

**CHANGE**

**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

**Air Traffic Organization Policy**

**JO 7400.2R  
CHG 2**

**Effective Date:**  
January 22, 2026

**SUBJ:** Procedures for Handling Airspace Matters

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**1. Purpose of This Change.** This change transmits revised pages to Federal Aviation Administration Order JO 7400.2R, Procedures for Handling Airspace Matters.

**2. Audience.** This change applies to all Air Traffic Organization (ATO) personnel and anyone using ATO directives. This order also applies to all regional, service area, and field organizational elements involved in rulemaking and nonrulemaking actions associated with airspace allocation and utilization, obstruction evaluation, obstruction marking and lighting, airport airspace analysis, and the management of air navigation aids.

**3. Where Can I Find This Change?** This change is available on the FAA website at [https://www.faa.gov/air\\_traffic/publications](https://www.faa.gov/air_traffic/publications) and [https://employees.faa.gov/tools\\_resources/orders\\_notices](https://employees.faa.gov/tools_resources/orders_notices).

**4. Explanation of Policy Change.** See the Explanation of Changes attachment that has editorial corrections and changes submitted through normal procedures.

**5. Distribution.** This change is distributed electronically to all who subscribe to receive email notification through the FAA's website. All organizations are responsible for viewing, downloading, and subscribing to receive email notifications when changes occur to this order. Subscriptions to air traffic directives can be made through the Air Traffic Plans and Publications website at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/) or directly via the following link: [https://public.govdelivery.com/accounts/USAFAA/subscriber/new?topic\\_id=USAFAA\\_39](https://public.govdelivery.com/accounts/USAFAA/subscriber/new?topic_id=USAFAA_39).

**6. Disposition of Transmittal.** Retain this transmittal until superseded by a new basic order.

**7. Page Control Chart.** See the page control chart attachment.

**JON M  
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Distribution: Electronic

Initiated By: AJV-0  
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## Explanation of Changes

### Change 2

**Direct questions through appropriate facility/service center office staff  
to the Office of Primary Interest (OPI).**

**a. 21–2–4. TIME OF DESIGNATION (RULEMAKING SUA) / TIMES OF USE (NON-RULEMAKING SUA)**

**21–2–7. SUA LEGAL DESCRIPTION AMENDMENTS**

This change clarifies the times associated with using the 24-hour clock as the day begins at 0000 and ends at 2359 when determining specific hours in the time of designation/times of use information published in SUA descriptions. Associated TBL 21–2–1, Examples of Special Use Airspace Legal Descriptions, is also updated.

**b. 32–1–5 RESPONSIBILITIES**

**32–2–1 THE PROCESS**

This change more clearly defines the maintenance actions as being initiated by AJV–A and designated Non-FAA Service Providers rather than AFS that only provides oversight of such maintenance actions.

**c. 32–2–1. THE PROCESS**

**32–3–1. ENVIRONMENTAL IMPACT CATEGORIES TO BE INCLUDED IN ANALYSIS**

**32–3–2. ENVIRONMENTAL IMPACT CATEGORIES EXCLUDED FROM ANALYSIS**

**32–4–3. ENVIRONMENTAL JUSTICE (TITLE VI/NEPA)**

This change removes the mention of greenhouse gas emissions and environmental justice analysis to bring this order into compliance with the January 29, 2025, Office of the Secretary of Transportation (OST) memo with the subject “Implementation of Executive Orders Addressing Energy, Climate Change, Diversity, and Gender.”

**d. 32–2–2. ENVIRONMENTAL REVIEW OF FLIGHT PROCEDURES AND OTHER AIR TRAFFIC ACTIONS**

This change provides new text in Chapter 32 that instructs Service Center Environmental Specialists on how canceled flight procedures should be reviewed for environmental impacts in accordance with this Chapter, and under the National Environmental Policy Act and FAA Order 1050.1G (FAA National Environmental Policy Act Implementing Procedures).

**e. Editorial Changes**

Editorial changes include adding “regional/” to subparagraph 2–4–3a to be consistent with subparagraph 2–4–3c; a universal editorial change to update terms from the National Aeronautical Charting office to FAA’s Aeronautical Information Services (AIS) and updating National Flight Data Center (NFDC) for its replacement AIS, and the term AeroNav Products is removed for the term AIS; updating references to FAA Order 1050.1 (which used an outdated title of the order) in paragraphs 21–1–9 and 24–2–3; and fixing a broken reference in subparagraph 32–1–5f1(b).

**f. Entire Publication**

Additional editorial/format changes were made where necessary. Revision bars were not used because of the insignificant nature of these changes.



**FAA Order JO 7400.2R**  
**Change 2**  
**Page Control Chart**  
**January 22, 2026**

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# Order JO 7400.2R

## Procedures for Handling Airspace Matters

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## Section 4. Processing Nonrulemaking Airspace Actions

### 2-4-1. PURPOSE

This section prescribes the procedures to be followed when establishing, modifying, or revoking nonrulemaking airspace.

### 2-4-2. IDENTIFICATION

Nonrulemaking cases are identified by a study number. The study number includes the last two digits of the calendar year, the appropriate FAA regional or airports office abbreviation that the action falls within, a consecutively assigned number within each calendar year, and either an “NR” (nonrulemaking), “NRA” (nonrulemaking airport), or “OE” (obstruction evaluation) suffix as appropriate.

#### **EXAMPLE-**

1. 21-AWP-1-NR for studies involving navigational aids and nonrulemaking Special Use Airspace (SUA) cases (i.e., Alert Areas, Controlled Firing Areas, MOAs, and Warning Areas).
2. 21-ASO-1-NRA for studies involving airports.
3. 21-AGL-1-OE for studies involving surface structures not located on public-use airports
4. 21-ORL-1-NRA for studies processed by an airports district office.

### 2-4-3. CIRCULARIZATION

a. Except for NRA airspace proposals, nonrulemaking airspace proposals must be circularized by the regional/service area office unless procedures for processing those types of proposals allow exemptions to circularization. Each notice must contain a complete, detailed description of the proposal including charts, if appropriate, to assist interested persons in preparing comments. Circularization lists must include, but not be limited to, all known aviation interested persons and groups such as the state aviation agencies; Service Center military representatives; national and local offices of aviation organizations; local flight schools, local airport owners, managers, and fixed base operators; and local air taxi and charter flight offices. In order to ensure the widest public participation, service centers should consider all available communication alternatives for distributing circulars and receiving comments (for example, email, fax, etc.). Normally, a 45-day comment period should be provided. Other parts in this order contain additional guidance regarding circularization.

b. Discuss in the nonrulemaking circular any regulatory changes (for example, part 71, part 73) that might be affected if the nonrulemaking proposal is adopted. Describe the regulatory changes in as much detail as is known at the time.

c. Regional/service area offices must coordinate with their respective state aviation representatives to ascertain which nonrulemaking circulars each state is interested in receiving. If various agencies within a state government request copies of particular circulars, the regional/service area office may request that one agency be designated to receive and distribute the requested copies.

d. Send one copy of each SUA nonrulemaking circular to the Rules and Regulations Group.

e. Except for Class B and Class C airspace actions, when a nonrulemaking action is associated with a rulemaking action, the nonrulemaking proposal may be included in the NPRM, and a separate nonrulemaking circular is not required. The NPRM will satisfy the circularization requirement and present the full scope of both the rulemaking and nonrulemaking proposal.

### 2-4-4. CIRCULARIZATION DOCUMENTATION

All notices of aeronautical studies, informal airspace meetings, and determinations issued for obstruction evaluation and airport airspace analysis studies require certificates of mailing. The certificate must be recorded in each case file as follows:

AERONAUTICAL STUDY [NUMBER]

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT A COPY OF THE ATTACHED [notice/determination] WAS MAILED TO EACH OF THE ADDRESSEES LISTED ON THE ATTACHED [mailing list/distribution list number] THIS [date] DAY OF [month/year].

SIGNED: [specialist/mail clerk/etc.]

## **2-4-5. SUBMISSION OF NONRULEMAKING SUA CASES TO RULES AND REGULATIONS GROUP**

a. After the circular public comment period ends, the OSG must analyze all comments received and coordinate with the concerned ATC facility to develop a response to the issues raised by the comments, and determine if the proposal should be modified as a result of the comments. Coordinate with the appropriate Service Center military representative to discuss possible mitigations or changes based on the comments. If significant changes are made to what was circularized, it may be necessary to recircularize the proposal for additional public comment.

b. After considering all pertinent information, the OSG and the ATC facility will determine whether the proposal should be forwarded for approval or disapproved. If the action is to be disapproved, the OSG will comply with the guidance in Paragraph 21-5-6, Disapproval of Proposals, of this Order.

c. Within 90 days after the circular comment period closing, the OSG Manager will submit a memorandum to the Rules and Regulations Group Manager with either a recommendation to approve, or a status update on the proposal. Include the following information in the memorandum:

1. A discussion of each issue raised by the comments and how it was resolved or addressed.
2. The final version of the airspace description (including a revised chart, if applicable).
3. The requested airspace effective date.

4. Copies of public comments received and any additional information that should be considered by the Rules and Regulations Group.

## **2-4-6. EFFECTIVE DATE OF NONRULEMAKING ACTIONS**

Nonrulemaking actions must be made effective at 0901 UTC and must coincide with the 56-day en route charting dates published in FAA Order 8260.26, Appendix A. Exceptions are as follows:

- a. Safety or national interest actions that require an earlier effective time or date.
- b. Editorial changes.
- c. Actions that lessen the burden on the public (for example, revocation of special use airspace).

d. To the extent practical, consider making the nonrulemaking SUA effective on a sectional chart date that matches the 56-day en route charting dates.

## **2-4-7. PUBLICATION OF NONRULEMAKING ACTIONS**

Nonrulemaking actions must be published in the National Flight Data Digest (NFDD) on or before the applicable charting cutoff date.

### **REFERENCE-**

FAA Order 8260.26, Appendix A.

# Part 5. Special Use Airspace

## Chapter 21. General

### Section 1. Policy

#### 21-1-1. PURPOSE

The primary purpose of the Special Use Airspace (SUA) program is to establish/designate airspace in the interest of national defense, security, or interest. Charted SUA identifies to other airspace users where these activities occur.

**NOTE–**

*SUA is not intended to benefit an individual or commercial operator over the public's right of transit through the navigable airspace.*

#### 21-1-2. SCOPE

In addition to the policy guidelines and procedures detailed in Part 1 of this order, this part prescribes specific policies and procedures for handling SUA cases.

#### 21-1-3. DEFINITION AND TYPES

a. SUA is airspace of defined dimensions wherein activities must be confined because of their nature, or wherein limitations may be imposed upon aircraft operations that are not a part of those activities, or both.

b. The types of SUA areas are Prohibited Area, Restricted Area, Military Operations Area (MOA), Warning Area, Alert Area, Controlled Firing Area (CFA), and National Security Area (NSA).

