterisk (*). Many of the other CATEXs cover actions that have little or no potential for extraordinary circumstances. When using a CATEX for these actions, a LOB/SO may prepare a simple written record (which may already be included in documentation prepared during the course of normal project development) that a specific CATEX was determined to apply to a proposed action.

- (ii) Some actions involve greater potential for one or more extraordinary circumstances or otherwise warrant additional CATEX documentation, as described in Paragraph iii, below. Factors that may warrant the preparation of additional documentation include actions:
 - (A) Likely to affect sensitive resources sufficiently to heighten concerns regarding the potential for extraordinary circumstances;
 - (B) That would result in changes to the routine routing of aircraft that have the potential to result in significant increases in noise over noise sensitive areas;
 - (C) Involving situations in which the applicability of a CATEX is not intuitively clear;
 - (D) Involving known controversy on environmental grounds or significant public opposition relating to the nature of the project's effects; or
 - (E) For which litigation is anticipated.
 - (iii) FAA LOB/SOs are responsible for identifying proposed actions within their purview that warrant CATEX documentation. LOB/SOs may additionally exercise professional judgment to document a project-specific CATEX that is not included in the list of CATEXs denoted with an asterisk (*). A determination that a proposed action qualifies for a CATEX is not considered deficient due to lack of documentation provided that extraordinary circumstances have been considered.
- (4) The documentation prepared for a CATEX determination should be concise. The extent of documentation should be tailored to the type of action involved and the potential for extraordinary circumstances. There is no prescribed format; however, the documentation should cite the CATEX(s) used, describe how the proposed action fits within the category of actions described in the CATEX, and explain that there are no extraordinary circumstances that would preclude the proposed action from being categorically excluded.
- (i) The documentation of compliance with special purpose laws and requirements may either be included in a documented CATEX or may be documented separately in a Record of Decision (ROD) (see Desk Reference). In preparing documentation to support the use of a CATEX from an Airport action, applicants should refer to the ARP's Standard Operating Procedure (SOP) for CATEX Determinations.
 - (ii) Project-specific mitigation can be applied to a CATEX to "avoid significance." When a CATEX is being considered, any potentially significant effects must be examined in greater detail to conclude that the effects are not, in fact, significant or eliminated by revising the project. When project-specific mitigation cannot avoid significance or results in uncertainty about whether effects are significant, then an EA is the appropriate level of environmental review. When project-specific mitigation cannot avoid known significant effects, then an EIS is the appropriate level of environmental review.
 - (iii) Where the potential for extraordinary circumstances is identified, FAA will determine that the CATEX nevertheless applies to the proposed agency action and conclude review if:
 - (A) It was determined that, notwithstanding the extraordinary circumstance, the proposed agency action is not likely to result in reasonably foreseeable adverse significant effects; or
 - (B) The proposed agency action was modified to avoid those effects.
- (g) *Applying legislative categorical exclusions.* If FAA determines that a categorical exclusion established through legislation, or a categorical exclusion that Congress through legislation has directed FAA to establish, covers a proposed agency action, FAA will conclude review consistent with

applicable law. If appropriate, FAA may examine extraordinary circumstances, modify the proposed agency action, or document the determination that the legislative categorical exclusion applies, consistent with this section and the legal authority for the establishment of the legislative categorical exclusion.

(h) *Reliance on CATEX determinations of other agencies.* FAA may also rely on another agency's determination that a CATEX applies to a particular proposed agency action if the agency action covered by that determination and the FAA's proposed action are substantially the same, or if FAA's proposed action is a subset of the agency action covered by that determination. FAA will document its reliance on another agency's CATEX determination.

(1) LOBs/SOs should consult with AGC-600 if they are uncertain whether the CATEX determination covers the proposed action;

(2) Obtain the necessary documentation from the agency that made the CATEX determination the FAA intends to rely on (referred to below as the "determination agency"), including documentation showing that its CATEX determination meets the standards in subsections (b) and (c) above and any additional information the LOB/SO may need;

(3) Verify that the FAA's proposed action and the determination agency's proposed action covered by the CATEX determination are "substantially the same." For example, the agencies' actions are related as components of the same project, such that they would have the same effects;

(4) Verify that extraordinary circumstances do not exist under which the FAA's proposed action may have a significant environmental effect (refer to Appendix B);

(5) Document the reliance. The record documenting FAA's reliance on the CATEX determination should include a summary of the CATEX determination and other documentation obtained from the determination agency, the information and analysis supporting the LOB/SO's verifications in Section 1.4(g)(3) and (4) above, the LOB/SO's finding that the relevant requirements in 42 U.S.C. § 4336c have been met, and the LOB/SO's decision to rely upon the determination agency's CATEX determination which should be signed by the responsible FAA official;

(6) Publish the reliance determination on the FAA website or otherwise make it publicly available.

(i) *List of CATEXs.* FAA established CATEXs are listed in Appendix B.

§ 1.5 Environmental assessments.

(a) *Generally.* If an action is subject to NEPA, as determined following the procedures in § 1.1, and unless FAA finds that the proposed action is excluded from having to prepare an EA or EIS pursuant to a CATEX as determined following the procedures in § 1.4, or by another provision of law, FAA will prepare an EA with respect to a proposed agency action that does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown. FAA is mindful of Congress' direction that EAs are to be "concise." NEPA § 106(b)(2); 42 U.S.C. § 4336(b)(2).

(b) *Elements.* For the purpose of providing evidence and analysis for determining whether to prepare an EIS or a finding of no significant impact, EAs will briefly discuss:

(i) The purpose and need for the proposed agency action based on the FAA's statutory authority. When the proposed agency action concerns FAA's duty to act on an application for authorization or other approval of non-federal activity, the purpose and need for the proposed agency action will also be informed by the goals of the applicant;

(ii) The proposed action and alternatives to the extent required by NEPA § 102(2)(H), 42 U.S.C. § 4332(2)(H);

- (iii) The reasonably foreseeable effects of the proposed agency action and the alternatives considered; and
 - (iv) Any other information that is necessary to allow the responsible FAA official to determine whether a FONSI is appropriate, a mitigated FONSI is appropriate to avoid significance, or an EIS may be required.
- (c) *Agency actions normally requiring an EA.* The following classes of actions normally require EAs, but likely do not require an EIS:
- (1) Acquisition of land greater than three acres for, and the construction of, new office buildings and essentially similar FAA facilities;
 - (2) Issuance of certificates for new, amended, or supplemental aircraft types for which (a) environmental regulations have not been issued; or (b) new, amended, or supplemental engine types for which emission regulations have not been issued; or (c) where a NEPA analysis has not been prepared in connection with a regulatory action;
 - (3) Establishment of aircraft/avionics maintenance bases to be operated by the FAA;
 - (4) Authorization to exceed Mach 1 flight under 14 CFR § 91.817, Civil Aircraft Sonic Boom;
 - (5) Establishment of FAA housing, sanitation systems, fuel storage and distribution systems, and power source and distribution systems;
 - (6) Establishment or relocation of facilities such as Air Route Traffic Control Centers (ARTCC), Airport Traffic Control Towers (ATCT), and off-airport Air Route Surveillance Radars (ARSR), Air Traffic Control Beacons (ATCB), and Next Generation Radar (NEXRAD);
 - (7) Establishment, relocation, or construction of facilities used for communications (except as provided under Appendix B Paragraph B-2.3.a. of this Order) and navigation that are not on airport property;
 - (8) Establishment or relocation of instrument landing systems (ILS);
 - (9) Establishment or relocation of approach lighting systems (ALS) that are not on airport property;
 - (10) Unconditional Airport Layout Plan (ALP) approval of, or Federal financial participation in, the following categories of airport actions:
 - (i) Location of a new airport that would serve only general aviation;
 - (ii) Location of a new commercial service airport that would not be located in a Metropolitan Statistical Area (MSA);
 - (iii) A new runway at an existing airport that is not located in an MSA;
 - (iv) Runway strengthening having the potential to significantly increase off-airport noise impacts;
 - (v) Construction or relocation of entrance or service road connections to public roads that substantially reduce the level of service rating of such public roads below the acceptable level determined by the appropriate transportation agency (i.e., a highway agency); and
 - (vi) Land acquisition associated with any of the items in (10)(i)-(v);
 - (11) Approval of operations specifications or amendments that may significantly change the character of the operational environment of an airport, including, but not limited to:
 - (i) Approval of operations specifications authorizing an operator to use aircraft to provide scheduled passenger or cargo service at an airport that may cause significant impacts to noise, air quality, or other environmental impact categories; or

- (ii) Amendment of operations specifications authorizing an operator to serve an airport with different aircraft that may cause significant impacts to noise, air quality, or other environmental impact categories;
 - (12) New air traffic control procedures (e.g., instrument approach procedures, departure procedures, en route procedures) and modifications to currently approved procedures that routinely route aircraft over noise sensitive areas at less than 3,000 feet above ground level (AGL) (unless otherwise categorically excluded under Paragraphs (procedures category) B-2.5.q. and B-2.5.r of this Order);
 - (13) Establishment or modification of an Instrument Flight Rules Military Training Route (IR MTR);
 - (14) Special Use Airspace (SUA) (unless otherwise explicitly listed as an advisory action (see § 1.1((a)(6)(ii)(B) of this Order, Advisory Actions) or categorically excluded (see Paragraph B-2 of this Order, The Federal Aviation Administration's CATEXs));
 - (15) Issuance of any of the following:
 - (i) A commercial space launch site operator license for operation of a launch site at an existing facility on developed (e.g., co-located with a Federal range or municipal airport); or
 - (ii) A commercial space vehicle operator license or experimental permit to operate a vehicle to/from an existing launch or reentry site
 - (16) Formal and informal runway use programs that may significantly increase noise over noise sensitive areas;
 - (17) Issuance of new or amended Operations Specifications to an operator for UAS operations conducted under 14 CFR Part 135;
 - (18) Proposed agency actions that do not fall under a CATEX, but with respect to which there is no clear indication that significant effects will result; and
 - (19) Proposed agency actions typically covered by a CATEX but that involve an extraordinary circumstance, where the presence of the extraordinary circumstance prevents FAA from applying the CATEX under § 1.4(e) above.
- (d) *Scope of analysis.*
- (1) In preparing the environmental assessment, FAA will focus its analysis on whether the environmental effects of the action or project *at hand* are significant.
 - (2) Similarly, FAA will document in the EA where and how it drew a reasonable and manageable line relating to its consideration of any environmental effects from the action or project at hand that extend outside the geographical territory of the project or might materialize later in time.
 - (3) To the extent it assists in reasoned decision-making, FAA may, but is not required to by NEPA, analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of FAA's regulatory authority, or that would have to be initiated by a third party. If FAA determines that such analysis would assist it in reasoned decisionmaking, it will document this determination in the environmental assessment and explain where it drew a reasonable and manageable line relating to the consideration of such effects from such separate projects.
- (e) *Page limits.*
- (1) The text of an EA is strictly prohibited from exceeding 75 pages, not including citations or appendices.
 - (2) Appendices are to be used for voluminous materials, such as scientific tables, collections of data, statistical calculations, and the like, which substantiate the analysis provided in the environmental

assessment. Appendices are not to be used to provide additional substantive analysis, because that would circumvent the congressionally mandated page limits.

(3) EAs will be formatted for an 8.5"x11" page with one-inch margins using a word processor with 12-point proportionally spaced font, single spaced. Footnotes may be in 10-point font. Such size restrictions do not apply to explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information, although pages containing such material do count towards the page limit. When an item of graphical material is larger than 8.5"x11", each such item will count as one page.

(4) *Declaration Related to Page Limits.* The breadth and depth of analysis in an EA will be tailored to ensure that the environmental analysis does not exceed this page limit. In this regard, as part of the finalization of the EA, a responsible official will attest (and the declaration will be incorporated into the EA) that FAA has considered the factors mandated by NEPA; that the EA represents FAA's good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits; that this prioritization reflects FAA's expert judgment; and that any considerations addressed briefly or left unaddressed were, in FAA's judgment, comparatively not of a substantive nature that meaningfully informed the consideration of environmental effects and the resulting decision on how to proceed.

(f) *Deadlines.* As the Supreme Court has repeatedly held, NEPA is governed by a "rule of reason." Congress supplied the measure of that reason in the 2023 revision of NEPA by setting the deadlines in NEPA § 107(g) of NEPA, 42 U.S.C. § 4336a(g). These deadlines indicate Congress's determination that an agency, working within Congress's allocation of resources, has presumptively spent a reasonable amount of time on analysis and the document should issue, absent very unusual circumstances. In such circumstances, an extension will be given only for such time as is *necessary* to complete the analysis. Thus:

(1) *Determining the EA Start Date.* The FAA will complete the EA in one year. The start date of the one-year period is to be the soonest of three triggering events established at 42 U.S.C. § 4336a(g)(1)(B). To identify the date on which the triggering event occurs, the responsible FAA official must determine that:

- (i) Project planning is sufficiently mature to allow meaningful evaluation of the proposed action's environmental effects;
- (ii) There is sufficient information and analysis to support a decision that an EA is the appropriate level of NEPA review; and
- (iii) For actions proposed by an applicant, the applicant has provided the FAA with a sufficient scope of work to demonstrate adequate environmental review will be undertaken and the applicant has furnished sufficient information on its consultants' and subconsultants' credentials to ensure the requisite expertise will be available to support the NEPA evaluation.¹

(2) *Determining the end date for the EA.* The EA will publish (unless the deadline is extended pursuant to the provision below), at the latest, on the day the deadline elapses, in as substantially complete form as is possible.

¹ For ARP actions involving grant funding, the applicant must also be able to demonstrate that there is sufficient project funding to pay the portion of the project costs that will not be paid by the United States Government, including project costs to complete the environmental review and construct/permit/mitigate/implement the project. See 49 U.S.C. § 47106(a)(3).

(3) *Deadline extensions.* If FAA determines it is not able to meet the deadline prescribed by NEPA § 107(g)(1)(B), 42 U.S.C. § 4336a(g)(1)(B), it must consult with the applicant, if any, pursuant to NEPA § 107(g)(2), 42 U.S.C. § 4336a(g)(2). After such consultation, if needed, and for cause stated, it may establish a new deadline. Cause for establishing a new deadline is only established if the EA is so incomplete, at the time at which FAA determines it is not able to meet the statutory deadline, that issuance pursuant to subsection (2) above would result in inadequate analysis. Such new deadline must provide only so much additional time as is necessary to complete such EA. The announcement of the new deadline will specify the reason why the EA was not able to be completed under the statutory deadline and whether the applicant consented to the new deadline.

(4) *Declaration Related to Deadline.* When the EA is published, a responsible official will attest (and the declaration will be incorporated into the EA) that the resulting EA represents FAA's good-faith effort to fulfill NEPA's requirements within the Congressional timeline; that such effort is substantially complete; that, in FAA's expert opinion, it has thoroughly considered the factors mandated by NEPA; and that, in FAA's judgment, the analysis contained therein is adequate to inform and reasonably explain FAA's final decision regarding the proposed federal action.

§ 1.6 Findings of no significant impact.

