

Environmental Update

Presented to: MAMA/Helena ADO Meeting

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Federal Aviation
Administration



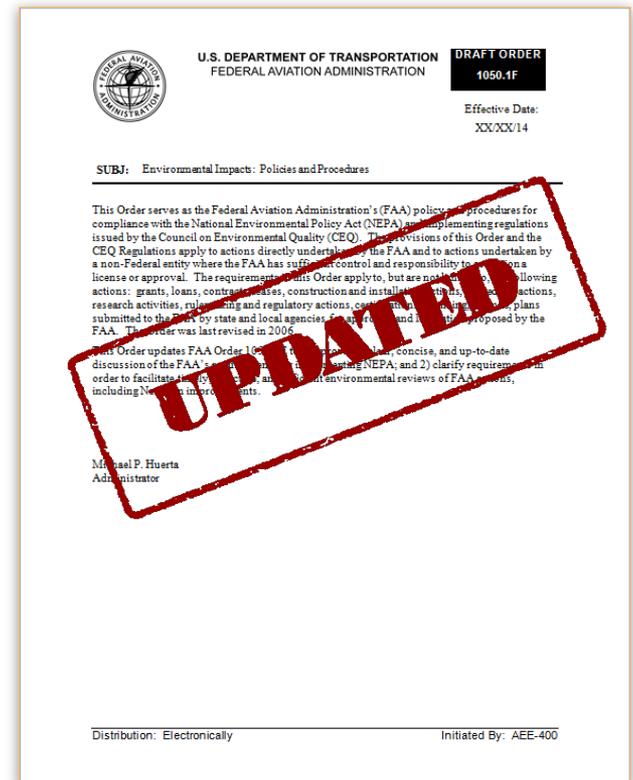
Topics – Environmental Update

- **FAA Order 1050.1F – Highlights**
- **CAT-EX SOP**
- **Section 106: Tribal Consultation**
- **Planning and Environmental**
- **Other New and Upcoming**