**NOTE–**

1. *Air Traffic Control Assigned Airspace (ATCAAs) below FL 180, and Altitude Reservations (ALTRVs) must not be used as a substitute for SUA when conducting activities for which a SUA is designed to contain.*

2. *Since ATCAAs and ALTRVs are not depicted on aeronautical charts, they do not inform the flying public of the location of the activity as is provided by charted SUA.*

3. *Additionally, ATCAAs and ALTRVs are not to be used as an interim solution while a SUA proposal is pending.*

#### 21-1-4. CATEGORIES

There are two categories of SUA: regulatory (rulemaking) and other than regulatory (nonrulemaking). Prohibited Areas and Restricted Areas are rulemaking actions that are designated by amendment to part 73. MOAs, Warning Areas, Alert Areas, and NSAs are implemented by nonrulemaking action published in a National Flight Data Digest (NFDD). CFAs are implemented by nonrulemaking action published in an approval letter by the Operations Support Group (OSG).

#### 21-1-5. SUA APPROVAL AUTHORITY

FAA Headquarters is the final approval authority for all permanent and temporary SUA, except CFAs. CFA approval authority is delegated to the Service Center OSG. The Service Center OSG must forward SUA proposals recommended for approval (except CFA) to FAA Headquarters for a final determination.

**NOTE–**

*Final approval of Warning Areas requires consultation with other agencies per Executive Order 10854. Warning Area*

*proposals, except for controlling/using agency changes or minor editorial corrections, must be coordinated with the Department of State and the Department of Defense for concurrence. The Rules and Regulations Group, AJV-P2, is responsible for accomplishing this coordination.*

#### **21-1-6. MINIMUM VOLUME AND TIMES**

The dimensions and time of designation/times of use of SUA must be the minimum required for containing the proposed activities, including safety zones required by the proponent. When it is determined that a specified SUA area is no longer required, the using agency, or their appropriate headquarters authority, must inform the Service Center OSG that action may be initiated to remove and return the SUA airspace to the NAS.

#### **21-1-7. OPTIMUM USE OF AIRSPACE**

a. To ensure the optimum use of airspace, military using agencies must, where mission requirements permit, make their assigned SUA available for the activities of other military units on a shared-use basis.

b. SUA should be located to impose minimum impact on nonparticipating aircraft and ATC operations, with consideration of the proponent's requirements. To the extent practical, SUA should avoid Air Traffic Service routes, major terminal areas, and known high volume VFR routes.

c. Large SUA areas should be subdivided, where feasible, in order to facilitate the real-time release of the airspace when activation of the entire area is not required by the using agency.

#### **21-1-8. JOINT-USE POLICY**

a. SUA must be returned to the controlling agency and become available for access by nonparticipating aircraft during periods when the airspace is not needed by the using agency for its designated purpose.

b. Restricted areas, warning areas, and MOAs must be designated as joint-use unless it is demonstrated that this would result in negative impacts to the using agency's mission. For certain SUA areas, joint-use may be impractical because of the area's small size, geographic location, or high level of use. In these cases, the airspace proposal package must include specific justification addressing why joint-use is not appropriate.

c. Joint-use does not apply to prohibited areas. Alert areas and CFAs are joint-use by design because nonparticipating aircraft may transit these areas without limitation.

d. Joint-use procedures must be specified in a joint-use Letter of Agreement (LOA) or Letter of Procedure (LOP) between the using agency and the controlling agency. These letters should include provisions for the real-time activation/deactivation of the airspace and timely notification to the controlling agency when the scheduled activity has changed, been canceled, or was completed for the day.

#### **21-1-9. ENVIRONMENTAL ANALYSIS**

a. SUA actions are subject to environmental impact analysis in accordance with the National Environmental Policy Act of 1969 (NEPA). Guidance for the environmental analysis of SUA proposals is contained in FAA Order 1050.1; Chapter 32 of this order; other relevant FAA directives; and the Memorandum of Understanding between the Federal Aviation Administration and the Department of Defense for Environmental Review of Special Use Airspace Actions at Appendix 7 of Chapter 32 of this order. All environmental impact analyses and reviews must be coordinated with the airspace specialist and the environmental specialist of the appropriate Service Center OSG to ensure that SUA using agencies' environmental impact review and documentation are consistent with known regulations, proposals, and applicable studies.

b. Advisory Actions. Designation of alert areas and warning areas are considered advisory actions under FAA Order 1050.1. Actions of this type are not considered major Federal actions under NEPA, and NEPA review is therefore not required.

c. Categorical Exclusions. The following SUA actions are categorically excluded, provided it is determined that no extraordinary circumstances, as specified in FAA Order 1050.1, exist:

1. Actions to return all or part of SUA to the NAS, such as revocation of airspace, a decrease in dimensions, or a reduction in times of use (e.g., from continuous to intermittent, or use by a NOTAM).
2. Modification of the technical description of SUA that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors).
3. Designation of CFAs.
4. Actions to increase the altitude of SUA.

## **21-1-10. CONTROLLING AGENCY**

The controlling agency is the FAA ATC facility that exercises control of the airspace when a SUA area is not activated. A military ATC facility may be assigned as the controlling agency, subject to the concurrence of the Service Center OSG and the concerned ARTCC. A controlling agency must be designated for each joint-use SUA area.

## **21-1-11. USING AGENCY**

- a. The using agency is the organization, or military command/unit whose activity established the requirement for the SUA. The using agency is responsible for ensuring that:
  1. The airspace is used only for its designated purpose.
  2. Scheduling procedures are established, utilized, and captured in an LOA/LOP.
  3. The controlling agency is kept informed of changes in scheduled activity, to include the completion of activities for the day.
  4. A point of contact is made available to enable the controlling agency to verify schedules, and coordinate access for emergencies, weather diversions, etc.

### **REFERENCE-**

*FAA Order JO 7400.2, Para 21-1-6, Using Agency.*

### **REFERENCE-**

*FAA Order JO 7610.14, Chapter 3, Military Exercise Planning.*

- b. Restricted area and MOA using agencies are responsible for submitting Restricted Area/MOA Annual Utilization Reports in accordance with Section 7 of this chapter.
- c. An ATC facility may be designated as the using agency for joint-use areas when that facility has been granted priority for use of the airspace in a joint-use LOA/LOP.

## **21-1-12. WAIVERS**

The establishment of SUA does not, in itself, waive compliance with any part of the Code of Federal Regulations. DoD has been granted a number of waivers, exemptions, and authorizations to accomplish specific missions. Information about current waivers, exemptions, and authorizations granted for military operations may be obtained from FAA Headquarters, Rules and Regulations Group, or the Office of Rulemaking (ARM).

## **21-1-13. PUBLIC NOTICE PROCEDURES**

Public notice procedures invite the public to comment on the impact of SUA proposals on the safe and efficient use of the navigable airspace. In addition to the public notice procedures described in Chapter 2 of this order, SUA proposals are subject to the following:

- a. All nonregulatory SUA proposals must be circularized, and an NPRM must be issued for all regulatory SUA proposals, except for those actions that clearly have no impact on aviation and are not controversial. A nonrulemaking circular or NPRM is not normally required for the following types of proposals:

1. Changes to the using or controlling agency.
  2. Editorial changes to correct typographical errors.
  3. Internal subdivision of an existing area to enhance real-time use of the SUA (provided there is no expansion of the existing external boundaries).
  4. Actions that lessen the burden on the flying public by revoking the SUA areas or reducing the size or times of use of SUA.
- b. SUA nonrulemaking circulars are prepared and distributed by the Service Center OSG. FAA Headquarters prepares SUA NPRMs. Normally, circulars and NPRMs provide a minimum of 45 days for public comment.
- c. When comments or coordination show that the proposal may be controversial, or there is a need to obtain additional information relevant to the proposal, an informal airspace meeting may be considered (see Chapter 2 of this order).

## 21-1-14. SUA NONRULEMAKING CIRCULARS

- a. Prepare and distribute SUA nonrulemaking circulars as specified in Chapter 2 of this order and the additional requirements in this paragraph. Ensure wide dissemination to the potentially affected aviation user community within 50 NM (recommended) of the affected airspace. Send one copy of each SUA circular to the Rules and Regulations Group, AJV-P2, and to the appropriate Service Center OSG military representative(s).
- b. **CONTENT** – Circulars should contain sufficient information to assist interested persons in preparing comments on the aeronautical impact of the proposal. SUA circulars should only address SUA areas and include:
1. A brief narrative that:
    - (a) Describes the purpose of the proposed airspace, the types of activities to be conducted, and the expected frequency of those activities. If the proposal modifies existing SUA, describe the changes and explain the desired result. For temporary MOA proposals, include a brief summary of the planned exercise or mission scenario.
    - (b) Discusses measures planned to minimize impact on nonparticipating aircraft, such as airport exclusions, joint-use procedures, limited activation times, etc. If there are known plans to provide real time area status information and/or traffic advisory services for nonparticipating pilots, include that information in the circular.
  2. A complete description of the proposed area consisting of boundaries, altitudes, times of use, controlling agency, and using agency.
  3. A copy of a sectional aeronautical chart depicting the boundaries of the proposed area.
  4. The name and address (provided by the proponent) of the person to whom comments on the environmental and land-use aspects of the proposal may be submitted.

### **NOTE–**

*Do not include statements in the circular that certify NEPA compliance or state that environmental studies are complete. The proponent and/or FAA must consider any environmental issues raised in response to the circular before a final determination is made on the proposal.*

5. The issue date of the circular and the specific date that the comment period ends. Provide at least 45-days for public comment.

### **NOTE–**

*When selecting the comment closing date, consider the time needed for the preparation, printing and release of the circular, plus a representative mailing time, in order to afford the public at least 45 days to submit comments.*

- c. **SPECIAL DISTRIBUTION** – In addition to the distribution requirements in Chapter 2 of this order, send copies of SUA nonrulemaking circulars to:

1. State transportation, aviation, and environmental departments (or the state clearing house if requested by the state).
2. Local government authorities, civic organizations, interest groups, or individuals that may not have an aeronautical interest, but are expected to become involved in a specific proposal.
3. Persons or organizations that have requested to be added to the circularization list.

**NOTE–**

1. *The Service Center OSG determines additional distribution requirements in accordance with Service Center OSG policies after considering the type of proposal, potential for controversy, and extent of possible aeronautical impact.*
2. *If the proposed airspace overlaps service area geographical boundaries or airspace jurisdictions, the lead Service Center OSG must coordinate with the affected adjacent Service Center OSG to ensure distribution of circulars to all appropriate parties.*

**21–1–15. CHARTING AND PUBLICATION REQUIREMENTS**

- a. All SUA areas except CFAs, temporary MOAs, and temporary restricted areas, must be depicted on aeronautical charts, and published as required in aeronautical publications.
- b. Approved SUA actions normally become effective on the 56-day charting dates published in FAA Order 8260.26, Appendix A.

**EXCEPTION–**

*Effective dates for temporary restricted areas, temporary MOAs, and CFAs are determined by exercise start dates/mission requirements instead of the 56-day charting dates.*

- c. Temporary areas must be described in the Domestic Notices found in the Federal NOTAM System (FNS) External Links or the Air Traffic Plans and Publications website. Normally, issuance of the graphic notice will begin two issues prior to the exercise start date and will continue through completion of the exercise. The notice must include the area's legal description, effective dates, and a chart depicting the area boundaries. For large exercises, a brief narrative describing the exercise scenario, activities, numbers and types of aircraft involved, and the availability of in-flight activity status information for nonparticipating pilots should be included.