(a) FAA will prepare a finding of no significant impact if FAA determines, based on the EA, not to prepare an EIS because the proposed action will not have significant effects. The finding of no significant impact will:

- (1) Include the EA or incorporate it by reference;
- (2) Document the reasons why FAA has determined that the selected alternative will not have a significant effect on the quality of the human environment;
- (3) State the authority for any mitigation that FAA has adopted and any applicable monitoring or enforcement provisions. If FAA finds no significant effects based on mitigation, the mitigated finding of no significant impact will state any mitigation requirements enforceable by the agency or voluntary mitigation commitments that will be undertaken to avoid significant effects;
- (4) Identify any other environmental documents related to the finding of no significant impact; and
- (5) State that an EIS will not be prepared, concluding the NEPA process for that action;
- (6) The FONSI documents the basis for the FAA's determination that the proposed action would not have significant environmental impacts. It does not represent the FAA's decision to implement the proposed action.

(b) Methods of providing the notice of availability (NOA) of a FONSI and its associated EA include:

- (1) For actions with effects of national concern, notification may occur through publication in the *Federal Register*;
- (2) For actions with effects primarily of local concern, notification may occur through one of the following methods:
 - (i) Publication in the *Federal Register*;
 - (ii) Compliance with the affected State, Tribal, and/or local government's public notification procedures for comparable actions;
 - (iii) Publication in local newspapers;
 - (iv) Publication through other local media;

- (v) Direct notification to potentially interested community organizations, including small business associations;
- (vi) Direct mailing to owners and occupants of nearby or affected properties; or
- (vii) Publication through electronic media (e.g., a project or agency website, Permitting Dashboard, email list, or social media).

(3) The notice will indicate locations where the FONSI and its associated EA are available for public inspection. The responsible FAA official will provide FONSIs and associated EAs on request, free of charge or at a fee commensurate with the cost of reproduction.

§ 1.7 Lead and cooperating agencies.

In many instances, a proposed activity or decision is undertaken in the context that entails activities or decisions undertaken by other federal agencies (e.g., where multiple federal authorizations are required with respect to a project sponsor's overall purpose and goal). These activities and decisions are "related actions," in that they are each the responsibility of a particular agency, but they are all related in a matter relevant to NEPA, e.g., by their relationship with one overarching project. In such instances, Congress has provided that the multiple agencies involved shall determine which of them will be the lead agency pursuant to the criteria identified in NEPA § 107(a)(1)(A), 42 U.S.C. § 4336a(a)(1)(A). When serving as the lead agency, FAA is ultimately responsible for completing the NEPA process and determining and documenting the scope of the project at hand. When a joint lead relationship is established pursuant to NEPA § 107(a)(1)(B), 42 U.S.C. § 4336a(a)(1)(B), FAA and the other joint lead agency or agencies are collectively responsible for completing the NEPA process.

(a) *Lead Agency.* When the FAA acts as the lead agency, and there is a cooperating agency with jurisdiction by law, or special expertise, the FAA has the primary responsibility for the preparation of environmental documents.

(1) When the FAA acts as the lead agency, the FAA shall invite the participation of each cooperating agency in the NEPA process at the earliest practicable time. The FAA shall determine the purpose and need, and alternatives in consultation with any cooperating agency. However, where projects are aviation projects subject to a streamlined environmental review process of the FAA Reauthorization Act of 2024, the Secretary shall be solely responsible for establishing the purpose and need of the proposed project. (See 49 U.S.C. § 47171(j)).

(2) In addition, the FAA NEPA lead shall develop a schedule, setting milestones for all environmental reviews, permits, and authorizations required for the implementation of the action, in consultation with any applicant and all joint lead, cooperating, and participating Federal agencies, as soon as practicable. After coordination with all parties, the project schedule and milestones for all environmental reviews, permits, and authorizations required for the implementation of the action should be posted to the Permitting Dashboard within 14 days of environmental document initiation (refer to the Desk Reference for further instructions). If the FAA NEPA lead anticipates that a milestone will be missed, the FAA NEPA lead shall notify appropriate officials at the FAA and, if applicable, other cooperating and participating Federal agencies. As soon as practicable, the FAA shall elevate the issue to the appropriate officials of the FAA for timely resolution.

(b) *Role as a Cooperating Agency.* Upon request by the lead agency, if the FAA has jurisdiction by law, it shall be a cooperating agency. If the FAA is acting as a cooperating agency, the responsible FAA official must determine based on an independent evaluation, that the document, or portion(s) thereof (1) adequately addresses the relevant FAA action(s); and (2) meets the applicable standards of the NEPA statute, this Order and the Desk Reference.

§ 1.8 Notices of intent and scoping.

As a preliminary step to determining whether, in connection with a proposal that is not excluded pursuant to a categorical exclusion, FAA will prepare an EA or an EIS, FAA will determine and document the scope of the project at hand.

(a) *Notice of intent.* As soon as practicable after determining that a proposal is sufficiently developed to allow for meaningful public comment and requires an EIS, FAA will publish a notice of intent to prepare an EIS in the *Federal Register*. If FAA determines that it will prepare an EA for a proposed action, FAA may publish a notice of intent to prepare an EA in the *Federal Register*.

(1) The notice of intent for an EIS will include a request for public comment on alternatives or effects and on relevant information, studies, or analyses with respect to the proposed agency action. NEPA § 107(c); 42 U.S.C. § 4336a(c).

(2) In addition to a request for comment required for notices of intent for EISs, notices of intent may include:

- (i) The purpose and need for the proposed action;
- (ii) A preliminary description of the proposed action and alternatives the EIS will consider;
- (iii) A brief summary of expected effects;
- (iv) Anticipated permits and other authorizations (*i.e.*, anticipated related actions);
- (v) A schedule for the decision-making process;
- (vi) A description of the public scoping process, including any scoping meeting(s);
- (vii) Contact information for a person within FAA who can answer questions about the proposed action and the EIS; and
- (viii) Identification of any cooperating and participating Federal agencies, and any information that such agencies require in the notice to facilitate their decisions or authorizations.

(b) *Scoping.* FAA may use an early and open process to determine the scope of issues for analysis in an environmental document, including identifying substantive issues that meaningfully inform the consideration of environmental effects and the resulting decision on how to proceed, eliminating from further study non-substantive issues, and determining whether there are connected actions that should be addressed in the same environmental document. Scoping may begin as soon as practicable after the proposal for action is sufficiently developed for consideration. Scoping may include appropriate pre-application procedures or work conducted prior to publication of the notice of intent. The responsible FAA official must take the lead in the scoping process (unless it is not the lead agency for the environmental document), inviting, to the extent the responsible FAA official deems it helpful, the participation of affected Federal, state, and local agencies, any potentially affected Tribes, applicants, and other interested persons (including those who might oppose the proposed action).

PART 2—ENVIRONMENTAL IMPACT STATEMENTS

§ 2.1 Preparation of environmental impact statements.

(a) FAA will prepare an EIS only with respect to proposed agency actions that are not excluded pursuant to a CATEX and that otherwise require preparation of an environmental document and that have a reasonably foreseeable significant effect on the quality of the human environment. NEPA § 106(b)(1); 42 U.S.C. § 4336(b)(1). Whether an impact rises to the level of “significant” is a matter of FAA’s expert judgment. FAA will presume, on the basis of its experience, that the following types of action generally “significantly affect the quality of the human environment,” consistent with section NEPA § 102(2)(C), 42 U.S.C. § 4332(2)(C):

(1) Unconditional ALP approval of, or Federal financial participation in, the following categories of airport actions:

- (i) Location of a new commercial service airport in an MSA;
- (ii) A new runway to accommodate air carrier aircraft at a commercial service airport in an MSA;
or
- (iii) Major runway extension (as defined in § 1.6(q) of this Order).

(2) Issuance of a commercial space launch or reentry site operator license that requires the construction of a new commercial space launch or reentry site on undeveloped land.

(b) During the process of preparing an EIS, FAA:

(1) Will obtain the comments of:

- (i) any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or is authorized to develop and enforce environmental standards.
- (ii) Appropriate State, Tribal, and local agencies that are authorized to develop and enforce environmental standards.

(2) May request the comments of:

- (i) State, Tribal, or local governments that may be affected by the proposed action;
- (ii) Any agency that has requested it receive statements on actions of the kind proposed;
- (iii) The applicant, if any; and
- (iv) The public, including by affirmatively soliciting comments in a manner designed to inform those persons or organizations who may be interested in or affected by the proposed action.

(c) This process of obtaining and requesting comments pursuant to (b) above may be undertaken at any time that is reasonable in the process of preparing the EIS. FAA will ensure that the process of obtaining and request comments pursuant to (b) above, and FAA’s analysis of and response to those comments, does not cause FAA to violate the congressionally mandated deadline for completion of an EIS.

(d) *Addressing comments contained in EISs.* FAA will address any significant comments received consistent with paragraph (b) of this section in the EIS. FAA may address or respond to individual comments or groups of comments that are substantially the same by:

- (1) Modifying alternatives, including the proposed action;
- (2) Developing and evaluating alternatives not previously given serious consideration;

- (3) Supplementing, improving, or modifying analyses, to include consideration of science or literature not previously considered;
- (4) Making factual corrections;
- (5) No action needed. The agency may provide a brief rationale for taking no action, such as:
 - (i) The comment is outside the scope of what is being proposed;
 - (ii) There is no cause-effect relationship between the actions the agency is proposing and the issue raised and/or recommendation made;
 - (iii) The commenter misinterpreted the information provided; or
 - (iv) The recommendation made does not comply with applicable laws or regulations and/or are not feasible to implement (technically or economically), etc.
- (e) When soliciting public comments, the FAA will describe in the notice of availability of the EIS the methods by which members of the public may submit comments. Methods for receiving comments will be selected based on the nature of the action and the NEPA professional's judgment as to the method(s) most likely to produce meaningful and substantive comments from the public.

§ 2.2 Purpose and need.

The statement will include the purpose and need for the proposed agency action based on the FAA's statutory authority. When the proposed agency action concerns FAA's duty to act on an application for authorization, the purpose and need for the proposed agency action will also be informed by the goals of the applicant.

§ 2.3 Analysis within the environmental impact statement.

- (a) The EIS will include a detailed statement on:
 - (1) reasonably foreseeable environmental effects of the proposed agency action;
 - (2) any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;
 - (3) a reasonable range of alternatives to the proposed agency action, including an analysis of any adverse environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, and meet the purpose and need of the proposal;
 - (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;
 - (5) any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed agency action should it be implemented; and
 - (6) Any means identified to mitigate adverse environmental effects of the proposed action. FAA is mindful in this respect that NEPA itself does not require or authorize FAA to impose any mitigation measures.

(b) *Scope of analysis.*

(1) In preparing the environmental impact statement, FAA will focus its analysis on whether the environmental effects of the action or project at hand are significant.

(2) Similarly, FAA will document in the EIS where and how it drew a reasonable and manageable line relating to its consideration of any environmental effects from the action or project at hand that extend outside the geographical territory of the project or might materialize later in time.

(3) To the extent it assists in reasoned decision-making, FAA is not required to by NEPA, but may analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of FAA's regulatory authority, or that would have to be initiated by a third party. If FAA determines that such analysis would assist it in reasoned decisionmaking, it will document this determination in the EIS and explain where it drew a reasonable and manageable line relating to the consideration of such effects from such separate projects.

(c) EISs will discuss effects in proportion to their significance. With respect to issues that are not of a substantive nature and do not meaningfully inform the consideration of environmental effects and the resulting decision on how to proceed, there will be no more than the briefest possible discussion to explain why those issues are not substantive and therefore not worthy of any further analysis. EISs will be analytic, concise, and no longer than necessary to comply with NEPA in light of the congressionally mandated page limits and deadlines.

(d) If the responsible FAA official determines that the action would have a significant effect abroad, he or she should determine what type of document must be prepared and considered in accordance with Section 2-4 of Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, 44 *Federal Register* 1957 (Jan. 9, 1979). Further guidance on compliance with this Executive Order can be found in the Desk Reference.

§ 2.4 Page limits.

(a) *Page limits.* Except as provided in paragraph (b), the text of an EIS will not exceed 150 pages, not including citations or appendices.

(b) An EIS for a proposed agency action of extraordinary complexity is strictly prohibited from exceeding 300 pages, not including any citations or appendices. FAA will determine at the earliest possible stage of preparation of an EIS whether the conditions for exceeding the page limit in paragraph (a) are present.

(c) Appendices are to be used for voluminous materials, such as scientific tables, collections of data, statistical calculations, and the like, which substantiate the analysis provided in the environmental assessment. Appendices are not to be used to provide additional substantive analysis, because that would circumvent the congressionally mandated page limits.

(d) EISs shall be prepared on 8.5"x11" paper with one-inch margins using a word processor with 12-point proportionally spaced font, single spaced. Footnotes may be in 10-point font. Such size restrictions do not apply to explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information, although pages containing such material do count towards the page limit. When an item of graphical material is larger than 8.5"x11", each such item shall count as one page.

(e) *Declaration Related to Page Limits.* The breadth and depth of analysis in an EIS will be tailored to ensure that the EIS does not exceed these page limits. In this regard, as part of the finalization of the EIS, a responsible official will attest that FAA has considered the factors mandated by NEPA; that the EIS represents FAA's good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits; that this

prioritization reflects FAA's expert judgment; and that any considerations addressed briefly or left unaddressed were, in FAA's judgment, comparatively unimportant or frivolous.

§ 2.5 Deadlines.

As the Supreme Court has repeatedly held, NEPA is governed by a "rule of reason." In establishing deadlines for the EIS process in the 2023 revision of NEPA, Congress supplied the measure of that reason in the 2023 revision of NEPA by setting the deadlines in NEPA § 107(g), 42 U.S.C. § 4336a(g). These deadlines indicate Congress's determination that an agency, working within Congress's allocation of resources, has presumptively spent a reasonable amount of time on analysis and the document should issue, absent very unusual circumstances. In such circumstances, an extension will be given only for such time as is *necessary* to complete the analysis. Thus:

FAA will complete the EIS not later than the date that is 2 years after the sooner of:

(a) Two years is measured from the date the FAA published the Notice of Intent (NOI) in the Federal Register to the date on which the FAA publishes the notice of availability of the Final EIS in the *Federal Register*.

(b) The EIS will publish (unless the deadline is extended pursuant to the provision below) on the day the deadline elapses, in as substantially complete form as is possible.

(c) If FAA determines it is not able to meet the deadline prescribed by NEPA § 107(g)(1)(A), 42 U.S.C. § 4336a(g)(1)(A), it must consult with the applicant, if any, pursuant to NEPA § 107(g)(2), 42 U.S.C. § 4336a(g)(2). After such consultation, if needed, and for cause stated, it may establish a new deadline. Cause for establishing a new deadline is only established if the EIS is so incomplete, at the time at which FAA determines it is not able to meet the statutory deadline, that issuance pursuant to subsection (c) above would result in an inadequate analysis. Such new deadline must provide only so much additional time as is necessary to complete such EIS. The announcement of the new deadline will specify the reason why the EIS was not able to be completed under the statutory deadline and whether the applicant consented to the new deadline. For direct FAA actions not involving applicants, the approving official may make the decision to exceed the deadline only, when needed and only for the additional period of time needed.

(d) *Declaration Related to Deadlines*. When the EIS is published, a responsible official will attest (and the declaration will be incorporated into the EIS) that the resulting EIS represents FAA's good-faith effort to fulfill NEPA's requirements within the Congressional timeline; that such effort is substantially complete; and that, in the FAA's expert opinion, it has thoroughly considered the factors mandated by NEPA; and that, in the FAA's judgment, the analysis contained therein is adequate to inform and reasonably explain FAA's final decision regarding the proposed federal action.

§ 2.6 Publication of the environmental impact statement.

