

ORDER

1050.1D

REPRINT INCLUDES
CHANGES 1 thru 3

POLICIES AND PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS



12/ 5/86

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

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FOREWORD

This order establishes policy and procedure and assigns responsibility for assuring agency compliance with environmental procedures as set forth in the Council on Environmental Quality (CEQ) regulation for implementing the procedural provisions of the National Environmental Policy Act (NEPA).



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Administrator

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CHAPTER 1. GENERAL REQUIREMENTS

1. PURPOSE. This order establishes Federal Aviation Administration (FAA) policies and procedures for the preparation of Environmental Impact Statements (EISs) and Findings of No Significant Impact (FONSIs) and for preparing and processing environmental assessments of FAA actions. This order implements the National Environmental Policy Act of 1969 (NEPA), Order DOT 5610.1C, Procedures for Considering Environmental Impacts, and 27 other statutes, directives and orders. The complete list is given in paragraph 7 of this order.

2. DISTRIBUTION. This order is distributed to the director level in Washington with a branch level distribution in Aviation Standards, the Office of Airport Planning and Programming, the Air Traffic Service, Program Engineering and Maintenance Service, Systems Engineering Service, Logistics, and the Office of Environment and Energy; to the director level in the regions with a branch level distribution in the Airports, Air Traffic, Airway Facilities, Flight Standards, and Logistics Divisions; to the director level in the overseas area offices; a limited distribution to field offices and facilities.

3. CANCELLATION. Order 1050.1C, Policies and Procedures for Considering Environmental Impacts is canceled.

4. EXPLANATION OF CHANGES.

a. This order implements DOT Order 5610.1C, Change 1. In doing so, Order 1050.1C, paragraphs 377 and 378 are eliminated because concurrence of the Assistant Secretary for Policy and International Affairs (P-1) is no longer required. Paragraph 81 of this order states that for highly controversial final EISs, P-1 and the Office of the General Counsel (C-1) will be provided a copy of the summary section contained in the final EIS. P-1 and C-1 will also be given at least 2 weeks notice before approval of the final EIS.

b. Paragraph 27 of this order is based on DOT's regulations implementing E.O. 12372, "Intergovernmental Review of Federal Programs," which replaces paragraph 212 on A-95 Review in Order 1050.1C.

c. Paragraph 401, "Quarterly Lists of Environmental Information" is no longer needed since CEQ removed the requirement.

d. An overview of environmental actions is explained by a flow chart in Attachment 1.

e. This order has been reorganized to place all the specifics of the environmental analyses procedures for environmental documents in Attachment 2.

f. Service Appendices 1-7 have been updated. Also, the Office of Airport Planning and Programming has its own environmental handbook, Order 5050.4, which is consistent with Federal environmental procedures contained in this order. Appendix 6 refers Airports personnel to that order.

5. DEFINITIONS.

a. Council on Environmental Quality (CEQ) Terminology. CEQ terminology implementing the National Environmental Policy Act of 1969 (NEPA) was published in their regulation. CEQ sec. 1508.1 states "The terminology of this part shall be uniform throughout the Federal Government."

b. Federal Aviation Administration (FAA) Terms. Order 1000.15A, FAA Glossary, dated December 18, 1975, contains terms which recur most often in agency communications.

c. Environmental Assessment (EA). CEQ sec. 1508.9 states an "Environmental Assessment: (a) Means a concise public document for which a Federal agency is responsible that serves to: (1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a findings of no significant impact. (2) Aid an agency's compliance with the Act when no environmental impact statement is necessary. (3) Facilitate preparation of a statement when one is necessary. (b) Shall include brief discussions of the need for the proposal of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted."

d. Environmental Impact Statement. CEQ Section 1508.11 states "Environmental Impact Statement means a detailed written statement as required by Section 102(2)(C) of the Act."

e. Draft Environmental Impact Statement (DEIS) is the document that reflects FAA's initial evaluation of the environmental impact of a proposed action. The agency makes its own evaluation and assumes responsibility for the DEIS. It is distributed by FAA to the EPA and other appropriate Federal, State, and local agencies for comment and is made available to the public.

f. Final Environmental Impact Statement is the document that reflects FAA's final evaluation of the environmental impact of a proposed action. Reports cited as references in the statement need not be included in the documentation. This EIS shall accompany the proposed action through the Federal decisionmaking process.

g. Findings of No Significant Impact (FONSI) means "a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it. If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference" - CEQ sec. 1508.13.

h. Noise Sensitive Area. An area in which aircraft noise may interfere with the normal activities associated with use of the land. Noise sensitive areas may include residential neighborhoods, educational, health, and religious structures and sites and outdoor recreational, cultural, and historic sites. Whether noise interferes with a particular use depends upon the level of noise exposure received and the type of activities involved. A site which is unacceptable for outside use may be acceptable for use inside a structure, if adequate noise attenuation features are built into that structure. (Reference Attachment 2, Section 1 - Noise Analysis).

i. Record of Decision (ROD) is "a concise public record of decision." See CEQ sec. 1505.2 and 1506.1 for requirements.

* j. Responsible Official is an FAA employee designated with overall responsibility to furnish guidance and participate in the preparation of environmental impact statements, to independently evaluate the statements prior to approval, and to take responsibility for the scope and content of the statements. This person may be authorized to evaluate and accept environmental assessments and may direct scoping activities for the FAA.

k. Sponsor is any public agency or private owner of a public use airport, as defined in the 1982 Airport Act, which applies to receive Federal financial assistance under the Act or anyone proposing an airport action for which Federal authorization is required. *

l. Scoping is "An early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." - CEQ sec. 1501.7.

m. Tiering. CEQ sec. 1508.28 states "Tiering" refers to the coverage of general matters in broader environmental impact statements (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. Tiering is appropriate when the sequence of statements or analyses is:

(1) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis.

(2) From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

6. POLICY.

a. FAA will comply with both the procedures and the policies of the National Environmental Policy Act of 1969 (hereafter NEPA) and related orders, statutes, and regulations. This requires that the FAA decisionmaking process facilitate public understanding and scrutiny by including a consideration of: the effects of the proposed actions and the alternatives; the avoidance or minimization of adverse effects of proposed actions; the restoration and enhancement of resources and environmental quality of the nation. The FAA shall integrate these NEPA considerations as early in the agency planning processes as possible.

b. The environmental review process outlined in this order shall be the focal point to assure that NEPA considerations are taken into account. Environmental Impact Statements (EISs) and Findings of No Significant Impact (FONSIs) service to document compliance with these considerations and to reflect a thorough review of all relevant environmental factors, utilizing a systematic, interdisciplinary approach.

c. These policies are supplementary to other agency policies established under other statutes and directives.

7. REGULATORY ACTIONS. This order implements agency actions required by the statutes and directives (as amended) as follows:

a. NEPA (P.L. 91-190, 42 U.S.C. 4321) establishes a broad national policy to improve the relationship between humans and their environment, and sets out policies and goals to ensure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government.

b. The Clean Air Act as amended by P.L. 91-604 provides that the Administrator shall review and comment in writing on the air quality impacts of actions taken under his cognizance.

c. The Noise Control Act of 1972 (P.L. 92-574, 42 U.S.C. 4901) provides for Environmental Protection Agency (EPA) consultation on noise standards and also permits EPA to propose aviation noise regulations to the FAA.

* d. The Airport and Airway Improvement Act of 1982 (Known as the 1982 Airport Act) P.L. 97-248, 49 U.S.C. 2201 et. seq. *

* e. Section 4(f) of the Department of Transportation Act of 1966 (recodified at 49 U.S.C. 303) states, "The Secretary may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance or land of an historic site ... only if (1) there is no prudent and feasible alternative to using that land, and (2) the program or project includes all possible planning to minimize harm to the park, recreational area, wildlife and waterfowl refuge, or historic site resulting from the use." *

f. Section 106 of the National Historic Preservation Act of 1966 (P.L. 89-665 hereinafter, the Historic Preservation Act, 16 U.S.C. 470(f)) requires the head of any Federal agency having jurisdiction over a Federal or Federally-assisted undertaking to take into account, prior to approving the undertaking, its effect on any district, site, building, structure, or object that is included in or eligible for the National Register of Historic Places, and to give the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

g. The Archaeological and Historic Data Preservation Act of 1974 (P.L. 86-253, as amended by P.L. 93-291, 16 U.S.C. 469) is directed to the preservation of historic and archaeological data that would otherwise be lost as a result of Federal construction or other Federally licensed or funded activities.

h. The Endangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 as amended) and Interagency Cooperation Regulation (50 CFR Part 402) require that all Federal agencies shall, in consultation with the Secretaries of Interior and Commerce, carry out programs for the conservation of endangered or threatened species listed by the Department of the Interior and ensure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of the endangered species or result in the destruction or modification of the habitat of such species to an extent which is determined by the Secretary (of the Interior or Commerce) to be critical.

i. Section 2 of the Fish and Wildlife Coordination Act (P.L. 85-624, 16 U.S.C. §§ 661, 664 note, 1008 note) requires, with certain limited exceptions, that "whenever the waters of any stream or other body of water are proposed or authorized to be . . . impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever . . . by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency shall first consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the . . . control facility is to be constructed . . ." (Subsection (2)).

j. Section 404 of the Federal Water Pollution Control Act Amendments for 1972 (P.L. 92-500, 33 U.S.C. 1344), as amended by the Clean Water Act of 1977 (P.L. 95-217, 33 U.S.C. 1251) establishes a permit procedure for activities involving dredging and filling of navigable waters. The Secretary of the Army, acting through the Army Corps of Engineers, is responsible for issuing such permits.

k. The Coastal Zone Management Act of 1972 (P.L. 92-583, 16 U.S.C. §§ 1451-1464) states that "it is national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone . . ." (Section 303), and requires all Federal or Federally supported activities affecting the zone to be carried out in a

manner consistent with State coastal zone management programs (Section 307). Federal Consistency with Approved Coastal Management Programs (15 CFR Part 930) establishes procedures for determining consistency.

l. Coastal Barrier Resources Act of 1982 (P.L. 97-348, 16 U.S.C. 3501-3510) restricts future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers by establishing a Coastal Barrier Resources System consisting of undeveloped coastal barriers along the Atlantic and Gulf coasts.

m. Section 2 of the Water Bank Act (P.L. 91-559, 16 U.S.C. § 1301 note) declares that "... it is in the public interest to preserve, restore, and improve the wetlands of the Nation ..."

n. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-528, 42 U.S.C. 4601) requires consideration of the costs and impacts of residential dislocations in judging alternatives in the acquisition of real property.

* o. Farmland Protection Policy Act (P.L. 97-98 and 7 CFR Part 658) establishes criteria for identifying and considering the effects of Federal programs on the conversion of farmland to nonagricultural uses and identifying technical assistance to agencies of Federal, state, and local governments that will be provided by the Department of Agriculture. *

p. Section 201(a) of the Federal Land Policy and Management Act of 1976 (P.L. 94-579, 43 U.S.C. 1701 et. seq.) requires Federal agencies to consult the Bureau of Land Management to determine if land to be used for a Federal action is land which is being considered for inclusion in the National Wilderness System.

* q. Resource Conservation and Recovery Act of 1976 (P.L. 94-580, 42 U.S.C. 6901 et. seq.), as amended by the Solid Waste Disposal Act of 1980 (P.L. 96-482); and the 1984 Hazardous and Solid Waste Amendments (P.L. 98-616) provide environmental requirements in handling solid and hazardous waste disposals. RCRA directed EPA to promulgate regulations to protect human health and the environment from improper management of both hazardous (Subtitle C) and nonhazardous wastes (Subtitle D). As specified by RCRA, "solid" wastes may be solid, liquid, or gaseous, or any variation of the physical state; however, not all solid wastes are hazardous wastes. Hazardous wastes are defined by the degree or ignitability, corrosivity, reactivity and/or toxicity. Also, RCRA was enacted to give EPA authority to regulate the generation, transport, and disposal of hazardous wastes, not simply their disposal. *

r. 40 CFR Parts 1500-1508 (43 FR 55978, November 29, 1978) CEQ implementation of NEPA procedural provisions establishes uniform procedures, terminology, and standards for implementing the procedural requirements of NEPA's section 102(2).

