



Effective Date: March 31, 2025

# **Standard Operating Procedure (SOP)**

# **CATEX Determinations**

## 1. PURPOSE

The National Environmental Policy Act of 1969 (NEPA), as amended (42 United States Code § 4321-4347), establishes a broad national policy to protect and enhance the quality of the human environment and require Federal agencies to develop programs and measures to meet national environmental goals. Section 102(2) of NEPA provides specific direction to Federal agencies, sometimes called "action-forcing" provisions on how to implement the goals of NEPA. The major provisions include the requirement to use a systematic, interdisciplinary approach and develop implementing methods and procedures. Further, Section 106 establishes the procedure for determination of level of review required under NEPA. Section 106(b)(1) requires detailed analysis in the form of Environmental Impact Statements (EISs) for proposed major federal actions that have a reasonably foreseeable significant effect on the quality of the human environment. Section 106(b)(2) additionally provides for Environmental impacts are significant, and Section 106(a)(2) allows for agencies to use Categorical Exclusions (CATEXs) where there is no potential for significant impacts.

The purpose of this SOP is to ensure FAA Environmental Protection Specialists apply a consistent approach to their determinations of the applicability of a CATEX to a proposed action, in accordance with NEPA. The FAA recommends that airport sponsors who wish to submit proposed CATEXs for FAA review use this SOP and the form in Appendix A. This SOP and the form in Appendix A constitute guidance. They are not a regulation, are not mandatory, and are not legally binding on parties outside the FAA. The SOP is not relied upon by the FAA as a basis for enforcement or other administrative penalty against airport sponsors who choose to not use the SOP. Conformity with this SOP and the form in Appendix A is voluntary and does not affect the right and obligations of third-parties that exist under statutes and regulations.

## 2. SCOPE

This SOP replaces Version 5.1 (effective date June 2, 2017) to: 1) align the National Environmental Policy Act as amended by the Fiscal Responsibility Act of 2023; and 2) align with Executive Orders 14148, *Initial Recissions of Harmful Executive Orders and Actions;* 14154, *Unleashing American Energy*; and 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*.

Specific FAA actions subject to NEPA review include, but are not limited to, grants, loans, contracts, leases, construction and installation actions, procedural actions, research activities,

rulemaking and regulatory actions, certifications, licensing, permits, plans requiring approval, and legislation proposed by the FAA. See the current version of FAA Order 1050.1 for more detail on actions subject to NEPA. A CATEX refers to a category of actions that do not individually or cumulatively have a significant impact on the environment. A CATEX is not an exemption or waiver of NEPA review; it is a level of NEPA review. An EA or EIS is not required if a proposed action falls within the scope of a CATEX described in the current version of FAA Order 1050.1, a CATEX established in the NEPA-implementing policies and procedures of another operating administration, or a CATEX adopted by FAA in accordance with Section 109 of NEPA and the following conditions can be met: 1) there are no extraordinary circumstances; 2) any extraordinary circumstances that are present can be eliminated or resolved through conservation measures included in the project design; or 3) any extraordinary circumstances that are present can be otherwise resolved through the completion of special purpose law requirement(s).

## **3. CANCELLATION**

This SOP cancels version 5.1.

## 4. APPLICABLE REGULATIONS, POLICY, AND GUIDANCE

Requirements identified within this SOP originate in or are further described in various laws, regulations, and FAA publications including Orders, and Advisory Circulars. See the following:

- a. National Environmental Policy Act of 1969 (NEPA), as amended (42 United States Code § 4321-4347).
- b. FAA Order 1050.1, U.S. Department of Transportation, Federal Aviation Administration, *Environmental Impacts, Policies and Procedures, Current Version*.
- c. 1050.1 Desk Reference FAA Office of Environment and Energy, Current Version.
- d. FAA Order 5050.4B, U.S. Department of Transportation, Federal Aviation Administration, *National Environmental Policy Act (NEPA) Implementing Instructions* for Airport Actions, April 28, 2006.<sup>1</sup>
- e. *Environmental Desk Reference for Airport Actions*, FAA Office of Airports, October 2007.