FAA will publish the entire EIS. The FAA may publish the EIS by any methods deemed suitable to provide notice to interested parties. Such methods may include, but are not limited to, those previously identified in these procedures for providing notice of the availability of a FONSI and its associated EA (see § 1.6(b)).

PART 3—EFFICIENT ENVIRONMENTAL REVIEWS

§ 3.1 Programmatic environmental documents and tiering.

(a) FAA may prepare environmental documents for programmatic Federal actions, such as the adoption of new agency programs. FAA may evaluate the proposal(s) in one of the following ways:

- (1) Geographically, including actions occurring in the same general location, such as body of water, region, or metropolitan area.
- (2) Generically, including actions that have relevant similarities, such as common timing, effects, alternatives, methods of implementation, media, or subject matter.
- (3) By stage of technological development.

(b) Consistent with NEPA § 108, 42 U.S.C. § 4336b, and § 3.2 of this Order, after completing a programmatic environmental assessment or environmental impact statement, FAA may rely on that document for 5 years if there are not substantial new circumstances or information about the significance of adverse effects that bear on the analysis. After 5 years, as long as FAA reevaluates the analysis in the programmatic environmental document and any underlying assumption to ensure reliance on the analysis remains valid and briefly documents its reevaluation and explains why the analysis remains valid considering any new and substantial information or circumstances, FAA may continue to rely on the document.

(c) When a programmatic EIS or EA has been prepared, any subsequent EIS or EA for proposed projects within the scope of the programmatic document only needs to incorporate by reference by summarizing the issues discussed in the programmatic document, discuss the relationship between the new document and the previous review, providing access to the programmatic EIS or EA, and concentrating the subsequent project specific EIS or EA on site-specific impacts not covered by the programmatic document § 3.2 Adoption (Reliance on existing environmental documents).

§ 3.2 Reliance on existing environmental documents.

(a) *Generally.* FAA may rely on any pre-existing EIS, EA, or determination that a CATEX applies to a given project, or portion thereof, provided that the statement, assessment, determination, or portion thereof meets the standards for an adequate statement, assessment, or determination under these procedures. When relying on an EIS, EA, or portion thereof, FAA will cite, briefly describe the content and relevance to the environmental document and may make modifications that are necessary to render the relied-upon document, or portion thereof, fit for fulfilling NEPA's analytic requirements for the action at hand.

(b) *Substantial Similarity.*

(1) If the actions covered by the original EIS or EA and the proposed action are substantially the same, the FAA will republish the relied-upon statement or assessment. Any conclusion that the proposed actions are substantially the same must be based upon FAA's independent review.

(2) If the actions are not substantially the same, FAA may modify the statement or assessment as necessary to render the statement fit for fulfilling NEPA's analytic requirements for the action at hand, and publish the relied-upon statement or assessment, as modified. Where appropriate, FAA may solicit comment to the extent that solicitation of comment will assist FAA in expeditiously adapting the relied-upon statement or assessment so that it is fit for FAA's purposes.

§ 3.3 Publishing pre-decisional environmental documents.

During the process of preparing any environmental document provided for by these procedures, FAA may publish such draft, pre-decisional materials as in its judgment may assist in fulfilling its responsibilities under NEPA and this Order.

§ 3.4 Combining documents.

FAA will combine, to the fullest extent practicable, any environmental document with any other agency document to reduce duplication and paperwork.

§ 3.5 Incorporation.

(a) *Incorporation.* FAA may incorporate material, such as planning studies, analyses, or other relevant information, into environmental documents by reference when the effect will be to cut down on bulk without impeding FAA and public review of the action. When incorporating material by reference, FAA will cite, briefly describe the content and relevance to the environmental document and make the materials reasonably available for review by potentially interested parties within the time allowed for comment. Material based on proprietary data that is not available for review and comment must not be incorporated by reference. FAA will not use incorporation as a means to evade the statutory page limits.

(b) Although NEPA itself does not require cost-benefit analysis, FAA conducts cost-benefit analysis, as appropriate, including in the context of major rules, as required by OMB Circular A-4, when issuing a Letter of Intent (see 49 USC 47110(e)), and in certain Airport Improvement Program (AIP) funded airport development projects (see chapter 3 of the Airport Improvement Program Handbook, FAA Order 5100.38D). To the extent that this cost-benefit analysis is relevant to any alternatives analysis FAA is conducting pursuant to NEPA, FAA will incorporate the cost-benefit analysis or append it to the statement to avoid duplication in evaluating the environmental effects. In such cases, the environmental document will discuss the relationship between that analysis and any analyses of unquantified environmental effects, values, and amenities.

§ 3.6 Supplements to environmental documents.

FAA will prepare supplements to environmental documents only if a major Federal action remains to occur, and:

(a) FAA makes substantial changes to the proposed action that are relevant to environmental concerns;
or

(b) FAA decides, in its discretion, that there are substantial new circumstances or information about the significance of the adverse effects bearing on the proposed action or its effects.

§ 3.7 Integrity and completeness of information.

(a) FAA will not undertake new scientific and technical research to inform its analyses unless it is essential to a reasoned choice among alternatives and the overall costs and time frame of such undertaking are not unreasonable. Rather, FAA will make use of reliable existing data and resources.

(b) When FAA is evaluating an action's reasonably foreseeable effects on the human environment, and there is incomplete or unavailable information that cannot be obtained at a reasonable cost or the means to obtain it are unknown, FAA will make clear in the relevant environmental document that such information is lacking.

§ 3.8 Integrating NEPA with other environmental requirements.

(a) To the fullest extent possible, FAA will prepare environmental documents concurrently with and integrated with analyses and related surveys and studies required by other Federal statutes.

(b) FAA will combine an environmental document prepared in compliance with NEPA with any other agency document to reduce duplication and paperwork. Thus, FAA may combine an environmental document with related plans, rules, or amendments as a single consolidated document.

(c) If comments on a notice of intent or other aspects of a scoping process identify consultations, permits, or licenses necessary under other environmental laws, the environmental document may contain a section briefly listing the applicable requirements and how FAA has or will meet them (*e.g.*, permits applied for or received, consultations initiated or concluded).

§ 3.9 Elimination of duplication with State, Tribal, and local procedures.

(a) FAA will cooperate with State, Tribal, and local agencies that are responsible for preparing environmental documents.

(b) To the fullest extent practicable unless specifically prohibited by law, FAA will cooperate with State, Tribal, and local agencies to reduce duplication between NEPA and State, Tribal, and local requirements, including through use of studies, analysis, and decisions developed by State, Tribal, or local agencies. Such cooperation may include:

- (1) Joint planning processes;
- (2) Joint environmental research and studies;
- (3) Joint public hearings (except where otherwise provided by statute); or
- (4) Joint environmental documents.

§ 3.10 Proposals for regulations.

Where the proposed action is the promulgation of a rule or regulation, procedures and documentation pursuant to other statutory or Executive order requirements may satisfy one or more requirements of this subchapter. When a procedure or document satisfies one or more requirements of this subchapter, FAA may substitute it for the corresponding requirements in this subchapter and need not carry out duplicative procedures or documentation. Agencies will identify which corresponding requirements in this subchapter are satisfied and consult with CEQ to confirm such determinations.

§ 3.11 Unique identification numbers.

For all environmental documents, FAA will provide a unique identification number for tracking purposes, which FAA will reference on all associated environmental review documents prepared for the proposed agency action and in any database or tracking system for such documents. FAA will

coordinate with the CEQ and other federal agencies to ensure uniformity of such identification numbers across federal agencies

§ 3.12 Emergencies.

Where emergency circumstances make it necessary to take an action with reasonably foreseeable significant environmental effects without observing the provisions of these procedures, FAA will consult with the CEQ about alternative arrangements for compliance with NEPA § 102(2)(C), 42 U.S.C. § 4332(2)(C). In addition, the LOB/SO should coordinate with AEE-400 and AGC as soon as practicable. When time permits, environmental documentation should be prepared in accordance with this Order. Immediate emergency actions necessary to protect the lives and safety of the public or prevent adverse impacts to ecological resources and functions should never be delayed in order to comply with NEPA. These actions should be taken as soon as is necessary to ensure the protection and safety of the public and the protection of ecological resources and functions. Alternative arrangements for NEPA compliance are permitted for emergency actions pursuant to the following:

(a) CATEXs. Where emergency circumstances make it necessary to determine whether an extraordinary circumstance would preclude the use of a CATEX, the responsible FAA official must make the determination as soon as practicable. If an extraordinary circumstance exists, FAA will consider whether the application of the CATEX is still appropriate notwithstanding the presence of extraordinary circumstances. Use of the CATEX may remain appropriate, even with the extraordinary circumstance, if the FAA finds with further analysis that the proposed action does not have the potential to result in significant impacts. In these instances, the mere presence of an extraordinary circumstance does not prevent the application of the categorical exclusion. The responsible FAA official must comply with (b) or (c) below, as applicable.

(b) EAs. Where emergency circumstances make it necessary to take an action that requires an EA before the normal EA process can be completed in accordance with this Regulation, the responsible FAA official must consult with AEE-400 and AGC to develop alternative arrangements. Alternative arrangements for such actions should focus on minimizing adverse environmental impacts of the FAA action and the emergency. To the maximum extent practicable, the alternative arrangements should include the interagency coordination and public notification and involvement that would normally be undertaken for an EA for the action at issue. The Director of AEE may grant alternative arrangements. Any alternative arrangements must be documented. AEE may consult with CEQ on the alternative arrangements.

(c) EIS. CEQ may grant alternative arrangements for NEPA compliance where emergency circumstances make it necessary to take actions with significant environmental impacts without observing other provisions of this Regulation. In these situations, the processing times may be reduced or, if the emergency situation warrants, preparations and processing of EISs may be abbreviated. A request for alternative arrangements must be submitted to CEQ and notice of a potential request should be provided to CEQ at the earliest opportunity. Before making the request, the responsible FAA official must consult with AEE-400 and AGC for evaluation to ensure national consistency. For projects undertaken by an applicant, the responsible FAA official must inform AEE-400 and AGC about the emergency. AEE will notify the Office of the Assistant Secretary for Transportation Policy (P-1) of any situations when alternative arrangements will be requested and will consult CEQ requesting the alternative arrangements for complying with NEPA.

PART 4—AGENCY DECISION MAKING

§ 4.1 Decision documents.

At the time of its decision on the proposed action, FAA may prepare and timely publish a concise public decision document or joint decision document notifying the public that the decisionmaker has certified that FAA has considered all relevant information raised in the NEPA process and that the NEPA process has closed.

§ 4.2 Review and Approval of NEPA Documents

(a) General. The FAA's internal review process is a means of coordinating the review of NEPA documents among appropriate management levels and across LOB/SOs. Internal review is to ensure that (1) NEPA documents are technically and legally sufficient; (2) the concerns of other FAA offices and any related foreseeable agency actions by other FAA offices are properly discussed in the NEPA documents; and (3) any commitments that are the responsibility of other FAA offices are coordinated with the appropriate action office so that these commitments will be implemented; (4) the NEPA documents incorporate all agency actions under the purview of individual FAA offices to streamline project reviews and reduce the potential of supplemental NEPA reviews. LOB/SOs should have in place processes to provide evidence of appropriate coordination and legal sufficiency review. The responsible FAA official must contact affected LOB/SOs for guidance on program-specific coordination procedures.

(b) Review and Approval of EAs, Finding of No Significant Impact (FONSI) and FONSI/RODs.

(1) EAs and FONSIs Originating and Approved in FAA regions, District Offices, Centers, and Service Areas. The NEPA lead in the Region, District Office, Center, or Service Area must coordinate review of the EA and FONSI with affected LOB/SOs. The NEPA lead must also coordinate legal sufficiency review of the EA and FONSI with AGC. Following coordination with the interested LOB/SO and any required legal sufficiency review, the approving official may approve and sign the FONSI.

(2) EAs and FONSIs Originating or Approved in Washington, D.C. Headquarters. The NEPA lead LOB/SO must coordinate review of the EA and FONSI with affected LOB/SO. The NEPA lead must also coordinate legal sufficiency review of the EA and FONSI with AGC. Following coordination and any required legal sufficiency review by AGC, the approving official may approve and sign the FONSI.

(3) FONSI/RODs. The NEPA lead must coordinate review of the FONSI/ROD with affected LOB/SO and AGC. Following coordination and any required legal sufficiency review by AGC, the responsible FAA official may approve and sign the FONSI/ROD.

(c) Review and Approval of Records of Decisions.

(1) Where authority to approve the ROD is in the Region, Center, or Service Area. The NEPA lead Region, Center, or Service Area must coordinate review with affected LOB/SOs and applicable AGC for legal sufficiency review. Following coordination and review for legal sufficiency, the decisionmaker may approve and sign the ROD. If Headquarters concurrence is required by an LOB/SO, the NEPA lead must obtain that concurrence prior to approval of the ROD. For proposed actions that cross regional boundaries or involve more than one LOB, the Regional Administrator is responsible for signing the ROD. Following applicable AGC legal sufficiency review, the approving official may approve and sign the final EIS, and the responsible FAA official may file the final EIS with the EPA.

(2) Where authority to approve the ROD is retained in Washington, DC Headquarters. The NEPA lead must coordinate review with affected LOB/SOs and applicable AGC for legal sufficiency review. Unless specifically requested, coordination with AEE-400 is not required; however, the responsible FAA official must provide AEE-400 with a copy of the ROD for information purposes. Following review for legal sufficiency, the decisionmaker may approve and sign the ROD and file the final EIS with the EPA.

(d) Combined Final EIS and ROD. If the final EIS and ROD will be combined in accordance with 49 U.S.C. § 304a(b) [or 23 U.S.C. § 139(n)(2)], the following statement must also be included in the Draft EIS: The FAA will issue a single document that consists of the Final EIS and ROD pursuant to 49 U.S.C. 304a(b) [and 23 U.S.C. 139(n)(2)] unless FAA determines that statutory criteria or practicability considerations preclude issuance of such a combined document.

§ 4.3 Filing requirements.

FAA will file EIS documents together with comments and responses with the Environmental Protection Agency (EPA), Office of Federal Activities for publication in the *Federal Register*.

PART 5—PROCEDURES FOR APPLICANT-PREPARED NEPA DOCUMENTS

§ 5.1 Procedures for applicant-prepared environmental documents.

In accordance with NEPA § 107(f), 42 U.S.C. § 4336a(f), FAA has established procedures allowing applicants, or contractors hired by applicants, to prepare NEPA documents under FAA's supervision.

(a) FAA will independently evaluate the environmental document and will take responsibility for its contents.

(b) FAA will assist applicants and applicant-hired contractors by providing guidance and outlining the types of information required for the preparation of the environmental document. FAA may also provide appropriate guidance and assist in environmental document preparation, to the extent that FAA's resources and policy priorities permit. FAA will work with the applicant to define the purpose and need, and, when appropriate, to develop a reasonable range of alternatives to meet that purpose and need.

(c) FAA will work with the applicant to develop a schedule for preparation of the environmental document. Major changes to the schedule or related matters will be documented through written correspondence.

(d) FAA may request from an applicant environmental information for use by FAA in evaluating an environmental document. Except as otherwise set forth in applicable law or regulation, it is the applicant's decision whether to provide this information if requested. Without information from the applicant, FAA will use the best information available at the time. This may include a decision file consisting of any factual, scientific, or technical information used, developed, or considered by the applicant or applicant-hired contractor in the course of preparing the environmental document, including any correspondence with FAA or with third parties.

