

Project Requirements

NEPA (Environmental Reviews and Hazardous Wildlife Compatibility)

- Presented to: 2009 Bismarck ADO Fall Seminar
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Federal Aviation
Administration



NEPA

- **The National Environmental Policy Act of 1969 (NEPA), establishes policy and requirements governing all Federal Agencies with respect to protecting the environment.**
- **NEPA requires all Federal Agencies to assess, as an integral part of their decision making process, the potential environmental impacts of their actions prior to initiation of those actions.**



NEPA

- **What is meant by “Prior to their initiation of those actions?”**
- **Can the FAA wait until DESIGN is complete before we initiate NEPA review?**
- **Can we initiate NEPA review with the Design?**



NEPA

- What is meant by “Prior to their initiation of those actions?” **Before a decision is made!**
- Can the FAA wait until DESIGN is complete before we initiate NEPA review? **NO**
- Can we initiate NEPA review with the Design? **YES, NEPA Allows up to 25% Design for decision makers.**



WHY NEPA?



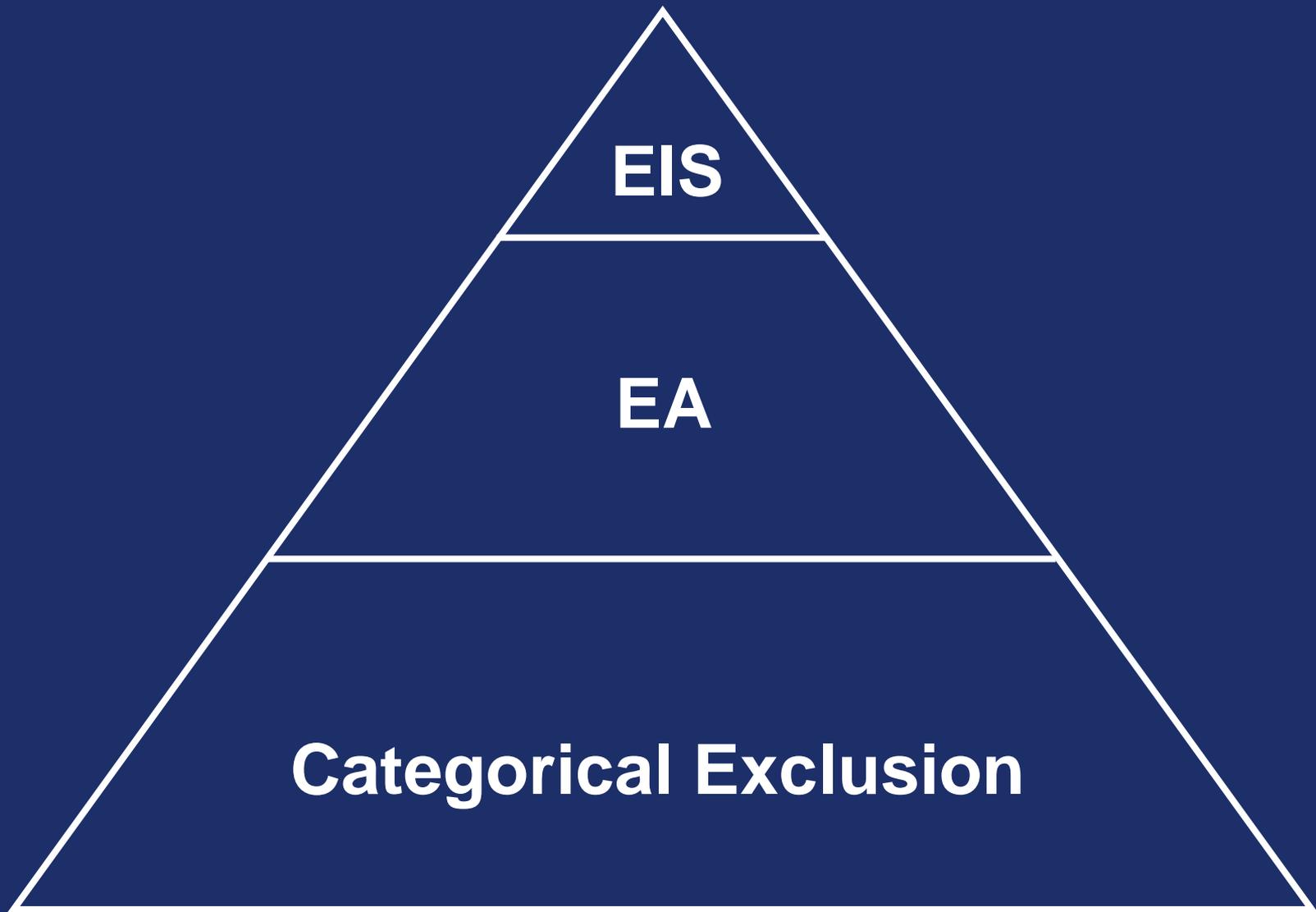
Federal agencies shall:

- Consider Impacts of Their Actions
- Document Such Consideration
- Involve the Public
- Demonstrate Compliance with Laws
- Completion of Process/Finding

How do we comply with NEPA?