* s. 14 CFR Part 150 (49 FR 49260, December 18, 1984), Airport Noise Compatibility Planning, prescribes requirements for airport operators who *

choose to submit noise exposure maps and to develop and submit airport noise compatibility planning programs to the FAA. This regulation implements portions of the Aviation Safety and Noise Abatement Act of 1979, as amended (49 U.S.C. 2101 et seq.). It supersedes the interim rule adopted on January 19, 1981 (46 FR 8316). The revisions reflect, in part, comments invited and received following promulgation of the interim rule.

* t. 36 CFR Part 800 (39 FR 3365, January 25, 1974, and 51 FR 31115, September 2, 1986) Protection of Historic Properties, establishes procedures to ensure that historic properties are given proper consideration in the preparation of environmental assessments or impact statements, when carrying out FAA actions. *

u. 7 CFR Part 657 (43 FR 4030, January 31, 1978), Prime and Unique Farmlands requires the responsible official to consult with the U.S. Department of Agriculture's Land Use Committee to determine whether land to be affected by agency action is prime and unique farmland.

v. Executive Order 11514, Protection and Enhancement of Environmental Quality, dated March 4, 1970, orders all Federal agencies to "initiate measures needed to direct their policies, plans, and programs so as to meet national environmental goals."

w. Executive Order 11593, Protection and Enhancement of the Cultural Environment, dated May 13, 1971, requires that Federal plans and programs contribute to the preservation and enhancement of sites, structures, and objects of historic, architectural, or archaeological significance.

x. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, dated January 4, 1979, provides pertinent environmental considerations with respect to proposed actions outside the United States, its territories and possessions.

y. Executive Order 11988, Floodplain Management 43 FR 6030 and Order DOT 5650.2, April 23, 1979, Floodplain Management and Protection link the need to protect lives and property with the need to restore and preserve natural and beneficial floodplain values. Agencies are required to make a finding that there is no practicable alternative before taking action that would encroach on a floodplain.

z. Executive Order 11990, Protection of Wetlands and Order DOT 5660.1A, Preservation of the Nation's Wetlands, dated August 24, 1978, require action to minimize the destruction, loss or degradation of wetlands and to assure the protection, preservation, and enhancement of the Nation's wetlands to the fullest extent practicable during the planning, construction, and operation of transportation facilities and projects.

aa. Executive Order 12372, Intergovernmental Review of Federal Programs, dated July 14, 1982, and 49 CFR Part 17, Intergovernmental Review of DOT Programs and Activities require Federal agencies to provide the opportunity for state and local elected officials to review and

comment on Federal actions for Federal assistance or actions affecting them. FAA shall comply with DOT procedures implementing this E.O. contained in 49 CFR Part 17.

bb. President's 1979 Environmental Message Directive on Wild and Scenic Rivers, dated August 2, 1979, directs Federal agencies to take care to avoid or mitigate adverse effects on rivers identified in the Nationwide Inventory as having potential for designation under the Wild and Scenic Rivers Act (P.L. 90-542).

cc. Order DOT 5610.1C, Procedures for Considering Environmental Impacts, (44 FR 56420, October 1, 1979), and Order DOT 5610.1C, Change 1, (7/13/82), provide guidelines for considering environmental impacts of transportation actions.

dd. Order 1053.1, Policies and Procedures for Energy Planning and Conservation, provides for assessing energy demands.

8. APPLICABILITY. The requirements in this order apply to, but are not limited to, the following: all grants, loans, contracts, leases, construction, research activities, rulemaking and regulatory actions, certifications, licensing, permits, plans submitted to the agency by state or local agencies which require FAA approval, and legislation proposed by FAA. Exceptions to these requirements are listed in paragraph 31, Categorical Exclusions.

9. POLICY, PLAN, AND PROGRAM STATEMENTS (FORMERLY "CLASS ACTIONS"). A general policy, plan, or program may be covered by a single EIS or FONSI when the environmental impacts of all related actions, alternatives thereto, and measures to mitigate adverse environmental impacts, are substantially similar. (See CEQ sec. 1508.18).

10. FAA RESPONSIBILITIES.

a. Compliance with the policies and procedures of this order is the responsibility of the regional directors for all actions originating in the regions, heads of offices and services for all actions originating at headquarters, and center directors for all actions originating at centers.

b. Heads of offices and services are responsible for revising their appendices of this order, as appropriate; providing supplemental guidelines for implementing this order in their program areas, as appropriate; consulting with and advising responsible officials on matters within their operational areas, and evaluating and appraising the activities to implement the requirements of NEPA.

c. Regional directors are responsible for preparing and filing EIS's and FONSI's as necessary and assuring appropriate internal coordination of actions that cross program lines; assigning personnel and other resources to assess and document all relevant environmental factors, including assignment of an office or officer for coordinating all NEPA related activities.

d. The Office of Environment and Energy (hereinafter AEE) is responsible for overall review of FAA's environmental policies and procedures including NEPA compliance; developing and coordinating policies and procedures under this order; assisting services in developing guidance for their program areas; consulting with and advising responsible officials in their implementation of this order; developing training programs in cooperation with the Office of Personnel and Training and the Services, and evaluating and appraising the activities to implement the requirements of NEPA.

e. The Office of the Chief Counsel (hereinafter AGC) and regional and center counsels provide legal advice to all elements of FAA regarding the legal sufficiency of environmental documents.

f. Other responsibilities regarding specific program areas are set forth in Appendices 1-7 of this order.

* 11. NEPA POINT OF CONTACT. Regional Directors shall designate an office or officer as the NEPA point of contact. The point of contact will serve as a focal point, specifically to receive and disseminate within the region NEPA-related information from Washington headquarters or outside the agency. The NEPA point of contact is not intended to replace the responsible official for specific environmental documents or otherwise change existing lines of responsibility. The region will inform AEE-1 of the name, routing symbol, and telephone number of the NEPA point of contact.

12. INCORPORATION OF CEQ REGULATIONS. The uniform procedures, terminology, and standards adopted by the CEQ for implementation of the procedural provisions of NEPA (40 CFR Parts 1500-1508; 43 FR 230, November 29, 1978) are herewith incorporated by reference. This order furnishes additional material as explanatory guidance and as an aid to implement these regulations. (Hereinafter, references to the CEQ Regulations shall simply identify the paragraph; e.g., CEQ sec. 1508.1.)

13. CHANGES TO THIS DIRECTIVE. The Director of Environment and Energy (AEE-1) may issue changes to Chapters 1 through 10 of this order after coordinating the change with the concerned organization elements, and each office and service may issue changes to the appropriate appendix (i.e., Air Traffic for Appendix 3) after coordinating the change with the concerned organizational elements, including AEE and AGC, provided:

a. The change does not affect policy, delegation of authority, or assignment of responsibilities outside the office's or service's authority;

b. The Administrator has not specifically reserved authority to make the change; and

c. Substantial changes are not made without the concurrence of the Office of the Assistant Secretary for Policy and International Affairs

(hereinafter P-1) and the Office of the General Counsel (hereinafter C-1) and are published for comment in the Federal Register after consultation with CEQ.

14. - 15. RESERVED.

CHAPTER 2. PRELIMINARY PROCEDURES AND CONSULTATION

16. PLANNING AND DEVELOPMENT. The environmental impacts of proposed actions shall be based on appropriate environmental consideration at the systems planning level and shall be assessed and considered concurrently with initial planning, development, or site considerations.

17. INITIAL REVIEW. An environmental review will indicate whether the proposed action could significantly affect the human environment with respect to noise, land, air and water quality; whether it is located in wetlands, coastal zones, historic or archeological sites, areas inhabited by endangered species, or areas protected under DOT Section 4(f); whether the action would be highly controversial on environmental grounds. At this stage, documentation is required to alert program officers to foreseeable environmental impacts and controversies. (A proposed Federal action is considered highly controversial when the action is opposed on environmental grounds by a Federal, State, or local government agency or by a substantial number of the persons affected by such action.)

18. IDENTIFICATION OF ISSUES AND PROBLEMS. Based on the initial review described in paragraph 17, the program officer(s) shall identify issues and problems having environmental significance to Federal, State, or local officials in the performance of their duties, or to the public. Further, the program officer(s) shall determine whether such issues and problems, as they pertain to the proposed action, have been addressed already in a broad system, program, or regional assessment.

19. EARLY COORDINATION. CEQ sec. 1501.4(b) states, "The agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing (environmental) assessment..." and in CEQ sec. 1506.2(b) "Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law."

20. BUDGETARY REQUIREMENTS. The Office of Budget is responsible for assuring appropriate environmental consideration and documentation at the budget stage. Criteria for environmental consideration in the Airways Facilities budget process are in Program Engineering and Maintenance Service, Appendix 1, paragraph 6. Funding requirements resulting from the implementation of this order shall be justified and requested in accordance with existing budgetary and fiscal policies.

21. RESEARCH. Criteria for environmental consideration of research activities are in Appendix 2.

22. CONSULTATION. The affected local units of Government, and pertinent Federal and State agencies should be consulted early in the process of preparing a DEIS, FONSI, or environmental assessment. Comments on the environmental impacts of the proposed action shall be considered, as appropriate, in determining whether the proposed action requires an EIS or FONSI and in preparing the DEIS or FONSI.

23. ROLE OF LEAD AND COOPERATING AGENCIES. The various roles of the lead agency are described in CEQ 1501.5 through 1501.8. CEQ 1501.5 generally describes the role of the lead agency when more than one agency is involved in an action. CEQ 1501.6 describes the relationship with cooperating agencies. CEQ 1501.7 and 1501.8 define the role of the lead agency in the scoping process and in setting time limits.

* a. Federal agencies which shall be invited by the responsible official to become cooperating agencies are those with jurisdiction by law in areas which may be affected by FAA actions or whose actions, plans, or developments may affect the proposed FAA action or limit proposed alternatives.

b. Federal agencies with special expertise may also be asked to be cooperating agencies.

c. The definition of a cooperating agency in CEQ Sec. 1508.5 also includes any "State or local agency of similar qualifications (i.e., with jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal), or when the effects are on a reservation, an Indian Tribe may, by agreement with the lead agency, become a cooperating agency."

*

24. PUBLIC REQUESTS FOR FAA ACTION. When an FAA action is requested from the public there may be particular situations such as, issuance of various certificates, approval of airline operating specifications or amendments, establishment of new or revised instrument approach/departure procedures affecting noise sensitive areas, etc., which will require FAA to do an environmental assessment. Whenever this situation occurs, FAA action may be delayed unless assistance in the development of pertinent environmental data is furnished by the applicant or other interested persons.

25. USE OF CONTRACTORS. Contractor consulting services may be used to prepare environmental assessments and impact statements. They may also be used to prepare background or supplemental material and otherwise assist in preparing a draft or final environmental document for which FAA takes responsibility.

26. LAND ACQUISITION AND CONSTRUCTION OF FACILITIES. Public sponsors, other aviation agencies or private parties have the authority to acquire land or to construct facilities for operation by the FAA without prior approval by the FAA. Such action, if inconsistent with the policies of this order, could prejudice a decision by the FAA on proposed changes in an airport which would use the land thus acquired, or on request for reimbursement for the property, or construction or operation of the facility.

a. When FAA is notified or becomes aware of a possibility that such a situation may be occurring, FAA will advise the public sponsor, other aviation agency or private party that:

(1) Such actions must be consistent with pertinent environmental policy as expressed in this order.

(2) The manner in which the particular property was acquired or the facility constructed will be carefully considered by the FAA prior to approval of any future FAA action involving it.

b. FAA will give particular attention to its responsibilities under DOT Section 4(f) to insure that a special effort is made to preserve the natural beauty of countryside, public parks, and recreation lands, wildlife and waterfowl refuges, and historic sites. FAA will not approve actions requiring the use of DOT Section 4(f) properties unless there is no feasible and prudent alternative and the program includes all possible planning to minimize harm.

c. FAA also will give particular attention to actions involving properties included in or eligible for inclusion in the National Register of Historic Places and the provisions of Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970.

d. An action by a sponsor, other aviation agency or private party which has acquired land or constructed a facility for operation by FAA, but without prior approval by FAA, will be reviewed to determine whether the action was consistent with the policies of this order and has not limited full and objective consideration of alternatives.

27. INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS. In accordance with Executive Order 12372, "Intergovernmental Review of Federal Programs," Federal agencies shall provide opportunities for review and comment by elected officials of State and local governments that will be affected by planned Federal assistance and direct Federal development actions. Also, FAA should provide copies of FONSI's and draft EIS's to elected state and local officials. FAA shall comply with DOT procedures implementing this Executive Order contained in 49 CFR Part 17. Executive Order 12372 and DOT regulations are intended to replace the intergovernmental consultation system developed under the Office of Management and Budget (OMB) Circular A-95. Under Executive Order 12372 State and local elected officials, not the Federal government, will determine what Federal programs and activities to review and the procedures by which the review will take place.

28. PUBLIC HEARING.

a. The following elements are to be considered in deciding whether a public hearing is appropriate in cases where it is not statutorily mandated.

(1) The magnitude of the proposal in terms of environmental impact or controversy, economic costs, the size and location of the geographic area involved, and the uniqueness or amount of the resources to be committed.

(2) The degree of interest in the proposal, as evidenced by requests from the public of Federal, State, and local authorities that a hearing be held.

(3) The complexity of the issue and the likelihood that information presented at the hearing will be of assistance to the agency in fulfilling its responsibilities.

(4) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, or written comments on the proposed action.

b. The following shall be included in the notice for a public hearing:

(1) A description of the proposed action.

(2) The scheduling of the public hearing (time, date, and place).

(3) The availability and location of a DEIS, FONSI, or environmental assessment.

c. Notice of the hearing shall be in an areawide or local newspaper of general circulation. In CEQ sec. 1506.6 states that, "In all cases the agency shall mail notice to those who have requested it on an individual action. In the case of an action with effects of national concern notice shall include publication in the Federal Register and notice by mail to national organizations reasonably expected to be interested in the matter . . ."

d. A draft EIS, FONSI, or environmental assessment shall be available to the public 30 days prior to the public hearing.

e. For FAA hearings, the responsible official may assign program officers the responsibility for convening a hearing and serving as hearing officer.

f. Records of public hearings will be maintained in the docket of the General Counsel's office.

29. CITIZEN INVOLVEMENT. Citizen involvement, where appropriate, shall be initiated at the earliest practical time and continued throughout the development of the proposed project in order to obtain meaningful input. Such citizen involvement may be appropriate in defining the scope of work of an environmental assessment developed by an applicant for aid or by a consultant, or of a DEIS being developed by FAA. Comments from individuals and groups shall be considered in preparing an EIS or FONSI. A summary of citizen involvement and the environmental issues raised shall be documented where practical in the EIS or FONSI. Reference FAA Report FAA-EE-79-06, "Community Involvement Manual" for further information. A copy of FAA-EE-79-06 can be obtained from the Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

30. RESERVED.

CHAPTER 3. ENVIRONMENTAL ACTIONS

31. CATEGORICAL EXCLUSIONS.a. Categorical Exclusions from the Requirement for an EIS or FONSI.

(1) Administrative and operating actions, such as procurements, organizational changes, personnel actions, and legislative proposals not originating in FAA.

(2) Emergency measures regarding air or ground safety.

(3) Planning grants which do not imply a project commitment.

(4) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action.

(5) Policy and planning documents not intended for or which do not cause direct implementation of project or system actions.

(6) Agreements with foreign governments, international organizations, or U.S. Government departments calling for the provision of technical assistance, advice or services in foreign countries, such as votes or other similar actions in international conferences and organizations.

(7) The planning and development of projects and programs leading to Aeromedical Applications and Standards; personnel efficiency and performance.

(8) The approval or issuance of certificates covering medicals for airmen, delegated authority, ground schools, out-of-agency training, and aircraft repair or maintenance not affecting noise, emissions, or wastes.

(9) All facility decommissionings unless an extraordinary environmental circumstance exists.

(10) Take over of non-Federal facilities by the FAA.

(11) In addition to the exceptions noted above, each of the Service Appendices may provide for categorical exclusions of specific types of projects or categories of actions carried out by that service (see CEQ sec. 1508.4 for requirements).

b. Documentation. Categorical exclusions from this order and actions for which final EISs including any Record of Decision have been filed do not require further documentation. Program FONSI's also do not require further documentation.

c. An action which has been categorically excluded in this order but which in a particular case significantly affects the quality of the human environment, requires the preparation of an EIS.

32. EXTRAORDINARY CIRCUMSTANCES. Proposed Federal actions, normally categorically excluded, which have any of the following characteristics shall be the subject of an environmental assessment.

a. An action that is likely to have an effect that is not minimal on properties protected under section 106 of the Historic Preservation Act of 1966, as amended, or section 4(f).

b. An action that is likely to be highly controversial on environmental grounds.

c. An action that is likely to have a significant impact on natural, ecological, cultural, or scenic resources of national, state, or local significance, including endangered species, wetlands, floodplains, coastal zones, prime, unique or state or local important farmlands, energy supply and natural resources, or resources protected by the Fish and Wildlife Coordination Act.

d. An action that is likely to be highly controversial with respect to the availability of adequate relocation housing. In an action involving relocation of persons or businesses, a controversy over the amount of the acquisition or relocation payments is not considered to be a controversy with respect to availability of adequate relocation housing.

e. An action that is likely to:

(1) Cause substantial division or disruption of an established community, or disrupt orderly, planned development, or is likely to be not reasonably consistent with plans or goals that have been adopted by the community in which the project is located; or

(2) Cause a significant increase in surface traffic congestion.

f. An action that is likely to:

(1) Have a significant impact on noise levels of noise sensitive areas.

(2) Have a significant impact on air quality or violate the local, state, or Federal standards for air quality.

(3) Have a significant impact on water quality or contaminate a public water supply system.

(4) Be inconsistent with any Federal, State, or local law or administrative determination relating to the environment.

g. Other action that is likely to directly or indirectly affect human beings by creating a significant impact on the environment.

33. ADVISORY ACTIONS. Some Federal actions, such as airspace determinations are of an advisory nature and are neither permissive nor enabling. Actions of this type are not major Federal actions, and environmental assessments or statements are not required as a condition for accomplishing the action. If it is known or anticipated that some subsequent Federal action would require processing in accordance with environmental procedures, the FAA shall so indicate in the advisory action.

34. CUMULATIVE IMPACT. In determining whether an environmental impact statement is required for a proposed Federal action, it is necessary to consider the overall cumulative impact of the proposed action and the consequences of subsequent related actions. CEQ sec. 1508.7 states that "'Cumulative impact' is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." (See paragraph 37(b))

35. ENVIRONMENTAL ASSESSMENT. An environmental assessment (EA) is a concise document describing the environmental impacts of a proposed action and its alternatives. If a decision has not been made to prepare an EIS and a proposed action has not been classified as a categorical exclusion, an EA shall be prepared. If it is concluded from the EA that the proposed action is a major impact significantly affecting the quality of the human environment, the responsible official shall prepare and process a draft EIS. If it is concluded that the action is not a major impact significantly affecting the quality of the human environment, the responsible official shall prepare and file a FONSI. It is FAA's intention to adhere strongly to this instruction and to require only enough analysis in the environmental assessment for the following purposes:

a. To understand the problem and identify reasonable alternative solutions, including the proposed action. The CEQ Regulations include specific directions on the consideration of alternatives. While these directions are concerned with the EIS, they are also applicable to an EA, although less detail than in an EIS. See paragraph 64 on Alternatives for the applicable CEQ sections.

b. To determine whether any potential impacts are significant, which would trigger the environmental impact statement process.

- c. To provide the basis for the FAA's findings of no significant impact if the proposed action has no significant impacts.
- d. To identify and satisfy special purpose Federal laws, regulations, and executive orders.
- e. To identify and satisfy State and local laws and regulations applicable to the proposal.
- f. In completing the above, to indicate agencies consulted (and to identify cooperating agencies for environmental impact statement preparation purpose).

36. CONTENT OF ENVIRONMENTAL ASSESSMENT. The environmental assessment shall incorporate some selected items of information required for an environmental impact statement in CEQ sec. 1502.10. The information in the environmental assessment will, however, be in more abbreviated form than in an environmental impact statement. The information required includes the purpose and need for the proposal, alternatives including proposed action (see paragraph 64), Affected Environment (see para. 65), Environmental Consequences (see paragraph 66 and Attachment 2 for applicable potential impact areas), listing of agencies and persons consulted and appendices (if any).

37. ACTIONS REQUIRING ENVIRONMENTAL IMPACT STATEMENTS.

- a. After an EA has been prepared, an EIS shall be prepared if an FAA action:
 - (1) Has an effect that is not minimal on properties protected under Section 4(f) of the DOT Act, or Section 106 of the Historic Preservation Act.
 - (2) Has a significant impact on natural, ecological, cultural, or scenic resources of National, State, or local significance, including endangered species or wetlands, floodplains, and coastal zones.
 - (3) Is highly controversial with respect to the availability of adequate relocation housing. (A controversy over the amount of acquisition or relocation payments is not a controversy with respect to the availability of relocation housing).
 - (4) Causes substantial division or disruption of an established community, or disrupts orderly, planned development, or is determined not to be reasonably consistent with plans or goals that have been adopted by the community in which the project is located.
 - (5) Causes a significant increase in surface traffic congestion.
 - (6) Has a significant impact on noise levels of noise sensitive areas.

(7) Has a significant impact on air quality or violates the standards for air quality of the Environmental Protection Agency or an affected locality or State.

(8) Has a significant impact on water quality or may contaminate a public water supply system.

(9) Is inconsistent with an Federal, State, or local law or determination relating to the environment.

(10) Directly or indirectly affects human beings by creating a significant impact on the environment.

(11) Has a significant impact on prime or unique farmlands or farmlands of state or local importance.

b. An EIS is required not only when the impact of the proposed project itself is significant, but also when the cumulative impact of the proposed project and other past, present and reasonably foreseeable future actions is significant. A series of actions considered on an individual bases may have a limited environmental impact, yet, when considered together, may have a significant, cumulative impact.

(1) If approval of the proposed action would permit further contemplated actions, the impacts of those contemplated actions and the proposed action must both be considered in determining whether to prepare an EIS.

(2) The actions which are related to the proposed action may be undertaken by any Federal or non-Federal agency or person.

(3) If an EIS is required because of the cumulative impact of the proposed action and future, related actions, no commitment may be made with respect to the future actions prior to the processing of the EIS if such commitment would foreclose or limit the choice of alternatives or mitigating measures which may be taken. (See CEQ sec. 1506.1).

c. In case of doubt as to whether an EIS is necessary for a particular action, the responsible official or program officer should consult with AEE-1 and AGC-1. Regional Airport Divisions consultation under Order 5050.4 should be with APP-600.

38. OVERVIEW OF ENVIRONMENTAL ACTIONS.

a. The process for consideration of the environmental effects of a proposed action involves a number of steps, beginning with assessment by the FAA or applicant of actions not categorically excluded. The relative responsibilities of the FAA are summarized in the following paragraphs.

b. For a better understanding of the process, a flow chart (Attachment 1) is presented at the end of this order. Attachment 1 is broken down into four sheets:

(1) Sheet 1 depicts the initial FAA review of actions not categorically excluded. The FAA must determine, based on the environmental assessment review, whether the action requires preparation of a FONSI or an EIS.

(2) Sheet 2 describes the process if it is determined that an EIS is not necessary. It shows the procedure for the processing and approval of a FONSI.

(3) Sheet 3 describes the FAA procedure in processing a draft EIS in accordance with NEPA 102(2)(C). It outlines the process of scoping, preparing and circulating the draft, and receiving and reviewing comments.

(4) Sheet 4 explains FAA's approval process for a final EIS.

39. RESERVED.

CHAPTER 4. FINDINGS OF NO SIGNIFICANT IMPACT

40. GENERAL. CEQ sec. 1501.4(e) provides that the Federal agency shall "Prepare a findings of no significant impact (CEQ sec. 1508.13), if the agency determines on the basis of the environmental assessment not to prepare a statement." CEQ sec. 1508.13 defines a findings of no significant impact as "... a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (CEQ sec. 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared." The FAA shall evaluate the environmental assessment to determine if an alternative which provides a good solution to the problem has no significant impacts. Unless there is an overriding reason for not selecting such an alternative, the FAA shall then proceed with the preparation of a findings of no significant impact.