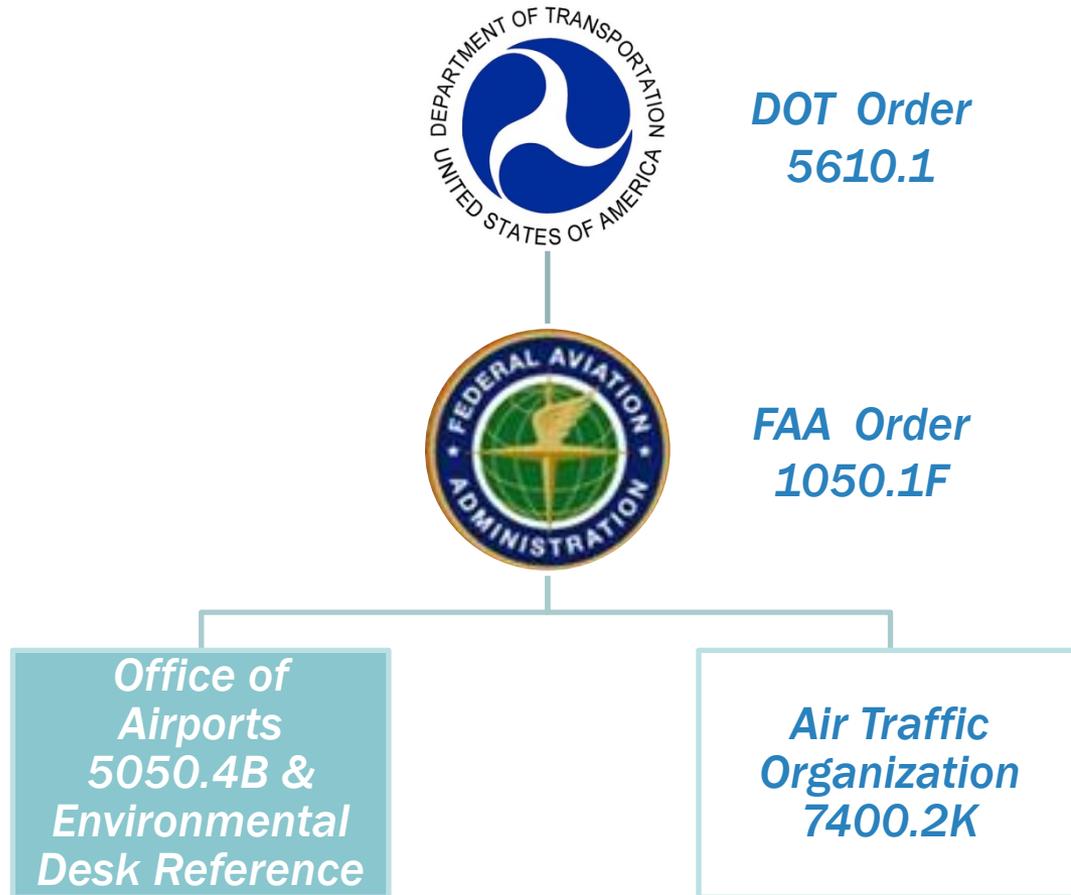


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• Overview of NEPA Orders



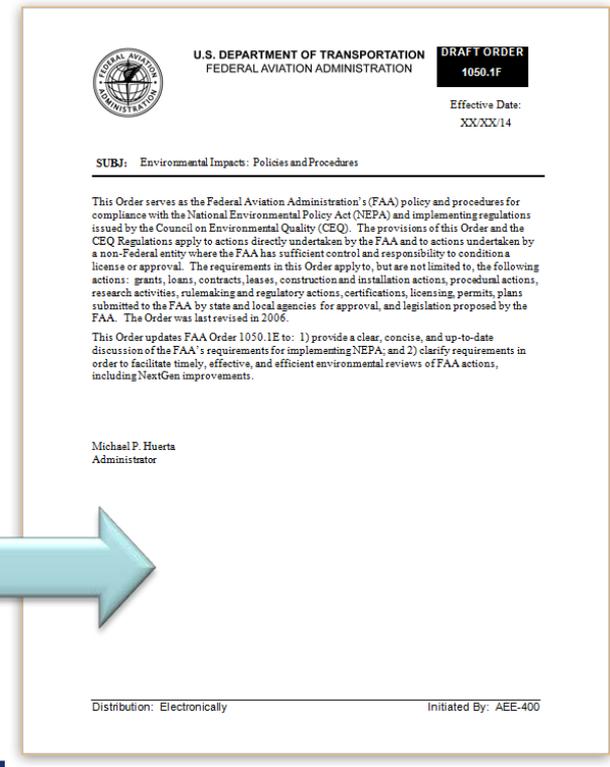
• Introduction

• Purpose of FAA Order 1050.1F

• Provides FAA NEPA requirements and implementing procedures

- Supplements NEPA and CEQ Regulations
- Defines basic terms

• Follow the provisions within Order 1050.1F, as well as any additional guidance prepared by your LOB



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- **Introduction**
- *FAA Order 1050.1F Updates*
- **FAA 1050.1F is divided into 11 chapters**
 - Reorganized content to be clear and concise
 - New Desk Reference will accompany the Order and replace Appendix A



• Environmental Impact Categories

-  Considers GHGs and climate change
- Water Resources combines Floodplains, Surface and Ground Water, and Wetlands.

Exhibit i-1. Location of Impact Category Discussion in this Desk Reference

Chapter	Impact Category
1	Air Quality
2	Biological Resources
3	Climate 
4	Coastal Resources
5	Department of Transportation Act, Section 4(f)
6	Farmlands
7	Hazardous Materials, Solid Waste, and Pollution Prevention
8	Historical, Architectural, Archeological, and Cultural Resources
9	Land Use
10	Natural Resources and Energy Supply
11	Noise and Noise-Compatible Land Use
12	Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks
13	Visual Effects
14	Water Resources 
15	Cumulative Impacts
16	Irreversible and Irretrievable Commitment of Resources



• Chapter 5: Levels of NEPA Review

• *Categorically Excluded Actions*

- **FAA Order 1050.1F Updates**

- Adds a few new CATEXs and revised several existing CATEXs
- List of CATEXs (Paragraph 5-6)



• Chapter 5: Categorical Exclusions

• *New CATEXs*

- 5-6.3.i. Approval of an Airport Layout Plan (ALP), Federal financial assistance for, or FAA projects for: the installation of **solar or wind-powered energy equipment**, provided the installation does not involve more than **three total acres** of land (including 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 solar or wind equipment to other parts of the airport or an existing electrical grid) and would not have the potential to cause significant impacts on bird or bat populations. Construction contracts or leases for this equipment must include requirements to control dust, sedimentation, storm water, and accidental spills.