(e) FAA must supervise the preparation of environmental documents by applicants and contractors, including participating in, concurring with, or leading contractor selection and establishing the scope of work for the analysis, to ensure that the environmental impacts are appropriately identified and disclosed, identify appropriate mitigation; and ensure that the environmental document complies with the requirements of NEPA, this Order, other FAA requirements applicable to contractors, and all other applicable Federal, State, Tribal, and local laws.

PART 6—DEFINITIONS

§ 6.1 Definitions.

As used in this Order, terms have the meanings provided in NEPA § 111, 42 U.S.C. § 4336e. In addition:

- (a) *NEPA* means the National Environmental Policy Act, as amended (42 U.S.C. § 4321, *et seq.*).
- (b) *Airport Sponsor* means a public agency that submits an application to the Secretary of Transportation for financial assistance under 49 U.S.C. Subpart B, Chapter 471, Subchapter I, Airport Development; or a private owner of a public-use airport who submits an application for financial aid for the airport to the Secretary of Transportation under 49 U.S.C. Subpart B, Chapter 471, Subchapter I (as defined in 49 U.S.C. 47102 (1)).
- (c) *Applicant* means a non-federal entity, including a project sponsor, that seeks an action by the FAA, such as granting a permit, license, or other approval, or financial assistance. A contractor performing environmental work in contractual privity with an applicant, but not in direct contractual privity with the FAA, is encompassed in the term “applicant” within this Order. Examples include, but are not limited to, airport sponsors, grant applicants, airlines, and commercial space license and permit applicants.
- (d) *Approving official* means any FAA official with the authority to approve and sign FONSI, EIS, and RODs. The official also has the authority to rescind RODs. LOB/SOs should designate approving officials consistent with [FAA Order 1100.154, Delegations of Authority](#), and any other applicable FAA directives.
- (e) *Authorization* means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to implement a proposed action.
- (f) *Connected action* means a separate Federal action within the authority of FAA that is closely related to the proposed agency action and should be addressed in a single environmental document because the proposed agency action.
- (1) Automatically triggers the separate Federal action, which independently would require the preparation of additional environmental documents;
 - (2) Cannot proceed unless the separate Federal action is taken previously or simultaneously; or
 - (3) Is an interdependent part of a larger Federal action that includes a separate Federal action, which mutually depend on the larger Federal action for their justification.
- (g) *Contractor* means an individual or company, in contractual privity with the FAA, contracted to provide environmental services (e.g. conduct research and environmental analysis of all environmental resources to determine potential impacts, identify and recommend potential mitigation, and complete the legally sufficient CATEX, EA, or EIS), and is responsible for the contract’s requirements. This can include subcontractors or consultants who participate in a contract or subcontract at any level. “Contractor” means an entity selected by the FAA, unless otherwise specified.
- (h) *Decisionmaker* means the FAA official with authority to approve and sign a ROD or other document that represents the completion of the FAA’s decisionmaking. Examples include, but are not limited to, a grant, ALP approval, or other document demonstrating the completion of decisionmaking. LOB/SOs should designate decisionmakers consistent with Chapter 10 of this Order, FAA Order 1100.154, Delegations of Authority, and any other applicable FAA directives.

- (i) *Effects or impacts* means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives.
- (1) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects appropriate for analysis under NEPA may be either beneficial or adverse, or both, with respect to these values.
 - (2) A “but for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to the limits of its regulatory authority or, that would occur regardless of the proposed action.
- (j) *Federally recognized Tribe, Tribe, Indian Tribe, or Tribal Nation* means any Indian Tribe, band, nation, pueblo, village, community, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. § 1601, et seq.), that the Secretary of the Interior recognizes as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, (25 U.S.C. § 479a). The descriptive term “Tribal” relates to this definition.
- (k) *Human environment* means comprehensively the natural and physical environment and the relationship of Americans with that environment. (See also the definition of “effects” in paragraph (e) of this section.)
- (l) *Jurisdiction by law* means agency authority to approve, veto, or finance all or part of the proposal.
- (m) *Major Runway Extension* means a runway extension that: (1) allows a commercial service airport to serve a more demanding critical aircraft or aircraft requiring a higher Runway Design Code (RDC); and/or (2) accommodates an increased haul length for the existing aircraft fleet; and (3) is located in an MSA.
- (n) *Mitigation* means measures that avoid, minimize, or compensate for effects caused by a proposed action or alternatives as described in an environmental document or ROD and that have a nexus to those effects. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation; however, special purpose laws may also require mitigation. Mitigation includes:
- (1) Avoiding the impact altogether by not taking a certain action or parts of an action.
 - (2) Minimizing effects by limiting the degree or magnitude of the action and its implementation.
 - (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
 - (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
 - (5) Compensating for the impact by replacing or providing substitute resources or environments.
- (o) *NEPA Lead* means an FAA LOB/SO, Regional Operating Division, Center, or Service Area that has primary responsibility for complying with NEPA, including preparation and approval of NEPA documents.
- (p) *NEPA process* means all measures necessary for compliance with the requirements of section 2 and title I of NEPA § 102(2), 42 U.S.C. § 4332(2).

(q) *Notice of intent* means a public notice that an agency will prepare and consider an environmental document.

(r) *Participating Federal agency* means a Federal agency participating in an environmental review or authorization of an action.

(s) *Publish* and *publication* mean methods found by the agency to efficiently and effectively make environmental documents and information available for review by interested persons, including electronic publication.

(t) *Related action* means an action undertaken by an agency, *e.g.*, a permitting action, some other type of authorization action, an analysis required by statute, or the like, that bears a relationship to other actions undertaken by other agencies relevant to NEPA, *e.g.*, that a set of related actions are all related to one overarching project.

(u) *Reasonable alternatives* mean a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposed action, and, where applicable, meet the goals of the applicant.

(v) *Reasonably foreseeable* means sufficiently likely to occur such that a person of ordinary prudence would take it into account in reaching a decision.

(w) *Responsible FAA Official* means an FAA employee within the LOB/SO with overall responsibility to: (1) advise an applicant on how to integrate environmental considerations into the planning process early in the planning stage of a proposed project; (2) determine the level of NEPA required for a proposed project; (3) supervise the preparation of the NEPA documents; (4) independently evaluate the environmental issues; (5) furnish guidance and participate in the preparation of NEPA documents; (6) evaluate and take responsibility for the scope and content of the documents; and (7) has the authority to approve a CATEX determination.

(x) *Scope* consists of the range of actions, alternatives, and effects to be considered in an environmental document. The scope of an individual statement may depend on its relationships to other statements.

(y) *State* means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or an instrumentality thereof.

(z) *State Block Grant Program (SBGP)* means funds (block grants) provided by the FAA directly to Block Grant States (BGS) to prioritize, select, and fund AIP projects at participating non-primary airports within the state that receives the funding under the SBGP (49 U.S.C. § 47128). The FAA and the respective BGS execute a Memorandum of Agreement (MOA) detailing the SBGP administration and compliance responsibilities. Such responsibilities include, but are not limited to, compliance with NEPA and other special purpose laws under certain conditions. SBGP participants must comply with this Order (see the Desk Reference) when undertaking NEPA reviews.

(aa) *Substantial information* means information that paints a dramatically different picture of impacts compared to the description of impacts in the EA or EIS.

(bb) *Tiering* refers to the coverage of general matters in broader EISs or EAs (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basin-wide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.

PART 7—Severability.

§ 7.1 Severability.

The sections of this Order are separate and severable from one another. If any section or portion therein is stayed or determined to be invalid, or the applicability of any section to any person or entity is held invalid, it is FAA's intention that the validity of the remainder of those parts will not be affected. The remaining sections or portions therein shall continue in effect.

Appendices

Appendix A Significance Determination for FAA Actions

Appendix B Extraordinary Circumstances and FAA Categorical Exclusions

**Appendix C FAA Requirements for Assessing Impacts Related to Noise and Noise –
Compatible Land Use**

Appendix A

Significance Determination for FAA Actions

Exhibit A-1. Significance Determination for FAA Actions.

Environmental Impact Category	Significance Threshold	Factors to Consider
Aviation Emissions and Air Quality	<i>The action would cause pollutant concentrations to exceed one or more of the National Ambient Air Quality Standards (NAAQS), as established by the Environmental Protection Agency under the Clean Air Act, for any of the time periods analyzed, or to increase the frequency or severity of any such existing violations.</i>	
Biological Resources (including fish, wildlife, and plants)	<p><i>The U.S. Fish and Wildlife Service or the National Marine Fisheries Service determines that the action would be likely to jeopardize the continued existence of a federally listed threatened or endangered species or would result in the destruction or adverse modification of federally designated critical habitat.</i></p> <p>The FAA has not established a significance threshold for non-listed species.</p>	<p>The action would have the potential for:</p> <ul style="list-style-type: none"> • A long-term or permanent loss of unlisted plant or wildlife species, i.e., extirpation of the species from a large project area (e.g., a new commercial service airport); • Adverse impacts to special status species (e.g., state species of concern, species proposed for listing, migratory birds, bald and golden eagles) or their habitats; • Substantial loss, reduction, degradation, disturbance, or fragmentation of native species' habitats or their populations; or • Adverse impacts on a species' reproductive success rates, natural mortality rates, non-natural mortality (e.g., road kills and hunting), or ability to sustain the minimum population levels required for population maintenance.
Department of Transportation Act, Section 4(f), and)") and Land and Water Conservation Fund (referred	<i>The action involves more than a minimal physical use of a Section 4(f) resource or constitutes a "constructive use" based on an FAA determination that the aviation project would</i>	

Environmental Impact Category	Significance Threshold	Factors to Consider
to as “Section 6(f)”	<p><i>substantially impair the Section 4(f) resource.</i>²</p> <p>Resources that are protected by Section 4(f) are publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, and publicly or privately owned land from an historic site of national, state, or local significance. Substantial impairment occurs when the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished.</p>	
Farmlands	<p><i>The total combined score on Form AD-1006, “Farmland Conversion Impact Rating,” ranges between 200 and 260 points.</i></p>	<p>The action would have the potential to convert prime or unique farmlands to non-agricultural uses. Important farmlands include pastureland, cropland, and forest considered to be prime, unique, or statewide or locally important land.</p>
Hazardous Materials, Solid Waste, and Pollution Prevention	<p>The FAA has not established a significance threshold for Hazardous Materials, Solid Waste, and Pollution Prevention.</p>	<p>The action would have the potential to:</p> <ul style="list-style-type: none"> • Violate applicable Federal, state, tribal, or local laws or regulations regarding hazardous materials and/or solid waste management; • Involve a contaminated site (including but not limited to a site listed on the National Priorities List). Contaminated sites may encompass relatively large areas. However, not all of the grounds within the boundaries of a contaminated site are contaminated, which leaves space for siting a facility on non-contaminated land within the boundaries of a contaminated site.

² Minimal physical use does not always equate to de minimis. NEPA practitioners may find it useful to refer to the definition of “use” in 23 CFR § 774.17, where that definition is instructive in relation to the nature of the project under consideration by the FAA. However, because the following definition may not always appropriately address the nature of impacts that are associated with uses of the air space, the definition is not controlling.

Environmental Impact Category	Significance Threshold	Factors to Consider
		<p>Further, construction that does not impact existing caps or ongoing monitoring within contaminated areas may not also result in releases of contaminated material. An EIS may not be required in these instances. See the Desk Reference for mitigating impacts below significant levels (e.g., modifying an action to site it on non-contaminated grounds within a contaminated site). Therefore, if appropriately mitigated, actions within the boundaries of a contaminated site would not have significant impacts;</p> <ul style="list-style-type: none"> • Produce appreciably larger quantities or increased or more types of hazardous waste; • Generate appreciably larger quantities or types of solid waste; • Use a different method of waste collection, treatment, storage, or disposal that, as an action, would adversely impact the site, surroundings, or affected community, and/or would exceed extant state, Tribal, or local capacity; or • Adversely affect human health and the environment (through activities described in the action and their fidelity with federal, state, Tribal, or local laws or regulations regarding hazardous materials and/or solid waste management).
Historical, Architectural, Archeological and Cultural Resources	The FAA has not established a significance threshold for Historical, Architectural, Archeological, and Cultural Resources.	The action would result in a finding of <i>Adverse Effect</i> through the Section 106 process. However, an adverse effect finding does not automatically trigger preparation of an EIS (i.e., a significant impact).
Land Use	The FAA has not established a significance threshold for Land Use.	There are no specific independent factors to consider for Land Use. The determination that significant impacts exist in the Land Use impact category is

Environmental Impact Category	Significance Threshold	Factors to Consider
		normally dependent on the significance of other impacts.
Natural Resources and Energy Supply	The FAA has not established a significance threshold for Natural Resources and Energy Supply.	The action would have the potential to cause demand to exceed available or future supplies of these resources or adversely impact extant federal, Tribal, state, or local resource planning already in place (e.g., negatively impact energy efficiency, clean or renewable energy, or natural resource or sustainability planning in place in the area of interest by a federal, state, Tribal, or local government entity).
Noise and Noise-Compatible Land Use	<p><i>The significance threshold applies to all civil aviation activities, including aircraft and airports; UAS and hubs; AAM and vertiports; and commercial space vehicles and launch and reentry sites.</i></p> <p><i>The action would result in noise exposure from impulsive noise sources (e.g., sonic booms) that meet or exceed 60 CDNL – equivalent to DNL 65 dBA .³</i></p> <p><i>The action would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe. For example, an increase from DNL 65.5 dB to 67</i></p>	Special consideration needs to be given to the evaluation of the significance of noise impacts on noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the DNL 65 dB threshold does not adequately address the impacts of noise on visitors to areas within a national park or national wildlife and waterfowl refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute, and due to the nature of the resource has limited options for mitigation.

³ A C-weighted day-night average noise level (CDNL) of 60 dBC from impulsive noise sources is equivalent to DNL 65 dBA.