41. SCOPE OF DOCUMENTATION.

a. The FONSI may be attached to an EA or the EA and FONSI may be combined into a single document.

b. Depending on the complexity and degree of impact of a proposed action, a FONSI may range in content from a simple conclusion, supported with pertinent facts, that the action is not a major impact significantly affecting the quality of the human environment, to an analysis involving the format and content necessary for environmental statements.

c. The FONSI shall include a brief description of the proposed action and its purpose.

d. The FONSI shall assess and document all relevant matters necessary to support the conclusion that the action is not a major impact significantly affecting the quality of the human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of the proposed action. The FONSI shall include any measures to minimize adverse impacts on the environment.

e. The FONSI shall identify and discuss the alternatives considered, particularly those which mitigate environmental impacts, including the alternative of no action.

f. The FONSI shall determine the proposed action's consistency or inconsistency with community planning, and shall document the basis for the determination.

g. If the FONSI includes a Section 4(f) determination, it shall also include the material called for in DOT Order 5610.1C. AGC, or a designee, shall review the Section 4(f) determination for legal sufficiency. The document must reflect consultation with the Department of the Interior and, where appropriate, the Department of Agriculture or the Department of Housing and Urban Development.

h. Where a Federal action affects wetlands, the FONSI shall document the opportunity for early public review, the agency's conclusion that there is no practicable alternative to the proposed action, and that the proposed action includes all practicable measures to minimize harm. The FONSI shall document the outcome of consultations with the U.S. Fish and Wildlife Service and the pertinent State resources agency.

i. Where affected properties are included in or eligible for inclusion in the National Register of Historic Places, the FONSI shall include documentation and outcome of consultations with the State Historic Preservation Office and evidence that the Advisory Council on Historic Preservation reviewed the determination of no adverse effect.

j. Where Federally assisted activities affect the coastal zone in a state with an approved coastal management program, the FONSI should reflect FAA's views on the relationship to the approved coastal zone management program and the state's determination of the proposal's consistency with the program.

k. Where an action affects prime or unique farmlands or farmlands of state or local importance, the FONSI shall document coordination with the U.S. Department of Agriculture.

42. RESPONSIBLE OFFICIALS.

a. At the field level, FONSI's shall be reviewed by pertinent staff and program offices and may be approved by the Regional or Center Director or their designees.

b. Responsible officials shall send FONSI's originating in FAA headquarters to AEE-1 and to AGC-1 for review. After review for legal sufficiency by AGC, the Service or Office Director may sign the FONSI.

43. COORDINATION. Usually FONSI's are required to be coordinated outside of the FAA only where coordination is required by law or administrative directive (e.g., actions involving a section 404 permit, (with Corps of Engineers, EPA and FWS), Section 4(f) of the DOT Act, Section 106 of the Historic Preservation Act, Section 7 of the Endangered Species Act, or wetlands impact).

44. DISTRIBUTION. A copy of the FONSI is filed in the office of the responsible official and a copy forwarded to the appropriate Service or Office Director for review for consistency with the policy and procedures of this order. Service Directors may waive this requirement, subject to AEE-1 concurrence. AEE maintains the FAA-wide files of FONSIs and EISs and should receive one copy of each.

45. AVAILABILITY FOR PUBLIC INFORMATION. FONSIs are public information, and shall be made available upon request pursuant to FAA procedures. State and local officials designated by the Intergovernmental Review Plan for the state should be notified of the availability of the FONSI. For actions with effects primarily of local concern, this complies with the public notice requirement of CEQ sec. 1506.6(b)(3)(1). For actions with effects of national concern, the notice shall include publication in the Federal Register and notice by mail to national organizations interested in the matter. In certain limited circumstances FONSIs will be made available, through such state and local officials, for public review for 30 days before the agency makes its final determination whether to prepare an EIS and before the action may begin. These circumstances include situations where the proposed action is similar to that requiring an EIS or where the proposed action is unprecedented. (See CEQ sec. 1501.4(e)(2)).

46. APPROVAL. The Federal approval shall include the following:

"After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA) and that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of NEPA.

APPROVED: _____ DATE: _____

DISAPPROVED: _____ DATE: _____"

47. RESERVED.

CHAPTER 5. PREPARATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS
OR FINDINGS OF NO SIGNIFICANT IMPACT

48. TIMING OF DRAFT STATEMENT PREPARATION. DEISs and FONSIs shall be prepared at the earliest practical time prior to the first significant decision point in the program or project development process.

49. APPLICATIONS. The program officer may require each applicant for a grant, loan, permit, or other approval to which this order applies, to submit, with the original application, an environmental assessment. Regardless of the nature of participation, responsible officials or program officers must furnish guidance, actively participate in preparing the DEIS, EIS, and FONSI, and make their own evaluation prior to approval. The responsible official shall take responsibility for the scope and content of an EIS or FONSI. The responsible official shall appropriately limit the actions an applicant may take prior to completion and approval of EISs and subsequent approval of the application. (CEQ sec. 1506.1)

50. NOTICE OF INTENT TO PREPARE AN EIS.

a. The first step is described in CEQ sec. 1501.7 as follows: "As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent (CEQ sec. 1508.22) in the FEDERAL REGISTER ..." This procedure is accomplished by the responsible official sending the notice of intent through AGC-204 with a copy to AEE-1.

b. The notice of intent in CEQ sec. 1508.22 "...means a notice that an environmental impact statement will be prepared and considered." The notice shall briefly:

"(1) Describe the proposed action and possible alternatives."

"(2) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held."

"(3) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement."

c. Delay. If for some reason there is a lengthy period between the time a decision is made to prepare an environmental impact statement and the actual preparation, CEQ sec. 1507.3(e) provides that "... the notice of intent ... may be published at a reasonable time in advance of preparation of the draft statement."

51. SCOPING.

a. Scoping is an important and early integral part of the EIS process. (See CEQ sec. 1501.7). This section provides that "There shall be an early and open process for determining the scope of issues to be

addressed and for identifying the significant issues related to a proposed action." The responsible official must take the lead in the scoping process, including issuance of the notice of intent, inviting the participation of other agencies, determining the issues to be analyzed in depth, and assigning responsibilities for inputs to the environmental impact statement. Scoping, however, is not required if it has been determined that an EIS is not required..

b. CEQ sec. 1501.7(b)(4) states that an agency may "hold an early scoping meeting or meetings, which may be integrated with any other early planning meetings the agency has. Such a scoping meeting will often be appropriate when the impacts of a particular action are confined to specific sites." However, there is no requirement for a scoping meeting, per se, on every project requiring an environmental impact statement. Depending on the nature and complexity of the project, some of all of the information needed during the scoping process may be obtained by letter or telephone.

c. CEQ sec. 1501.7 further provides that the lead agency shall "Determine the scope (CEQ sec. 1508.25) and the significant issues to be analyzed in depth in the environmental impact statement." Scope as defined in CEQ sec. 1508.25 "... consists of the range of actions, alternatives, and impacts to be considered ..." To determine the range of actions, the problems as described in the environmental assessment should be carefully reviewed. The proposed action and any action functionally related to it should be clearly understood. Alternatives should be reviewed in this context, identifying those which need to be rigorously explored and objectively evaluated as well as those which can be eliminated (CEQ sec. 1502.14(a)). Those impact categories which fall below the threshold of significant in the environmental assessment normally do not need further study or description in the environmental impact statement. Establishing a clear definition of the Federal action, the alternatives, and the impact needing detailed study (as well as those which do not) early in the scoping process should help considerably in managing the environmental impact statement preparation process.

52. USE OF CONTRACTORS IN PREPARATION OF AN EIS.

a. CEQ Sec. 1506.5(c) provides that "any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or where appropriate under CEQ sec. 1501.6(b), a cooperating agency."

b. Contractor Preparation. Where a contractor prepares an environmental impact statement, CEQ sec. 1506.5(c) requires that "Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency (for its portion), specifying that they have no financial or other interest in the outcome of the project." Furthermore, "... the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents."

53. INCORPORATION BY REFERENCE. CEQ sec. 1502.21 states that: "Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference."

54. INCLUSION OF ENVIRONMENTAL DETERMINATIONS. EIS or FONSI shall include relevant documentation for environmental determinations under Section 4(f) of the DOT Act and other environmental findings and determinations."

55. INTERDISCIPLINARY APPROACH. CEQ sec. 102(2)(A) of NEPA requires each Federal agency to apply a systematic, interdisciplinary approach in planning and decisionmaking which may impact the environment. (See CEQ sec. 1502.6.) To assure that all environmental impacts are identified and assessed, all relevant disciplines should be represented. If the office or service does not contain the necessary disciplines, use of professional services available in other Federal, State, or local agencies, universities, or consulting firms is appropriate. (See paragraph 50 of this order). A listing of the preparers and their qualifications is required under paragraph 68 of this order and CEQ sec. 1502.10 and 1502.17.

56. INTERNAL REVIEW PROCESS.

a. Draft EISs and FONSI shall be reviewed by affected FAA program divisions and staff officers at the regional or office level prior to filing for public review. DOT Act Section 4(f) determinations are subject to review as stated in Attachment 2 of this order. This internal review is to assure that related foreseeable agency actions by other FAA elements are properly covered in the statement or finding and are coordinated with the appropriate action office so that commitments which are the responsibility of other divisions or offices will be carried out.

b. Regional Directors are responsible for designating a lead division or office to carry out this internal review.

57. REGULATIONS. For regulations or rulemaking, the DEIS or FONSI shall be available to reviewing agencies and the public prior to or concurrently with the notice of proposed rulemaking.

58. LEGISLATIVE PROPOSALS.

a. Before the FAA submits to the Congress a legislative proposal, the office which originates the legislation shall prepare, circulate, and file with EPA an environmental impact statement or prepare a FONSI. (See paragraph 74 on circulation in this order).

b. The Office of the Secretary shall review legislative environmental statements and submit them to the Office of Management and Budget (OMB) for circulation in the normal legislative clearance process.

59. RESERVED.

CHAPTER 6. ENVIRONMENTAL IMPACT STATEMENT CONTENTS

60. GENERAL. Each EIS shall be prepared in accordance with Attachment 2 of DOT Order 5610.1C.

61. FORMAT. CEQ sec. 1502.10 contains a standard format, which is to be followed for environmental impact statements, as follows:

- (a) Cover Sheet
- (b) Summary
- (c) Table of Contents
- (d) Purpose and Need for the Action
- (e) Alternatives Including the Proposed Action
- (f) Affected Environment
- (g) Environmental Consequences
- (h) List of Preparers
- (i) List of Agencies, Organizations, and Persons to Whom Copies of the Statement are Sent
- (j) Index
- (k) Appendices (if any)

62. COVER SHEET AND SUMMARY.

a. The cover sheet shall include the information required in CEQ sec. 1502.11 plus a heading as follows:

"DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Draft (or Final) Environmental Impact Statement

This statement is submitted for review pursuant to the following public law requirements: [List those applicable; e.g., section 102(2)(C) of the National Environmental Policy Act of 1969, section 4(f) of the Department of Transportation Act of 1966]."

b. The summary shall include the information required in CEQ sec. 1502.12 which states "Each environmental impact statement shall contain a summary which adequately and accurately summarizes the statement. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives). The summary will normally not exceed 15 pages.

63. PURPOSE AND NEED FOR THE ACTION. CEQ sec. 1502.13 states "The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action."

64. ALTERNATIVES (INCLUDING PROPOSED ACTION). CEQ sec. 1502.14 states that "This section is the heart of the environmental impact statement." Further, it is to be "Based on the information and analysis presented in the sections on the Affected Environment (paragraph 65) ... and the Environmental Consequences (paragraph 66) ...". The FAA responsible official shall apply the applicable CEQ sections below for EISs and in less detail for environmental assessments:

a. Section 1502.1. The environmental impact statement "...shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment."

b. Section 1502.2(e). "The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decisionmaker."

c. Section 1502.14. The environmental impact statement "...should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public."

d. Section 1502.14(a). Agencies shall "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."

e. Section 1502.14(b). Agencies shall "Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits."

f. Section 1502.14(c). Agencies shall "Include reasonable alternatives not within the jurisdiction of the lead agency."

g. Section 1502.14(d). Agencies shall "Include the alternative of no action."

h. Section 1502.14(f). Agencies shall "Include appropriate mitigation measures not already included in the proposed action or alternatives."