• Chapter 5: Categorical Exclusions

• *New CATEXs*

- 5-6.4.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)



• Chapter 5: Categorical Exclusions

• *Modified CATEXs*

- 5-6.4.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.
- 5-6.4.i. Demolition and removal of FAA buildings and structures, or financial assistance **for or approval of an Airport Layout Plan (ALP) for the demolition or removal of non-FAA owned, on-airport buildings or structures**, provided no hazardous substances or contaminated equipment is present on the site of the existing facility. This CATEX does not apply to buildings and structures of historic, archeological, or architectural significance as officially designated by Federal, state, or local government.



• Chapter 5: Categorical Exclusions

• *Modified CATEXs*

- 5-6.4.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))).

**The presumed to conform criteria evaluated in the FR notice includes expansion of existing buildings with a construction footprint less than 185,891 square feet. In addition, it must not increase any of the following:

- the number of passengers boarding any scheduled flight;
- the number of aircraft operations the airport or launch facility serves;
- the tonnage of cargo the airport or launch facility handles;
- the cargo payload placed on a scheduled flight; or
- the size of the aircraft that the airport or launch facility can serve.



• Chapter 5: Categorical Exclusions

• *Modified CATEXs*

- 5-6.4.u. Approval of an Airport Layout Plan (ALP) for **installation of on-airport, aboveground storage tanks (ASTs) or underground storage tanks (USTs) or installation at an airport, or repair or replacement of USTs or ASTs 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 remediation of contaminants resulting from a fuel storage tank **at an FAA facility** or on an airport, provided these actions occur in accordance with the order and 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 Paragraph 3-1.2.b.(5) of this Order.



• Chapter 6: Environmental Assessments

• *Order 1050.1F Updates*

Revises list of actions normally requiring an EA

Paragraph 3-1.2.b.(10). Federal financial participation in, or unconditional Airport Layout Plan (ALP) approval of, the following categories of airport actions:

- Location of a **new airport that would serve only general aviation;**
- **Location of a new commercial service airport that would not be located in a Metropolitan Statistical Area (MSA);**
- **A new runway at an existing airport that is not located in an MSA;**
- Runway strengthening having the potential to significantly increase off-airport noise impacts (see Exhibit 4-1);
- 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
- Land acquisition associated with any of the items in (10)(a)–(f).



- **Time limits for FAA NEPA documents are consistent with those set by DOT Order 5610.1C**
 - Documents valid for a period of *three (3) years*
 - DOT's new Order is expected to expand time limit to *five (5) years*
- **Written re-evaluations**
 - Documentation to determine whether a previous NEPA document remains valid or a new one is required
 - No specified format for written re-evaluations



Topics – Environmental Update

- FAA Order 1050.1F – Highlights
- **CAT-EX SOP (Effective date 10/1/14)**
- Section 106: Tribal Consultation
- Planning and Environmental
- Other New and Upcoming



CAT-EX SOP FORMAT

Purpose & Scope

NEPA overview, 3 levels of review

Applicable Regulations, Policy, and Guidance

Roles & Responsibilities

Sponsor, Consultants, FAA (**responsible FAA official**)