Environmental Impact Category	Significance Threshold	Factors to Consider
	dB is considered a significant impact, as is an increase from DNL 63.5 dB to 65 dB.	
Socioeconomics and Children's Health and Safety Risks		
Socioeconomics	The FAA has not established a significance threshold for Socioeconomics.	<p>The action would have the potential to:</p> <ul style="list-style-type: none"> • Disrupt or divide the physical arrangement of an established community; • Cause extensive relocation when sufficient replacement housing is unavailable; • Cause extensive relocation of community businesses that would cause severe economic hardship for affected communities; • Disrupt local traffic patterns and substantially reduce the levels of service of roads serving an airport and its surrounding communities; or • Produce a substantial change in the community tax base.
Children's Environmental Health and Safety Risks	The FAA has not established a significance threshold for Children's Environmental Health and Safety Risks.	<p>The action would have the potential to:</p> <ul style="list-style-type: none"> • Lead to a disproportionate health or safety risk to children
Visual Effects		
Light Emissions	The FAA has not established a significance threshold for Light Emissions.	<p>The degree to which the action would have the potential to:</p> <ul style="list-style-type: none"> • Create annoyance or interfere with normal activities from light emissions; and • Affect the visual character of the area due to the light emissions, including the importance, uniqueness, and aesthetic value of the affected visual resources.
Visual Resources / Visual Character	The FAA has not established a significance threshold for Visual Resources / Visual Character.	<p>The extent the action would have the potential to:</p> <ul style="list-style-type: none"> • Affect the nature of the visual character of the area, including the importance, uniqueness, and

Environmental Impact Category	Significance Threshold	Factors to Consider
		aesthetic value of the affected visual resources; • Contrast with the visual resources and/or visual character in the study area; and • Block or obstruct the views of visual resources, including whether these resources would still be viewable from other locations.
Water Resources (including Wetlands, Floodplains, Surface Waters, Groundwater, and Wild and Scenic Rivers)		
Wetlands	<p><i>The action would consider wetlands under federal and state jurisdiction:</i></p> <ol style="list-style-type: none"> <i>1. Adversely affect a wetland's function to protect the quality or quantity of municipal water supplies, including surface waters and sole source and other aquifers;</i> <i>2. Substantially alter the hydrology needed to sustain the affected wetland system's values and functions or those of a wetland to which it is connected;</i> <i>3. Substantially reduce the affected wetland's ability to retain floodwaters or storm runoff, thereby threatening public health, safety or welfare (the term welfare includes cultural, recreational, and scientific resources or property important to the public);</i> <i>4. Adversely affect the maintenance of natural systems supporting wildlife and fish habitat or economically important timber, food, or fiber resources of the affected or surrounding wetlands;</i> 	

Environmental Impact Category	Significance Threshold	Factors to Consider
	<p>5. Promote development of secondary activities or services that would cause the circumstances listed above to occur; or</p> <p>6. Be inconsistent with applicable state wetland strategies.</p>	
Floodplains	<p>The action would cause notable adverse impacts on natural and beneficial floodplain values. Natural and beneficial floodplain values are defined in Paragraph 4.k of DOT Order 5650.2, Floodplain Management and Protection.</p>	
Surface Waters	<p>The action would:</p> <ol style="list-style-type: none"> 1. Exceed water quality standards established by Federal, state, local, and tribal regulatory agencies; or 2. Contaminate public drinking water supply such that public health may be adversely affected. 	<p>The action would have the potential to:</p> <ul style="list-style-type: none"> • Adversely affect natural and beneficial water resource values to a degree that substantially diminishes or destroys such values; • Adversely affect surface waters such that the beneficial uses and values of such waters are appreciably diminished or can no longer be maintained and such impairment cannot be avoided or satisfactorily mitigated; or • Present difficulties based on water quality impacts when obtaining a permit or authorization.
Groundwater	<p>The action would:</p> <ol style="list-style-type: none"> 1. Exceed groundwater quality standards established by Federal, state, local, and tribal regulatory agencies; or 2. Contaminate an aquifer used for public water supply such that public health may be adversely affected. 	<p>The action would have the potential to:</p> <ul style="list-style-type: none"> • Adversely affect natural and beneficial groundwater values to a degree that substantially diminishes or destroys such values; • Adversely affect groundwater quantities such that the beneficial uses and values of such groundwater are appreciably diminished or can no longer be maintained and such impairment cannot be avoided or satisfactorily mitigated; or

Environmental Impact Category	Significance Threshold	Factors to Consider
		<ul style="list-style-type: none"> • Present difficulties based on water quality impacts when obtaining a permit or authorization.
Wild and Scenic Rivers	The FAA has not established a significance threshold for Wild and Scenic Rivers.	<p>The action would have an adverse impact on the values for which a river was designated (or considered for designation) through:</p> <ul style="list-style-type: none"> • Destroying or altering a river's free-flowing nature; • A direct and adverse effect on the values for which a river was designated (or under study for designation); • Introducing a visual, audible, or other type of intrusion that is out of character with the river or would alter outstanding features of the river's setting; • Causing the river's water quality to deteriorate; • Allowing the transfer or sale of property interests without restrictions needed to protect the river or the river corridor (which cannot exceed an average of 320 acres per mile which, if applied uniformly along the entire designated segment, is one-quarter of a mile on each side of the river); or • Any of the above impacts preventing a river on the Nationwide Rivers Inventory (NRI) or a Section 5(d) river that is not included in the NRI from being included in the Wild and Scenic River System or causing a downgrade in its classification (e.g., from wild to recreational).

Appendix B

Extraordinary Circumstances and Categorical Exclusions.

B-1. Extraordinary Circumstances.

(a) *Extraordinary Circumstances.* Extraordinary circumstances are factors or circumstances that indicate a normally categorically excluded action may have a significant effect. If a project that is being considered for categorical exclusion presents extraordinary circumstances, further project-specific analysis must be undertaken to ensure there is no potential for significance. Where, upon further evaluation, the FAA concludes there is no potential for significance from the project as designed, the agency may proceed with reliance on a categorical exclusion notwithstanding the presence of the extraordinary circumstance. The agency may also proceed with reliance on a relevant CATEX if the proposed action is modified to avoid the potential to result in significant effects. In these cases, the FAA shall document the determination and may publish it on the FAA website. Extraordinary circumstances exist when the proposed action meets both of the following criteria:

- (1) Involves any of the circumstances described in Subparagraph b. below; and
- (2) May have a significant effect.

An effect involving one or more of the circumstances described below in connection with a proposed action does not require the preparation of an EA or EIS unless the additional determination is made that the proposed action may have a significant environmental effect (i.e., that the proposed action has effects which rise to the level of extraordinary circumstances). The FAA uses screening and other analyses and consultation, as appropriate, to assist in determining extraordinary circumstances (see supporting guidance in the 1050.1 Desk Reference for information to determine the potential for significant environmental effects and Paragraph 4-3 for the FAA's significance thresholds and factors to consider in evaluating significance). When extraordinary circumstances exist that create the potential for significant effects, and the proposed action cannot be modified to eliminate the extraordinary circumstances, an EA or EIS must be prepared. If extraordinary circumstances do not exist or the proposal is changed to ensure the potential for significance is eliminated, a CATEX may be used. If it is uncertain whether the proposed action involves an extraordinary circumstance, the LOB/SO should consult with AEE and AGC for guidance.

(b) *Circumstances.* An extraordinary circumstance exists if a proposed action involves any of the following circumstances and has the potential for a significant effect:

- (1) An adverse effect on cultural resources protected under the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 300101, *et seq.*;
- (2) An effect on resources protected under Section 4(f) of the Department of Transportation Act;
- (3) An effect on natural, ecological, or scenic resources of Federal, state, Tribal (including Tribal trust or treaty protected resources), or local significance (e.g., federally listed or proposed endangered, threatened, or candidate species, or designated or proposed critical habitat under the Endangered Species Act, 16 U.S.C. §§ 1531-1544);
- (4) An effect on the following resources: resources protected by the Fish and Wildlife Coordination Act, 16 U.S.C. §§ 661-667d; wetlands; floodplains; coastal zones; national marine sanctuaries; wilderness areas; National Resource Conservation Service-designated prime and unique farmlands; energy supply and natural resources; resources protected under the Wild and Scenic Rivers Act, 16 U.S.C. §§ 1271-1287, and rivers or river segments listed on the Nationwide Rivers Inventory (NRI); and solid waste management;

- (5) A division or disruption of an established community, or a disruption of orderly, planned development, or an inconsistency with plans or goals that have been adopted by the community in which the project is located;
- (6) An increase in congestion from surface transportation (by causing a decrease in the level of service below acceptable levels determined by the appropriate transportation agency, such as a highway agency);
- (7) An effect on noise levels of noise sensitive areas;
- (8) An effect on air quality or violation of Federal, state, tribal, or local air quality standards under the Clean Air Act, 42 U.S.C. §§ 7401-7671q;
- (9) An effect on water quality, sole source aquifers, a public water supply system, or state or tribal water quality standards established under the Clean Water Act, 33 U.S.C. §§ 1251-1387, and the Safe Drinking Water Act, 42 U.S.C. §§ 300f-300j-26;
- (10) Effects on the quality of the human environment that are likely to be highly controversial on environmental grounds. The term “highly controversial on environmental grounds” means there is a substantial dispute regarding the analytical outcomes of the environmental review. Controversies on environmental grounds relate to a substantive issue pertaining to the analysis of effects, such as reasonable disagreement over the degree, extent, or nature of a proposed action’s environmental impacts or over the action’s risks of causing environmental harm. Mere opposition is not sufficient for a proposed action or its impacts to be considered highly controversial on environmental grounds. Opposition on environmental grounds by a Federal, state, or local government agency or by a tribe or a substantial number of the persons affected by the action should be considered in determining whether or not reasonable disagreement regarding the impacts of a proposed action exists. However, while a substantial number of persons affected by the action is a consideration, it is not necessarily determinative that extraordinary circumstances exist. If in doubt about whether a proposed action is highly controversial on environmental grounds, consult the LOB/SO’s headquarters environmental division, AEE or AGC for assistance;
- (11) Likelihood to be inconsistent with any Federal, state, tribal, or local law relating to the environmental aspects of the proposed action; or
- (12) Likelihood to create a significant impact on the human environment, including, but not limited to, actions likely to cause a significant lighting impact on residential areas or commercial use of business properties, likely to cause a significant impact on the visual nature of surrounding land uses, likely to cause environmental contamination by hazardous materials, or likely to disturb an existing hazardous material contamination site such that new environmental contamination risks are created.

B-2. The Federal Aviation Administration’s Categorical Exclusions. The FAA has determined that the actions listed in this paragraph normally do not have a significant effect on the human environment.

The CATEXs are organized by the following functions:

- Administrative/General: Actions that are administrative or general in nature;
- Certification: Actions concerning issuance of certificates or compliance with certification programs;
- Equipment and Instrumentation: Actions involving the installation, repair, or upgrade of equipment or instruments necessary for operations and safety;
- Facility Siting, Construction, and Maintenance: Actions involving acquisition, repair, replacement, maintenance, or upgrading of grounds, infrastructure, buildings, structures, or facilities that generally are minor in nature;

- Procedural: Actions involving establishment, modification, or application of airspace and air traffic procedures; and
- Regulatory: Actions involving establishment of, compliance with, or exemptions to, regulatory programs or requirements.

To assist the responsible FAA official in identifying the applicable CATEX for a proposed action, the FAA LOB/SO that most commonly uses a CATEX is provided in parentheses following the description of the CATEX. For example, if ATO and the AST are the two LOB/SOs that most commonly use a CATEX, the parenthetical reference (ATO, AST) will follow the description of the CATEX. If a given CATEX is used with equal frequency by all FAA LOB/SOs, the parenthetical reference “(All)” will follow the description of the CATEX. This information is presented for reference only, and must not be construed to limit the use of a CATEX to only the listed LOB/SO.

B-2.1. Categorical Exclusions for Administrative/General Actions. This category includes the list of CATEXs for FAA actions that are administrative or general in nature. The responsible FAA official must also review Paragraph B-1, Extraordinary Circumstances, before deciding to categorically exclude a proposed action. See § 1.4(f)(4)(i) of this Order for CATEXs with an asterisk (*).

- Implementation of measures to respond to emergency air or ground safety needs, accidents, or natural events with no reasonably foreseeable significant long-term adverse impacts. (All)
- FAA decisions on land use change actions for sponsors with land acquired via a Federal grant, or when the sponsor accepted a Federal land conveyance (e.g., Surplus Property Act 49 U.S.C. §§ 47151-47153; Defense Base Closure and Realignment Act, 10 U.S.C. § 2687; federal non-surplus property transfers under 49 U.S.C. § 47125). The land use change decisions include: (1) Approval or consent to the non-aeronautical or mixed use of airport-dedicated property; or (2) Release of an airport sponsor from Federal obligations incurred during acquisition of airport property. Decisions on land use change actions must consider whether the proposed and reasonably foreseeable uses of the property trigger extraordinary circumstances as described in Paragraph B-1, Extraordinary Circumstances. (ARP, AST)*
- An FAA action responding to a request for conveying federally owned land, including surplus Federal property and/or joint-use facilities, provided the proposed use of the conveyed land is either unchanged or for a use that is categorically excluded. (ARP, ATO)*
- Federal funding and approval of amendments to Airport Layout Plans (ALPs) to carry out FAA-approved noise compatibility programs pursuant to 14 CFR part 150. (ARP)*
- Issuance of Notices to Airmen (NOTAMS), which notify pilots and other interested parties of interim or temporary conditions. (AVS, ATO)*
- Mandatory actions required under implementing regulation for any treaty or international agreement to which the United States is a party or required by the decisions of international organizations or authorities in which the United States is a member or participant, except when the United States has discretion over implementation of such requirements. (AGC, ARP, APL, ATO, AST, AVS)
- Issuance of airport policy and planning documents, including the National Plan of Integrated Airport Systems (NPIAS), AIP priority system, and advisory circulars on planning, design, and development that are issued as administrative and technical guidance. (ARP, AST)*
- Approval of an airport sponsor’s request solely to impose Passenger Facility Charges (PFC) or approval to impose and use PFCs for planning studies. (ARP)*
- Actions that are tentative, conditional, and clearly taken as a preliminary action to establish eligibility under an FAA program, for example, Airport Improvement Program (AIP) actions that are

tentative and conditional and clearly taken as a preliminary action to establish an airport sponsor's eligibility under the AIP. (All)*

(j) Administrative and agency operating actions, such as procurement documentation, organizational changes, personnel actions, and legislative proposals not originating in the FAA. (All)*

(k) Agreements with foreign governments, foreign civil aviation authorities, international organizations, or U.S. Government departments calling for cooperative activities or the provision of technical assistance, advice, equipment, or services to those parties, and the implementation of such agreements; negotiations and agreements to establish and define bilateral aviation safety relationships with foreign governments and the implementation of such agreements; attendance at international conferences and the meetings of international organizations, including participation in votes and other similar actions. (All)*

(l) All delegations of authority to designated examiners, designated engineering representatives, or airmen under Section 314 of the FAA Act (49 U.S.C. §§ 44702(d) and 45303). (ATO, AVS) *

(m) FAA administrative actions associated with the transfer of ownership or operation of an existing airport, by acquisition or long-term lease, as long as the transfer is limited to ownership, right of possession, and/or operating responsibility. (ARP)*

(n) Issuance of grants to prepare noise exposure maps and noise compatibility programs (NCPs) under 49 U.S.C. §§ 47503(2) and 47504, and FAA determinations to accept noise exposure maps and approve NCPs under 14 CFR part 150. (ARP)*

(o) Issuance of grants that do not imply a project commitment, such as airport planning grants, and grants to states participating in the state block grant program. (ARP, AST)*

(p) Conditional approval of an Airport Layout Plan (ALP). (ARP)*

(q) Planning and development of training, personnel efficiency, and performance projects and programs. (All) *

(r) Issuance of policy and planning documents and legislative proposals not intended for, or that do not cause direct implementation of, project or system actions. (All)*

(s) Project amendments (for example, increases in costs) that do not alter the environmental impact of the action. (All)*

(t) Actions related to the retirement of the principal of a bond or other indebtedness for terminal development. (ARP)*

(u) Approval under 14 CFR part 161, Notice and Approval of Airport Noise and Access Restrictions, of a restriction on the operations of Stage 3 aircraft that does not have the potential to significantly increase noise at the airport submitting the restriction proposal or at other airports to which restricted aircraft may divert. (ARP)

B-2.2. Categorical Exclusions for Certification Actions. This category includes the list of CATEXs for FAA actions concerning the issuance of certificates or compliance with certification programs. The responsible FAA official must also review Paragraph B-1, Extraordinary Circumstances, before deciding to categorically exclude a proposed action. See § 1.4(f)(4)(i) of this Order for CATEXs with an asterisk (*).