65. AFFECTED ENVIRONMENT. The EIS shall precisely describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives (CEQ sec. 1502.15).

a. The amount of detail provided in descriptions of the affected environment shall be commensurate with the amount of information required at the particular level of decisionmaking.

b. The statement shall identify, as appropriate, population and growth characteristics of the affected area, and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives.

c. The statement shall describe other related activities (past, present or foreseeable future actions) in the area, their interrelationships, and cumulative environmental impact (See CEQ sec. 1508.7 on cumulative impact).

d. The statement shall discuss the relationship of the proposed action to adopted or proposed land use plans, policies, controls, and goals and objectives of affected communities, including communities outside the jurisdiction in which the proposed project is located. Any participated consultations, permits or authorizations required by Federal law or regulation should be identified.

66. ENVIRONMENTAL CONSEQUENCES. Per CEQ sec. 1502.16, "This section forms the scientific and analytic basis for the comparisons under CEQ sec. 1502.14 (alternatives, as described in paragraph 64). It shall consolidate the discussions of those elements required by CEQ sec. 102(2)(C)(i), (ii), (iv), (v) of NEPA which are within the scope of the statement and as much of CEQ sec. 102(2)(C)(iii) [alternatives] as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in CEQ sec. 1502.14. It shall include discussions of:

a. "Direct effects and their significance [reference CEQ sec. 1508.18 for definition of 'effects' both direct and indirect]...

b. "Indirect effects and their significance...

c. "Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See CEQ sec. 1506.2(d) [Elimination of duplication with State and local procedures].)

d. "The environmental effects of alternatives including the proposed action. The comparisons under CEQ sec. 1502.14 will be based on this discussion.

e. "Energy requirements and conservation potential of various alternatives and mitigation measures.

f. "Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

g. "Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

h. "Means to mitigate adverse environmental impacts (if not fully covered under CEQ sec. 1502.14(f))."

Specific environmental impact areas to be discussed "as much as is necessary to support the comparisons [of alternatives]" are described in Attachment 2 of this order.

67. MITIGATION MEASURES. Draft EISs should describe measures under consideration or planned to minimize harm from the proposed action. Measures which will increase the benefits of the proposed action should also be discussed. The following types of measures should be considered:

(1) Design and construction actions. These include alternative locations which avoid or reduce impacts, design measures which reduce impacts, for example, reduced scale facilities, alternative airport runway configurations, aircraft and airway technology which reduces noise, and construction of noise barriers.

(2) Management actions which reduce impacts during operation of the facility. These include aircraft operating procedures for noise abatement, maintaining open areas to enhance their usefulness as wildlife habitat.

(3) Replacement, restoration, and compensation. These measures include functional replacement of public facilities, residential or business relocation assistance, and restoration of natural areas disturbed by construction.

68. LIST OF PREPARERS. CEQ sec. 1502.17 states "The environmental impact statement shall list the names, together with their qualifications (expertise, experience, professional disciplines), of the persons who were primarily responsible for preparing the EIS or significant background papers, including basic components of the statement. Where possible the persons who are responsible for a particular analysis including analyses in background papers, shall be identified. Normally the list will not exceed two pages."

69.-70. RESERVED.

CHAPTER 7. PROCESSING DRAFT ENVIRONMENTAL IMPACT STATEMENTS

71. GENERAL. Environmental impact statements shall be reviewed by affected FAA program divisions and staff officers at the regional level prior to filing for public review. This internal review is to assure that related foreseeable agency actions by other FAA elements are properly covered in the draft statement and are coordinated with the appropriate action office so that commitments which are the responsibility of other divisions or offices will be carried out. For adoption of another agency's environmental impact statement, refer to CEQ sec. 1506.3.

72. PUBLIC NOTICE. Each responsible official shall assure that press releases, official notices, or other appropriate media announce to the public that a DEIS has been prepared and is being circulated and that comments on the environmental impact of the proposed action are being solicited. The announcement shall contain information on the availability of the DEIS and should be distributed to local media concurrent with distribution for notice in Federal Register; with request for immediate publication or other appropriate media coverage.

73. COPIES. The responsible official shall have printed sufficient copies of DEISs to meet anticipated demand. A fee, not to exceed reproduction costs, may be charged for copies requested by the public if the original set of copies is exhausted.

74. CIRCULATION AND AVAILABILITY OF DEIS.

a. Distribution and Coordination for Intergovernmental Review.

(1) Per CEQ sec. 1503.1, comments on the draft environmental impact statement shall be obtained from or requested of appropriate Federal, State, and local agencies.

(2) For instructions on circulation of the summary in lieu of the full environmental impact statement, see CEQ sec. 1502.19.

(3) All draft environmental impact statements will be coordinated with the appropriate regional offices of other Federal agencies having jurisdiction by law or special expertise, except that statements to be coordinated with any component of the Department of the Interior (DOI), Department of Commerce (DOC), or Department of Energy (DOE) shall be sent directly to the Washington headquarters of these departments.

b. Circulate the DEIS to agencies which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." In addition, provide copies to:

(1) EPA headquarters (5 copies), EPA region (5 copies), P-1 (2 copies), Office of Environment and Energy (1 copy), Office of Chief Counsel or designee (1 copy), the service director, other elements of DOT, and other FAA services as appropriate; U.S. Department of the Interior headquarters (12 copies; except for projects in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas, 13 copies; and for Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming 14 copies); Ecology and Conservation Division of the National Oceanographic and Atmospheric Administration (1 copy); only for transportation proposals having major energy-related consequences, DOE (1 copy); and

(2) State and local agencies, including cooperating agencies, agencies that commented substantively on the Intergovernmental Review of Federal Programs, affected cities and counties, and others known to have an interest in the action. The Intergovernmental Review of Federal Programs process may be used, by mutual agreement, for securing review of DEISs by State and local agencies.

c. Availability to the Public. The draft environmental impact statement shall be made available for public review per CEQ sec. 1506.6.

d. Filing with EPA. The draft environmental impact statement shall be filed with EPA per CEQ sec. 1506.9. The EPA will subsequently publish a notice in the Federal Register per CEQ sec. 1506.10 which will begin the 90-day period after which the Federal action can be taken. Five copies of the draft statement shall be sent to: Office of Federal Activities, EIS Filing Section (A-104), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

75. COMMENTS ON THE DEIS.

a. CEQ sec. 1503 addresses specificity of comments. If the responsible official considers that the comments received from a commenting agency have not been made in accordance with the intent of this section, consultation with that agency should be undertaken to rectify discrepancies.

b. CEQ 1503.3(a) states, "Comments on the environmental impact statement or on the proposed action shall be as specific as possible and address either the adequacy of the statement or the merits of the alternatives discussed or both."

c. Comments from EPA are categorized according to the following criteria:

(1) The impact is rated by EPA as: LO (Lack of Objections), ER (Environmental Reservations), or EU (Environmentally Unsatisfactory).

(2) The statement adequacy is categorized by EPA as: 1 (Adequate), 2 (Insufficient Information), or 3 (Inadequate).

76. COMMENT PERIODS. A time period for comment may not be fewer than 45 days from publication of the notice by EPA per paragraph 74d above. Requests for reasonable extensions of time, when warranted by magnitude and complexity of the statement or the extent of citizen interest, shall be granted.

77.-79. RESERVED.

CHAPTER 8. PREPARATION, APPROVAL, AND DISTRIBUTION OF FINAL ENVIRONMENTAL IMPACT STATEMENTS

80. UTILIZATION OF COMMENTS.

a. Comments received on the DEIS and inputs (in summary form if appropriate) from citizen participation, and public hearings shall accompany the EIS through the normal internal review process.

b. In preparing an EIS the DEIS shall be revised, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other considerations. An appropriate response, or reference to subject's discussion in the statement shall be made. Copies of all substantive commenting letters shall be included. If the number of comments is too voluminous to include, a summary may be prepared in accordance with CEQ sec. 1503.4(b).

c. Every effort shall be made to resolve environmental issues prior to final EIS preparation. Any unresolved environmental issues and efforts to resolve them through further consultation shall be identified and discussed. For instance, where an agency comments that the statement contains inadequate analysis or that the impacts are too adverse for approval, either the issue shall be resolved, or efforts to resolve the issue shall be documented, and any action that will result shall be noted.

d. Compliance with other Requirements. The final EIS shall reflect that there has been compliance with the requirements of all applicable environmental laws and orders, such as section 4(f) of the DOT Act. If such compliance is not possible by the time of final EIS preparation, the EIS shall reflect consultation with the appropriate agencies and provide reasonable assurance that the requirements can be met.

e. The final EIS must reflect mitigation measures which will be included as part of the proposed action.

81. APPROVAL OF FINAL ENVIRONMENTAL IMPACT STATEMENTS.

a. For EISs which originate at headquarters, the Office or Service Director shall send one copy of each EIS to AEE-1 and AGC-1 for review. After the Office or Service Director approves the EIS, file it with EPA. (See para. 83)

b. For EISs originating in the field, not subject to headquarters' concurrence, the Regional or Center Director shall approve and file the EIS with EPA, following review for legal sufficiency by the Regional Counsel.

c. For EISs originating in regions or centers, but when headquarters concurrence is requested, the Regional or Center Director shall approve the EIS and submit it to the appropriate service or office director. Following approval, the EIS must be filed with EPA. (See para. 83)

d. For EISs originating in regions or centers, but where authority to approve the EIS is retained in headquarters, (see FAA Order 5050.4), the region or center shall send the proposed EIS to the appropriate service or office director. The service or office shall send copies to the Office of Environment and Energy and to the Chief Counsel for review. Following approval, the EIS must be filed with EPA. (See para. 83)

e. All statements involving Section 4(f) of the DOT Act are subject to AGC review for legal sufficiency in headquarters.

f. For highly controversial final EISs requiring headquarters' review and concurrence, P-1 and C-1 shall be notified that the final EIS is under review and be provided with a copy of the summary section contained in the final EIS. P-1 and C-1 will also be given at least 2 weeks notice before approval of the final EIS.

g. Approval. After appropriate internal review, a declaration approximately as follows shall be added to the summary. Signature and date blocks shall be added for the concurrence of appropriate offices and approval or disapproval of the approving official.

"After careful and thorough consideration of the facts contained herein and following consideration of the views of those Federal agencies having jurisdiction by law or special expertise with respect to the environmental impacts described, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969."

82. AVAILABILITY PENDING APPROVAL. In addition to the availability and distribution of approved final EISs, final statements proposed for approval shall normally be made available upon request in FAA offices for inspection by the public and Federal, State, or local agencies prior to final approval and filing with EPA. Such statements should carry a notation that they have not been approved and filed.

83. DISTRIBUTION OF APPROVED ENVIRONMENTAL IMPACT STATEMENTS. The originating FAA region, center, or service shall simultaneously distribute the EIS as follows:

a. Five copies to:

Office of Federal Activities
Environmental Protection Agency (A-104)
401 M Street, SW
Washington, DC 20460

b. Five copies to the appropriate regional office of EPA (one copy if categorized as LO-1 per paragraph 75 of this order).

c. One copy of the EIS to the Office of Environment and Energy (AEE-1) and to the Service or Office Director.

* d. One copy of the approved final EIS shall be sent to the Office of Transportation Regulatory Affairs, Environmental Division, P-14. *

e. A copy of the EIS shall also be sent to each Federal, state, and local agency, to private organizations which made substantive comments on the draft statement and to individuals who requested a copy of the final statement or who made substantive comments on the draft. DOI copies shall be sent to the Director, Environmental Project Review, U.S. Department of the Interior, Washington, D.C. 20240. DOI shall be sent seven copies for proposals in all states except that eight copies would be sent for proposals in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas; nine for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. For transportation proposals having major energy-related consequences, one copy should be sent to DOE headquarters.

f. One copy to any sponsor, applicant or grantee.

g. One copy to appropriate state-designated single point of contact (or specific agency contacted when states have not designated a single contact point), unless otherwise designated by the governor.

h. Additional copies shall be sent to accessible locations to be made available to the general public, including headquarters and regional offices; state, metropolitan, and local public libraries.

i. Pursuant to CEQ sec. 1506.6, environmental statements, comments received, and underlying documents will be made available to the public without charge to the fullest extent practical or at a reduced charge which is not more than the actual cost of reproducing copies.