**NOTE–**

*The Service Center OSG must submit temporary SUA Domestic Notice information, along with the airspace proposal package, to the Rules and Regulations Group, AJV–P2, by the dates specified in the appropriate chapter of this order. All graphics submitted must be of high quality and in camera ready form. The Rules and Regulations Group, AJV–P2, will process and submit the Domestic Notice to Publications and Administration, AJV–P12 for download into the Domestic Notices found in the Federal NOTAM System (FNS) External Links or the Air Traffic Plans and Publications website.*

- d. When a SUA action becomes effective before it appears on the affected sectional chart(s), a description and map of the area will be presented in the Domestic Notices found in the Federal NOTAM System (FNS) External Links or the Air Traffic Plans and Publications website. This information will be carried in the Domestic Notices until the change has appeared on the affected sectional chart(s). The Rules and Regulations Group, AJV–P2, is responsible for complying with this requirement.

**NOTE–**

*Minor editorial corrections to a SUA description or changes to the using or controlling agencies will not be published in the Domestic Notices.*

**21–1–16. CERTIFICATION OF SUA GEOGRAPHIC POSITIONAL DATA**

- a. Geographic positional data for all permanent and temporary SUA boundaries, except CFAs, must be certified for accuracy by the AIS. The Rules and Regulations Group, AJV–P2, is responsible for submitting proposed positional data to AIS for certification. Latitude and longitude positions used in SUA descriptions must be based on North American Datum 83 (NAD 83).
- b. The Rules and Regulations Group, AJV–P2, must forward any corrections or recommended changes made by AIS to the Service Center OSG. The Service Center OSG will forward the AIS recommended changes to the

Service Center OSG military representative(s), or civil proponent, for review. The Service Center OSG military representative(s)/civil proponent will inform the Service Center OSG of its concurrence with the AIS recommended changes or reason for nonconcurrence. The Service Center OSG will advise the Rules and Regulations Group, AJV-P2, of the proponent's concurrence or nonconcurrence and rationale. A record of this coordination must be retained in the airspace docket or nonrulemaking study file.

#### **21-1-17. LEAD SERVICE CENTER**

**a.** The Service Center OSG that is responsible for the geographical area containing the affected airspace processes the SUA proposal. When a proposal overlaps Service Center geographical jurisdictions, the concerned Service Centers must coordinate to determine which office will serve as the lead Service Center for processing the proposal. Coordination between both Service Centers is also required when the SUA airspace and the using agency/controlling agency are under the jurisdiction of different Service Centers.

**b.** The lead Service Center OSG must ensure that:

**1.** All affected ATC facilities review the proposal and provide input to the aeronautical study, as required.

**2.** Distribution of nonrulemaking circulars include interested parties in each Service Center OSG jurisdiction, as necessary.

**c.** The airspace package(s) submitted to the Rules and Regulations Group, AJV-P2, include documentation confirming Service Center OSG coordination.

## Section 2. SUA Legal Descriptions

### 21-2-1. GENERAL

a. The legal description is the official airspace definition used for NAS database and charting purposes. This section provides guidelines and formats for preparing SUA legal descriptions. See TBL 21-2-1 for examples of regulatory and nonregulatory SUA legal descriptions.

b. All bearings and radials used in SUA legal descriptions are true from point of origin.

c. Mileages used in SUA legal descriptions must be expressed in nautical miles (NM).

d. Descriptions of approved SUA, except temporary areas and CFAs, are compiled and published once a year in FAA Order JO 7400.10, Special Use Airspace. Updates to the order are not published between editions and the descriptions are considered current only as of the date specified in the order. For this reason, FAA Order JO 7400.10 should be used as a general reference only and should not be relied upon as a sole source when accurate positional data are needed (e.g., video maps, letters of agreement, etc.). For up-to-date descriptions of SUA areas, contact the Rules and Regulations Group, AJV-P2 or AIS.

### 21-2-2. BOUNDARIES

a. SUA boundaries are normally defined by geographic (latitude/longitude) coordinates. All coordinates must be expressed in a “degrees, minutes, and seconds” format using whole numbers. Do not convert seconds to tenths of minutes. To reflect “zero” minutes or “zero” seconds, enter 00’ or 00” respectively. See TBL 21-2-1 for examples.

b. Other methods may be used to define boundaries, if necessary, to simplify the description, such as defining the boundaries by reference to a NAVAID radial/DME or NAVAID arc.

c. To aid pilots in area identification, boundaries may be aligned along a prominent terrain feature, such as rivers, highways, railroad tracks, etc., provided the feature is clearly discernable from the air.

d. Except for temporary SUA areas, boundaries must not be described as “along the boundary” of another designated airspace area.

e. Consider subdividing SUA areas laterally to enhance joint-use of the airspace.

### 21-2-3. ALTITUDES

a. For SUA areas that contain aircraft operations exclusively, altitudes at or above 18,000 feet MSL must be expressed as flight levels (FL).

b. For SUA areas that contain other than aircraft operations, or a combination of aircraft and other than aircraft operations, altitudes at or above 18,000 feet MSL must be expressed in feet above MSL.

c. Where terrain considerations or other factors would make the use of an MSL altitude impractical, the floor of the area may be described in feet above ground level (AGL).

d. In describing SUA ceilings, unless otherwise specified in the description, the word “to” an altitude or flight level means “to and including” that altitude or flight level. If the upper vertical limit does not include the altitude or flight level, the ceiling must be stated as “to but not including” the altitude or flight level.

#### **NOTE—**

*Do not use the word “up” in the altitude information of SUA legal descriptions.*

e. Do not designate variable altitudes to describe the floor or the ceiling of an SUA area. When there is a requirement for the altitude of the floor or ceiling to change based on time of use, or geographic position within the SUA area, etc., the differing sections must be established as separate subdivisions.

**EXCEPTION–**

*The floor of an area may be described using a combination of MSL and AGL altitudes if necessary due to terrain or operational considerations. For example, “5,000 feet MSL or 3,000 feet AGL, whichever is higher.”*

f. In limited situations, and provided a specific operational requirement exists, the same altitude may be used to describe both the ceiling of one SUA subdivision and the floor of an overlying subdivision. In this case, the same ATC facility must be designated as the controlling agency for both subdivisions.

g. Consider subdividing SUA areas vertically to enhance joint–use of the airspace.

**21–2–4. TIME OF DESIGNATION (RULEMAKING SUA) / TIMES OF USE (NON-RULEMAKING SUA)**

a. The time of designation/times of use indicate the period during which the using agency is authorized to schedule and use a SUA area. The time of designation applies to SUA rulemaking and times of use applies to SUA non-rulemaking. These times should reflect when normal operations are expected to occur. In determining the times of use, the proponent should select the minimum period needed to meet the using agency’s requirements. The goal is to capture the majority of the day-to-day activities. When the using agency has a requirement for intermittent, less frequent use of the airspace (outside the specific published time period), a provision to activate the airspace by NOTAM may be stated in the SUA legal description.

**NOTE–**

*The times of use should be based on the intended typical use of the area. These times are depicted on aeronautical charts to assist other airspace users in determining the most likely periods of area activation.*

b. Times of use are stated using the options, or combination of options, shown below:

1. Specific hours/days. Local time using the 24-hour clock, and days of the week. The day begins at 0000 and ends at 2359. If the time of use will change significantly on a seasonal basis, or mission requirements call for specific time blocks, variable times of use may be designated. NOTAMs will not be issued when the time of designation/times of use for a SUA area reflect specific hours/days only.

**NOTE–**

1. As used in SUA legal descriptions, the term “daily” means 7 days per week.

2. If the SUA area overlaps more than one local time zone, state the predominant time zone in the description, for example: “0700 – 1800 central time, Monday – Friday.”

3. Include “local time” in rulemaking SUA time of designation information in accordance with 14 CFR § 73.3(d).

**EXAMPLE–**

1. “0700 – 2200 local time, Monday – Friday.”

2. “Sep – Apr, 0800 – 1700, Monday – Friday; May – Aug, 0600 – 2359, Monday – Friday.”

3. “0800 – 0930 and 1300 – 1600 local time, Monday – Friday.”

4. “0700 – 1600, daily.”

2. Continuous. Use only when justification exists for utilization 24 hours a day, 365 days a year.

**EXCEPTION–**

*“Continuous” may also be used when the area will be utilized 24 hours per day over a specific period, such as “Continuous, Monday – Friday;” or “Continuous, April – June.”*

3. NOTAM activation. Use “By NOTAM” or “Other Times by NOTAM” to indicate when a NOTAM must be issued in order to activate the area. NOTAM options are:

(a) “Other times by NOTAM.” Used along with specific times to provide for activation of the SUA area outside the specified times of use that were established according to b1, above.

**EXAMPLE–**

*“0700 – 1900 local time, Monday – Friday; other times by NOTAM.”*

(b) “By NOTAM,” with specific times from b1, above. Used when issuance of a NOTAM is required prior to activating the area during the specified hours.

**EXAMPLE–**

1. “By NOTAM, 0700–1800 local time, Monday – Friday.”
2. “By NOTAM (x) hours in advance, 0700–1800 local time, Monday – Friday.”

(c) “By NOTAM” without specific times. Used when anticipated usage times cannot be specifically determined, or when the user’s mission requires infrequent or erratic use.

(d) The NOTAM provision must apply to the entire area and not only a portion thereof. If the time of designation or times of use will vary from one portion of the area to another, the dissimilar portions should be subdivided as separate areas.

(e) NOTAMs should be issued as far in advance as feasible to ensure widest dissemination of the information to airspace users.

**NOTE–**

*Under no circumstances may SUA be activated by a NOTAM unless the words “By NOTAM” or “other times by NOTAM” are stated in the SUA legal description.*

4. Sunrise to sunset. This option should be reserved for cases where seasonal sunrise/sunset time variations make publication of specific clock times impractical.

5. Intermittent. Must include an associated time-period or “by NOTAM” provision. In any case, intermittent for restricted areas must include a “by NOTAM” provision even if an associated time-period is identified.

**EXAMPLE–**

1. “Intermittent, 0700 – 2200, Monday – Friday.”
2. “Intermittent by NOTAM at least (x) hours in advance, 0700 – 2200 local time, Monday – Friday.”

**21–2–5. CONTROLLING AGENCY**

The ATC facility designated as the controlling agency (see paragraph 21–1–10).

**NOTE–**

*A controlling agency is not designated for prohibited areas, alert areas, controlled firing areas, or national security areas.*

**21–2–6. USING AGENCY**

The using agency, is the organization, or military command/unit whose activity established the requirement for the SUA. For military using agencies, specify the military service, command/unit, and location. For non-military using agencies, specify the organization name and location.

**NOTE–**

*See paragraph 22–1–6 for prohibited area using agency requirements.*

**REFERENCE–**

*FAA Order JO 7400.2, Para 21–1–II, Using Agency.*

**21–2–7. SUA LEGAL DESCRIPTION AMENDMENTS**

All changes to a published SUA legal description must be made through the appropriate regulatory or non-regulatory procedures described in this order. This includes minor changes, editorial corrections, internal subdivisions of an existing area, changes of the controlling or using agency, or reducing the area’s dimensions or time of designation/times of use.