Requirements and Objectives

1. CATEX listed in the Order(s)
2. Extraordinary Circumstances (special purpose laws)

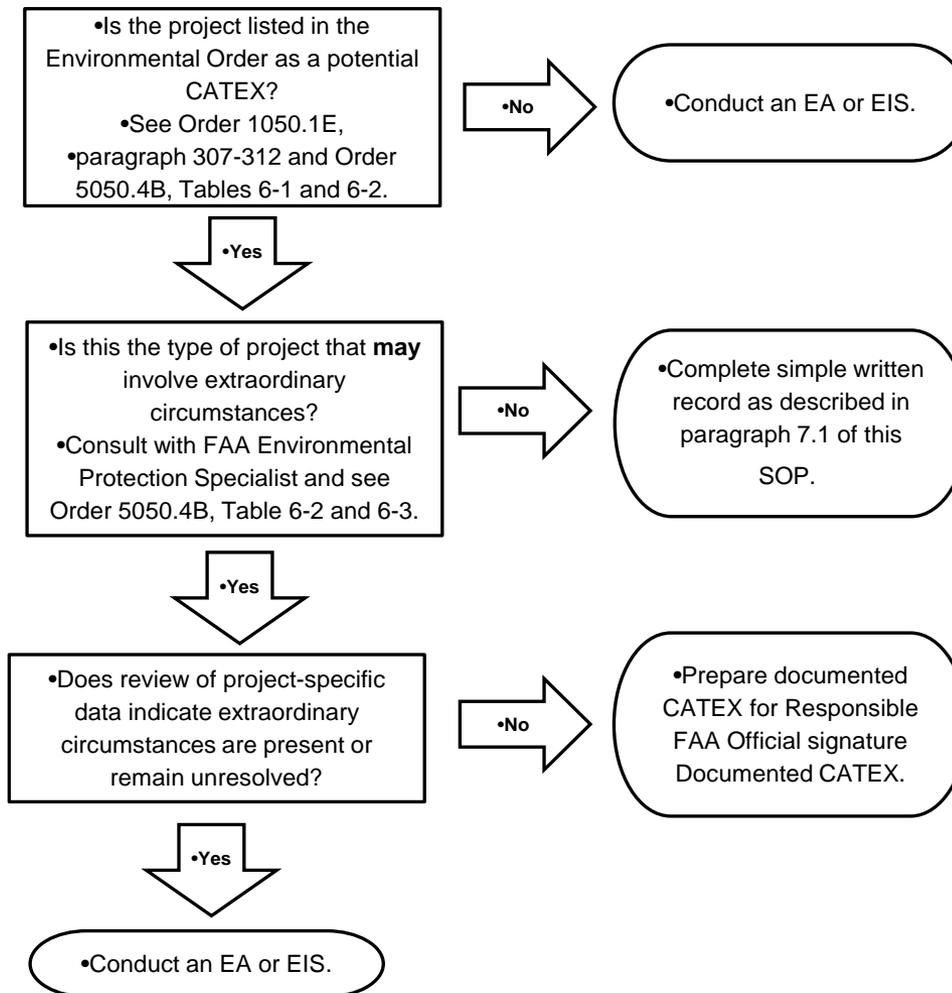


Review 20 Extraordinary Circumstances

- **National Historic Preservation Act (NHPA) resources**
- **Department of Transportation Act Section 4(f) and 6(f) resources**
- **Natural, Ecological or Scenic Resources (6)**
- **Disruption of an Established Community (2)**
- **Surface Transportation**
- **Noise**
- **Air Quality**
- **Water Quality**
- **Highly Controversial on Environmental Grounds**
- **Inconsistent with Federal, State, Tribal or Local Law**
- **Lighting, Visual, Hazardous Materials, Construction Impacts (4)**



Process Flowchart:



Format, continued

Implementation

1. Simple Written Record

- ✓ Meets the definition of CATEXs listed in 1050 par. 307-312
- ✓ Clearly does not involve extraordinary circumstances

Includes (but is not limited to) the projects listed in 5050.4B, Table 6-1

or

2. Documented CATEX (Appendix A)



Identify the Airport/Project/CATEX

Name of Airport, LOC ID, and location

[Click here to enter text.](#)

Project Title

[Click here to enter text.](#)

Provide a brief, but complete description of the proposed project, including all project components, justification, estimated start date, and duration of the project. Include connected actions necessary to implement the proposed project (including but not limited to moving NAVAIDs, changing flight procedures, and designating or developing haul routes, new material or expanded material sources, staging or disposal areas). Attach a sketch or plan of the proposed project. Photos can also be helpful.

[Click here to enter text.](#)

Provide a brief, but complete, description of the proposed project area. Include any unique or natural features within or surrounding the airport property.

[Click here to enter text.](#)

Identify the appropriate CATEX paragraph(s) from Order 1050.1E (paragraph 307-312) or 5050.4B (tables 6-1 and 6-2) that apply to the project. Describe if the project differs in any way from the specific language of the CATEX or examples given as described in the Order.

[Click here to enter text.](#)



Detailed Questions on Extraordinary Circumstances

304a. National Historic Preservation Act (NHPA) resources

Projects that have the potential to cause effects on historic properties require a Section 106 finding in order to meet the requirements of the NHPA regardless of the type of NEPA document being completed. Check with your local Airports Division/District Office to determine if a Section 106 finding is required. Consultation with the State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) may be required, and should be conducted through the FAA.

