

INTRODUCTION

BACKGROUND. Before issuing decisions approving new and amended airport layout plans, airport sponsor applications for Airport Improvement Program (AIP) or Passenger Facility Charge (PFC) funding, or other Federal actions to support airport development projects,¹ the Office of Airports (ARP) must complete various environmental analyses. ARP must do so to satisfy the requirements of the National Environmental Policy Act (NEPA) and “special purpose laws” that apply to those Federal actions.

In April 2006, ARP published FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*. That Order supplements *FAA Order 1050.1E, Environmental Impacts: Policies and Procedures*. While Order 1050.1E provides instructions for implementing NEPA to all FAA Lines of Business, Order 5050.4B focuses on airport actions under ARP’s scope.

Order 5050.4B refers to Federal environmental requirements outside NEPA as “special purpose laws.” The Order states that, besides NEPA, FAA must comply with those laws before FAA may approve a proposed Federal action. Paragraph 9.t of the Order defines the term “special purpose laws” as:

“[The] Federal laws, regulations, executive orders, or departmental orders that are outside NEPA. FAA must often address special purpose law requirements in completing its environmental analyses of major Federal actions involving airports. For example, before deciding if an action qualifies as a categorical exclusion, the responsible FAA official must examine extraordinary circumstances, which are often based on these laws, regulations, or orders. FAA Order 1050.1E, Appendix A, provides more information on these items and how to address their requirements for all FAA organizations....”²

THE DESK REFERENCE’S PURPOSE. As a compendium, the Desk Reference summarizes applicable special purpose laws in one location for convenience and quick reference. Its function is to help FAA integrate the compliance of NEPA and applicable special purpose laws to the fullest extent possible. This integration should ensure that all environmental review procedures applicable to an airport action run concurrently rather than consecutively.

The Desk Reference includes information addressing ways to evaluate potential environmental impacts due to a proposed airport action, and when appropriate, its reasonable alternatives. It also provides information on mitigation measures. If a conflict between a special purpose law and this Desk Reference occurs, the special purpose law takes precedence and should be relied upon. When citing a legal requirement, the responsible FAA official or other user should cite the law, order, or

¹ See FAA Order 5050.4B, paragraph 9.g.

² The preamble to Order 5050.4B, published in the Federal Register on May 18, 2006, instructs Order 5050.4B users to follow instructions in FAA Order 1050.1E, Appendix A, to comply with the special purpose laws until FAA issues the Desk Reference. Doing so allowed FAA to approve airport actions while ARP prepared the Desk Reference.

regulation specifying the requirement, not the summary or description in the Desk Reference.

ARP issues this Desk Reference to be more responsive to changes in the array of special purpose laws that are amended more often than NEPA and the CEQ regulations implementing NEPA. ARP believes the Desk Reference is the most flexible and quickest way to provide updated information in this changing legal and regulatory environment. To ensure rapid distribution, ARP has placed the Desk Reference on its web site.³ ARP will use this web site to distribute future changes to this Desk Reference as needed.

Environmental assessments (EAs) that airport sponsors (or their consultants) prepare for FAA and the environmental impact statements (EISs) that FAA prepares are key parts of ARP's decision making process for airport actions. Therefore, responsible FAA officials must meet the requirements of Order 5050.4B when preparing those documents. In addition, ARP recommends that responsible FAA officials and other users refer to this Desk Reference for guidance to help integrate applicable special purpose laws with NEPA.

DESK REFERENCE ORGANIZATION.

ARP has organized each chapter of the Desk Reference in the same manner to provide consistency in the presentation of material. Each chapter is arranged according to the following headings:

- 1. INTRODUCTION AND DEFINITIONS.**
- 2. APPLICABLE STATUTES AND IMPLEMENTING LAWS OR REGULATIONS.**
- 3. APPLICABILITY TO AIRPORT DEVELOPMENT ACTIONS.**
- 4. PERMITS, CERTIFICATIONS, AND APPROVALS.**
- 5. ENVIRONMENTAL COMPLIANCE PROCEDURES - ENVIRONMENTAL ANALYSIS.**
- 6. DETERMINING IMPACTS.**
- 7. DETERMINING IMPACT SIGNIFICANCE.**
- 8. ENVIRONMENTAL IMPACT STATEMENT CONTENT.**

Sections 1 through 7 of each chapter apply to EAs and EISs as they relate to applicable special purpose laws and, as needed, the analysis of extraordinary circumstance related to categorical exclusions. Section 8 applies solely to EISs.

The Desk Reference addresses the 23 environmental impact categories listed in the following table.

³ http://www.faa.gov/airports_airtraffic/

ENVIRONMENTAL IMPACT CATEGORY	CHAPTER
Air Quality	1
Biotic Resources	2
Coastal Barriers	3
Coastal Zone Management	4
Compatible Land Use	5
Construction	6
Section 4(f)	7
Federally-listed Endangered and Threatened Species	8
Energy Supplies, Natural Resources, and Sustainable Design	9
Environmental Justice	10
Farmlands	11
Floodplains	12
Hazardous Materials	13
Historic and Archeological	14
Induced Socioeconomic	15
Light Emissions and Visual Effects	16
Noise	17
Social Impacts	18
Solid Waste	19
Water Quality	20
Wetlands	21
Wild and Scenic Rivers	22
Cumulative Impacts	23

Besides other important information on a resource category, each chapter contains the significant threshold for that category, if FAA established one in FAA Order 1050.1E, Appendix A. The Desk Reference does not include a significance threshold for an environmental category if Order 1050.1E does not include one.

Often, the Desk Reference contains more information on how to evaluate an environmental category than Appendix A of Order 1050.1E does. ARP includes that added information because airport actions often disturb more physical area and involve more environmental categories than other FAA actions. ARP includes this information as a valuable aid to those who conduct comprehensive environmental analyses for airport actions. ARP also included that information because its staff has found the information helpful (Order 5050.4A, *Airports Environmental Handbook*, paragraph 47.e, contained much of that information). In other instances, analytical procedures or methods that have been developed since FAA published Order 5050.4A in 1985 may be helpful.

FAA Order 1050.1E, Appendix A, provides information on 18 impact categories, while the Desk Reference provides information on 23 categories noted in the table above. This is because the Desk Reference includes a specific chapter for each of these environmental categories:

- Biotic resources;
- Coastal barrier resources;
- Cumulative impacts;

- Environmental justice; and
- Federally-listed endangered and threatened species.

USING THE DESK REFERENCE.

The Desk Reference should assist responsible FAA officials and other users in meeting the requirements of the special purpose laws applicable to the No Action alternative, the proposed action, and, as fitting, reasonable alternatives. Conducting the analyses the special purpose laws require is a critical part in completing the interdisciplinary analyses NEPA requires for airport actions.

If there are instances where ARP staff or another user requires more information or has a question about a specific FAA policy, they should contact the lead environmental specialist in the Regional Airports Division office responsible for the proposed airport action. As needed, that specialist may contact Regional Counsel, the Office of Airports, Planning and Environmental Division (APP-400), or the Office of the Chief Counsel, Airports Environmental Law Division (AGC-600) for more information.