# 5. ROLES AND RESPONSIBILITIES

## 5.1. Airport Sponsor

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The Airport Sponsor is the entity that owns, operates, or controls a public-use airport. Airport Sponsors may request approval of federal action shown on their Airport Layout Plan (ALP) or other federal actions, such as funding, land releases, certifications, etc.

<sup>&</sup>lt;sup>1</sup> In any discrepancies between FAA Order 5050.4B and the current version of FAA Order 1050.1, 1050.1 has precedence.

### 5.2. Airport Consultant

An Airport Consultant is a private or public company that provides technical expertise to the Airport Sponsor. The Airport Sponsor often hires the Airport Consultant to prepare, revise, and submit environmental documentation to the FAA in compliance with NEPA and other special purpose laws.

### 5.3. State Aeronautical Agencies

Virtually all states have an agency that oversees and regulates transportation generally and (in many cases) airport and aviation matters specifically. In most cases, this is part of a State department of transportation or an aeronautical commission. The individual states vary greatly in terms of their level of involvement with airport safety, proposed development, capital project funding, environmental review and other matters. Some state aeronautical agencies also function as Block Grant States Administrators (meaning that they take on certain functions normally conducted by the FAA). In addition, some state aeronautical agencies also take on certain functions on behalf of individual airport sponsors. In such cases, it is important for the responsible FAA official to ensure there is no real or apparent conflict of interest related to who is conducting environmental review of proposed development projects.

## 5.4. Responsible FAA Official

The responsible FAA official (as defined in the current version of FAA Order 1050.1) is tasked with the approval authority for the FAA to ensure that the environmental review and findings developed by the Airport Sponsor or Airport Consultant and the responsible FAA official's decision regarding the Airport Sponsor's proposed federal action(s) comply with NEPA and the other special purpose laws.

## 6. CATEX DETERMINATION REQUIREMENTS AND OBJECTIVES

The CATEXs listed in the FAA Order 1050.1 (current version) and FAA Order 5050.4B (collectively, FAA Environmental Orders) describe types of actions that do not normally require an EA or EIS because they do not individually or cumulatively have a significant impact on the human environment. The responsible FAA official must determine whether a proposed action is within the scope of a CATEX listed in the FAA Environmental Orders. To do this, the FAA considers whether extraordinary circumstances exist.

#### 6.1. Extraordinary Circumstances

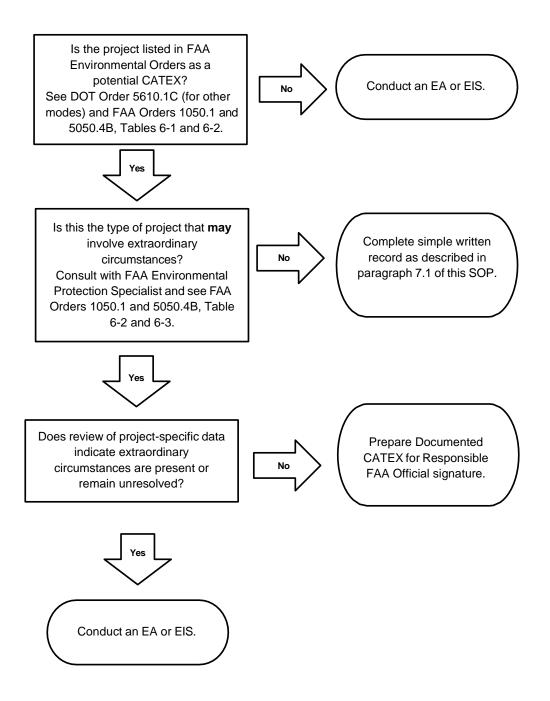
Extraordinary circumstances are factors or circumstances in which a normally categorically excluded action may have a significant environmental impact that then requires further analysis in an EA or an EIS. For FAA proposed actions, extraordinary circumstances exist when the proposed action meets both of the following criteria:

- a. Involves any of the circumstances described in Appendix A of this SOP, and
- b. May have a significant impact.