*TBL 21-2-1***Examples of Special Use Airspace Legal Descriptions****REGULATORY SUA DESCRIPTION:****R-5706 Boardman, OR**

**Boundaries.** Beginning at lat. 45°40'33"N., long. 120°02'32"W.;  
to lat. 45°40'39"N., long. 120°09'04"W.;  
to lat. 45°45'29"N., long. 120°09'04"W.;  
thence east along the south shore of the Columbia River  
to lat. 45°51'09"N., long. 119°40'04"W.;  
to lat. 45°52'59"N., long. 119°31'04"W.;  
to lat. 45°46'34"N., long. 119°31'04"W.;  
to lat. 45°46'12"N., long. 119°35'02"W.;  
thence counterclockwise along the arc of a 5-nautical mile  
radius circle centered at lat. 45°43'35"N., long. 119°41'07"W.;  
to lat. 45°46'35"N., long. 119°46'50"W.;  
to lat. 45°46'33"N., long. 120°02'32"W.;  
to the point of beginning.

**Designated altitudes.** 3,500 feet MSL to 10,000 feet MSL.

**Time of designation.** 0730–2359, Monday–Friday; other times by NOTAM 6 hours in advance.

**Controlling agency.** FAA, Seattle ARTCC.

**Using agency.** U.S. Navy, Commanding Officer, NAS Whidbey Island, Oak Harbor, WA.

**NONREGULATORY SUA DESCRIPTION:****Boardman Low MOA, OR**

**Boundaries.** Beginning at lat. 45°50'04"N., long. 119°37'27"W.;  
to lat. 45°51'57"N., long. 119°30'28"W.;  
to lat. 45°52'04"N., long. 119°22'23"W.;  
to lat. 45°47'26"N., long. 119°22'28"W.;  
to lat. 45°46'32"N., long. 119°31'37"W.;  
to lat. 45°46'12"N., long. 119°35'02"W.;  
to lat. 45°47'54"N., long. 119°37'33"W.;  
to the point of beginning, excluding that airspace  
within R5701 and R-5706 when active.

**Altitudes.** 500 feet AGL to but not including 4,000 feet MSL.

**Times of use.** 0730–2359, Monday–Friday; other times by NOTAM 6 hours in advance.

**Controlling agency.** FAA, Seattle ARTCC.

**Using agency.** U.S. Navy, Commanding Officer, NAS Whidbey Island, Oak Harbor, WA.

**COORDINATE FORMAT** – Do not round off latitude and longitude coordinates. Always use the full format consisting of degrees, minutes, and seconds, as follows:

**Correct**

40°06'00"N.

104°35'30"W.

39°00'00"N.

**Incorrect**

40°06'N.

104°35.5'W.

39°N.

## Section 2. Processing

### 24-2-1. SUBMISSION OF PROPOSALS

a. Submit warning area proposals to the Service Center OSG at least 8 months prior to the desired effective date (see paragraph 21-3-3 for proposal content). The following schedule is an estimate of the minimum time needed to process proposals that require only routine coordination.

**NOTE—**

*Proposals that are complex or controversial could require significantly longer processing time than that shown in TBL 24-2-1.*

b. Effective dates must coincide with the 56-day charting dates published in FAA Order 8260.26.

c. After circularization and review of all pertinent information, Service Center OSGs must submit SUA proposals recommended for approval to the Rules and Regulations Group, AJV-P2, for final determination and processing in accordance with paragraph 21-5-7.

*TBL 24-2-1*

| Calendar Days | Action   |
|---------------|--|
| D             | Proposal received by ATO Service Center OSG.   |
| D+30          | Proposal reviewed by Service Center OSG; processing requirements initiated in accordance with paragraph 21-5-2; nonrule circular published; circular information copy sent to the Rules and Regulations Group, AJV-P2.   |
| D+75          | Public comment period ends. Service Center OSG initiates review of all pertinent information received.   |
| D+105         | All pertinent information reviewed by the Service Center OSG; proposal determination made in accordance with paragraph 21-5-5. Submit approval recommendation to the Rules and Regulations Group, AJV-P2, in accordance with paragraph 21-5-7.   |
| D+165         | Service Center OSG recommendation and all pertinent information reviewed by the Rules and Regulations Group, AJV-P2. FAA final determination made. If approved, NFDD input drafted, coordinated and submitted to Aeronautical Information Services, AJV-A, for publication (at least 58 days prior to effective date). |

### 24-2-2. EXECUTIVE ORDER 10854 COORDINATION

In accordance with Executive Order 10854, all warning area proposals (except changes to using/controlling agencies, and minor corrections) must be coordinated with the Departments of State and Defense. This coordination will be accomplished by the Airspace Rules and Regulations Team, AJV-P21; (see Chapter 2, FIG 2-2-1, of this order).

### 24-2-3. ENVIRONMENTAL REVIEW

The designation of warning areas is considered an advisory action that is not subject to environmental review.

**REFERENCE—**

*FAA Order 1050.1, FAA National Environmental Policy Act Implementing Procedures.*



**e. OSG Flight Procedures and Airspace Specialist (FPT/AT)**

**1.** The responsibility to coordinate and consult with the Service Centers' EPSs for environmental analysis and documentation rests with the following flight procedures and airspace specialists as applicable and defined in FAA Order 8260.19.

**(a)** The OSG Flight Procedures Team is responsible for IFP establishment, change and cancellation requests to IFPs.

**(b)** The OSG Airspace Teams are responsible for the establishment, change or cancellation requests to airway routes (as applicable) and assisting with IERs.

**(c)** AJV-A is responsible for IFP establishment or change requests to AFS assigned special procedures and AJV-A initiated maintenance actions.

**(d)** AFS-400 is responsible for IFP Non-FAA Service Provider initiated procedures (also referred to as "third-party developed flight procedures") and maintenance actions.

**2.** The respective flight procedure or airspace specialist must provide the Environmental Specialist information and data concerning the flight procedure being analyzed by the EPS for potential environmental impacts, and that will support the EPS' preparation of a CATEX and other related environmental documentation as necessary. When the results of the Pre-Screening Filter indicate that additional environmental review is needed, the Service Center Environmental Specialist is responsible for completing that additional review and preparing the appropriate environmental compliance documentation. If additional information about the flight procedure is necessary to complete a sufficient environmental analysis, the EPS and flight procedure designer(s) are responsible to determine what additional information is necessary to complete the environmental document.

**f. Air Route Traffic Control Center (ARTCC), Terminal Radar Approach Control (TRACON), and Airport Traffic Control Tower (ATCT) facility managers.**

**1.** ARTCC, TRACON, and ATCT facility managers are responsible for coordinating and consulting with the Service Center Environment Specialist to ensure that all appropriate environmental documentation for proposed air traffic actions within their jurisdiction is prepared accurately and completely. For procedures reviewed through the IFP Environmental Pre-Screening Filter, these managers must ensure that the results of the Filter are reviewed by appropriate FAA personnel, and with the Service Center Environmental Specialist, as appropriate and necessary.

**(a)** For actions that require additional environmental review, these managers are responsible for consulting with the Service Center Environmental Specialist who recommends the appropriate level of environmental review.

**(b)** For actions other than Advisory or Emergency Actions (as defined in FAA Order 1050.1), and actions that require additional environmental review beyond the IFP Environmental Pre-Screening Filter, the facility manager must ensure that, at a minimum, an Air Traffic Initial Environmental Review (IER) (see Appendix 5) is prepared and submitted, with supporting information, to the Service Center Environmental Specialist along with a description of the proposed action (see Paragraph 32-2-1a, Determination of Appropriate Environmental Documentation). Under some limited circumstances, the Service Center Environmental Specialist may waive the need for completion of the IER by substituting an appropriate level of documentation, such as a memorandum to the file.

**(c)** For IFP actions reviewed through the IFP Environmental Pre-Screening Filter, the OSG FPT must assist the Service Center Environmental Specialist in determining the appropriate level of environmental documentation after reviewing the results from the Filter. When a Categorical Exclusion is appropriate, the Environmental Specialist must document the analysis that supports the application of a Categorical Exclusion in accordance with FAA Order 1050.1, Chapter 5. This document must be signed by the Service Center OSG Manager, or their designee. Appendix 6 is recommended for use in documenting this analysis. If preparation of an EA or EIS requires the use of a contractor, the field facility must forward that recommendation to the Service Center Director for approval and action.

**2.** The ATCT facility manager should be involved early in the design phase of a proposed IFP action, and any other applicable air traffic action, to ensure that a full understanding of tower/airport operations is included in the alternatives development for the description of the proposed action. The facility manager is responsible for ensuring that information provided to the ARTCC and/or TRACON is complete and accurate.

**3.** Facility managers are also responsible for designating at least one facility staff specialist within their scope of operations to address environmental issues, and for coordinating with the Service Center Environmental Specialist.

**(a)** The facility specialist may be required to perform his/her environmental duties on a full-time or collateral basis. The decision about the need for a full-time Environmental Specialist at a field facility must be made by the facility manager.

**(b)** Facility managers must ensure that the specialist who performs environmental duties on a full-time basis attends the training specified in paragraph 32-1-5b. above, as soon as practical.

**(c)** The environmental screening and modeling tools training is also recommended, but is not mandatory. Additionally, where other facilities have, or are authorized to have, an operations specialist (for example, Plans and Programs Specialist or Procedure Specialist) to conduct environmental activities as a collateral duty, it is recommended that these specialists attend the above-referenced training.

**4.** Facility managers must ensure that their facility is represented at meetings of the Office of Airports and other lines of business, such as environmental compliance and part 150 process meetings, where decisions rendered could affect air traffic operations in their area of responsibility.

**(a)** Facility managers are responsible for working with operating divisions, airport sponsors, and contract support personnel in the environmental review processes. Air traffic attendance at these meetings does not necessarily constitute air traffic endorsement or sanction of the proposed action.

**(b)** Environmental compliance and part 150 studies must receive thorough review at the facility level. Review and comments on Office of Airports documents must be directed to those matters that affect the operation of the air traffic program. Facility comments must be forwarded to the Service Center Environmental Specialist, not more than 15 days after receipt of the document or study. (Requests for longer periods of review must be coordinated with the Service Center Environmental Specialist on an as needed basis.) Prior to a facility submitting comments directly to other operating divisions, or airport sponsors, the facility point of contact must discuss relevant and applicable airspace and/or air traffic issues with the Service Center Environmental Specialist.

**5.** Facility managers (or their designees) must not make or recommend a proposed flight track, route, or air traffic flow as a preferred action for the sole purpose of noise abatement. They may, however, indicate if the proposed action is operationally feasible or safe (within the context of aircraft separation standards). The airport sponsor (operator) is solely responsible for the recommendation of noise abatement procedures.

## Section 2. Environmental Processing

### 32-2-1. THE PROCESS

The ARTCC, TRACON, and ATCT facilities, in coordination with the Service Center and Service Center Environmental Specialist, must conduct environmental compliance actions for any proposed air traffic action under their jurisdiction with the potential to impact the human environment. Examples of air traffic actions include, but are not limited to, flight procedure changes that create new flight tracks over noise sensitive areas, flight procedure changes that alter existing flight tracks over noise sensitive areas, lowering altitudes of routes or procedures utilized by aircraft, establishment or modification of certain SUA, and actions affecting operational changes (for example, changes in runway use percentages or headings). Environmental documentation for such actions must be completed prior to approval and implementation. (See Appendix 1, Environmental Study Process Flow Chart, for the steps from action concept to implementation.)

a. Questions to ask when considering the potential environmental impact of flight procedures or other air traffic actions may be, but are not limited to:

1. Are there aircraft currently flying over the area of change?
2. Are route altitudes increasing or decreasing?
3. Are the routes moving laterally, and if so, how far from the baseline route?
4. Will the number of operations increase?
5. Are there projected changes in runway use?
6. Will the types of aircraft change?
7. Will nighttime operations increase?