(a) Approvals and findings pursuant to 14 CFR part 36, *Noise Standards: Aircraft Type and Airworthiness Certification*, and acoustical change provisions under 14 CFR § 21.93. (ATO, AVS, APL)

(b) Approvals of repairs, parts, and alterations of aircraft, commercial space launch vehicles, and engines not affecting noise, emissions, or wastes. (All)

(c) Issuance of certificates such as the following: (1) new, amended, or supplemental aircraft types that meet environmental regulations; (2) new, amended, or supplemental engine types that meet emission regulations; (3) new, amended, or supplemental engine types that have been excluded by the EPA (see 14 CFR § 34.7, Exemptions); (4) medical, airmen, export, manned free balloon type, glider type, propeller type, supplemental type certificates not affecting noise, emission, or waste; (5) mechanic schools, agricultural aircraft operations, repair stations, and other air agency ratings; and (6) operating certificates. (ATO, AVS)

(d) Operating specifications and amendments that do not significantly change the operating environment of the airport. “That do not significantly change the operating environment of the airport” refers to minor operational changes at an airport that do not have the potential to cause significant impacts to noise, air quality, or other environmental impact categories. These would include, but are not limited to, authorizing use of an alternate airport, administrative revisions to operations specifications, or use of an airport on a one-time basis. The use of an airport on a one-time basis means the operator will not have scheduled operations at the airport or will not use the aircraft for which the operator requests an amended operations specification, on a scheduled basis. (ATO, AVS)*

(e) Issuance of certificates and related actions under the Airport Certification Program (see 14 CFR part 139). (ARP)

(f) Issuance of Airworthiness Directives (ADs) to ensure aircraft safety. (ATO, AVS)*

B-2.3. Categorical Exclusions for Equipment and Instrumentation. This category includes the list of CATEXs for FAA actions involving the installation, repair, or upgrade of equipment or instruments necessary for operations and safety. The responsible FAA official must also review Paragraph B-1, Extraordinary Circumstances, before deciding to categorically exclude a proposed action.

(a) Construction of the following facilities on designated airport property or commercial space launch sites, co-located with other FAA facilities, co-located at a location currently used for similar facilities or equipment, or replacement with essentially similar facilities or equipment: Remote Communications Outlet (RCO), Remote Transmitter/Receiver (RT/R), or Remote Center-Air Ground Communication Facility (RCAG), or essentially similar facilities or equipment identified in, and designed and constructed in accordance with FAA Order JO 6580.3, *The Remote Communications Facilities Installation Standards Handbook*. These facilities are typically located within 150 feet by 150 feet parcel with antenna towers reaching approximately 40 feet in height. (ATO)

(b) Establishment, installation, upgrade, or relocation of any of the following on designated airport or FAA property: airfield or approach lighting systems, visual approach aids, beacons, and electrical distribution systems as described in FAA Order JO 6850.2, *Visual Guidance Lighting Systems*, and other related facilities. (ATO, ARP)

(c) Federal financial assistance for, or Airport Layout Plan (ALP) approval of, or FAA installation or upgrade of facilities and equipment, other than radars, on designated airport or FAA property or commercial space launch sites. Facilities and equipment mean FAA communications, navigation, surveillance, and weather systems. Weather systems include hygrometers, Automated Weather Observing System (AWOS), Automatic Surface Observation System (ASOS), Stand Alone Weather Sensors (SAWS), Runway Visual Range (RVR), and other essentially similar facilities and equipment that provide for modernization or enhancement of the service provided by these facilities. Navigational aids include Very High Frequency Omnidirectional Range (VOR), VOR Test facility (VOT), co-located VORs and Tactical Aircraft Control and Navigation (TACAN) (VORTAC), Low Power TACAN, Instrument Landing System (ILS) equipment or components of ILS equipment (establishment

or relocation of an ILS is not included; an EA is normally required; see § 1.5 (c)(8)), Wide Area Augmentation System (WAAS), Local Area Augmentation System (LAAS), other essentially similar facilities and equipment, and equipment that provides for modernization or enhancement of the service provided by that facility, such as conversion of VOR to VORTAC, conversion to Doppler VOR (DVOR), or conversion of ILS to category II or III standards. FAA Order 6820.10, *VOR, VOR/DME and VORTAC Siting Criteria* governs the installation of VOR/VOT/VORTAC-type equipment. These facilities are typically located within 150 feet by 150 feet parcel, with a total structure height reaching approximately 50 feet in height. (ATO, ARP, AST)

(d) Federal financial assistance for, or Airport Layout Plan (ALP) approval of, or FAA installation, repair, replacement, relocation, or upgrade of radar facilities and equipment on designated airport or FAA property or commercial space launch sites, that conform to the current American National Standards Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) guidelines for maximum permissible exposure to electromagnetic fields. Radar facilities and equipment include Terminal Doppler Weather Radar (TDWR), Next Generation Weather Radar (NEXRAD), Precision Runway Monitor (PRM), Airport Surface Detection Equipment (ASDE), Air Route Surveillance Radar (ARSR), Airport Surveillance Radar (ASR), Air Traffic Control Beacon Interrogator (ATCBI), and other essentially similar facilities and equipment. In addition, this includes equipment that provides for modernization or enhancement of the service provided by these facilities, such as Radar Bright Display Equipment (RBDE) with Plan View Displays (PVD), Direct Access Radar Channel (DARC), adding a beacon system onto existing radar, and calibration equipment. (ATO, ARP)

(e) Federal financial assistance for, Airport Layout Plan (ALP) approval of, or FAA installation, repair, relocation, replacement, removal, or upgrade of minor miscellaneous items such as Low Level Wind Shear Alert System (LLWAS), wind indicators, wind measuring devices, landing directional equipment, segmented circles (visual indicators providing traffic pattern information at airports without airport traffic control towers (ATCTs)), mobile ATCTs, Mobile Emergency Radar Facilities (MERF), and associated fencing and calibration equipment. (ARP, ATO)

(f) Installation or replacement of engine generators used in emergencies. (ATO, AST)

(g) Replacement or upgrade of power and control cables for existing facilities and equipment, such as airfield or approach lighting systems (ALS), commercial space launch site lighting systems, visual approach aids, beacons, and electrical distribution systems as described in FAA Order JO 6850.2, *Visual Guidance Lighting Systems*, or airport surveillance radar (ASR), commercial space launch site surveillance radar, Instrument Landing System (ILS), and Runway Visual Range (RVR). (ATO)

(h) Acquisition of equipment required for the safety or security of personnel and property on the airport or commercial space launch site, including safety equipment required by rule or regulation for certification of an airport (see 14 CFR part 139, *Certification and Operation: Land Airports Serving Certain Air Carriers*), or licensing the operation of a commercial space launch site (see 14 CFR part 420, *License to Operate a Launch Site*) and acquisition of snow removal equipment. (ARP, AST)

(i) Approval of an Airport Layout Plan (ALP) where applicable, Federal financial assistance for, or FAA projects or approvals for the installation of solar or wind-powered energy equipment. For solar, the total land area affected is limited to 100 total acres of airport-owned, airport-leased, FAA-owned, or FAA-leased land. For wind projects under this CATEX, the total land area affected must be limited to three acres total of airport-owned, airport-leased, FAA-owned, or FAA-leased land or any combination of these types of land. These acreage limits include the land needed for easements and rights-of-way associated with building and installing the equipment, and any trenching and cabling that would connect the installed equipment to other parts of the airport or an existing electrical grid, but does not include land acquisition if such acquisition is necessary to support the project. This CATEX covers neither solar nor wind installations where tree removal would radically alter the viewshed of nearby

residential uses. Construction contracts or leases for this equipment must include requirements to control dust, sedimentation, storm water, and accidental spills. (ARP, ATO)

B-2.4. Categorical Exclusions for Facility Siting, Construction, and Maintenance. This category includes the list of CATEXs for FAA actions involving acquisition, repair, replacement, maintenance, or upgrading of grounds, infrastructure, buildings, structures, or facilities that generally are minor in nature. The responsible FAA official must also review Paragraph B-1, Extraordinary Circumstances, before finalizing a decision to categorically exclude a proposed action.

(a) Where the FAA has an associated Federal approval, access road construction, and construction, relocation, or repair of entrance and service roadways that do not reduce the level of service on local traffic systems below acceptable levels. (ATO, ARP, AST)

(b) Acquisition of land and relocation associated with a categorically excluded action. (ATO, ARP)

(c) Installation, modification, or repair of radars at existing facilities that conform to the current American National Standards Institute/Institute of Electrical and Electronics Engineers (ANSI/IEEE) guidelines for maximum permissible exposures to electromagnetic fields and do not significantly change the impact on the environment of the facility. (All)

(d) Federal financial assistance, Airport Layout Plan (ALP) approval, or FAA installation of de-icing/anti-icing facilities that comply with National Pollutant Discharge Elimination System (NPDES) permits or other permits protecting the quality of receiving waters, and for which related water detention or retention facilities are designed not to attract wildlife hazardous to aviation, as defined in FAA Advisory Circular 150/5200-33, *Hazardous Wildlife Attractants on or Near Airports*. (ATO, ARP)

(e) Federal financial assistance, licensing, or Airport Layout Plan (ALP) approval for the following actions, provided the action would not result in significant erosion or sedimentation, and will not result in a significant noise increase over noise sensitive areas or result in significant impacts on air quality.

- Construction, repair, reconstruction, resurfacing, extending, strengthening, or widening of a taxiway, apron, loading ramp, or runway safety area (RSA), including an RSA using Engineered Material Arresting System (EMAS); or
- Reconstruction, resurfacing, extending, strengthening, or widening of an existing runway.

This CATEX includes marking, grooving, fillets and jet blast facilities associated with any of the above facilities. (ARP, AST)

(f) Federal financial assistance, licensing, Airport Layout Plan (ALP) approval, or FAA construction or limited expansion of accessory on-site structures, including storage buildings, garages, hangars, t-hangars, small parking areas, signs, fences, and other essentially similar minor development items. (ATO, ARP, AST)

(g) Construction of Remote Transmitter/Receiver (RT/R), or other essentially similar facilities and equipment, to supplement existing communications channels installed in the Airport Traffic Control Tower (ATCT) or Flight Service Station (FSS). (ATO)

(h) Federal financial assistance, licensing, or Airport Layout Plan (ALP) approval for construction or expansion of facilities—such as terminal passenger handling and parking facilities or cargo buildings, or facilities for non-aeronautical uses at existing airports and commercial space launch sites—that do not substantially expand those facilities (see the FAA’s presumed to conform list (72 *Federal Register* 41565 (July 30, 2007))). (All)

(i) Demolition and removal of FAA buildings and structures, or financial assistance for or approval (where applicable) of an Airport Layout Plan (ALP) for the demolition or removal of non-FAA owned,

on-airport buildings and structures, provided no hazardous substances or contaminated equipment are present on the site of the existing facility. This CATEX does not apply to buildings and structures of historic, archaeological, or architectural significance as officially designated by Federal, state, tribal or local governments. (ATO, AST, ARP)

(j) Removal or extension of water, sewage, electrical, gas, or other utilities of temporary duration to serve construction. (ATO, AST)

(k) Placing earthen fill into previously excavated land with material compatible with the natural features of the site, provided the land is not delineated as a wetland; or minor dredging or filling of wetlands or navigable waters for any categorically excluded action, provided the fill is of material compatible with the natural features of the site, and the dredging and filling qualifies for an U.S. Army Corps of Engineers nationwide or a regional general permit. (ATO, AST, ARP)

(l) Federal financial assistance for, licensing or approval of the grading of land, the removal of obstructions to air navigation, or erosion control measures, provided those activities occur on and only affect airport property, a commercial space launch site, or FAA-owned or leased property. (ATO, ARP, AST)

(m) Lease of space in buildings or towers. (ATO, AST)*

(n) Minor expansion of facilities, including the addition of equipment such as telecommunications equipment, on an existing facility where no additional land is required, or when expansion is due to remodeling of space in current quarters or existing buildings. Additions may include antennas, concrete pad, and minor trenching for cable. (ATO, AST)

(o) Minor trenching and backfilling where the surface are restored and the excavated material is protected against erosion and run-off during the construction period. (ATO, ARP, AST)

(p) New gardening, landscaping, and/or maintenance of existing landscaping that does not cause or promote the introduction or spread of invasive species that would harm the native ecosystem; use of landscape practices that reflect recommendations provided in *Guidance for Presidential Memorandum on Environmentally and Economically Beneficial Landscape Practices on Federal Landscaped Grounds*, 60 *Federal Register* 40837 (August 10, 1995); and that do not attract wildlife that is hazardous to aviation. (ATO, ARP, AST)

(q) Construction and installation, on airports or commercial space launch sites, of noise abatement measures, such as noise barriers to diminish aircraft and commercial space launch vehicle engine exhaust blast or noise, and installation of noise control materials. (All)

(r) Purchase, lease, or acquisition of three acres or less of land with associated easements and rights-of-way for new facilities. (ATO)

(s) Repairs and resurfacing of existing access to remote facilities and equipment such as Air Route Surveillance Radar (ARSR), Remote Center Air/Ground Communications Facility (RCAG), Remote Communications Outlet (RCO), and VHF Omnidirectional Range (VOR) with Ultra-High Frequency Tactical Air Navigation Aid (VORTAC). (ATO)

(t) Federal financial assistance for, or Airport Layout Plan (ALP) approval of, a new heliport or vertiport on an existing airport or commercial space launch site that would not significantly increase noise over noise sensitive areas. (ARP, AST)

(u) Approval of an Airport Layout Plan (ALP) for installation of on-airport, aboveground storage tanks or underground storage tanks (USTs) on airport property where the FAA has authority to approve or disapprove an ALP or FAA installation, repair, or replacement of USTs and aboveground storage tanks at FAA facilities. These actions must comply with FAA Order 1050.15, *Fuel Storage Tanks at FAA Facilities*, and EPA regulations, 40 CFR parts 112, 280, and 281, as applicable. This CATEX includes

the closure and removal of a fuel storage tank, and the remediation of contaminants resulting from a fuel storage tank at an FAA facility or on an airport where the FAA has ALP approval or disapproval authority for the project, provided those actions occur in accordance with the order and the regulations noted above. The establishment of bulk fuel storage and associated distribution systems is not within the scope of this CATEX. Those actions are subject to § 1.5(c)(5) of this Order. (ATO, ARP)

(v) Replacement or reconstruction of a terminal, structure, or facility with a new one of similar size and purpose, where location will be on the same site as the existing building or facility and where the FAA has an approval action for the project. (ATO, ARP, AST)

(w) Repair and maintenance of existing roads, rights-of-way, trails, grounds, parking areas, and utilities, including, for example, snow removal, vegetation control, and erosion control work. (All)

(x) Routine facility decommissioning, exclusive of disposal. (ATO, AST)

(y) Takeover of non-Federal facilities by the FAA. (ATO)

(z) Federal financial assistance or any other FAA approval or federal action related to topping, trimming, or removing trees (with or without their root systems), and removing obstructions to air navigation (e.g. light poles, utility lines, signs, and billboards), on or off airport property, or removal of trees to meet: 1) 14 CFR part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, standards for removing obstructions which can adversely affect navigable airspace; 2) FAA Order 8260.3, *United States Standards for Terminal Instrument Procedures (TERPS)*, standards for the designing and evaluating instrument flight procedures prescribed under 14 CFR Part 95 and Part 97; and 3) Advisory Circular 150/5300-1313B13, *Airport Design*, Standards for Operational Surfaces. At a minimum, tree removal should be done either when species are not nesting or roosting, after inspection by a trained wildlife biologist indicating no nesting or roosting species present, or at a time agreed upon by the U.S. FWS and the state wildlife agency. If tree obstruction removal will include removal of the root system below grade (e.g., grubbing) and related grading or earth moving activities, documentation is required to address protection of biological resources to ensure that there are no extraordinary circumstances that would preclude the proposed action from being categorically excluded. (All)