- **FAA procedures for carrying out NEPA:**
 - FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures”
 - FAA Order 5050.4B, “National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions”.
- **FAA guidance for carrying out NEPA:**
 - Desk Reference for Airports Actions





Project Requirements CATEX

- **Validation submittal shall include the CATEX**
 - CATEX shall be complete except for the FAA signature
- **Complete CATEX:**
 - Description shall match the proposed grant description
 - Original signatures of the consultant and the airport sponsor.
 - Include “project sketch” as the CATEX approval process requires a complete “stand alone document”.
 - Include Federal/State/Local coordination.
- Reference the Great Lakes Region – Policy and Procedures Memorandum – Airports Division, Processing and Documentation of Categorical Exclusions dated September 28, 2007 for more information and the CATEX forms.
http://www.faa.gov/airports/great_lakes/airports_resources/ppms/media/5050.20.pdf



Project Requirements CATEX

- A CATEX is a determination by the FAA that a category of projects (an actual list of projects), which would otherwise require a complete environmental review, is “categorically excluded from such review”.
- ...”unless the listed item includes an extraordinary circumstance”....



Project Requirements EA

- **Validation submittal shall include the DATE of the FONSI for Non-Primary Entitlement \$\$**
- **Discretionary \$\$ - The FONSI must be signed by FAA by April 1 of the year prior to the Discretionary Grant**



FONSI

Finding of No Significant Impact



Project Requirements EA

- An EA requires more detailed project impact analysis and is for projects that are either not on the “list of categorically exclude projects”

OR

- Projects that are on the “list of categorically excluded projects” and impact extraordinary circumstances (such as wetlands, wildlife, floodplains, and historic properties).

Project Requirements

Hazardous Wildlife Attractants

- The BIS ADO expects that as part of any major airport development that compatible land including wildlife attractions be thoroughly evaluated as part of the NEPA review process.
- The proposed development must:
 - Be constructed in a manner that does not increase the impact of wildlife on aircraft operations.
 - Include all practicable steps to minimize the effect of wildlife on aircraft operations.



AC 150/5200-33

HAZARDOUS WILDLIFE ATTRACTANTS

Establishes separation criteria on basis of Jet A fuel service

- 5,000 feet for piston powered aircraft
- 10,000 feet for turbine powered aircraft
- Defines “aircraft movement areas”
- **Clarifies protection of approach, departure and circling airspace – 5 statute miles**

Environmental Review & Hazardous Wildlife Attractants

The NEPA review process associated with major airport development shall:

- Evaluate wildlife attractants in the vicinity of the airport and/or off airport alternatives.
- Identify practicable mitigation/management actions that could be taken as part of the proposed development.
- Include the mitigation/management actions as part of the scope of work considered in the NEPA review for each of the alternatives.



NEPA Requirements

- **Items that require time to study (seasonal time frames):**
 - Wildlife Hazard Attractants
 - Wetlands
 - Cultural and Historic
 - Endangered Species
 - Floodplains
- **Include in early planning stages**
- **Timing – Field Study**
- **Depth of Assessment**
 - Single Site Visit?
 - Multiple Site Visits?
 - Full Wildlife Hazard Assessment



FAA Role

- Assures that Documentation is a Complete, Accurate, and Fair Assessment of the Potential Environmental Impacts
- Responsible for Review-Analysis of Environmental Impacts
- Federal Approval of Environmental Documentation