## 6.1.1. Significant Impact

An impact involving one or more of the circumstances described in Appendix A of this SOP 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 impact (i.e., that the circumstances meets the significance threshold for the affected resources as stated in Order 1050.1 (current version)). When extraordinary circumstances exist and the proposed action cannot be modified to eliminate the extraordinary circumstances, FAA must prepare an EA or EIS. If extraordinary circumstances do not exist or are eliminated, a CATEX may be used. Figure 1 illustrates the process for determining if a CATEX can be used. If uncertain whether a proposed action involves extraordinary circumstances, the responsible FAA official should consult with Regional or Headquarters Airports Environmental staff and with AGC-600 for guidance.





## 7. IMPLEMENTATION

There are two levels of information and documentation required for projects eligible for a CATEX as detailed in the following paragraphs.

### 7.1. Simple Written Record for a CATEX

A simple written record is sufficient for projects that meet the following criteria:

- a. The project meets the definition of a CATEX as described in the current version of FAA Order 1050.1; and
- b. The project clearly does not involve extraordinary circumstances, as described in the current version of FAA Order 1050.1. This includes, but is not limited to, the projects listed in FAA Order 5050.4B, Table 6-1.

#### 7.1.1. FAA Concurrence

When these criteria are met, the airport sponsor may cite the applicable CATEX paragraph during the Capital Improvement Program (CIP) process and in the documentation leading up to the Airport Improvement Program (AIP) grant application. This information will be reviewed by the responsible FAA official. Before categorically excluding actions listed in Table 6-1 in FAA Order 5050.4B, the responsible FAA official must review Tables 6-2 and 6-3 in FAA Order 5050.4B. If the responsible FAA official concurs that the criteria are met, the FAA will notify the project sponsor that the project qualifies for a CATEX under the appropriate paragraph from the current version of FAA Order 1050.1. The appropriate FAA staff member may then note this decision in the project file in one of two ways.

## 7.1.1.1. Projects Using Airport Improvement Program Funding

For projects seeking funding via AIP, the appropriate FAA staff person will note the CATEX paragraph citation from the current version of FAA Order 1050.1 in the project file or other appropriate location.

#### 7.1.1.2. Projects Not Using Airport Improvement Program Funding

For projects not seeking funding from AIP, the appropriate FAA staff member will place a copy of the sponsor notification in the project file. The responsible FAA official should document the necessary information to make this determination as soon as possible in the process and in accordance with the provisions of FAA Order 5050.4B, paragraph 302b.

## 7.2. Documented CATEX

For actions where there is greater potential for extraordinary circumstances or other reasons that warrant additional CATEX documentation in accordance with FAA Order 5050.4B, paragraph 607b as well as the current version of Order 1050.1, a Documented CATEX (see form in Appendix A) may be used.

- a. When the responsible FAA official determines additional CATEX documentation is appropriate, the sponsor may complete the form in Appendix A and submit it to the FAA Airports Division/District Office. The sponsor may be assisted by a consultant, but the sponsor is responsible for the accuracy of the information submitted. Sponsors and consultants may provide data and analysis to assist the FAA in determining whether a CATEX applies (including whether an extraordinary circumstance exists). Sponsors and consultants do not make agency decision on the applicability of CATEXs.
- b. Before categorically excluding actions listed in Tables 6-1 in FAA Order 5050.4B, the responsible FAA official must review Tables 6-2 and 6-3 in FAA Order 5050.4B.
- c. The responsible FAA official must sign all Documented CATEX determinations made by the FAA.
- d. The FAA must notify the project sponsor of the CATEX determination.

#### 8. DISTRIBUTION

This SOP is distributed to the FAA Office of Airports (ARP). The SOP will be available electronically on the Airports section of the FAA website.