(aa) Upgrading of building electrical systems or maintenance of existing facilities, such as painting, replacement of siding, roof rehabilitation, resurfacing, or reconstruction of paved areas, and replacement of underground facilities. (ATO, AST)

(bb) Airport Layout Plan (ALP) approval and/or Federal financial assistance for actions related to a fee-simple purchase of land or the purchase of an aviation easement to establish a runway protection zone (RPZ) or for other aeronautical purposes provided there is no land disturbance and does not require extensive business or residential relocations. (ARP)

(cc) Approval of an Airport Layout Plan (ALP) and/or Federal financial assistance to permanently close a runway, close and remove a runway, or convert a runway to a taxiway provided any changes to lights or pavement would be on previously developed airport land. (ARP)

(dd) FAA construction, reconstruction, or relocation of a non-Radar, Level 1 airport traffic control tower (a tower that does not use radar) at an existing visual flight rule airport, or FAA approval of an Airport Layout Plan (ALP) and/or Federal funding to do so, provided the action would occur on a previously disturbed area of the airport and not: (1) cause an increase in the number of aircraft operations, a change in the time of aircraft operations, or a change in the type of aircraft operating at the airport; (2) cause a significant noise increase in noise sensitive areas; or (3) cause significant air quality impacts. (ARP, ATO)

(ee) Environmental investigation of hazardous waste or hazardous substance contamination on previously developed airport or FAA-owned, leased, or operated sites including temporary activities such as minor excavation, soil test borings, and installation of groundwater testing and monitoring

wells, piezometers and other groundwater well monitoring devices impacting approximately one acre in aggregate surface area. The work plan or Sampling and Analysis Plan (SAP) for the project must integrate current industry best practices and address, as applicable, surface restoration, well and soil boring decommissioning, and the collection, storage, handling, transportation, minimization, and disposal of investigation-derived wastes. The work plan or SAP must also address these matters for other Federal or state regulated wastes generated by the investigation. The work plan or SAP must be coordinated with and, if required, approved by the appropriate or relevant governmental agency or agencies prior to commencement of work. (ATO, ARP)

(ff) Remediation of hazardous wastes or hazardous substances impacting approximately one acre or less in aggregate surface area, including siting, site preparation, construction, equipment repair or replacement, operation and maintenance, remote or on-site monitoring, and removal of remediation-related equipment and facilities, on previously developed FAA-owned, leased, or operated sites. Remedial or corrective actions must be performed in accordance with an approved work plan (i.e., remedial action plan, corrective action plan, or similar document) that documents applicable current industry best practices and addresses, as applicable, permitting requirements, surface restoration, well and soil boring decommissioning, and the minimization, collection, any necessary associated on-site treatment, storage, handling, transportation, and disposal of Federal or state regulated wastes. The work plan must be coordinated with, and if required, approved by, the appropriate governmental agency or agencies prior to the commencement of work. Examples of covered activities include:

- Minor excavation (less than one acre of surface area, or less than 25,000 cubic yards) for removal of contaminated soil or containers (drums, boxes, or other articles);
- Ongoing operation of remedial and removal on-site monitoring and cleanup systems in accordance with an approved work plan (i.e., remedial action plan, corrective action plan, or similar document); and
- Installation, operation and maintenance, and removal of in-situ remediation systems and appurtenances, including (1) groundwater wells for treatment and monitoring of soil and water contamination; or (2) on-site vapor extraction systems. (ATO)

(gg) An action by the FAA Administrator to approve, permit, finance, or otherwise authorize any airport project that is undertaken by the sponsor, owner, or operator of a public-use airport if such project: 1) receives less than \$6,000,000 (as adjusted annually by the Administrator to reflect any increases in the Consumer Price Index prepared by the Department of Labor) of Federal funds or funds from charges collected under 49 U.S.C. § 40117; or 2) has a total estimated cost of not more than \$35,000,000 (as adjusted annually by the Administrator to reflect any increases in the Consumer Price Index prepared by the Department of Labor) and Federal funds comprising less than 15 percent of the total estimated project cost.⁴ (ARP)

(hh) An action by the FAA Administrator to approve, permit, finance, or otherwise authorize an airport project that is undertaken by the sponsor, owner, or operator of a public-use airport shall be presumed to be covered by a categorical exclusion under FAA Order 1050.1F (or any successor document), if such project is: 1) for the repair or reconstruction of any airport facility, runway, taxiway, or similar structure that is in operation or under construction when damaged by an emergency declared by the Governor of the State with concurrence of the Administrator or for a disaster or emergency declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121, *et seq.*); 2) in the same location with the same capacity, dimensions, and design as the original airport facility, runway, taxiway, or similar structure as before the declaration described in this

⁴ Section 788(a) of the FAA Reauthorization Act of 2024, Pub. L. No. 118-63 (May 16, 2024).

section; and 3) commenced within a 2-year period beginning on the date of a declaration described in this section.⁵ (ARP)

B-2.5. Categorical Exclusions for Procedural Actions. This category includes the list of CATEXs for FAA actions involving the establishment, modification, or application of airspace and air traffic procedures. An action included within this list of categorically excluded actions is not automatically exempted from environmental review under NEPA. The responsible FAA official must also review Paragraph B-1, Extraordinary Circumstances, before finalizing a decision to categorically exclude a proposed action.

(a) Rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). (ATO)

(b) Actions regarding establishment of jet routes and Federal airways (see 14 CFR § 71.15, Designation of jet routes and VOR Federal airways); operation of civil aircraft in a defense area, or to, within, or out of the United States through a designated Air Defense Identification Zone (ADIZ) (14 CFR part 99, Security Control of Air Traffic); authorizations for operation of moored balloons, moored kites, amateur rockets, and unmanned free balloons (see 14 CFR part 101, Moored Balloons, Kites, Amateur Rockets and Unmanned Free Balloons); and, authorizations of parachute jumping and inspection of parachute equipment (see 14 CFR part 105, Parachute Operations). (ATO)

(c) Actions to return all or part of special use airspace (SUA) to the National Airspace System (NAS), such as revocation of airspace, a decrease in dimensions, or a reduction in times of use (e.g., from continuous to intermittent, or use by a Notice to Airmen [NOTAM]). (ATO)

(d) Modification of the technical description of special use airspace (SUA) that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors). (ATO)*

(e) Designation of controlled firing areas. (ATO)

(f) Actions to increase the altitude of special use airspace. (ATO)

(g) Establishment of Global Positioning System (GPS), Flight Management System (FMS), Area Navigation/Required Navigation Performance (RNAV/RNP), or essentially similar systems that use overlay of existing flight tracks. For these types of actions, the Aviation Environmental Design Tool (AEDT) or other FAA-approved environmental screening methodology should be applied. (ATO, AVS)

(h) Establishment or modification of helicopter or eVTOL routes that channel helicopter activity over major thoroughfares and do not have the potential to significantly increase noise over noise sensitive areas. (ATO, AVS)

(i) Establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. For modifications to air traffic procedures at or above 3,000 feet AGL, the Aviation Environmental Design Tool (AEDT) or other FAA-approved environmental screening methodology should be applied. (ATO, AVS)

⁵ Section 788(b) of the FAA Reauthorization Act of 2024, Pub. L. No. 118-63 (May 16, 2024).

- (j) Implementation of procedures to respond to emergency air or ground safety needs, accidents, or natural events with no reasonably foreseeable long-term adverse impacts. (ATO)
- (k) Publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change the concentration of aircraft on these tracks. (ATO, AVS)
- (l) Federal financial assistance and/or Airport Layout Plan (ALP) approval or other FAA action to establish or remove a displaced threshold on an existing runway, provided the action does not require establishing or relocating an approach light system that is not on airport property (see § 1.5(c)(9) of this Order) or an instrument landing system (see § 1.5(c)(8) of this Order). This CATEX does not apply to displaced thresholds that require runway extensions. (ARP)
- (m) Short-term changes in air traffic control procedures, not to exceed six months, conducted under 3,000 feet above ground level (AGL) to accommodate airport construction. (ARP, ATO)
- (n) Tests of air traffic departure or arrival procedures conducted under 3,000 feet above ground level (AGL), provided that: (1) the duration of the test does not exceed six months; (2) the test is requested by an airport or launch operator in response to mitigating noise concerns, or initiated by the FAA for safety or efficiency of proposed procedures; and (3) the test data collected will be used to assess the operational and noise impacts of the test. (ATO)
- (o) Procedural actions requested by users on a test basis to determine the effectiveness of new technology and/or possible impacts to the environment. (ATO)
- (p) Establishment of new procedures that routinely route aircraft over non-noise sensitive areas. (ATO, AVS)
- (q) The following procedures taken in accordance with Section 213 of the FAA Modernization and Reform Act of 2012, conducted at, above, or below 3,000 feet above ground level (AGL), unless there is a determination that extraordinary circumstances exist:⁶
 - (1) Area Navigation/Required Navigation Performance (RNAV/RNP) procedures proposed for core airports and any medium or small hub airports located within the same metroplex area considered appropriate by the Administrator;⁷ and
 - (2) RNP procedures proposed at 35 non-core airports selected by the Administrator.⁸ (ATO)
- (r) Any navigation performance or other performance-based navigation procedure that, in the determination of the Administrator, would result in measurable reductions in fuel consumption, carbon dioxide emissions, and noise, on a per flight basis, as compared to aircraft operations that follow existing instrument flight rules procedures in the same airspace. This CATEX may be used irrespective of the altitude of such procedures.⁹ (ATO)

B-2.6. Categorical Exclusions for Regulatory Actions. This category includes the list of CATEXs for FAA actions involving compliance with, or exemptions to, regulatory programs or requirements. The responsible FAA official must also review Paragraph B-1, Extraordinary Circumstances, before finalizing a decision to categorically exclude a proposed action.

- (a) All FAA actions to ensure compliance with Environmental Protection Agency aircraft emissions standards. (AEE)

⁶ This is a legislative CATEX established in Section 213(c) of the *FAA Modernization and Reform Act of 2012*.

⁷ See the Guidance Memorandum for this CATEX in the Order 1050.1F Desk Reference for review notification, and approval processes when utilizing this CATEX.

⁸ See the Guidance Memorandum for this CATEX in the Order 1050.1F Desk Reference for review notification, and approval processes when utilizing this CATEX.

⁹ This is a legislative CATEX established in Section 213(c) of the *FAA Modernization and Reform Act of 2012*.

- (b) Authorizations and waivers for infrequent or one-time actions, such as an air show or aviation-related exposition/event (to include an aerobatic practice area containing one aerobatic practice box or aerobatic contest box) or parachuting or skydiving events, that may result in some temporary impacts that revert back to original conditions upon action completion.¹⁰ (ATO, AVS)
- (c) Denials of routine petitions for: (1) exemption; (2) reconsideration of a denial of exemption; (3) rulemaking; (4) reconsideration of a denial of a petition for rulemaking; and (5) exemptions to technical standard orders (TSOs). (AEE, AVS, AST, ATO)
- (d) Issuance of regulatory documents (e.g., Notices of Proposed Rulemaking and issuance of Final Rules) covering administrative or procedural requirements. (Does not include air traffic procedures; specific air traffic procedures that are categorically excluded are identified under Appendix B, Paragraph B-2.5 of this Order). (All)
- (e) Issuance of special flight authorizations controlled by operating limitations, specified in the following: 14 CFR § 21.199, *Issue of Special Flight Permits*; 14 CFR § 91.319, *Aircraft Having Experimental Certificates: Operating Limitations*; 14 CFR § 91.611, *Authorization for Ferry Flight with One Engine Inoperative*; and 14 CFR § 91.859, *Modification to Meet Stage 3 or Stage 4 Noise Levels*. (ATO, AVS, AEE)
- (f) Regulations, standards, and exemptions (excluding those that if implemented may cause a significant impact on the human environment). (All)

¹⁰ See the guidance memo on Aerobatic Practice Areas in the Order 1050.1F Desk Reference titled “Clarification of FAA Order 1050.1 CATEX 312b for Aerobatic Actions” when utilizing this CATEX. For low-weight pistons, mid-weight pistons, high-weight pistons and high weight radials, “infrequent” is defined as 18,000 or fewer annual operations. For aircraft that are categorized as mid-power jets and high-power radials (“warbirds”), “infrequent” is defined as 1,800 or fewer annual operations. Finally, for high-power jets, “infrequent” is defined as 300 or fewer annual operations. In circumstance in which an aerobatic practice box or the aerobatic contest box will be used by more than one aircraft group (i.e., mixed use).

Appendix C.

Federal Aviation Administration Requirements for Assessing Impacts Related to Noise and Noise-Compatible Land Use

This appendix contains the Federal Aviation Administration (FAA) requirements for Noise and Noise-Compatible Land Use and describes the requirements to provide appropriate context.

C-1. Noise and Noise-Compatible Land Use

For aviation noise analyses, the FAA has determined that the cumulative noise energy exposure of individuals to noise resulting from aviation activities must be established in terms of Yearly Day Night Average Sound Level (DNL), the FAA's primary noise metric. The Community Noise Equivalent Level (CNEL) may be used in lieu of DNL for FAA actions in California. The compatibility of existing and planned land uses with proposed aviation actions is usually determined in relation to the level of aircraft noise. Federal compatible land use guidelines for a variety of land uses are provided in Table 1 in Appendix A of 14 Code of Federal Regulations (CFR) part 150, *Land Use Compatibility with Yearly Day-Night Average Sound*. These guidelines are included in the Noise and Noise-Compatible Land Use Chapter of the 1050.1 Desk Reference.

No noise analysis is needed for projects involving Design Group I and II airplanes (wingspan less than 79 feet) in Approach Categories A through D (landing speed less than 166 knots) operating at airports whose forecast operations in the period covered by the NEPA document do not exceed 90,000 annual propeller operations (247 average daily operations) or 700 annual jet operations (2 average daily operations). Also, no noise analysis is needed for projects involving existing heliports or airports whose forecast helicopter operations in the period covered by the NEPA document do not exceed 10 annual daily average operations with hover times not exceeding 2 minutes.

C-1.1. Aircraft Noise Screening.

Aircraft noise screening may rule out the need for more detailed noise analysis and provide documented support for a Categorical Exclusion (CATEX) if screening shows no potential for significant noise impacts. The FAA has multiple noise screening tools (NSTs) and methodologies. A list of available FAA screening tools is provided in the 1050.1F Desk Reference. To use screening tools or equivalent screening methodologies that are not listed in the 1050.1F Desk Reference, prior written approval from the Office of Environment and Energy (AEE) is required.

C-1.2. Federal Aviation Administration Approved Models for Detailed Noise Analysis.

AEE has approved models for use for detailed noise analysis. Prior written approval from AEE is required to use another equivalent methodology or computer model. When requesting the use of an alternative model, justification of appropriateness of the use of that model over the use of the models listed in the 1050.1F Desk Reference is required. Unless it can be justified, all noise analyses must be performed using the standard and default data. Modification to standard or default data in FAA-approved models requires prior written approval from AEE. Guidance for submitting changes to the standard or default data is included in the 1050.1F Desk Reference.

Input documentation for the noise analysis, with one copy of the input data files and corresponding output files used in the noise analysis, should be provided to the responsible FAA official on electronic media specified by that official. If other equivalent methodologies or the use of non-standard or non-default data are approved, a description of the methodology or additional, non-standard or non-default data must be submitted along with a copy of AEE's approval to the responsible FAA official.