Sponsor Role

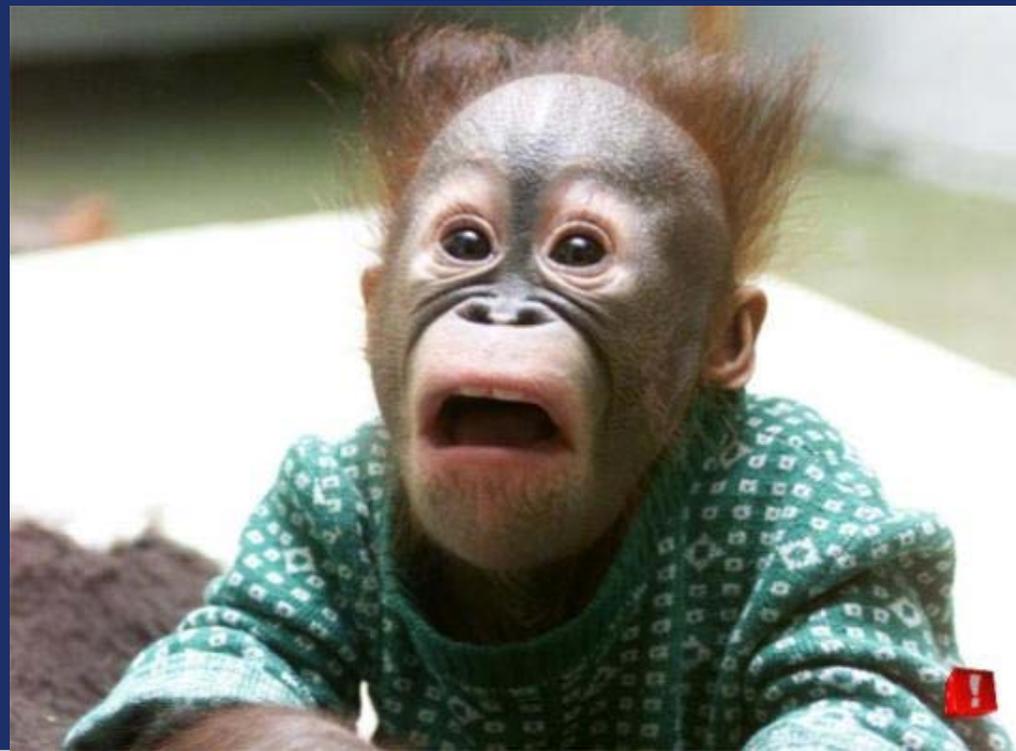
- Identifying the “Purpose and Need” for Proposed Action (EA Content) – NAIL IT DOWN
- Developing Conceptual Alternatives
- Preparing Required Environmental Documentation that is easily understood by the public
- Integrate Planning (Master Plan, ALP, CIP, NPIAS) and Environmental (Baseline, Delineations, Wildlife Hazards, Assessments, etc)

Sponsor Role

- Do contracts for environmental documentation include specific studies necessary to account for:
 - Biotic surveys?
 - Archaeological/Cultural surveys & SHPO consultation
 - DOT 4(f) evaluations?
 - Wildlife Hazard Evaluation?
 - Wetland delineations on-site?
 - Unique Circumstances, Public Controversy, Enough Meetings?

Sponsor Role

FAA can not increase
planning grants
for preparing EA's



WHY ARE WE HAVING PROBLEMS?

Do sponsors:

Know what the problem REALLY is?

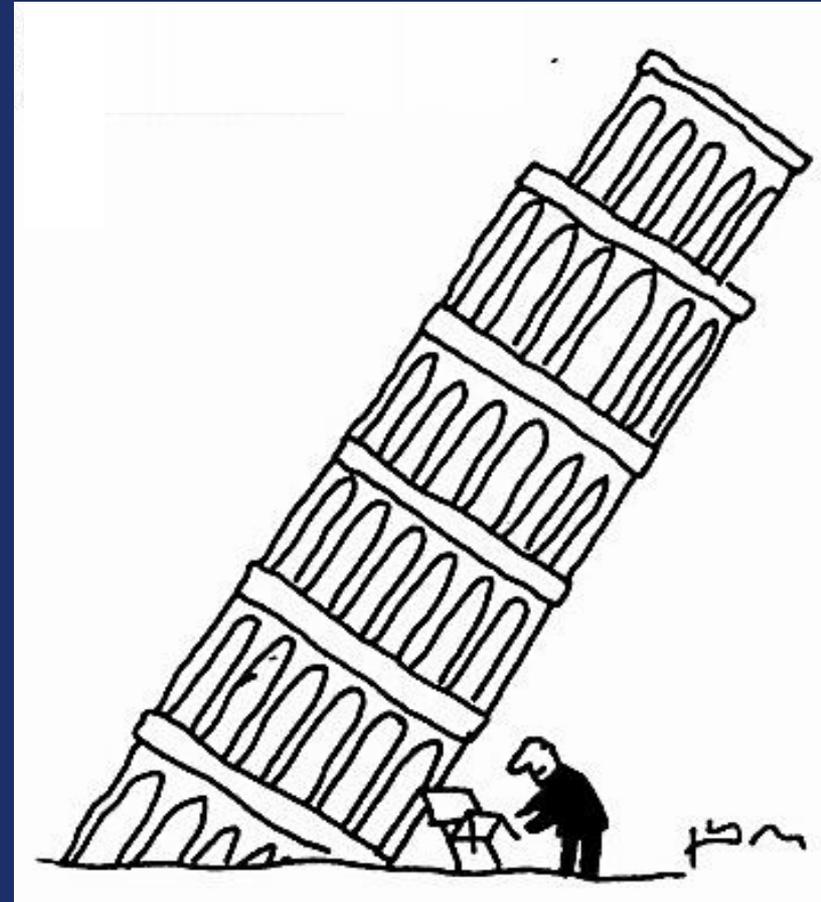
Talk with FAA about the problem? Solutions?