ARP SOP No. 5.2

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## APPENDIX A. DOCUMENTED CATEX

Airport sponsors may use this form for projects eligible for a categorical exclusion (CATEX) that have greater potential for extraordinary circumstances or that otherwise require additional documentation, as described in the FAA Order 1050.1 (current version) and FAA Order 5050.4B (collectively, FAA Environmental Orders).

To request a CATEX determination from the FAA, the sponsor should review potentially affected environmental resources, review the requirements of the applicable special purpose laws, and <u>consult</u> <u>with the Airports District Office or Regional Airports Division Office staff</u> about the type of information needed. The form and supporting documentation should be completed in accordance with the provisions of FAA Order 5050.4B, paragraph 302b, and submitted to the appropriate FAA Airports District/Division Office. The CATEX cannot be approved until all information and documentation is received and all requirements have been fulfilled.

Name of Airport, LOC ID, and location

Project Title

Give 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, change in flight procedures, 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.

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

Identify the appropriate CATEX paragraph(s) from the current version of Order 1050.1 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.

The circumstances FAA must consider when documenting a CATEX are listed below along with each of the impact categories related to the circumstance. Use FAA Environmental Orders and the Desk Reference for Airports Actions, as well as other guidance documents to assist you in determining what information needs to be provided about these impact categories to address potential impacts. Keep in mind that FAA must analyze both construction and operational impacts. Indicate whether or not there would be any effects under the particular impact category and, **if needed**, cite available references to support these conclusions. Additional analyses and inventories can be attached or cited as needed.

## 5-2.b(1) National Historic Preservation Act (NHPA) resources

	YES	NO
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/cultural resources located therein and check with your local Airports Division/District Office to determine if a Section 106 finding is required.		
Does the project have the potential to cause effects? If yes, describe the nature and extent of the effects.		
Is the project area undisturbed? If not, provide information on the prior disturbance (including type and depth of disturbance, if available)		
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 or a tribal representative along with the SHPO may be required.		

# 5-2.b(2) Department of Transportation Act Section 4(f) and 6(f) resources

	YES	NO
Are there any properties protected under Section 4(f) (as defined by FAA Order 1050.1) in or near the project area? This includes publicly owned parks, recreation areas, and wildlife or waterfowl refuges of national, state or local significance or land from a historic site of national, state or local significance.		
Will project construction or operation physically or constructively "use" any Section 4(f) resource? If yes, describe the nature and extent of the use/impacts, and why there are no prudent and feasible alternatives. See 5050.4B Desk Reference Chapter 7.		

#### YES NO

Will the project affect any recreational or park land purchased with Section 6(f) Land and Water Conservation Funds? If so, please explain, if there will be impacts to those properties.		
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# 5-2.b(3) Threatened or Endangered Species

#### YES NO

Are there any federal or state listed endangered, threatened, or candidate species or designated critical habitat in or near the project area? This includes species protected by individual statute, such as the Bald Eagle.	
Does the project affect or have the potential to affect, directly or indirectly, any federal or state-listed, threatened, endangered or candidate species, or designated habitat under the Endangered Species Act? If yes, Section 7 consultation between the FAA and the US Fish & Wildlife Service, National Marine Fisheries Service, and the appropriate state agency will be necessary. Provide a description of the impacts and how impacts will be avoided, minimized, or mitigated. Provide the Biological Assessment and Biological Opinion, if required.	
Does the project have the potential to take birds protected by the Migratory Bird Treaty Act? Describe steps to avoid, minimize, or mitigate impacts (such as timing windows determined in consultation with the US Fish & Wildlife Service).	