YES NO

<p>Are there historic/cultural resources listed (or eligible for listing) on the National Register of Historic Places located in the Area of Potential Effect? If yes, provide a record of the historic and/or cultural resources located therein.</p> <p>Click here to enter text if necessary</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Does the project have the potential to cause effects? If yes, describe the nature and extent of the effects.</p> <p>Click here to enter text if necessary</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Is the project area previously undisturbed? If yes, provide more information</p> <p>Click here to enter text if necessary</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will the project impact tribal land or land of interest to tribes? If yes, describe the nature and extent of the effects and provide information on the tribe affected. Consultation with their THPO may be required.</p> <p>Click here to enter text if necessary</p>	<input type="checkbox"/>	<input type="checkbox"/>



Other useful information to be gathered in the Documented CATEX Form

Public Involvement

Indirect/Secondary/Induced Impacts

Permits

Environmental Commitments



Signatures

Preparer Information

Point of Contact	Click here to enter text.				
Address	Click here to enter text.				
City	Click here to enter text.	State	Click here to enter text.	Zip Code	Click here to enter text.
Phone	Click here to enter text.		Email Address	Click here to enter text.	

Signature _____

Date _____

•**Note: The Sponsor information requirements are slightly different:**

•Airport Sponsor Information **and Certification (may not be delegated to consultant)**



FAA Decision

Having reviewed the above information, certified by the responsible airport official, it is the FAA's decision that the proposed project (s) or development warrants environmental processing as indicated below.

_____ No further NEPA review required. Project is categorically excluded per _____
(cite applicable 10501.E CATEX that applies)

_____ An Environmental Assessment (EA) is required.

_____ An Environmental Impact Statement (EIS) is required.

_____ The following additional documentation is necessary for FAA to perform a complete environmental evaluation of the proposed project.

[Click here to enter text if necessary](#)