If the FAA is not the proponent of the proposed air traffic action (for example, the Department of Defense or an Airport Sponsor [the proponent] requests the FAA to take the action) then the proponent is responsible for funding and preparation of environmental documentation associated with the proposed action. FAA Order 1050.1, paragraph 2-2.2 discusses the responsibility for preparation of EAs or EISs (respectively) where FAA must approve the project. Signature authority for the environmental documents discussed in this section must be in accordance with paragraph 32-1-4, Delegation of Authority, of this chapter.

The FAA or non-FAA proponent must prepare and submit the associated environmental documentation in conjunction with the proposed air traffic action, as follows:

b. Determination of Appropriate Level of Environmental Documentation.

1. The appropriate level of environmental documentation required must be determined by the Service Center Environmental Specialist after all portions of a proposed action have undergone the Air Traffic Initial Environmental Review (IER) (see Appendix 5). The IER form must be completed for all projects that:

- (a) Require the use of computer-based noise screening or modeling tools, or
- (b) Require Headquarters-level funding for completion of environmental impact analysis and documentation.

2. For those projects not requiring the use of computer-based noise screening or modeling tools or that are not being funded at the Headquarters level, completion of the IER is optional. Facility personnel and the Service Center Environmental Specialist must coordinate completion of the IER form.

3. If someone other than the Service Center Environmental Specialist completes the IER form, the completed IER form, along with a recommendation as to whether the proposed action warrants no further environmental review, a CATEX, or preparation of an EA or an EIS, must be forwarded to the Service Center Environmental Specialist for review and incorporation of the proposed project information into the NEPA

document. Field personnel must consult FAA Order 1050.1 before recommending the appropriate level of environmental review for a proposed action to the Service Center Environmental Specialist.

**4.** For IFP or other actions reviewed through the IFP Environmental Pre-Screening Filter, the OSG FPT should assist the Environmental Specialist in determining the appropriate level of environmental documentation after reviewing of the results from the Filter. If the Filter results indicate that a CATEX is warranted, the OSG FPT must assist the Environmental Specialist in the preparation of a CATEX by providing information about the action to help ensure that the action is appropriately and thoroughly described in the CATEX. After the CATEX is approved, the action may be implemented.

**5.** AJV-A and designated Approved Non-FAA Service Provider initiated maintenance actions under the oversight of AFS, described in paragraph 8-3-4 of FAA Order 8260.19, that result in no change to the charted flight paths (tracks) and have little or no potential to trigger extraordinary circumstances, as defined in FAA Order 1050.1, may be processed using simple documentation as defined in FAA Order 1050.1. Documentation must include a simple written record that a specific CATEX was determined to apply to the Proposed Action on a series 8260 form, but is not required to be processed through the pre-screening filter tool and does not require completion of an IER Form or additional review by a Service Center Environmental Specialist.

**6.** For an amended flight procedure to qualify for processing without further environmental review by a Service Center Environmental Specialist, the procedure must meet all of the following criteria:

**(a)** any changes included in the amendment are limited to one or more of the following. Actions listed generally qualifying for CATEX 5-6.5i, 5-6.5j, or 5-6.5k:

- (1)** changes to and/or additional Lines of Minimum (FAA Order 8260.19, paragraph 8-6-11) (5-6.5i);
- (2)** altitude increases (5-6.5i);
- (3)** instrument flight rules (IFR) takeoff minimums;
- (4)** textual Obstacle Departure Procedures (ODPs) (only applies to close-in obstacle notes and/or no track changes) (5-6.5i);
- (5)** Minimum Safe Altitudes (5-6.5i);
- (6)** holding pattern and circling changes that do not result in a new obstacle evaluation area (e.g., larger pattern/radii, inbound course change, new holding turn/circling direction) (5-6.5i);
- (7)** Visual Climb Over Airport (VCOA) (5-6.5i);
- (8)** missed approaches and/or missed approach holding patterns (5-6.5j);
- (9)** name changes (airport, fix, procedure, etc.) (5-6.5k);
- (10)** adding, amending, or removing notes to procedures (5-6.5k);
- (11)** Magnetic Variation (MagVar) adjustments (5-6.5k);
- (12)** coding changes with no track/altitude changes (5-6.5k), and;
- (13)** cancellation of IFPs not currently being flown (5-6.5k).

**(b)** the amendment is not a smaller subset of a larger action.

**(c)** the amendment does not result in changes to published lateral flight paths/ground tracks.

**(d)** the amendment does not result in a decrease in altitude or decrease in glideslope angle (including as a result of relocation of fixes along the same flight path).

**c.** The following are specific sections of FAA Order 1050.1 that must be reviewed:

**1.** Advisory Actions, paragraph 2-1.2b. A memorandum to the file may be the only documentation necessary.

2. Emergencies, paragraph 5–6.1a.
3. Extraordinary Circumstances, paragraph 5–2.

4. Categorical Exclusions (CATEXs), paragraph 5-6.5, and Extraordinary Circumstances, paragraph 5-2. Only those categorical exclusions listed in FAA Order 1050.1 may be cited. However, the categorical exclusion referenced in AEE’s Guidance Memo #5 dated December 6, 2012, Guidance for Implementation of the Categorical Exclusion in Section 213(c)(1) of the FAA Modernization and Reform Act of 2012 (known as CATEX 1), (see FAA Order 1050.1, paragraph 5-6.5.q) may also be used.

A review of Categorical Exclusion Documentation, paragraph 5–3, will assist in determining the appropriate level of environmental documentation required for a CATEX (see Appendix 6 of this order for a “Sample Categorical Exclusion Declaration”).

5. Chapter 6 of FAA Order 1050.1 addresses EAs and FONSIs. A review of this chapter will assist in determining when to prepare these documents. The FAA may adopt, in whole or in part, an EA prepared by another Federal agency. Consult FAA Order 1050.1 paragraphs 6–3.c and 8–2 to determine if the other agency’s EA meets the criteria for FAA adoption.

6. Chapter 7 of FAA Order 1050.1 addresses EISs and RODs. A review of this chapter will assist in determining when and how to prepare these documents.

7. A review of FAA Order 1050.1, Appendix B, will assist in determining whether a noise analysis is warranted and if so, what type of analysis should be conducted. A noise analysis requires several different types of input data including radar data. This data is available to FAA and other Federal Government personnel. Request for the data should be made through the Service Center Environmental Specialist assigned to the proposal.

**d. NAS data may contain sensitive information and must be handled accordingly.**

1. Requests made to the FAA to release NAS data, to other than Federal agency personnel, including but not limited to radar track data, must be processed in accordance with FAA Order 1200.22, External Requests for National Airspace System (NAS) Data, or via the Freedom of Information Act (FOIA) process.

2. Requests from the Department of Defense for NAS data supporting the mission of the NAS Defense Programs (NDP) (defined as communications, surveillance or aircraft movement in FAA Order JO 6000.198, FAA Maintenance of NAS Defense Facilities and Services) must be submitted to the NDP. Requests to the NDP can be sent to [AJW-B7-ORG-MGR@faa.gov](mailto:AJW-B7-ORG-MGR@faa.gov).

**e. Preparation of Environmental Documents.** The following are various levels of environmental review and documentation that may be prepared:

1. **Actions Not Subject to NEPA Review.** See FAA Order 1050.1, paragraph 2–1.2, for a list of actions that do not require an environmental study.

2. **No Further Environmental Review Required.** Some air traffic actions are subject to NEPA review, but require no further environmental action after the initial environmental review (IER) is completed. These actions involve modifications to airspace and/or procedures and may fit some or all of the following criteria. Special purpose environmental requirements may still apply to airspace and/or procedures that fit some or all of these criteria. No further environmental review is required if the proposed change:

(a) Is over 18,000 ft above ground level (AGL). Currently, there is no need to analyze aircraft noise above 18,000 ft AGL.

(b) Is over 7,000 AGL for arrivals, and/or over 10,000 ft AGL for departures and/or overflights.

(1) Any decision to analyze aircraft noise over 10,000 ft AGL is an exception and should be coordinated with the ATO Rules and Regulations Group at FAA headquarters at the earliest possible time.

(2) Proposed flight procedure changes between 10,000 ft and 18,000 ft AGL should be analyzed for potential impacts when there is a national park or wildlife refuge in the study area that has a quiet setting that

is a generally recognized purpose and attribute, and also in situations when the flight procedure change is likely to be highly controversial.

(c) Is over a non-noise sensitive area(s).

(d) Does not alter the current noise footprint.

(e) Does not cause the following noise level change over noise sensitive areas, as defined in FAA Order 1050.1, paragraph 11-5 (10): +1.5 dB for 65 DNL and higher.

For IFP actions reviewed through the IFP Environmental Pre-Screening Filter, most of these determinations will be made automatically based on the information input into the Filter.

**NOTE—**

*An FAA-approved environmental screening tool or model must be used to confirm the noise data when the project is not processed through the IFP Environmental Pre-Screening Filter.*

**3. Actions Not Requiring a Noise Analysis.** (See FAA Order 1050.1, Appendix B, Paragraph B-1.)

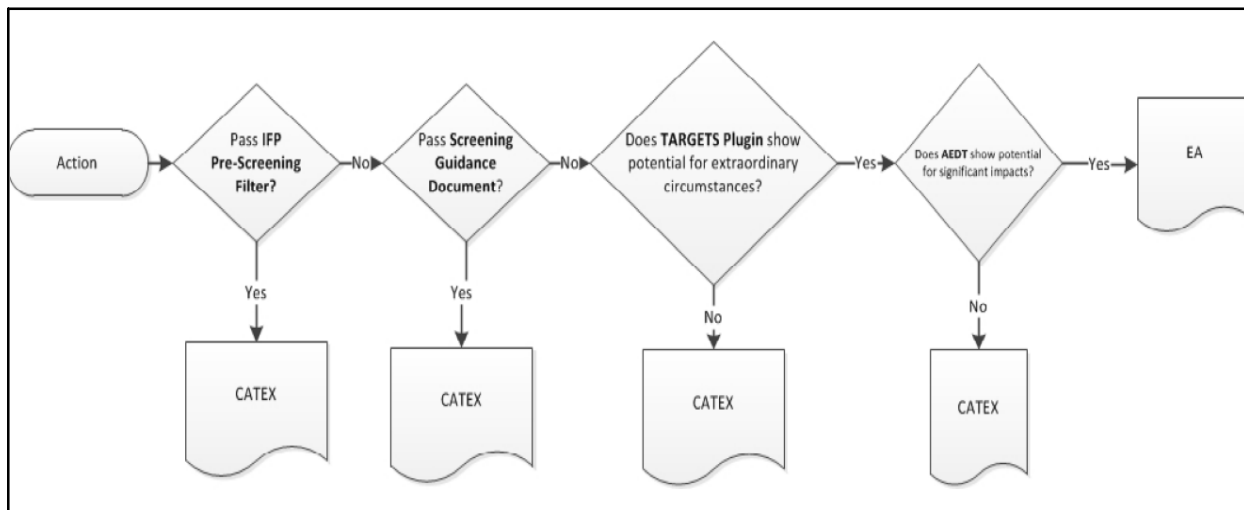
**4.** Following review and consultation, the field facility manager and Service Center Environmental Specialist may agree that no further environmental review is required. When this occurs, the originating facility must prepare a memorandum to the file and attach any supporting documentation, which indicates the basis for the determination (such as a copy of the proposed action that includes references to the above criteria, results of the noise review, etc.).