## 5-2.b (4) Other Resources

Items to consider include:

a. Fish and Wildlife Coordination Act	YES	NO
Does the project area contain resources protected by the Fish and Wildlife Coordination Act? If yes, describe any impacts and steps taken to avoid, minimize or mitigate impacts.		
b. Wetlands and Other Waters of the U.S.	YES	NO
Are there any wetlands or other waters of the U.S. in or near the project area?		
Has wetland delineation been completed within the proposed project area? If yes, please provide U.S. Army Corps of Engineers (USACE) correspondence and jurisdictional determination. If delineation was not completed, was a field check done to confirm the presence/absence of wetlands or other waters of the U.S.? If no to both, please explain what methods were used to determine the presence/absence of wetlands.		
If wetlands are present, will the project result in impacts, directly or indirectly (including tree clearing)? Describe any steps taken to avoid, minimize or mitigate the impact.		
Is a USACE Clean Water Act Section 404 permit required? If yes, does the project fall within the parameters of a general permit? If so, which general permit?		
c. Floodplains	YES	NO
Will the project be located in, encroach upon or otherwise impact a floodplain? If yes, describe impacts and any agency coordination or public review completed including coordination with the local floodplain administrator. Attach the FEMA map if applicable and any documentation.		

d. Coastal Resources	YES	NO
Will the project occur in or impact a coastal zone as defined by the State's Coastal Zone Management Plan? If yes, discuss the project's consistency with the State's CZMP. Attach the consistency determination if applicable.		
Will the project occur in or impact the Coastal Barrier Resource System as defined by the US Fish and Wildlife Service?		
e. National Marine Sanctuaries	YES	NO
Is a National Marine Sanctuary located in the project area? If yes, discuss the potential for the project to impact that resource.		
f. Wilderness Areas	YES	NO
Is a Wilderness Area located in the project area? If yes, discuss the potential for the project to impact that resource.		
g. Farmland	YES	NO
Is there prime, unique, state or locally important farmland in/near the project area? Describe any significant impacts from the project.		
Does the project include the acquisition and conversion of farmland? If farmland will be converted, describe coordination with the US Natural Resources Conservation and attach the completed Form AD-1006.		
h. Energy Supply and Natural Resources	YES	NO
Will the project change energy requirements or use consumable natural resources either during construction or operations?		

Will the project change aircraft/vehicle traffic patterns that could alter fuel usage either during construction or operations?		
i. Wild and Scenic Rivers	YES	NO
Is there a river on the Nationwide Rivers Inventory, a designated river in the National System, or river under State jurisdiction (including study or eligible segments) near the project?		
Will the project directly or indirectly affect the river or an area within ¼ mile of its ordinary high water mark?		
j. Solid Waste Management	YES	NO
Does the project (either the construction activity or the completed, operational facility) have the potential to generate significant levels of solid waste? If so, discuss how these will be managed.		

# 5-2.b(5) Disruption of an Established Community

	YES	NO
Will the project disrupt a community, planned development or be inconsistent with plans or goals of the community?		
Are residents or businesses being relocated as part of the project?		

# 5-2.b(6) Surface Transportation

#### YES NO

Will the project cause a significant increase in surface traffic congestion or cause a	
degradation of level of service provided?	

Will the project require a permanent road relocation or closure? If yes, describe the nature and extent of the relocation or closure and indicate if coordination with the agency responsible for the road and emergency services has occurred.			
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# 5-2.b(7) Noise

	YES	NO
Will the project result in an increase in aircraft operations, nighttime operations, or change aircraft fleet mix?		
Will the project cause a change in airfield configuration, runway use, or flight patterns either during construction or after the project is implemented?		
Does the forecast exceed 90,000 annual propeller operations, 700 annual jet operations or 10 daily helicopter operations or a combination of the above? If yes, a noise analysis may be required if the project would result in a change in operations.		
Has a noise analysis been conducted, including but not limited to generated noise contours, a specific point analysis, area equivalent method analysis, or other screening method. If yes, provide that documentation.		
Could the project have a significant impact (DNL 1.5 dB or greater increase) on noise levels over noise sensitive areas within the 65+ DNL noise contour?		

# 5-2.b(8) Air Quality

	YES	NO
Is the project located in a Clean Air Act non-attainment or maintenance area?		
If yes, is it listed as exempt, presumed to conform or will emissions (including construction emissions) from the project be below <i>de minimis</i> levels (provide the paragraph citation for the exemption or presumed to conform list below, if applicable) Is the project accounted for in the State Implementation Plan or specifically exempted? Attach documentation.		