Name: _____
Responsible FAA Official

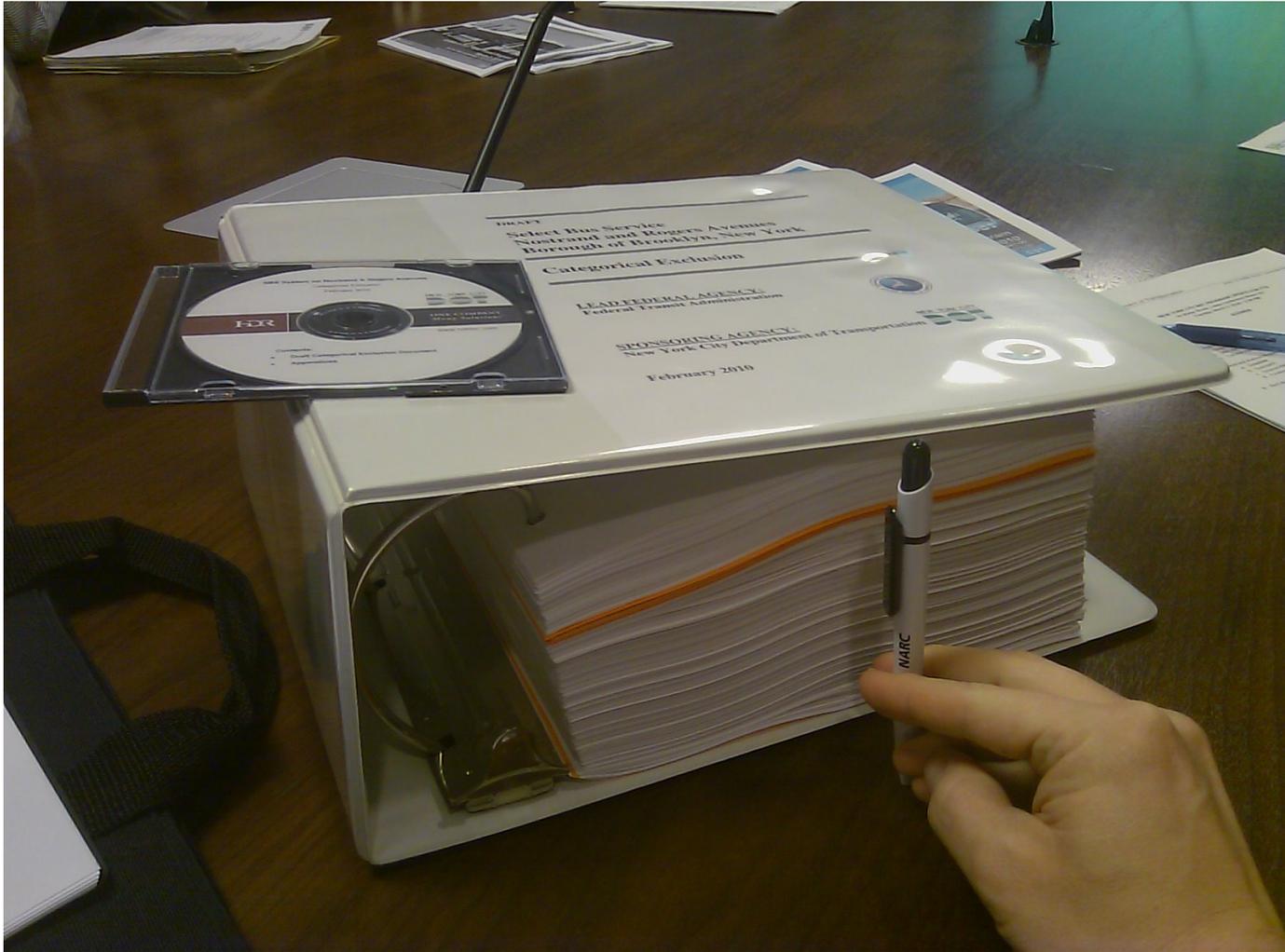
Title _____

Signature _____

Date _____



Bad Example: Documented CATEX



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Topics – Environmental Update

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- **Section 106: Tribal Consultation**
- Planning and Environmental
- Other New and Upcoming



FAA Tribal Basics

- **FAA Order 1210.20**
 - **American Indian and Alaska Native Tribal Consultation Policy and Procedures**
- **Two primary components to tribal consultation to remember**
 - How – the protocols of how to conduct a consultation
 - When – knowing when it is needed and when to start process
 - These are #1 and #2 under 'Policy' in the Order



FAA Tribal Basics

- **How**

- “Adhere to the principles of **Government-to-Government process** consultation, including honoring tribal treaty and other rights, and respect for the right of Federally Recognized Tribes to represent their respective interests”
 - Initiate contact as if contacting a foreign government
 - Have a respectable level FAA official contact the tribal chief
 - Wait for tribe to delegate matter down to lower staff before you do
 - Tribal consultation is a government function
 - Even if consultant is preparing NEPA or Section 106 docs, FAA should drive the tribal consultation aspects
 - Be respectful of tribal ways
 - Be inclusive – nothing to gain by excluding groups
 - Conduct the process in a manner intended to secure meaningful and timely Tribal input



FAA Tribal Basics

- **When**
 - “Consult with American Indian and Alaska Native Tribes before taking any actions that may **significantly or uniquely** affect them”
 - Always consult with a tribe if the tribe asks
 - Start early in the process
 - Sometimes tribes have been consulted on the Master Plan
 - i.e., there could already be some history before the environmental review starts

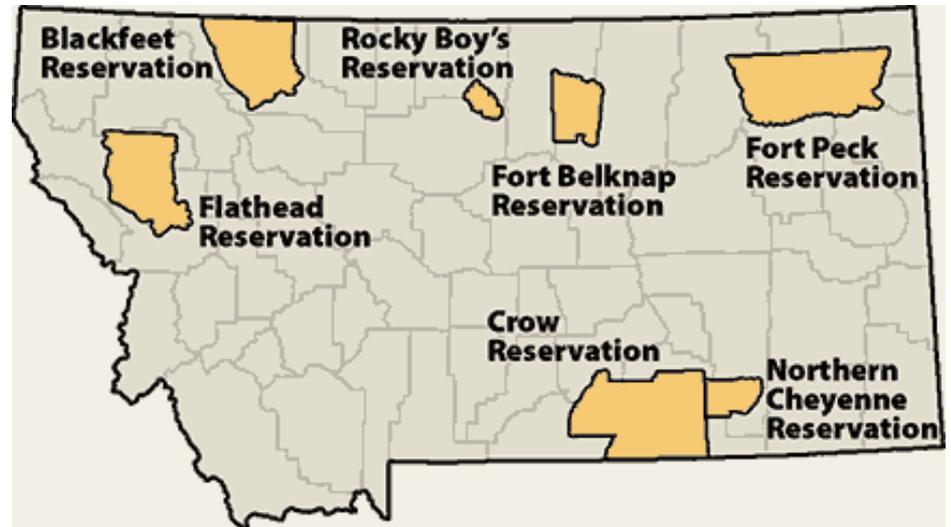


2014 SHPO/THPO/Federal and State Agency Summit

May 20, 2014: Helena, Montana

Attended by:

- All Seven Reservations in Montana were represented by a THPO (and one from Idaho)
- SHPO, MT Historical Society
- State Agencies
- Federal Agencies



2014 SHPO/THPO/Federal and State Agency Summit

May 20, 2014: Helena, Montana

Purpose:

- Intended to encourage discussion and highlight the importance of clear tribal consultation procedures
- Foster a collaborative and productive environment in which participating tribes and agencies can learn from each other, and agencies can compare consultation approaches.