The memorandum must include, if applicable, references to the provisions of FAA Order 1050.1 that support the determination (for example, whether the proposed action is administrative or advisory in nature).

**5. Actions Requiring Environmental Modeling for NEPA Compliance.** FIG 32–2–1 shows the levels of environmental screening and modeling that are required for NEPA compliance.

FIG 32–2–1

**Levels of Environmental Screening and Modeling for NEPA Compliance**



**6. Non-FAA proponents and third party developers.** To meet the requirements of NEPA and other applicable environmental requirements, potential environmental impacts of flight procedures submitted by third party procedure developers must be considered. A proposed procedure development package submitted by a third party developer to an environmental specialist must include (at a minimum) the following information:

(a) Draft Initial Environmental Review (IER) in accordance with process outlined in Appendix 5 of this Order.

(b) Documentation from the responsible FAA facility to the proponent indicating concurrence with the proposed procedure(s).

**7.** The Service Center Environmental Specialist will review the proposed action to determine if a categorical exclusion is applicable. If the proposed action qualifies for a categorical exclusion, the Environmental Specialist will prepare a CATEX declaration in accordance with the requirements of FAA Order 1050.1, Chapter 5. Use of the Categorical Exclusion Declaration in Appendix 6 is recommended.

(a) If necessary, the Service Center Environmental Specialist must use the MITRE Screening Guidance Document referenced in paragraph 32–3–3, below, to assist in determining if the CATEX is applicable.

(b) The Service Center Environmental Specialist must contact the proponent if any additional information is needed to support the CATEX.

**8.** If the Guidance for Noise Screening of Air Traffic Actions indicates that additional review is required, the Service Center Environmental Specialist will use one of the following tools, as appropriate, to perform the next level of screening to determine if the CATEX is applicable:

(a) Terminal Area Route Generation Evaluation and Traffic Simulation (TARGETS) tool with the Environmental “Plug-in,” or other FAA approved noise screening tool.

(b) If that level of screening indicates that a CATEX is applicable, the Environmental Specialist will prepare a CATEX declaration (Appendix 6 of this order) with results from the above screening tool(s) attached.

(c) If screening of a flight procedure(s) indicates that a CATEX is not applicable, then an Environmental Assessment (EA) should be completed. Flight procedures requiring an EA will be returned to the proponent for additional information that will enable the Service Center Environmental Specialist to conduct an EA level of environmental impact analysis and documentation.

(1) A “focused” EA with required noise analysis may be appropriate in this situation. In coordination and consultation with the Service Center Environmental Specialist, preparation of the EA and any related environmental analysis will be the responsibility of the proponent, and must be completed in accordance with all applicable environmental regulations and requirements.

(2) The Service Center Environmental Specialist is responsible for providing advice and assistance to the proponent during the EA preparation; independent review and EA completion; and preparation and completion of a FONSI or decision that an EIS is required.

**9.** Categorical Exclusions. If someone other than an EPS completes an IER (when applicable), the completed IER form, and any other documentation describing the proposed action, must be forwarded to the Service Center Environmental Specialist for review and incorporation into the NEPA document.

(a) The Service Center Environmental Specialist must then document the analysis that supports the application of a CATEX in accordance with FAA Order 1050.1, Chapter 5. Appendix 6 is recommended for use in documenting this analysis. If the IFP Environmental Pre-Screening Filter is used, then the environmental data is gathered electronically instead of through the IER and is forwarded to the appropriate next step in the IFP process.

(b) A CATEX does not apply to a proposal if extraordinary circumstances, as described in FAA Order 1050.1, paragraph 5-2, Extraordinary Circumstances, exist.

**10.** Environmental Assessments. Although the facility manager must make a recommendation on the level of environmental review, the Service Center Environmental Specialist must make the final determination as to whether the proposed action warrants preparation of an EA or an EIS. For proposed actions that warrant an EA level of review, the Service Center Environmental Specialist may need to request additional resources, funding, and information to support the proposal.

(a) Consultation with the Rules and Regulations Group regarding projects at this stage is recommended.

(b) If an independent contractor is to prepare the EA, the Service Center Environmental Specialist must oversee the preparation to ensure compliance with FAA Order 1050.1, Chapter 6, Environmental Assessments and Findings of No Significant Impact.

(c) Chapter 6 of FAA Order 1050.1 summarizes and supplements requirements of the Council on Environmental Quality (CEQ) regulations for EAs. The CEQ regulations do not specify a required format for an EA; however, FAA Order 1050.1, paragraph 6-2.1, contains a sample format that will facilitate preparation of an EA, and integrate compliance with other environmental laws, regulations, and Executive Orders with NEPA review.

(d) All EAs must be focused and concise in accordance with CEQ and AEE guidance. As defined in the CEQ regulations implementing NEPA, an EA is a “concise public document” that “briefly provides sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.”

(1) 40 CFR §1508.9(a). An EA must include “brief discussions” of the need for the proposed action, alternatives to the proposed action, and the potential environmental impacts of the proposed action and alternatives.

(2) 40 CFR §1508.9(b). In addition to these specific directions for EAs, the CEQ regulations also contain guidelines regarding the importance of reducing paperwork (for example, by “discussing only briefly issues other than significant ones”) and reducing delay (for example, by setting time limits for deciding whether to prepare an EIS.) (See 40 C.F.R. §§ 1500.4(c), 1500.5, 1501.8(b)(2)(i)).

**11.** These concepts are also emphasized in other CEQ guidance, as well as in DOT and FAA orders, and guidance for implementing NEPA actions. To achieve a focused and concise EA, the following must be considered:

(a) Where there are anticipated effects to a resource, but those effects are clearly below thresholds of significance as defined in FAA Order 1050.1, briefly document that fact with an explanation that thresholds would not be reached or exceeded.

(b) Do not address impact categories that the action has no potential to impact, such as construction, farmland, and water quality.

(c) Scale the NEPA review process to the nature and level of the expected environmental impact. Include only what is absolutely necessary in the document and include any additional required supporting data in an appendix.

(d) Do not include information in the document (not even in an appendix) that can be incorporated by reference to a related proposed action analyzed in a previous NEPA document, and made available on a publicly accessible website.

**12.** Findings of No Significant Impact. If an EA reveals that a proposed air traffic action would not cause significant adverse impacts, the Service Center Environmental Specialist must prepare a FONSI.

(a) FAA Order 1050.1, paragraph 6-3, Finding of No Significant Impact, summarizes and supplements CEQ requirements for FONSI. The CEQ regulations do not specify a format for FONSI, but FONSI must contain the information discussed in 40 CFR 1508.13. The FONSI may be attached to an EA, may be combined with the EA in a single document, or may be a stand-alone document.

(b) Paragraph 6-3 should be reviewed in detail prior to completion of a FONSI to assist in determining the type of document to prepare.

(1) If the FONSI is not combined with, or attached to an EA, it must include a summary of the EA and note any other environmental documentation related to it.

(2) If the FONSI is attached or included with the EA, the FONSI does not need to repeat any of the discussions in the EA but may incorporate them by reference.

(3) All documentation relied upon must be made available to the public upon completion of the environmental process.

(c) If mitigation of potential impacts is included as a requirement in the FONSI, the appropriate follow-up actions must be taken to ensure that the required mitigation is implemented. The Service Center preparing the FONSI is responsible for ensuring that the required mitigation actions are implemented.

**13. Environmental Impact Statement.** If a proposed action requires preparation of an EIS, the Service Center Environmental Specialist must advise the Area Director when there is a need to seek funding and/or resources for the EIS. Consultation with the Rules and Regulations Group regarding projects at this stage is highly recommended.

(a) The FAA, or a contractor it selects, will prepare an EIS for projects that potentially may cause significant environmental impacts (40 CFR part 1506.5(c)).

(b) If an independent contractor is to prepare the EIS, the Service Center Environmental Specialist must oversee the preparation to ensure compliance with FAA Order 1050.1, paragraph 7-1.2, Environmental Impact Statement Process.

**NOTE–**

*The Service Center Environmental Specialist will ensure that all EAs and any subsequent EISs for proposed air traffic action within his/her area of jurisdiction meet the requirements of FAA Order 1050.1. The originating facility is responsible for the accuracy of operational data and assumptions contained therein.*

**14. Record of Decision.** For all proposed air traffic actions that have been the subject of an EIS, the Service Center Environmental Specialist must prepare a ROD in accordance with FAA Order 1050.1, paragraph 7–2.

(a) For proposed air traffic actions for which a FONSI is prepared, the Service Center Environmental Specialist should consider preparing a ROD in accordance with FAA Order 1050.1, paragraph 7–2.

(b) If an independent contractor prepares the EIS, that contractor may also support preparation of the ROD; the ROD documents the agency’s decision on the Federal action and remains the responsibility of the FAA.

## **32–2–2. ENVIRONMENTAL REVIEW OF FLIGHT PROCEDURES AND OTHER AIR TRAFFIC ACTIONS**

**a. “Procedures.”** The term “procedures” in FAA Order 1050.1 refers to published flight procedures (conventional, PBN IFPs, visual, and others appearing in the FAA’s Instrument Flight Procedures (IFP) Information Gateway web page) and radar tracks, which are the actual flight paths.

**b. Performance–Based Navigation (PBN) Procedures:** Refers to satellite–based navigation procedures known as Area Navigation/Required Navigation Performance (RNAV/RNP) procedures. Establishing and implementing a new or revised PBN Instrument Flight Procedure (IFP) constitutes a federal action under NEPA. Accordingly, the FAA must consider environmental impacts before it can take steps to implement a PBN IFP. There are several CATEXs in FAA Order 1050.1, paragraph 5–6.5, that may apply to these flight procedures and other air traffic action, which preclude the need to prepare an EA or EIS for new or revised PBN IFPs.

**c. Categorical Exclusions for Flight Procedures and Other Air Traffic Actions:** FAA Order 1050.1 includes several CATEXs that normally apply to flight procedures (provided no extraordinary circumstances apply). See FAA Order 1050.1, subparagraphs 5-6.5g, 5-6.5i, and 5-6.5 p. These CATEXs apply to procedures that:

1. Use overlays of existing flight procedures (paragraph 5-6.5g).
2. Are conducted at 3,000 feet AGL or more (paragraph 5-6.5 i).
3. Are conducted below 3,000 feet AGL, but do not cause traffic to be routinely routed over noise-sensitive areas (paragraph 5-6.5 i).
4. Are modifications to currently approved IFPs conducted below 3,000 feet AGL that do not significantly increase noise over noise-sensitive areas, or involve increases in minimum altitudes or landing minima (paragraph 5-6.5 i).
5. Are new flight procedures that routinely route aircraft over non-noise-sensitive areas (paragraph 5-6.5 p).
6. Are published flight procedures, but do not change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks (paragraph 5-6.5 k).