84. REFERRALS TO CEQ. The Council on Environmental Quality may serve as a mediator in interagency disagreements over proposed Federal actions that might cause unsatisfactory environmental effects (see CEQ sec. 1504).

a. If a commenting agency determines that an action is environmentally unsatisfactory, the matter may be referred to CEQ.

b. When the responsible official receives a notice of intended referral from the commenting agency, this official shall provide P-1 and AEE-1 with a copy of the notice.

c. In the event of referral to CEQ by a commenting agency, the responsible official shall forward a proposed response to AEE-1 within 10 days of referral. The response shall address fully the issues raised in the referral and be supported by evidence. AEE-1 shall obtain P-1's concurrence in the proposed response. The response shall be sent to CEQ within 20 days of the referral.

85.-87. RESERVED.

CHAPTER 9. TIERING, TIME LIMITATIONS, WRITTEN REEVALUATION,
AND SUPPLEMENTAL ACTIONS

88. TIERING. Program offices shall, to the extent practicable, build upon broad prior assessments, whether EIS or FONSI. For example, long-term development statements and broad system, program, or regional statements may be incorporated by specific project EISs. The purpose of tiering is to eliminate repetition and allow discussion of issues at the appropriate level of detail. (See CEQ sec. 1500.4, 1502.4, 1502.20, and 1508.28.)

89. REDUCING PAPERWORK. Environmental documentation prepared under this order shall be concise and clear. Length of documentation shall be reduced by avoidance of needless detail and by other means such as setting appropriate page limits. (See CEQ sec. 1500.4.)

90. REDUCING DELAY. Environmental documentation prepared under this order shall be integrated into the decisionmaking process and shall be carried on in a timely manner. (See CEQ sec. 1500.5).

91. TIME LIMITS FOR ENVIRONMENTAL DOCUMENTS. The time limits below have been established for all DOT EISs.

a. A draft EIS may be assumed valid for a period of 3 years. If the proposed final EIS is not submitted to the approving official within 3 years from the date of the draft EIS circulation, a written reevaluation of the draft shall be prepared by the responsible Federal official to determine whether the consideration of alternatives, impacts, existing environment, and mitigation measures set forth in the draft EIS remain applicable, accurate, and valid. If there have been changes in these factors which would be significant in the consideration of the proposal, a supplement to the draft EIS or a new draft EIS shall be prepared and circulated.

b. With regard to approved final EISs, three sets of conditions have been established:

(1) If major steps toward implementation of the proposed action (such as the start of construction, substantial acquisition, or relocation activities) have not commenced within 3 years from the date of approval of the final EIS, a written reevaluation of the adequacy, accuracy, and validity of the final EIS shall be prepared by the responsible Federal official (unless EIS tiering is being used). If there have been significant changes in the proposed action, the affected environment, anticipated impacts, or proposed mitigation measures, a new or supplemental EIS shall be prepared and circulated.

(2) If the proposed action is to be implemented in stages or requires successive Federal approvals, a written reevaluation of the continued adequacy, accuracy, and validity of the final EIS shall be made at each major approval point which occurs more than 3 years after approval of the final EIS and a new or supplemental EIS prepared, if necessary.

(3) If the proposed action has been restrained or enjoined by court order or legislative process after approval of the final EIS, the 3 year period may be extended by the time equal to the duration of the injunction, restraining order, or legislative delay.

92. WRITTEN REEVALUATION. The preparation of a new EIS or FONSI is not necessary when it can be documented that: the proposed action conforms of plans or projects for which a prior EIS or FONSI has been filed; the data and analyses contained in the previous EIS or FONSI are still substantially valid; and that all pertinent conditions and requirements of the prior approval have or will be met in the current action. This evaluation, signed by the FAA responsible official, will either conclude the contents of previously prepared environmental documents remain valid or that significant changes require the preparation of a supplement or new environmental document.

93. SUPPLEMENTAL OR AMENDED STATEMENTS. CEQ sec. 1502.9(c) states that "Agencies:

a. Shall prepare supplements to either draft or final EISs if:

(1) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or

(2) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

b. May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.

c. Shall adopt procedures for introducing a supplement into its formal administrative record, if such a record exists.

d. Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft and final statement unless alternative procedures are approved by the Council."

e. If there are compelling reasons to shorten time periods, FAA may consult with CEQ.

94. IMPLEMENTATION OF COMMITMENTS IN ENVIRONMENTAL STATEMENTS. In accordance with CEQ sec. 1505.3, "Mitigation ... and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency." This section of the CEQ Regulations further specifies actions which the lead agency shall take to implement environmental commitments. The FAA shall take steps as

appropriate to the action, through special conditions, funding agreements, contract specifications, preferential arrival and departure procedures, directives, other project review or implementation procedures, and other appropriate follow-up actions that the agency and applicants carry out any actions to minimize adverse environmental effects set forth in the approved statement. Any proposed deviation from prescribed action that may reduce protection to the environment shall be submitted to the Office of Environment and Energy.

95. LIMITATIONS ON ACTIONS. In accordance with CEQ sec. 1506.1, actions concerning the proposal shall not be taken until the responsible office issues the Record of Decision.

96. RECORD OF DECISION.

a. Following the review periods prescribed in CEQ sec. 1506.10, the FAA decisionmaker may make a decision on the Federal action. CEQ sec. 1505.2 requires a Record of Decision (ROD) and specifies information to be included in the Record of Decision. The draft ROD should accompany the proposed final statement during the internal review prior to EIS approval only when headquarters' concurrence is required.

b. Any mitigation measures which were made a condition of the approval of the EIS shall be included in the ROD. Proposed changes in or deletions of mitigation measures which were a condition of approval of the EIS must be reviewed by the same FAA offices which reviewed the final statement and must be approved by the EIS approving official.

c. If the responsible official wishes to take an action which was included within the range of alternatives of an approved EIS but was neither the environmentally preferable alternative or alternatives nor the agency's preferred alternative as identified in the final statement, the decisionmaker must first coordinate a draft ROD for concurrence with the same FAA offices which reviewed the final statement. These offices may concur without comment, may concur on the condition that specific mitigation measures be incorporated in the ROD, may request that a supplement to the EIS be prepared and circulated, or may nonconcur. The responsible official shall not approve the Federal action over a nonconcurrence.

d. If the alternative the responsible official wishes to take action on involves a special interest (e.g., Section 4(f) land, endangered species, wetlands, historic sites, or others), the FAA must first complete any required evaluation and consultation that has not been done, including supplementing the original EIS, prior to taking the action. Supplements to EISs shall be reviewed and approved in the same manner as the original document, and a new ROD shall be prepared and approved. If a ROD is prepared, a copy should be forwarded with the EIS to AEE-1 for their files.

97. PUBLIC RECORD. Relevant environmental documents, comments, and responses are part of the agency's public record and shall be made available to the public through appropriate regional, office or service procedures.

98. USE OF INFORMATION.

a. CEQ sec. 1506.5(c) specifically provides "Nothing ... is intended to prohibit any agency from requesting any person to submit information to it or to prohibit any person from submitting information to any agency."

b. The use of information obtained in the manner set forth above may obviate the need for extensive contractual efforts in preparing an environmental impact statement. It must be cautioned, however, that any information so received may only be used after thorough analysis and acceptability of its contents by the FAA. To the extent that the qualifications of those persons primarily responsible for its preparation and the identification of persons responsible for particular analyses should be listed for incorporation in the list of preparers of the environmental impact statement (see paragraph 68 of this order).

99.-100. RESERVED.

CHAPTER 10. ADDITIONAL PROVISIONS

101. REVIEW OF ENVIRONMENTAL STATEMENTS PREPARED BY OTHER AGENCIES. Other Federal, State or local agencies may consult FAA for assistance in analyzing environmental impacts which fall within the agency's functional area of responsibility. FAA should provide competent and cooperative advisory and consultative service on proposals affecting aviation and FAA responsibilities.

a. Comments should be organized in a manner consistent with the structure of the draft statement and should identify alternatives or modifications that may enhance environmental quality or avoid or minimize adverse environmental impacts, and should correct inaccuracies or omissions.

b. FAA projects that are environmentally or functionally related to the action proposed in the EIS should be identified so that interrelationships can be discussed in the final statement. In such cases, the FAA should consider serving as a joint lead agency or cooperating agency.

c. Environmental monitoring for which FAA has special expertise may be suggested and encouraged during construction, startup, or operation phases.

d. Other agencies will generally be requested to forward their draft EISs directly to the appropriate FAA regional offices. The following types of matters, however, should be referred to FAA headquarters for comment:

- (1) Actions with national policy implications;
- (2) Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance; and
- (3) Legislation, regulations having national impacts, or national program proposals.

Draft EISs in these categories are to be referred to P-1 for preparation of DOT comments and, where appropriate, to FAA headquarters. In referring these matters to FAA headquarters, the regional office is encouraged to prepare a proposed Departmental response.

e. Regional offices should review DEISs that do not have national implications. Comments should be forwarded directly to the office which the originating agency designates for receipt of comments. If the FAA receiving office believes that another DOT office also has an interest or is in a better position to respond, it should transmit the statement to the other office. If FAA and other DOT administrations comment at the regional level, the Regional Representative or designee may coordinate the comments.

f. When appropriate, the FAA should coordinate a response with Department offices having special expertise in the subject matter.

g. Comments shall be submitted within the time limits set forth in the request, unless the office responsible for submitting comments seeks and receives an extension of time. Comments should be concise, and should specify any changes desired either in the action proposed or in the environmental statement or both.

h. Copies of comments on another agency's EIS shall be provided to the requesting agency, to AEE-1 to P-1, and to the Regional Representative if a regional office prepared the comment.

102. EMERGENCY ACTION PROCEDURES. CEQ regulations allow modification of requirements in case of a national emergency, a disaster or similar great urgency. The processing times may be reduced or, if the emergency situation warrants, preparation and processing of a DEIS, EIS, or FONSI may be abbreviated. Such reduction in processing time should be requested from CEQ only for those projects where the need for immediate action requires processing in other than the normal manner.

103. APPLICATION OF CEQ SECTION 102(2)(C) PROCEDURE TO EXISTING PROJECTS AND PROGRAMS. The CEQ sec. 102(2)(C) procedure applies to major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of NEPA on January 1, 1970. In assessing the environmental effect of proceeding with such a project and in evaluating alternatives, consideration shall be given to the status of work and degree of completion. If the project or program is continued, it must, to the extent feasible, be shaped so as to enhance and restore environmental quality, avoid or minimize adverse environmental consequences, and consider environmental consequences not fully evaluated at the outset of the project or program.

104. ENVIRONMENTAL IMPACT STATEMENTS OR FINDINGS OF NO SIGNIFICANT IMPACT ON REQUESTS FROM FOREIGN SOURCES.

a. In compliance with Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, requests for FAA action by a foreign government, manufacturer or operator may fall within criteria requiring preparation of an EA, EIS, or FONSI. The responsible Federal official shall coordinate such requests with the State Department through P-30. After the State Department's notification all FAA requests to such a foreign applicant for information which FAA needs to prepare an EIS or FONSI should then be forwarded through the civil aviation authority of the applicant's government. Copies of the DEIS, EIS, and notices of any public hearings planned on the proposed action should be furnished to the applicant, the appropriate foreign civil aviation authority, and the Washington embassy of the country in which the applicant is located.

b. Any substantial differences arising in the course of the EIS between the originating FAA organization and a foreign applicant should be referred to the Office of Environment and Energy, which will consult with the Associate Administrator for Policy and International Aviation Affairs to resolve any problems.

105.-106. RESERVED.

APPENDIX 1. PROGRAM ENGINEERING AND MAINTENANCE

1. General. This appendix sets forth environmental procedures to be used regarding Airway Facilities' engineering, maintenance, research, and development programs. Overall planning of the National Airspace System (NAS) structure and resultant traffic flow, volume, or mix changes are the responsibility of the System Engineering Service (AES) and must be considered at the systems level by AES. (See Appendix 2).