2014 SHPO/THPO/Federal and State Agency Summit

Concerns from the Tribes:

- **Non-communication from Agencies or Overlooking Tribal interests**
- **Financial Difficulties on Reservations**
- **Lack of Resources**

Discussion to Address Concerns (Tribes):

- **Fee for Consultation Request (Some Tribes have already implemented)**
 - Consultation request (\$400), additional fees for site visit with Elders, monitoring, surveys, etc.
- **Class 3 Cultural Survey Not Adequate to Address Tribal Concerns**
- **Every Tribe Should be Consulted on Every Project**

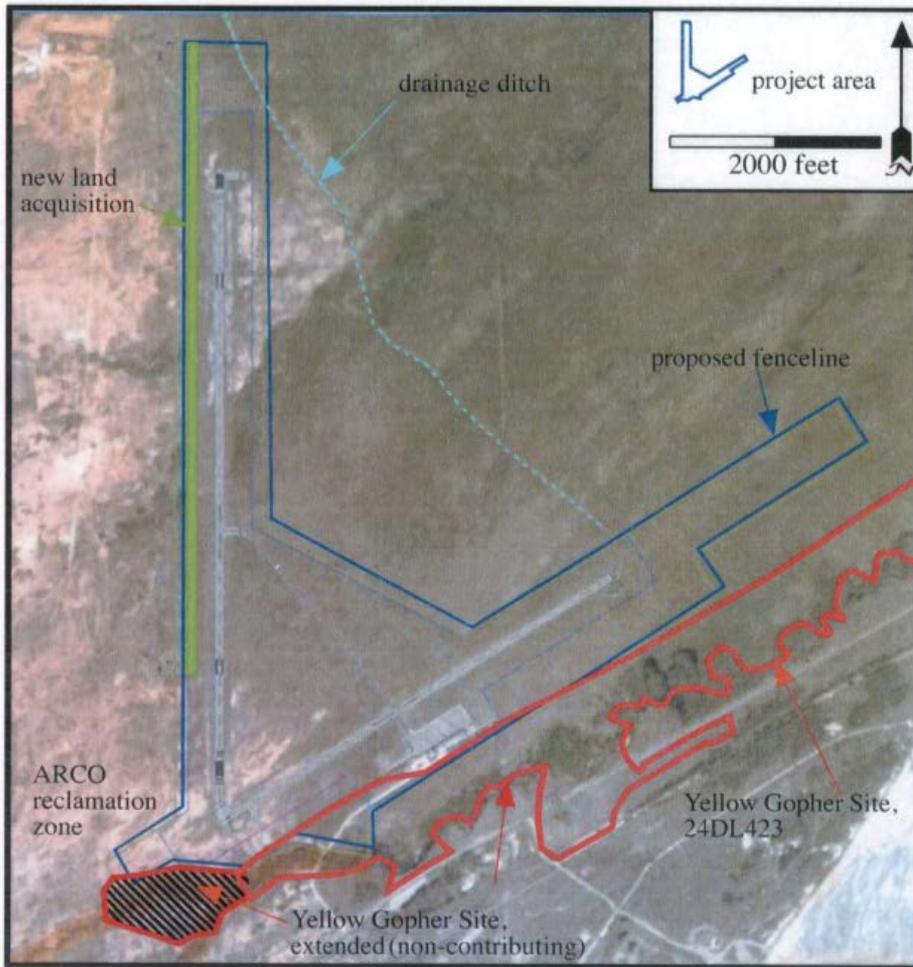


Fee Discussion

- **ACHP webpage “Fees in the Section 106 Review Process”:**
 - “Indeed, Federal Agencies are strongly encouraged to use resources, consistent with their authorities, to overcome financial impediments that Indian Tribes may have to effective participation in the Section 106 process....
 - However, this encouragement by ACHP is not a legal mandate nor does any portion of the NHPA or ACHP’s regulations require an agency or an applicant to pay for any form of tribal involvement.”
 - “If ... the agency or applicant seeks information or documentation that it would normally obtain from a professional contractor or consultant, they should expect to pay for the work product.”