**NOTE–**

*FAA Order 1050.1 also recognizes that increasing the concentration of aircraft over existing noise-sensitive areas below 3,000 feet AGL and introducing new traffic on a routine basis over noise-sensitive areas below 3,000 feet AGL may cause a significant noise increase that would preclude the use of a CATEX (see FAA Order 1050.1, subparagraphs 5–6.5i and 5–6.5k).*

**d. Conducting Environmental Review of Proposed Flight Procedures.** Additional environmental analysis is needed in some cases to determine the appropriate level of NEPA review for proposed flight procedures. A determination of whether a proposed flight procedure that would normally be categorically excluded, but requires an EA or EIS, depends on whether the proposed action involves “extraordinary circumstances.” (See FAA Order 1050.1, paragraph 5-2).

**1.** If additional analysis shows that extraordinary circumstances do not exist, then the procedure can be categorically excluded from further environmental review under NEPA.

**2.** If analysis shows that extraordinary circumstances exist, then the procedure does not qualify for a CATEX, and an EA or EIS is required. Extraordinary circumstances exist when the proposed action involves any of the conditions described in FAA Order 1050.1, paragraph 5–2, and also may have a significant effect on the environment.

**3.** Circumstances listed in FAA Order 1050.1 that are most likely to require additional analysis with respect to a proposed procedure include:

**(a)** An impact on noise levels of noise-sensitive areas (paragraph 5-2 b (7)).

**(b)** Effects on the quality of the human environment that are likely to be highly controversial on environmental grounds (paragraph 5-2 b (10)).

**(c)** An adverse effect on cultural resources protected under the National Historic Preservation Act of 1966, as amended (subparagraph 5-2 b (1)).

**(d)** An impact on properties protected under section 4(f) of the Department of Transportation Act (subparagraph 5-2 b (2)).

**4.** If any of the circumstances described in FAA Order 1050.1, paragraph 5-2, exist for a proposed new or modified flight procedure, additional analysis is required to determine the potential for significant environmental effects.

**e. Cancellation of Procedures No Longer Used** (i.e., no traffic will be shifted to other procedures). Given that there will be no shift of traffic due to the cancellation, there will also be no environmental impacts from the cancellation. However, the cancellation must be documented, and the procedure removed from the list of published procedures. Environmental documentation can be accomplished within the instrument flight procedures Environmental Pre-Screening Filter Tool or by writing a CATEX document that cites CATEX B–2.5k from FAA Order 1050.1G. Service Center EPSs should provide documentation to the Service Center’s flight procedures team (FPT) for processing.

**f. Cancellation of Procedures Currently Being Used** (i.e., traffic will be shifted to existing, new, or revised procedures). The EPS must evaluate the environmental impacts of moving traffic from the canceled procedure(s). The procedure cancellation and the changes to the existing, new, or revised procedures should be considered connected actions for the purpose of NEPA. The EPS should consult with procedure developers and ATC to determine how air traffic and NAS stakeholders will be affected by the canceled procedure (e.g., moving traffic onto one, or more, existing, new, or revised procedures). Environmental impacts should be assessed, and the result of the environmental review must be documented using the instructions included within this Chapter. Service Center EPSs must provide documentation to the Service Center’s FPT for processing.

**g. Noise Focusing.** The term used to characterize the concentration of noise is “noise focusing.” The actual flight tracks of aircraft flown on conventional IFPs using ground-based Navigational Aids (NAVAIDs) show broad dispersion around the trajectory of the defined flight procedures. The aircraft noise dispersion is typically based on the performance characteristics of individual aircraft types and pilot technique. In contrast, FAA’s

experience with satellite-based navigation procedures shows that actual flight tracks and RNAV/RNP PBN procedures converge to a much greater degree. Therefore, aircraft flying RNAV/RNP procedures and the associated noise are concentrated over a smaller area than would be the case for the same operations using conventional, non-RNAV/RNP IFPs.

**h. Screening Requirements.** Due to concerns with noise focusing as described above, it is particularly important to conduct appropriate noise screening to determine whether or not extraordinary circumstances exist that warrant preparation of an EA or EIS for PBN IFPs that would normally be categorically excluded.

**1.** Noise screening must be done for PBN IFPs over noise-sensitive areas below 10,000 feet AGL to determine the potential for extraordinary circumstances that may preclude use of a CATEX.

**2.** PBN IFPs that are not over noise-sensitive areas do not require noise screening; however, a CATEX declaration should be prepared in accordance with subparagraph 32-2-1e9(a).

**3.** Noise screening is also required between 10,000 feet and 18,000 feet AGL if a procedure would result in operational changes at an altitude that could increase aircraft noise in an area within a national park, national wildlife refuge, historic site (including a traditional cultural property), or similar area where quiet is an attribute and the noise increase is likely to be highly controversial. (See FAA Order 1050.1, Appendix B, paragraph B-1.5 and paragraph 32-2-1b2(e) of this chapter.) Such screening is used to determine if aircraft flying these procedures would cause increased noise over noise-sensitive areas, and if so, the magnitude of the increase.

**4.** There are several tools that the FAA has developed to screen for the level of change in noise exposure between the existing condition and a proposed procedure (see paragraph 32-3-3).

**i. Obstacle Departure Procedures (ODPs).** According to FAA Order 8260.46, Departure Procedure (DP) Program, paragraph 2-1-1b(4), there are two types of ODPs: Textual and Graphic. They are defined as:

**1. Textual ODP.** A relatively simple ODP may be published textually unless a graphical depiction is required for clarity. Textual ODP instructions that exceed a maximum of one turn, one altitude change, and one climb gradient must be published graphically.

**(a)** A Textual ODP does not define a specific route nor have a name or computer code assignment, but only advises the operator how to avoid potential obstacles.

**(b)** This type of action is not considered a major Federal action under NEPA; therefore, FAA Order 1050.1, paragraph 2-1.2 b, Advisory Actions, applies.

**2. Graphic ODP.** Complex ODPs require a visual presentation to clearly communicate the departure instructions and desired flight paths. If the ODP is depicted graphically, it must be clearly stated on FAA Form 8260-15A, Takeoff Minimums and Textual Departure Procedures (DP), in the Departure Procedure section; for example, "USE JONES DEPARTURE." The decision to graphically publish ODPs rests within Aeronautical Information Services (AIS).

**(a)** A Graphic ODP has a repeatable ground track, has the same naming conventions and computer code assignments, looks almost the same on a chart, and is processed the same as a standard instrument departure (SID). (See FAA Order 8260.46, Departure Procedure (DP) Program, Appendix A).

**(b)** A Graphic ODP is considered a major Federal Action under NEPA just like an SID. FAA Order 1050.1, Paragraph 5-6.5, Categorical Exclusions for Procedural Actions, should be reviewed to determine if a CATEX applies. FAA Order 1050.1, Appendix B, Paragraph B-1.1, Aircraft Noise Screening, should also be reviewed to determine if noise screening or analysis would be required.

### **32-2-3. ENVIRONMENTAL REVIEW OF SPECIAL USE AIRSPACE (SUA) ACTIONS**

**a.** The purpose of this section is to ensure that air traffic personnel, FAA Environmental Protection Specialists (EPSs), and SUA proponents are aware of the need to comply with NEPA and CEQ requirements for evaluating the environmental impacts of proposed SUA use actions. See FAA Order 1050.1, paragraph 3-1.2.b (14). This section supplements the airspace processing requirements contained in Chapters 21-28 of this order.

**b.** Normally, SUA is designated to support DoD requirements. The FAA/DoD Memorandum of Understanding (MOU) in Appendix 7 sets forth procedures and responsibilities for the evaluation of the environmental impacts of DoD SUA proposals. Among other things, the MOU designates when DoD is the lead agency and when FAA is the cooperating agency for NEPA compliance on SUA proposals for which FAA may designate SUA. Additionally, SUA proposals (see Chapter 21, Section 3) may be initiated by another Federal agency.

**c.** Appendix 8, FAA Special Use Airspace Environmental Processing Procedures, establishes air traffic environmental processing procedures for proposed SUA actions. In the case of SUA proposals submitted by non-DoD Federal agencies, the responsibility for preparation of an EA or EIS, if required, rests with the proponent (i.e., the requesting Federal agency). The proponent is responsible for providing information, analysis, and a completed NEPA document to FAA for review and adoption in accordance with FAA Order 1050.1, paragraph 8-2, Adoption of Other Agencies' NEPA Documents. FAA retains responsibility under NEPA to ensure that its SUA actions are supported by adequate environmental documentation.

**d.** In accordance with FAA Order 1050.1, paragraph 8-2, Adoption of Other Agencies' NEPA Documents, the FAA may adopt, in whole or in part, draft or final CATEX, EAs, EISs, or the EA portion of another agency's EA/FONSI. When the FAA adopts an EA, EIS, or the EA portion of another agency's EA/FONSI, the responsible FAA official must independently evaluate the information contained in the EA or EIS, take full responsibility for the scope and content that address FAA's SUA action, issue its own FONSI and/or ROD, and, if applicable, provide notification to EPA that the FAA has adopted an EIS.

**NOTE-**

*Environmental review procedures for ATCAAs can be found in FAA Order JO 7610.14, Chapter 9, Air Traffic Control Assigned Airspace (ATCAA) Procedures.*

## **32-2-4. CFR PART 150 STUDIES**

**a.** Airport sponsors (Operators) may choose to conduct a 14 CFR part 150, Airport Noise Planning, Land Use Compatibility Guidelines study to analyze the operation of an airport, identify compatible and non-compatible land uses, and assess the costs and benefits of noise mitigation techniques.

**b.** Noise Compatibility Programs that result from part 150 studies often recommend modifications to air traffic routes and/or procedures to accomplish noise abatement. The FAA does not normally make changes in air traffic routes and/or procedures solely for the purpose of noise abatement.

**1.** Under part 150, the FAA can approve flight procedures to reduce noise that are recommended in a Noise Compatibility Plan.

**2.** If modifications to air traffic routes and/or procedures are recommended, air traffic will evaluate those recommendations as to feasibility and provide input to the appropriate organization in the Office of Airports.

**c.** Preparation of a part 150 study does not necessarily invoke NEPA; however, the potential implementation of recommended noise abatement measures, such as alternative air traffic procedures, is subject to the environmental review process by the air traffic program.

**1.** During the part 150 process, facility managers must keep the Airports Division or Airports District Office representative and the Service Center Environmental Specialist advised of any alternative air traffic control procedures that have the potential to require a NEPA review.

**2.** Facility managers are responsible for ensuring that current operational data and assumptions (furnished to the entity completing the part 150 process) are accurate and that future operational data and assumptions reflect reasonable conditions. (Operational data in this context relates to flight track and profile data and/or documentation.)