2. ENVIRONMENTAL RESPONSIBILITIES.

a. Regional Airway Facilities (AF) Divisions. Environmental impacts of the facilities and equipment (F&E) programs and AF maintenance activities are primarily related to construction and installation activities of a local nature in the immediate vicinity of the facilities involved. As a result, the regional AF divisions will be responsible. The regional AF divisions are responsible for conducting an environmental assessment in accordance with paragraph 35 of this order, and the preparation, coordination, and signing of the EIS or FONSI, as appropriate, in accordance with Chapters 5, 6, 7, and 8 for all assigned F&E and maintenance projects within their region. For projects where commitments to protect the environment are detailed in an EIS or FONSI, the regional AF division chief shall include the appropriate statement to implement the commitment in land acquisition or construction design documents.

b. Program Engineering and Maintenance Service (APM). Most of the environmental impact processing is accomplished by the regional AF divisions with only minor involvement by APM on an as requested basis. APM is responsible for providing guidance to the regions in the preparation of:

- (1) EA's, EIS's, or FONSI's as appropriate.
- (2) Assist the regions in maintaining uniformity of procedures.
- (3) Prepare, process, and distribute appropriate environmental documentation according to Chapters 5, 6, 7 of this order. Assure consultation with responsible and expert agencies and organizations and invite their cooperation and comment, and obtain review and approval where indicated or required.
- (4) Prepare and transmit to AEE a publicly available record which sets forth reasons for a determination that although an EIS may be required, its preparation is still premature and thus unnecessary. Such a record should be updated when significant new information becomes available.

3. ENVIRONMENTAL IMPACT STATEMENTS OR FONSI.

a. Environmental assessments should be developed along with economic and technical considerations in the facility siting and design. Careful consideration of the specific site and the effect of aircraft operations are necessary. Where the individual location or the operational use of the facility indicates significant environmental impact, an EIS should be prepared and circulated in accordance with this order.

b. Those projects which have been categorically excluded or a FONSI filed do not require further action unless a particular case significantly affects the quality of the human environment and requires the preparation of an EIS.

4. PROJECTS SUBJECT TO ENVIRONMENTAL ASSESSMENTS AND PROCEDURES. The following categories of projects are subject to an environmental assessment and preparation of an EIS or FONSI:

a. Establishment or relocation of facilities such as Air Route Traffic Control Centers (ARTCC), Airport Traffic Control Towers (ATCT), Air Route Surveillance Radars (ARSR), Beacon Only Sites, and Next Generation Radar (NEXRAD). These facilities may affect the environment because of land or access requirements; the electronic emissions generated by its operation; the impact on water and sewerage facilities, power distribution facilities, rainfall runoff and traffic flow from public roadways; and the impact on personnel in a given locale.

b. Establishment, relocation, or construction of facilities used for communications and navigation which are not on airport property. The environmental impact of these facilities normally results from providing access to the off-airport facility and construction of the facility.

c. Establishment or relocation of Instrument Landing or Microwave Landing Systems (ILS or MLS), and Approach Light Systems (ALS). These facilities may be the subject of environmental controversy because of the impact of a change in operational use and the location of certain elements off airports.

d. Establishment of FAA housing, sanitation systems, fuel storage and distribution systems, and power source and distribution systems normally should be assessed because of their location, and impact on community land use planning.

5. CATEGORICALLY EXCLUDED PROJECTS. The following projects require no further environmental consideration as they have been determined to be categorically excluded:

a. Upgrading of building electrical systems or maintenance of existing facilities (including painting, replacement of siding, etc.)

b. Minor expansion of facilities including the addition of communication channels where personnel is minimal and which require no additional land, and where expansion is due to remodeling of space in current quarters or existing buildings.

c. Upgrading of facilities to improve their operational capacity, e.g.,

(1) Existing runway approach lighting installations,

(2) Conversion of VOR to VOR with TACAN, (VORTAC), and

(3) Conversion of ILS or MLS to Category II or III standards.

d. Demolition and removal of buildings and structures, except where they are of historic, archaeological or architectural significance as officially designated by Federal, state or local government.

e. Replacement or reconstruction of a structure or facility with a new one of substantially the same size and purpose, where location will be on the same site as the existing building/facility.

f. Water, sewage, electrical, gas or other utility extension of temporary duration to serve construction.

g. New gardening or landscaping, or the maintenance of existing landscape.

h. Accessory onsite structures including storage buildings, garages, small parking areas, and signs and fences.

i. Grading on land with a slope of less than 10 percent, except where located near waterways, in any wetland, in an officially designated (by Federal, state, or local government agency) scenic area, or in officially mapped areas of severe geologic hazard.

j. Filling of earth into previously excavated land with material compatible with the natural features of the site.

k. Minor trenching and backfilling where the surface is restored and the excavated material is protected against wash and runoffs during the construction period.

l. Replacement of power and control cables for facilities, such as ALS, Airport Surveillance Radar (ASR), ILS, and RTR.

m. Repairs and resurfacing of existing access to remote facilities such as ARSR, RCAG, RML, and VOR with TACAN (VORTAC).

n. Installation of equipment within a facility or on an airport that provides for modernization or enhancement of the service provided by that facility, such as ASR, Radar Bright Display Equipment (RBDE) with Plan View Displays (PVD), Direct Access Radar Channel (DARC), beacon system on an existing radar and test sets.

o. Installation of an MLS on a runway that has ILS equipment.

p. Aviation weather, aviation weather systems such as Automated Weather Observing System (AWOS), Runway Visual Range (RVR), and Low Level Wind Shear Alert System (LLWAS).

q. Wind and other weather instruments located on airports.

r. Installation of equipment on airports, such as Hygrothermometers.

s. Establishment or relocation of Flight Service Station (FSS).

t. Establishment or relocation of Runway End Identifier Lights (REIL) and Omnidirectional Airport Lighting System (ODALS).

* u. Installation of Visual Approach Slope Indicators (VASI's) or Precision Approach Path Indicators (PAPI's) on airports. *

v. Installation or replacement of engine generators or powerplants from 5KW to 175W used in emergencies when commercial power fails.

w. Construction of Remote Communications Outlet (RCO) to provide air-to-ground communication between pilots of general aviation aircraft and personnel in Flight Service Stations.

x. Construction of Remote Transmitter/Receiver (RT/R) facilities to supplement existing communications channels installed in the ATCT or FSS.

6. TIMING OF ENVIRONMENTAL PROCEDURES.

a. The environmental impact of proposed projects should be considered during the budgetary process. It is not necessary that EIS's or FONSI's be filed prior to budgeting for a given project. However, where significant, environmentally adverse project impacts are known or anticipated, the project justification should identify all pertinent factors to enable a determination of whether to include the project in the budget or to consider alternatives.

b. Environmental assessments should be initiated with the beginning of design or engineering effort for the project.

c. No Procurement Request for construction will be submitted to the Procurement Office for action until the EIS or FONSI, if required, has been completed and filed.

d. If the project requires acquisition of property interests, no formal contact with the property owner for the purpose of acquiring these interests, including any offer, should be made prior to filing a EIS or FONSI, except for:

- (1) Emergency situations;
- (2) Obtaining rights-of-entry for such purposes as preparation for site testing, obtaining data, property surveys, etc; and
- (3) Those cases where the review process indicates that the proposed site warrants further engineering study and requires an EIS. It assures the availability of the property pending the filing of the EIS. In this event, the DEIS should state that the FAA has entered into an option and the reason for the option; that alternate sites are being considered through the EIS process; and that a decision to exercise the option will not be made until completion of the review and filing of the EIS.

APPENDIX 2. SYSTEMS ENGINEERING SERVICE

1. GENERAL. This appendix sets forth environmental procedures to be used regarding research, engineering and development programs of FAA.

2. ENVIRONMENTAL RESPONSIBILITIES.

a. Establish environmental procedures and guidelines for National Airspace System programs, facilities, housing, and research/development activities.

b. Participate with other offices, services, and centers in the conduct of assessments and the preparation, processing, and evaluation of an EIS or FONSI for major actions involving;

(1) Development of systems with future cumulative, significant environmental impact;

(2) The inclusion into the National Airspace System of new equipment and techniques developed in RE&D programs.

c. Conduct periodic review of RE&D actions implementing this order;

d. Assure retention of documentation files by the organizational components having program or subprogram responsibility; and

e. Prepare and transmit to AEE a publicly available record which sets forth reasons for a determination that although an EIS may be required, its preparation is still premature and thus unnecessary. Such a record should be updated when significant new information becomes available.

3. ENVIRONMENTAL IMPACT STATEMENT OR FONSI. In determining whether RE&D programs and plans which have not been excluded require preparation of an assessment, EIS or FONSI, the following factors shall be considered:

a. The magnitude of Federal investment in the program;

b. The likelihood of widespread application of the technology;

c. The degree of environment impact which would occur if the technology were widely applied; and

d. The extent to which continued investment is likely to restrict future alternatives.

4. TIMING OF ENVIRONMENTAL PROCEDURES. An EIS or FONSI should be prepared late enough in the development cycle to contain meaningful information but early enough for analysis of environmental effects and alternative course of action to be significant inputs in the program decisionmaking process. An EIS or FONSI where required should be completed:

a. On or before completion of RE&D and before introduction into the National Airspace System.

b. Prior to, or with submission for comment to outside organizations of draft standards (RE&D products) or technical data packages per 9500.4; and

c. Prior to submission of draft Orders, Notices, Advisory Circulars to outside organizations for comment.

APPENDIX 3. AIR TRAFFIC1. ENVIRONMENTAL RESPONSIBILITIES.

a. Regional Offices. Responsibility for environmental assessment and preparation of EIS's and FONSI's may be delegated to field facilities or retained within the regional office, with assistance from the field facilities. Regional offices and field facilities shall provide input to an * environmental assessment when requested by Air Traffic (AAT), Air Traffic Operations Service (ATO), Air Traffic Plans and Requirements Service (ATR) or other services. *

b. Headquarters. The office originating the proposed systemwide action is responsible for making environmental assessments and preparing the FONSI's and EIS's. Input may be requested from regional offices and field facilities for an action originating within headquarters.

2. ENVIRONMENTAL IMPACT STATEMENT OR FINDINGS OF NO SIGNIFICANT IMPACT. After completion of the environmental assessment (including noise analyses), the responsible official will determine whether the proposed procedure will require an EIS or FONSI or is categorically excluded.

3. ACTIONS SUBJECT TO ENVIRONMENTAL ASSESSMENTS AND PROCEDURES. The following actions are subject to environmental assessment and preparation of an EIS or FONSI.

a. New or revised air traffic control procedures which routinely route air traffic over noise sensitive areas at less than 3,000 feet ABOVE GROUND LEVEL.

b. Special use airspace if the floor of the proposed area is below 3,000 feet ABOVE GROUND LEVEL or if supersonic flight is anticipated at any altitude. This airspace shall not be designated, established, or modified until:

(1) The notice (NPRM or non-rule circular) contains a statement supplied by the requesting or using agency that they will serve as lead agency for purposes of compliance with NEPA; (e.g., restricted airspace for military use);

(2) The notice contains the name and address, supplied by the requesting or using agency, of the office representing the agency to which comments on the environmental aspects can be addressed (applicable only if an EIS is to be filed by the requesting agency);

(3) The notice contains the name and address, supplied by the requesting or using agency, of the office representing the agency to which comments on any land use problems can be addressed (applicable only if special use airspace extends to the surface); and

(4) The rule, determination, or other publication of the airspace action contains a statement, supplied by the requesting agency, that the requirements of NEPA have been met.

c. The provisions of paragraph b. (1) through (4) are not applicable to special use airspace actions if minor adjustments are made such as raising the altitudes or if a change is made in the designation of the controlling or using agency.

4. CATEGORICALLY EXCLUDED ACTIONS.

* a. Determination under FAR Part 77, "Objects Affecting Navigable Airspace" and determinations under FAR Part 157, "Notice of Construction, Alteration, Activation and Deactivation of Airports." Determinations under Part 157 include helipads and heliports. *

b. Procedural actions to the extent covered by a previously filed EIS or FONSI, when environmental circumstances have not changed.

c. Actions taken under FAR Part 71, "Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points."

d. Actions taken under FAR Part 75, "Establishment of Jet Routes and Area High Routes"; FAR Part 99, "Security Control of Air Traffic"; FAR Part 101, "Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons"; and FAR Part 105, "Parachute Jumping."

* e. Establishment or modification of Terminal Control Areas (TCA), Terminal Radar Service Areas (TRSA), or Airport Radar Service Areas (ARSA). *

f. Procedural actions dictated by emergency determinations.

g. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and measurement of possible impacts on the environment.

h. New procedures that routinely route aircraft over non-noise sensitive areas.

i. Establishment of helicopter tracks that channel helicopter activity over major thoroughfares.

APPENDIX 4. AVIATION STANDARDS1. ENVIRONMENTAL RESPONSIBILITIES.