Noise monitoring data is not required for FAA noise analyses, but may optionally be included in a National Environmental Policy Act (NEPA) document. Noise monitoring data should not be used to calibrate the noise model.

C-1.3. Affected Environment.

The study area for noise is the three-dimensional geographic area with the potential to be impacted by noise from the proposed project. The study area can vary in size from an airport's environs to a larger-scale airspace redesign that includes multiple airports. An airport environs study area must be large enough to include the area within the DNL 65 decibels (dB) contour, and may be larger. The study area for the noise analysis of a proposed change in air traffic procedures or airspace redesign may extend vertically from the ground to 10,000 feet above ground level (AGL), or up to 18,000 feet AGL if the proposed action or alternative(s) are over a national park or wildlife refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute.

Noise compatibility or non-compatibility of land use is determined by comparing the aircraft DNL values at a site to the values in the land use compatibility guidelines in 14 CFR part 150, Appendix A, Table 1. Special consideration needs to be given to noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the land use categories in the guidelines are not sufficient to determine the noise compatibility of areas within a national park or national wildlife refuge where other noise is very low, and a quiet setting is a generally recognized purpose and attribute.

Local land use jurisdictions may have noise and land use compatibility standards that differ from the FAA's land use compatibility guidelines with respect to DNL 65 dB in 14 CFR part 150, Appendix A, Table 1. Such local standards must be disclosed to the extent required under 40 CFR 1502.16(c) and 1506.2(d), the CEQ Regulations. However, the FAA does not use local land use compatibility standards to determine the significance of noise impacts. Pertinent land use plans and a general overview of existing and planned uses of the land should be described. The description of current noise conditions includes:

- DNL contours or noise grid points showing existing aircraft noise levels. Noise exposure contours must include DNL 65-, 70-, and 75-dB levels (additional contours may be provided on a case-by-case basis). Noise grids are sized to cover the study area for noise analysis.
- Multiple grids may be created, but at least one grid consists of population centroids from the U.S. Census blocks. The differences in noise analysis for proposed airport development and other actions in the immediate vicinity of an airport and for air traffic airspace and procedure actions in a larger study area are described more fully in the 1050.1F Desk Reference under the Environmental Consequences paragraph (section 11.3);
- The number of residences or people residing within each noise contour where aircraft noise exposure is at or above DNL 65 dB; or for a larger scale air traffic airspace and procedure action, the population within areas exposed at or above DNL 65 dB, at or above DNL 60 but less than DNL 65 dB, and at or above DNL 45 dB but less than DNL 60 dB;
- The location and number of noise sensitive uses in addition to residences (e.g., schools, hospitals, parks, recreation areas) that could be significantly impacted by noise; and
- Maps and other means to depict land uses within the noise study area. The addition of flight tracks may be helpful. Illustrations should be sufficiently large and clear to be readily understood.

The description of current noise conditions is usually confined to aircraft noise. However, the inclusion of other noise data, such as background or ambient noise or notable levels of noise in the study area from other sources (e.g., highways, industrial uses) is appropriate where such noise data is pertinent to understanding the affected environment and to considering the environmental impacts of the proposed action and alternative(s).

C-1.4. Environmental Consequences.

The environmental consequences section of the NEPA document will include the analysis of the potential noise impacts of the proposed action and alternative(s) for each timeframe evaluated. The noise analysis will include DNL contours, grid point, and/or change-of-exposure analysis for the proposed action and each alternative compared to the no action alternative for the same future timeframe.

For proposed airport development and other actions in the immediate vicinity of an airport, the AEDT is used to provide noise exposure contours at the DNL 65-, 70-, and 75-dB levels (additional contours may be provided on a case-by-case basis). For all comparisons analyzed, the analysis will identify noise increases of DNL 1.5 dB or more over noise sensitive areas that are exposed to noise at or above the DNL 65 dB noise exposure level, or that would be exposed at or above the DNL 65 dB level due to a 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.

For actions in the immediate vicinity of an airport, the following information must be disclosed for each modeled scenario that is analyzed:

- The number of residences or people residing within each noise contour where aircraft noise exposure is at or above DNL 65 dB and the net increase or decrease in the number of people or residences exposed to that level of noise;
- The location and number of noise sensitive uses in addition to residences (e.g., schools, hospitals, parks, recreation areas) exposed to DNL 65 dB or greater;
- The identification of noise sensitive areas within the DNL 60 dB contour that are exposed to aircraft noise at or above DNL 60 dB but below DNL 65 dB and are projected to experience a noise increase of DNL 3 dB or more, only when DNL 1.5 dB increases are documented within the DNL 65 dB contour;
- Discussion of the noise impact on noise sensitive areas within the DNL 65 dB contour; and
- Maps and other means to depict land uses within the noise study area. The addition of flight tracks is helpful. Illustrations should be sufficiently large and clear to be readily understood.

For air traffic airspace and procedure actions where the study area is larger than the immediate vicinity of an airport, incorporates more than one airport, and/or includes actions above 3,000 feet AGL, an FAA-approved model must be used. The noise analysis will focus on a change-in- exposure analysis, which examines the change in noise levels as compared to population and demographic information at population points throughout the study area. This is normally a noise grid analysis. Multiple grids may be created, but at least one grid must consist of population centroids from the U.S. Census blocks. Discrete receptor points¹¹ can also represent select noise sensitive area(s) or comprise a general receptor grid over the study area, either densely or sparsely spaced. Noise contours may be created at the FAA's discretion; however, noise contours are not required and are not normally used for the analysis of larger scale air traffic airspace and procedure actions. If the study encompasses a large geographical area, it is not

¹¹ Receptors are locations where noise is modeled. A collection of receptors is known as receptor sets. Grid points are an example of a receptor set.

recommended that contours be created for the representation of results below DNL 55 dB due to fidelity of receptor sets needed to create an accurate representation of the contour.

For air traffic airspace and procedure actions evaluated as described above, change-of-exposure tables and maps at population centers are provided to identify where noise will change by the following specified amounts:

- For DNL 65 dB and higher: ± 1.5 dB
- For DNL 60 dB to <65 dB: ± 3 dB¹²
- For DNL 45 dB to <60 dB: ± 5 dB¹³

The location and number of noise sensitive uses (e.g., schools, churches, hospitals, parks, recreation areas, etc.) exposed to DNL 65dB or greater must be disclosed for each modeling scenario that is analyzed.

The noise compatibility of land use is determined by comparing the aircraft DNL values at a site to the values in the land use compatibility guidelines in 14 CFR part 150, Appendix A, Table 1. EAs and EISs must disclose newly non-compatible land use regardless of whether there is a significant noise impact (see Paragraph C-1.5). Special consideration needs to be given to noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the land use categories in the guidelines are not sufficient to determine the noise compatibility of areas within a national park or national wildlife refuge where other noise is very low, and a quiet setting is a generally recognized purpose and attribute.

C-1.5. Significance Determination.

Exhibit A-1 of this Order provides the FAA's significance threshold for noise: *The action would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.* For example, an increase from DNL 65.5 dB to 67 dB is considered a significant impact, as is an increase from DNL 63.5 dB to 65 dB. The determination of significance must be obtained through the use of noise contours and/or grid point analysis along with local land use information and general guidance contained in Appendix A of 14 CFR part 150.

Special consideration needs to be given to the evaluation of the significance of noise impacts on noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the DNL 65 dB threshold does not adequately address the impacts of noise on visitors to areas within a national park or national wildlife and waterfowl refuge where other noise is very low, and a quiet setting is a generally recognized purpose and attribute.

When the proposed action or alternative(s) would result in a significant noise increase and the proposed action or alternative is highly controversial on this basis, the EIS should include, as appropriate in light of

¹² The FAA refers to noise changes meeting these criteria as "reportable."

¹³ *Ibid.*

the specific proposal under analysis, information on the human response to noise. Inclusion of data on background or ambient noise, as well as other noise in the area, may be helpful.

Compatible or non-compatible land use is determined by comparing the aircraft DNL values at a site to the values in the part 150 land use compatibility guidelines (see Appendix A of 14 CFR part 150). The part 150 guidelines include uses that may be protected under Section 4(f). The part 150 guidelines may be used to determine the significance of noise impacts on properties protected under Section 4(f) to the extent that the land uses specified in the guidelines bear relevance to the value, significance, and enjoyment of the lands in question. Special consideration needs to be given to noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the part 150 land use categories are not sufficient to determine the noise compatibility of areas within a national park or national wildlife refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute, or to address noise impacts on wildlife. When instances arise in which aircraft noise is a concern with respect to wildlife impacts, established scientific practices, including review of available studies dealing with specific species of concern, should be used in the analysis. With respect to historic sites, the FAA may rely upon the part 150 guidelines to determine noise impacts on historic properties that are in use as residences. However, the part 150 guidelines may not be sufficient to determine the impact of noise on historic properties where a quiet setting is a generally recognized purpose and attribute, such as a historic village preserved specifically to convey the atmosphere of rural life in an earlier era or a traditional cultural property.

If the noise and noise-compatible land use analysis concludes that there is no significant impact, usually a similar conclusion may be drawn with respect to land use in general. However, if the proposal would result in other impacts that have land use ramifications, for example, disruption of communities, relocation, or socioeconomic impacts, the impacts on land use should be analyzed in this context and described accordingly under the appropriate impact category.

C-1.6. Supplemental Noise Analysis.

DNL analysis may optionally be supplemented on a case-by-case basis to characterize specific noise impacts. There is no single supplemental methodology that is preferable in all situations and these metrics often do not reflect the magnitude, duration, or frequency of the noise events under study.

In addition, the FAA will consider the use of appropriate supplemental noise analysis when it identifies, within the study area of a proposed action or alternative(s), one or more Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites including traditional cultural properties) where a quiet setting is a generally recognized purpose and attribute. In considering the use of supplemental noise analysis for such properties, the FAA will consult with the officials having jurisdiction over the properties. Such supplemental noise analysis is not, by itself, a measure of adverse aircraft noise or significant aircraft noise impact. The Line(s) of Business/Staff Office(s) (LOB/SOs) within the FAA must consult with and receive approval from AEE in determining the appropriate supplemental noise analysis for use in such cases.

Potential metrics for supplemental noise analyses are listed in the Desk Reference.

C-1.7. Noise from Sources Other than Aircraft Departures and Arrivals.

For some noise analyses, it may be necessary to include noise sources other than aircraft departures and arrivals in the noise analysis. Some examples are engine run-ups, aircraft taxiing, construction noise, and noise from related roadway work and roadway noise. The inclusion of these sources should be considered on a case-by-case basis, as appropriate.

If engine run-ups or aircraft taxiing noise are analyzed as part of the study, an FAA-approved model must be used. If an alternative model or methodology is desired, prior AEE approval is needed. If appropriate, an analysis of surface transportation impacts, including construction noise, should be conducted using accepted methodologies from the appropriate modal administration, such as the Federal Highway Administration for highway noise. Further guidance on acceptable methodologies for surface transportation projects is provided in the Desk Reference.

For information on facility and equipment noise emissions see Paragraph C-1.11 below. For noise associated with commercial space actions see Paragraph C-1.10 below.

C-1.8. 14 CFR Part 150 Noise Proposals.

If the proposal requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is the result of a recommended noise mitigation measure included in an FAA-approved part 150 noise compatibility program (NCP), the noise analysis developed in the program will normally be incorporated in the EA or EIS. The responsible FAA official must determine whether this is sufficient for EA or EIS noise analysis purposes.

C-1.9. Airport Actions.

For airport actions, documentation must be included to support the required airport sponsor's assurance under 49 United States Code (U.S.C.) § 47107(a)(10), formerly Section 511(a)(5) of the Airport and Airway Improvement Act of 1982, that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including takeoff and landing of aircraft. The assurance must be related to existing and planned land uses. The NEPA document should address what is being done by the jurisdiction(s) with land use control authority, including an update on any prior assurance.

C-1.10. Commercial Space.

If the project involves commercial space launch vehicles reaching supersonic speeds, the potential for sonic boom impacts should be discussed.¹⁴

C-1.11. Facility and Equipment Noise Emissions.

For facility and equipment noise emissions, the provisions of the Noise Control Act of 1972 (42 U.S.C. §§ 4901-4918), as amended, apply. State and local standards can be used as a guide for particular activities if these standards are at least as stringent as Federal standards.

¹⁴ Please note that part 91 prohibits supersonic flight for civil aircraft. Part 91, Appendix B provides guidance for applying for a special flight authorization to exceed Mach 1.

C-1.12. Flight Standards.**C-1.12.1. Operations Specifications.**

In preparing a noise analysis, the Flight Standards District Office (FSDO) personnel normally will collect information from the operator that includes the airport, types of aircraft and engines, number of scheduled operations per day, and the number of day/night operations. The information should also include the operator's long-range plans and operation assumptions that are sufficiently conservative to encompass reasonably foreseeable changes in operations.

If the carrier declines to furnish the information, or if the furnished information on operations at the airport does not realistically address night operations (in view of the carrier's proposal and pattern of activity at that airport), or if the information otherwise patently understates the potential operations (when compared with carrier's operations at other airports or with other carrier's operations at that airport), the responsible FAA official will develop an operational assumption that includes night operations and is otherwise consistent with the typical operations of similar carriers at similar airports. This operational assumption will be used in the NEPA review after coordination with the affected air carrier. If the air carrier objects to the use of this operational assumption in the NEPA review, the carrier may specify that a lesser level of operations be used in the analysis, provided that the carrier agrees that this lesser level will serve as a limit on the operations specifications. If the carrier refuses such a limitation, the FAA will include all reasonably foreseeable operations in the analysis. In this situation, the NEPA review should state that the operational assumption was developed solely for the purpose of environmental analyses and that it is not to be viewed as a service commitment by the carrier.

If an EIS is required, the affected operator should be advised as soon as possible and should be requested to provide any additional required information. District Office personnel will coordinate, as necessary, any activity with the operator. The operations specifications will not be approved until all issues and questions associated with the EIS are fully resolved and the regional Flight Standards Division manager has concurred with the approval.

C-1.12.2. Aerobatic Practice Areas.

Due to the unique nature of the practice routines used in aerobatic practice areas (APA), the standard and default data in the Integrated Noise Model (INM) is not appropriate for use when modeling the noise consequences of the aircraft performing in the APA. For guidance on performing noise analysis for APAs, see the October 17, 2012 FAA guidance memorandum titled, "Approval of Aerobatic Practice Area (APA) noise equivalent methodology."

C-1.13. Noise Mitigation.

Common measures to mitigate noise are listed in the 1050.1F Desk Reference. Local land use actions are within the purview of local governments. The FAA encourages local governments to take actions to reduce and prevent land uses around airports that are not compatible with airport operation and aircraft noise. Airports receiving grant funding have a compatible land use obligation.

When a noise analysis in the immediate vicinity of an airport identifies noise sensitive areas that would have an increase of DNL 3 dB or more from DNL 60 dB up to DNL 65 dB noise exposure, the potential for mitigating noise in those areas should be considered, including consideration of the same range of mitigation options available at DNL 65 dB and higher and eligibility for Federal funding. This is not to be interpreted as a commitment to fund or otherwise implement mitigation measures in any particular area.¹⁵

¹⁵ Federal Interagency Committee on Noise: Federal Agency Review of Selected Airport Noise Analysis Issues (August 1992), page 3-7.