Take a HARD LOOK at the problem, safety, and the affected resources it may affect?

Are there show stoppers?

Talk with FAA about the affected resources?

Take a HARD LOOK at compatible land use? Are there any related airport issues (land ownership, compliance, other?)



WHY ARE WE HAVING PROBLEMS?

Do sponsors:

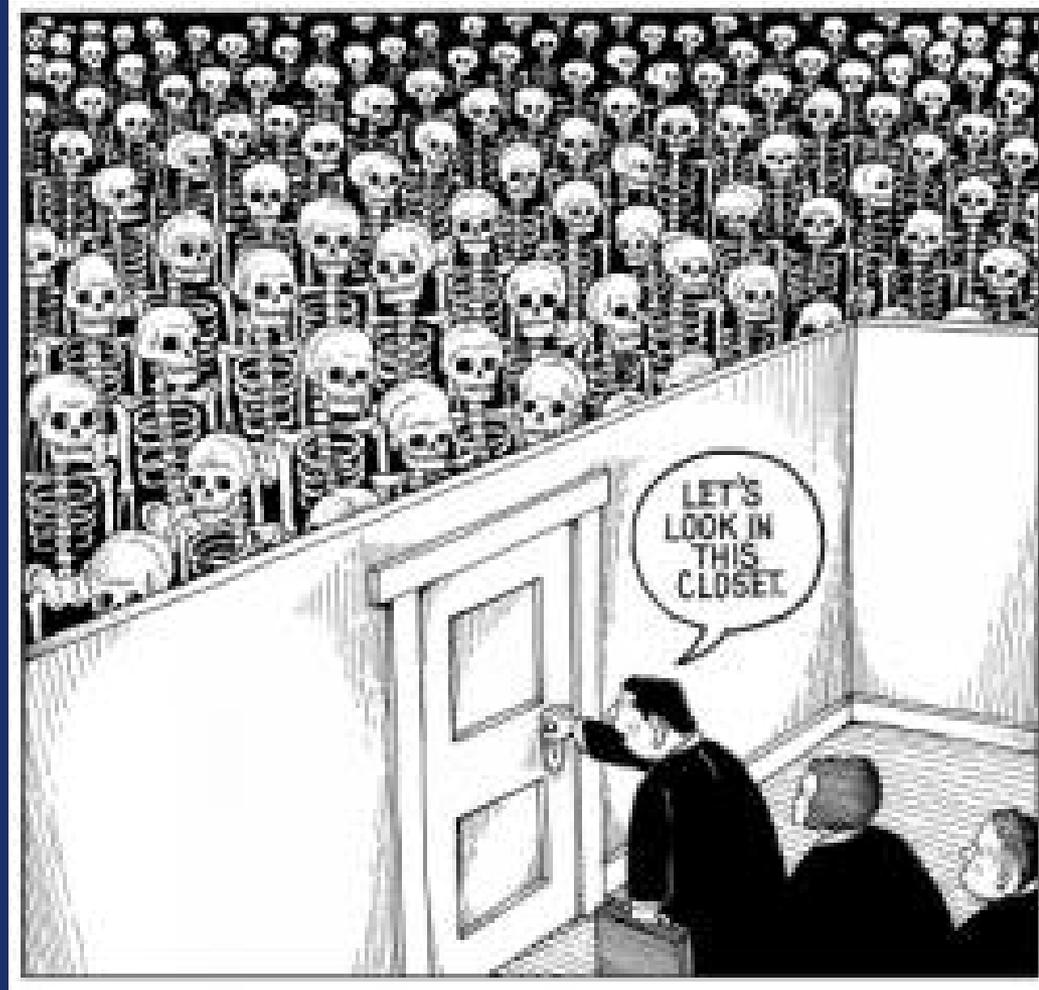
Have a funding PLAN?

Are there show stoppers?

Talk to FAA about funding?

Integrate planning, safety,
and environmental reviews?

Talk with FAA during the reviews?



**Prepare a document
the PUBLIC
can understand.**



A document the public can understand.

- Critical information and findings in the document
- Include tables, graphs, charts, photos, maps, and ALP sheets to readily show data and information.
- Use plain language
- Accurate cross-references to appendix's and page numbers so the reader can find the back-up material/data for findings.
- Be sure to address
 - Requirements of FAA Orders
 - Requirements of Special Purpose Laws.



Things the FAA checks before issuing an environmental determination:

Does the EA include complete information needed to:

- ...determine expected impacts, and determine their consequences?
- ...address comments from agencies with jurisdiction or expertise?
- ...address your comments?
- ...address public comments?
- ...address highly controversial issues?
- ...written clearly?



Things the FAA checks before issuing an environmental determination:

Does the EA include complete information needed to address Agency comments?



STATE HISTORICAL SOCIETY
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