* a. As the responsible official under NEPA, the Aviation Standards Office Managers, Regional Division Managers, and/or staff shall implement the environmental assessment procedures, including developing an EIS or FONSI as appropriate. Normally, the district/field office responsible for the action is responsible for the environmental assessment. Regional Division Managers and staff will assist and monitor district/field offices activities in the accomplishment of environmental assessments. Regional Flight Standards and Aircraft Certification Divisions shall coordinate with and assist as necessary the airway facilities, air traffic, and airports division and others on those actions involving environmental impacts crossing division lines. The headquarters divisions, with assistance from the regions, will develop and coordinate FONSI actions for programs. *

b. Documentation, including the analysis of environmental factors, shall be retained in the project folder to substantiate the environmental assessment. This should be prepared for all projects not categorically excluded to support the decision that an EIS or FONSI will be prepared.

* c. In the Washington headquarters each EIS and FONSI pertaining to a regulatory project will be prepared for the signature of the appropriate Office Director and a concurrence signature from the Safety Regulations Division, APR-200. *

2. ENVIRONMENTAL IMPACT STATEMENT OR FINDINGS OF NO SIGNIFICANT IMPACT.

Environmental considerations of Aviation Standards actions require assessment of all relevant environmental factors. A decision as to whether the action's impact requires a FONSI or an EIS is based on the assessment.

3. ACTIONS SUBJECT TO ENVIRONMENTAL ASSESSMENT PROCEDURES.

The following Aviation Standards actions are subject to environmental procedures, analysis and a decision as to whether to prepare a FONSI or an EIS.

a. Aircraft Type Certificates. New, amended or supplemental aircraft types for which environmental regulations do not yet exist, or new, amended or supplemental engine types for which regulations do not yet exist, or where an environmental analysis has not yet been prepared in connection with regulatory action.

b. Aircraft/avionics maintenance bases to be operated by the FAA.

c. Regulations (and exemptions and waivers to regulations) which may affect the human environment.

Appendix 4

- d. Authorization to exceed Mach 1 Flight under FAR Part 91.55.
- * e. Issuance of an air carrier operating certificate, an operating certificate, the approval of operations specifications or amendments thereto that may significantly change the character of the operational environment of an airport. The person responsible for issuing the certificate or approving the operations specifications is also responsible for assuring the assessment is prepared. Thorough coordination among Flight Standards District Office personnel, the Regional Flight Standards Division and the Regional Noise Abatement Officer is essential. Coordination among regions is expected if actions cross regional boundaries.

Normally, the Flight Standards District Office personnel will collect from the operator the information necessary to prepare a noise analysis for an assessment. The type of information needed includes; airports, 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 which 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 address night operations, 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 Federal official will develop an operational assumption which includes night operations and which is otherwise consistent with the typical operations of similar carriers at similar airports. This operational assumption will be used in the environmental assessment after coordination with the affected air carrier. If the air carrier objects to the use of this operational assumption in the assessment, the carrier may specify that a lesser level of operations be used in the assessment, 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 assessment. In this situation the assessment shall state 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 for any additional required information. District Office personnel will coordinate, as necessary, any activity with the operator. The certificate will not be issued or the operations specifications approved until all issues and questions associated with the EIS are fully resolved and the Regional Director has concurred with the issuance or approval. No decision on the proposed action can be made until 90 days after EPA has published a notice in the Federal Register for a draft EIS or 30 days after publication of the notice for a final EIS.

Normally, the following situations will require the preparation of an environmental assessment.

* (1) Approval of operations specifications authorizing an operator to use turbojet airplanes for scheduled passenger service into an airport when that airport has not previously been serviced by any scheduled passenger turbojet airplanes.

(2) Approval of operations specifications authorizing an operator to use the Concorde for any scheduled/nonscheduled service into an airport, unless an environmental assessment for such service has been prepared previously.

Note: An assessment could be required, depending upon the situation, for issuance of an air carrier operating certificate or approval of operations specification when a commuter upgrades to turbojet equipment. *

f. New Instrument Approach Procedures, Departure Procedures, En Route Procedures, and Modifications to currently approved instrument procedures which are conducted below 3,000 feet ABOVE GROUND LEVEL (AGL) and which will tend to increase noise over noise sensitive areas. This requires consideration of those operations that will be routinely routed over noise sensitive areas and includes residential neighborhoods; education, health, and religious sites; and cultural, historic, and recreation areas. A significant increase in noise is based on reduction of distance between aircraft and noise sensitive areas of more than 20 percent.

4. CATEGORICALLY EXCLUDED ACTIONS.

a. Certificates for new, amended or supplemental aircraft types that meet environmental regulations or new, amended or supplemental engine types that meet emission regulations, or new, amended or supplemental engine types that have been excluded by the EPA; medical, airmen, export, manned free balloon type, glider type, propeller type, supplemental type not affecting noise, emission or waste; mechanic schools, agricultural aircraft operations, repair stations and other air agency ratings;

b. Special flight authorization controlled by operating limitations, FAR sections 21.193, 21.199, 91.29, 91.42, and 91.45.

c. All delegations of authority under section 314 of the FAA Act (49 U.S.C. 1301), e.g., designated examiners and engineering representatives.

d. Approvals of aircraft and engine repairs, parts, and alterations not affecting noise, emissions, or wastes.

e. Aircraft and engine certifications or approvals under regulations which have been covered by prior EIS's or FONSI's provided there have been no significant changes in circumstances.

f. Acoustic change actions that demonstrate compliance with FAR Part 36.

* g. Issuance of Airworthiness Directives (ADs). *

Appendix 4

* h. Operating specifications and amendments thereto which do not significantly change the operating environment of the airport. 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 it requests an amended operations specification on a scheduled basis. (See para. 3e(4) for the Concorde.) *

1. Regulatory documents which cover administrative or procedural requirements.

j. Regulations, standards, and exemptions (excluding those which if implemented may cause a significant impact on the human environment).

k. Instrument Approach Procedures, Departure Procedures and En Route Procedures conducted at 3,000 feet or more ABOVE GROUND LEVEL (AGL); Instrument Procedures conducted below 3,000 AGL which do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved instrument procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas, and increases minimum altitudes and landing minima. Noise sensitive areas may include residential neighborhoods, educational, health, and religious sites, and cultural, historic and outdoor recreational areas. A significant increase in noise is based on a reduction of distance between aircraft and noise sensitive areas of more than 20 percent.

1. Denials of: (1) a petition for exemption; (2) a petition for reconsideration of a denial of exemption; (3) a petition for rulemaking; (4) a petition for reconsideration of a denial of a petition for rulemaking; (5) exemptions to Technical Standard Orders (TSOs) when they are routine in nature and have no significant environmental impact.

m. Ongoing actions which are categorically excluded or actions for which FONSI's have been prepared, normally, need only documentation in the project folder that the action is not subject to further environmental consideration. However, should it be determined that a particular action in the above category has a significant impact on the quality of the human environment, an EIS will be required.

5. TIMING OF ENVIRONMENTAL PROCEDURES. Environmental assessments shall be initiated along with technical, economic and operation considerations, and at the earliest practical point in time. The EIS or FONSI shall be filed prior to action; for example, in the case of certificates, prior to issuance.

APPENDIX 5. LOGISTICS1. ENVIRONMENTAL RESPONSIBILITIES.

a. Logistics programs, while basically a service function in support of agency needs or actions initiated by other FAA elements, are subject to the procedures and guidance of this order. The Logistics Service shall ensure the filing of the EIS or FONSI prior to land acquisition and construction, per Appendix 5, paragraph 3. This section delineates the responsibilities of the Acquisition and Materiel Service (ALG) in processing proposed FAA actions and the categories of actions initiated in ALG which require an EIS or FONSI and those which are categorically excluded.

b. Through the negotiations and procurement processing of actions proposed by agency elements, ALG is responsible for:

(1) Converting commitments contained in an EIS or FONSI into contract clauses applicable to completed products, contractor's facilities, performance of services, and land acquisition documents.

(2) Negotiating the cost and application of environmental requirements in contracts.

(3) Assuring through inspection and review that the contractor meets environmental requirements in the contract, and administering any penalty provisions as provided in applicable contract clauses.

(4) Assuring that leases, loans, agreements, permits, easements, and any instrument negotiated with respect to donations, condemnations, purchases, or improvements involving real or personal property, and all utility or service contracts, conform with established environmental standards and incorporate pertinent terms relative thereto.

(5) Assuring that no solicitation for bids or proposals for construction, or contact with property owners for the purpose of initiating negotiations to acquire land shall be made prior to filing an EIS or FONSI, except as provided in Appendix 1, paragraph 6d.

2. ENVIRONMENTAL IMPACT STATEMENTS OR FONSI. The environmental considerations of ALG actions shall be documented in an EIS or FONSI. An environmental assessment shall be developed along with design or specifications to determine whether the action requires an EIS or FONSI.

3. ACTIONS SUBJECT TO ENVIRONMENTAL ASSESSMENTS AND PROCEDURES. The acquisition of land for and the construction of new office buildings is subject to environmental procedures, assessment and a decision as to whether its impact requires an FONSI or EIS with Materiel Management Division, ALG-200 which is responsible for these environmental procedures.

4. CATEGORICALLY EXCLUDED ACTIONS.

a. Motor Fleet Management (purchase of new motor vehicles) where such vehicles are obtained from General Services Administration (GSA) under a lease arrangement or through a direct purchase as part of a national buy.

b. Use of space in buildings which are constructed for or controlled by GSA.

c. Leases of space in existing buildings.

d. Lease of space for a firm-term of 1 year or less.

e. Lease of land for a firm-term of 1 year or less.

f. Purchase of land or easements for existing operational facilities.

g. Purchase of three acres or less of land and associated easements and rights-of-way for new facilities.

APPENDIX 6. AIRPORTS

1. EXPLANATION. FAA Airports Program personnel, airport sponsors, and others involved in airport actions are directed to FAA Order 5050.4, Airport Environmental Handbook. FAA Order 5050.4 is a self-contained document which includes the policies and procedures of FAA Order 1050.1D, descriptions of the types of airport actions which require an environmental assessment and subsequent EIS or FONSI and those which are categorically excluded, and detailed information on the form and content of environmental documents. Compliance with FAA Order 5050.4 constitutes compliance with FAA Order 1050.1D for airport actions.

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APPENDIX 7. ENVIRONMENT AND ENERGY

1. ENVIRONMENTAL RESPONSIBILITIES. The Office of Environment and Energy (AEE) is the focal point for all aviation-related environmental and energy programs within the agency. The Office of Environment and Energy is responsible for noise and aircraft emissions rulemaking and for establishing agency policies in these areas. Also, the Office of Environment and Energy provides environmental assessment guidance to all regions, offices, services and other subunits of the agency, other Federal agencies and State and local organizations. In addition, the Office of Environment and Energy is responsible for the organization mission of three divisions: Noise, Energy, and Air Quality.

a. Noise Division. Is the principal element of the office for the development of aviation-related environmental noise standards; for evolving and conducting operational noise monitoring; and for formulating long-range objectives and priorities for aircraft noise and sonic boom research and development programs.

b. Energy Division. Is the principal element of the office for the development of aviation-related energy conservation programs; for developing and formulating long-range objectives and priorities for research and development in aviation-related energy-efficient efforts.

c. Air Quality Division. Is the principal element of the office for the development of aviation-related programs to control atmospheric pollution; for the development and formulation of long-range objectives and priorities for research and development to maintain air quality; for the management of the low and high altitude pollution programs; and for the provision of a focal point for problems concerning the cabin environment, including radiation hazards.

2. ENVIRONMENTAL IMPACT STATEMENT OR FONSI. The environmental considerations of AEE actions shall be documented in an EIS or FONSI as appropriate.

3. ACTIONS SUBJECT TO ENVIRONMENTAL ASSESSMENTS AND PROCEDURES. The following AEE actions are subject to environmental analysis and a decision as to whether to prepare an EIS or FONSI.

a. Rules, regulations, Grant of Exemptions, orders, advisories, or directives which may result in significant impact on the human environment.

b. Statements of Policy, the execution of which could result in a significant impact on the human environment.

4. CATEGORICALLY EXCLUDED ACTIONS. The following are excluded actions for the reasons given:

a. All FAA actions to insure compliance with the EPA aircraft emissions standards are excluded. EPA has performed all required environmental analyses prior to the issuance of their aircraft emissions standards.

b. FAA grants service to small communities' exemptions for two-engine airplanes.