Case Study #1

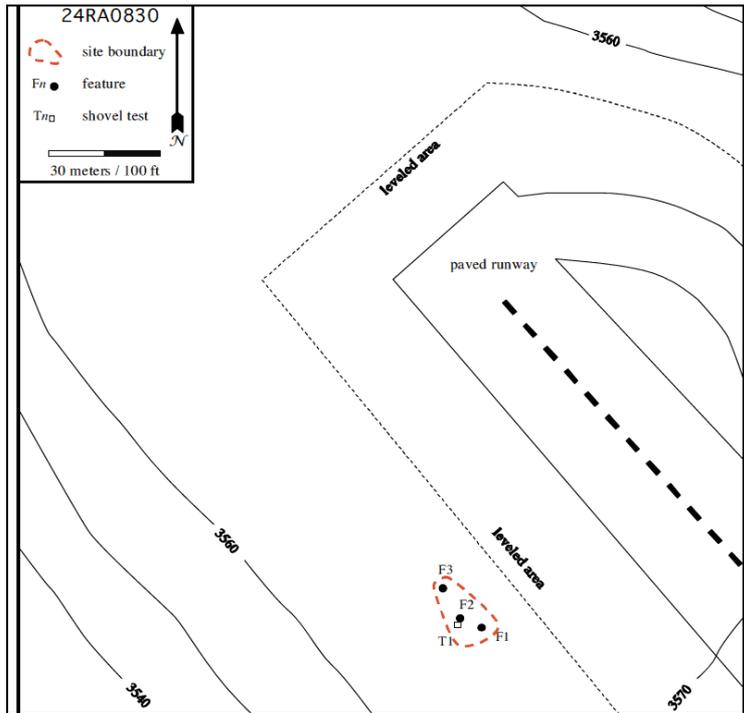


“Elkontherunway” Airport

- Wildlife Fence
- Four Tribes Contacted
- Site Visit Arranged
- Monitor during construction



Case Study #2



“Rockpile” Airport

- Widening/Extending Runway
- Contacted Two Tribes – No Response
- Rock piles: CRS Recommended
- NRHP “Not Eligible Under Any Criteria”
- SHPO requested contact with Tribe - Eligible under Criterion A?
- Proposed fencing of site – no effect
- Tribe requested site visit, monitor



Please – Plan Ahead!



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What is required from the planning phase...

- A **strong** purpose and need;
 - A **clear** justification;
 - **Reasonable** alternatives considered;
- ...In order to move into the environmental phase!



Avoiding Pitfalls

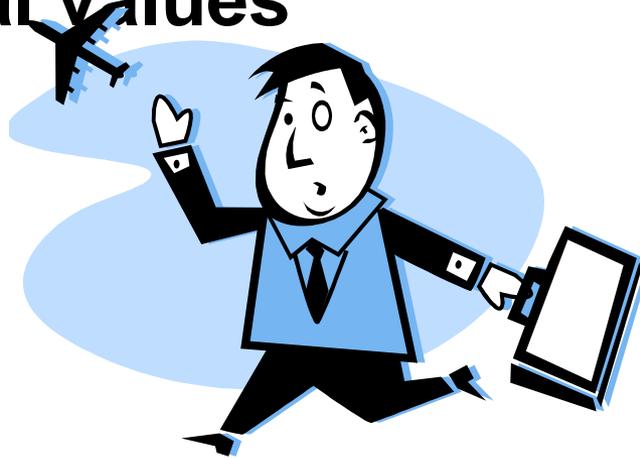
Is the Project Ready for NEPA analysis?

- Is it on the ALP?
- Are the justification requirements met?
- Are the eligibility requirements met?
- Is the Purpose and Need still valid?
- Is the funding likely?



Take Home Message...

- Documents must be – clear, concise, supported, defensible, and fully coordinated
- Integrate planning and NEPA at the earliest possible time
- Planning decisions should reflect environmental values



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New/Upcoming on the Environmental-Side

- **New:**

- 1050.1F
- CAT-EX SOP (Effective 10/1/14)
- Air Quality Guidance (Effective July 2014)

- **In Process:**

- Recycling Plan Guidance
- New AC for Wildlife Hazard Assessments, listings
- Lead
- Sustainability Guidance
- 5050.4B and Desk Reference
- Mitigation Monitoring
- Mineral Extraction Guidance
- Public Involvement Revision (last published 9/1975)