Does the project have the potential to increase landside or airside capacity, including an increase of surface vehicles?	
Could the project impact air quality or violate local, State, Tribal or Federal air quality standards under the Clean Air Act Amendments of 1990 either during construction or operations?	

# 5-2.b (9) Water Quality

	YES	NO
Are there water resources within or near the project area? These include groundwater, surface water (lakes, rivers, etc.), sole source aquifers and public water supply. If yes, provide a description of the resource, including the location (distance from project site, etc.).		
Will the project impact any of the identified water resources either during construction or operations? Describe any steps that will be taken to protect water resources during and after construction.		
Will the project increase the amount or rate of stormwater runoff either during construction or operations? Describe any steps that will be taken to ensure it will not impact water quality.		
Does the project have the potential to violate federal, state, tribal or local water quality standards established under the Clean Water and Safe Drinking Water Acts?		
Are any water quality related permits required? If yes, list the appropriate permits.		

# 5-2.b(10) Highly Controversial on Environmental Grounds

	YES	NO
Is the project highly controversial? The term "highly controversial" means a substantial dispute exists as to the size, nature, or effect of a proposed federal action. The effects of an action are considered highly controversial when reasonable disagreement exists over the project's risks of causing environmental harm. Mere opposition to a project is not sufficient 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 exists regarding the effects of a proposed action.		

# 5-2.b(11) Inconsistent with Federal, State, Tribal or Local Law

	YES	NO
Will the project be inconsistent with plans, goals, policy, zoning, or local controls that have been adopted for the area in which the airport is located?		
Is the project incompatible with surrounding land uses?		

# 5-2 .b (12) Light Emissions, Visual Effects, and Hazardous Materials

a. Light Emissions and Visual Effects	YES	NO
Will the proposed project produce light emission impacts?		
Will there be visual or aesthetic impacts as a result of the proposed project or have there been concerns expressed about visual/aesthetic impacts?		

b. Hazardous Materials	YES	NO
Does the project involve or affect hazardous materials?		
Will construction take place in an area that contains or previously contained hazardous materials?		
If the project involves land acquisition, is there a potential for this land to contain hazardous materials or contaminants?		
Will the proposed project produce hazardous or solid waste either during construction or after? If yes, how will the additional waste be handled?		

## 5-2 .b (13) Public Involvement

	YES	NO
Was there any public notification or involvement? If yes, provide documentation.		

## Permits

List any permits required for the proposed project which have not been previously discussed. Provide details on the status of permits.

## **Environmental Commitments**

List all measures and commitments made to avoid, minimize, mitigate, and compensate for impacts on the environment, which are needed for this project to qualify for a CATEX.

#### **Preparer Information**

Point of Contact				
Address				
City	State		Zip Code	
Phone		Email Address		

Signature	Date
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#### Airport Sponsor Information and Certification (may not be delegated to consultant)

Provide contact information for the designated sponsor point of contact and any other individuals requiring notification of the FAA decision.

Point of Contact			
Address			
City	Stat		Zip Code
Phone Number		Email Address	
Additional Name(s)		Additional Email Address(es)	

I certify that the information I have provided above is, to the best of my knowledge, correct. I also recognize and agree that no construction activity, including but not limited to site preparation, demolition, or land disturbance, shall proceed for the above proposed project(s) until FAA issues a final environmental decision for the proposed project(s) and until compliance with all other applicable FAA approval actions (e.g., ALP approval, airspace approval, grant approval) has occurred.

Signature \_\_\_\_\_

Date
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#### **FAA Decision**

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

Name of Airport, LOC ID, and location Project Title

\_\_\_\_\_No further NEPA review required. Project is categorically excluded per (cite applicable FAA Order 1050.1 (current version) and 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.

Name:

Title

Responsible FAA Official

Signature \_\_\_\_\_

Date \_\_\_\_\_