**d.** The facility environmental representative and the Service Center Environmental Specialist must coordinate with the Airports Division or Airports District Office representative throughout the part 150 process. This coordination should ensure that assumptions and data used are reviewed at each phase and results can be

verified early in the process. Early coordination will allow for adjustments to any operational assumptions prior to completion of the study.

e. The Service Center Environmental Specialist must coordinate with the Airports Division or Airports District Office personnel to furnish any data necessary for use in the part 150 study. Additionally, air traffic participation in the process does not constitute air traffic approval for a part 150 action.

f. During other noise studies conducted by the airport sponsor, facility managers and Service Center Environmental Specialists must work with the airport sponsor and the Office of Airports personnel on the exchange of information as described above.

### **32-2-5. ENVIRONMENTAL REVIEW OF LETTERS OF AGREEMENT AND OTHER AIRSPACE AND AERONAUTICAL DOCUMENTS**

Letters of Agreement (LOA), correspondence, records, reports, and other airspace and aeronautical documents, as described in FAA Order JO 7210.3, Facility Operation and Administration, Chapter 4, Correspondence, Conferences, Records, and Reports, regarding proposed airspace or aeronautical action by the FAA or other agencies who propose to use FAA-controlled airspace (such as SUA), are subject to NEPA review and documentation, and must be reviewed by the relevant Service Center EPS to:

a. Conduct and document a NEPA review of the proposed air traffic action as described in correspondence and aeronautical documents, including LOA, in coordination with the relevant facility and airspace planning requirements. The Service Center EPS will determine whether the subject of the document concerns air traffic procedures, either new or modified or other air traffic actions that could potentially result in environmental impacts, as defined in FAA Order 1050.1, Environmental Impacts: Policies and Procedures.

b. Ensure that the description of the proposed action in the relevant NEPA document's Description of Proposed Action and Alternatives is consistent with the description of the action as provided in the LOA and/or other relevant aeronautical documents.

c. Ensure that the actions described in the airspace correspondence and other relevant aeronautical documents, including LOA, undergo the appropriate level of NEPA analysis and documentation (CATEX, EA, or EIS) as required by FAA Order 1050.1, and Chapter 32 of this order.

d. For correspondence documents (including LOAs as described in FAA Order JO 7210.3, Chapter 4, Sections 1 and 3) regarding establishment of, or modifications to, air traffic actions; the proponents, or flight procedure developers, or Flight Procedures Teams (FPTs) of the air traffic action may apply initial air traffic screening tools in accordance with paragraphs 32-2-2, Environmental Review of Flight Procedures and Other Air Traffic Actions, and 32-3-3, Environmental Screening and Modeling Tools, to determine the level of NEPA review required for the air traffic action. The Service Center EPSs will review and confirm all NEPA documentation determinations.

e. Ensure that all relevant portions of correspondence, records, reports, and other airspace and aeronautical documents, including LOA, that describe the proposed action, are properly incorporated into the NEPA document, and that such documents are appropriately referenced in the NEPA document's reference section.



## Section 3. Environmental Impact Categories and Other Topics

Chapter 4 of FAA Order 1050.1, “Impact Categories, Significance, and Mitigation,” summarizes the requirements and procedures for environmental impact analyses according to the resource impact category. Executive Orders, DOT and FAA orders, handbooks, memoranda, and guidance documents described in FAA Order 1050.1, paragraph 1–10.13, Environmental Impact Categories, may also contain requirements.

Although all resource impact categories may receive the same level of review and analysis, the level of detail of review and analysis for a particular resource is dependent upon the potential for impact. The following paragraphs address those impact categories that may be required as part of the environmental review for proposed air traffic actions.

### 32–3–1. ENVIRONMENTAL IMPACT CATEGORIES TO BE INCLUDED IN ANALYSIS

a. The following environmental resource categories or sub-categories could be impacted by a proposed flight procedure, flight procedure change, or other air traffic related action. Accordingly, they must be included in an EA or EIS for further detailed analysis. For proposed actions that qualify for a categorical exclusion, certain impact categories or sub-categories may still need to be analyzed to achieve compliance with special purpose environmental laws, regulations, and other state and federal requirements. (See FAA Order 1050.1, paragraphs 4–2 f, 4–3.2, and 5–2 b.)

1. Air Quality

2. Compatible Land Use

3. DOT Act; Section 4(f)

4. Biological Resources; particularly avian species like birds and bats. As necessary, conduct impact analyses related to bird and bat strikes, as well as noise and light emissions-related impacts to avian and nocturnal avian species.

5. Biological Resources: Other Species. If the proposed action increases the number of aircraft flights, changes the origins or destinations of flights, the proposed action may also need to be analyzed for the potential for an invasive species to be introduced into the study area (GSA).

A significant impact could occur if the U.S. Fish and Wildlife Service or the National Marine Fisheries Service determines that the action could jeopardize the continued existence of a federally listed threatened or endangered species, or would result in the destruction or adverse modification of federally designated critical habitat. Compliance with Section 7 of the Endangered Species Act may be required.

6. Historical, Architectural, Archeological, and Cultural Resources (*Historical and Cultural Resources only*). Review the potential for adverse effects related to the introduction of visual, atmospheric, or audible elements that diminish the integrity of the significant historic or cultural features that qualify the property for inclusion in the National Register or other federal protections.

7. Light Emissions and Visual Impacts. In certain cases, a proposed action may require an analysis of light emissions for potential impacts to avian and nocturnal avian species.

8. Natural Resources and Energy Supply (aircraft fuel burn analysis only). Until further FAA guidance is provided, continue to calculate aircraft fuel burn in accordance with the most recent available guidance from AEE.

9. Noise. Calculate day-night sound level (DNL) exposure levels for population centroids and unique grid points. For California analyses, CNEL may be provided as a supplemental metric. Use of other supplemental metrics requires coordination with the Rules and Regulations Group, AJV-P2. Change analysis must be conducted as directed in FAA Order 1050.1, Appendix B.

**b.** A proposed flight procedure(s) or other air traffic action would create a significant noise impact if it would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.

**1.** For example, an increase from DNL 65.5 dB to 67 dB is considered a significant impact, as is an increase from DNL 63.5 dB to 65 dB. (See FAA Order 1050.1, Appendix B, Paragraph B-1.5, Significance Determination).

**2.** If the noise screening shows that the proposed procedure(s) would cause such an impact, a CATEX cannot be used, and an EA or EIS must be prepared.

**3.** If the flight procedure(s) or other air traffic action can be modified to reduce the noise below the significance threshold, an EA and mitigated Finding of No Significant Impact (FONSI) may be prepared. (See FAA Order 1050.1, paragraphs 2-3.6, 4-4, and 6-2.3).

**4.** If the noise screening shows that aircraft noise over a noise-sensitive area would increase by 5 dB or more, within the DNL 45–60 dB noise range; or would increase by 3 dB or more within the DNL 60–65 dB noise range, further analysis may be required to determine the potential for the flight procedure(s) to be highly controversial because of the potential noise impacts.

**5.** The determination of the appropriate level of additional analysis should be made in consultation with Mission Support, Policy, Rules and Regulations Group.

**c.** If the noise screening shows that none of the above increases would occur, the results of the noise screening with these conclusions should be attached to the CATEX Declaration and uploaded into the current document management database. (See FAA Order JO 7400.2, Appendix 6.)

### **32–3–2. ENVIRONMENTAL IMPACT CATEGORIES EXCLUDED FROM ANALYSIS**

**a.** The following environmental resource categories or sub-categories would not normally be affected by a proposed flight procedure or air traffic related action because the resource either does not exist within the study area, or the types of activities associated with a proposed air traffic or air traffic related action would not affect them. Accordingly, the following impact areas and resource categories would not be included in an EA or EIS for further analysis.

#### **1. Coastal Resources (Coastal Barriers and Coastal Zones).**

**(a)** Coastal Barriers. The Proposed Action is not expected to involve any actions (physical changes or development of facilities) that would be inconsistent with management of designated Coastal Barrier Resource System (CBRS) areas. However, if there are coastal zones within the study area, management plans must be reviewed to ensure there are no activities related to aircraft overflight noise in the management plan.

**(b)** Coastal Zones. The Proposed Action is not expected to directly affect shorelines or change the use of shoreline zones, or be inconsistent with a NOAA-approved state Coastal Zone Management Plan (CZMP). However, if there are coastal zones within the study area, the CMZP should be reviewed to confirm.

**2. Construction Impacts.** The implementation of new air traffic procedures or other air traffic actions does not normally involve construction activity or ground-based impacts.

**3. Farmland.** The Farmland Protection Policy Act (FPPA) (7 CFR part 658) regulates federal actions with potential to convert farmland to non-agricultural uses. Implementation of proposed flight procedures or air traffic actions does not normally involve the development of land regardless of use, nor do they have the potential to convert farmland to non-agricultural uses.

#### **4. Biological Resources (habitat).**

**(a)** Air traffic, airspace, and flight procedure changes do not involve ground disturbing activities. They do not normally impact critical habitats.

(b) The proposed flight procedure or air traffic action would not normally affect habitat for non-avian animals, fish, or plants.

5. Floodplains. The proposed flight procedure or air traffic action would not involve the construction of facilities. Therefore, it would not impact nor be affected by locations designated as a 100-year flood event area as described by the Federal Emergency Management Agency (FEMA), and no further analysis is required.

6. Hazardous Materials, Pollution Prevention, and Solid Waste. The proposed flight procedure or air traffic action would not involve construction or development, or any physical disturbances of the ground. Therefore, the potential for impact from hazardous materials, pollution, or solid waste is not anticipated, and no further analysis or pollution prevention actions would be required.

7. Historical, Architectural, Archeological, and Cultural Resources (*except Historical and Cultural*).

(a) Archeological. The proposed flight procedure or air traffic action would not involve any construction, development, or any physical disturbance of the ground, or excavation that could impact archaeological resources on Federal, State, or Indian lands, and therefore, would not impact cultural resources, or affect the physical integrity or access to American Indian sacred or culturally significant sites.

(b) Architectural. The proposed flight procedure or air traffic action would not involve any construction, development, or any physical disturbance of the ground. Therefore, the potential for impact in relation to architectural compatibility with the character of a surrounding historic district or property is not anticipated. However, in certain circumstances, some analysis of the potential for impacts related to aircraft noise may be required.

8. Light Emissions and Visual Impacts (*except Visual Impacts*). There are no special purpose laws for light impacts and visual impacts. Aviation lighting is required for security, obstruction clearance, and navigation and is the chief contributor to light emissions from airports.

(a) An impact analysis is necessary when projects introduce new airport lighting that may affect residential or other sensitive land uses.

(b) In certain circumstances, for example, when high intensity lights shine directly into a residence or have the potential to impact avian or other species, is the effect of light emissions considered potentially significant enough to warrant impact analysis and planning to reduce or mitigate such effects.

(c) The proposed flight procedure or air traffic action will not normally involve aviation lighting. Therefore, no further analysis is required.

9. Natural Resources and Energy Supply (*except fuel burn*). The proposed flight procedure or air traffic action would not normally involve the use of natural resources or materials. Therefore, no further analysis is required.

10. Socioeconomic Impacts and Children's Environmental Health and Safety Risks. Potential impacts in this category as a result of disproportionately high adverse noise and/or air quality impacts are dealt with in the noise and air quality impacts sections, respectively.

(a) Socioeconomic Impacts. The proposed flight procedure or air traffic action would not involve acquisition of real estate, relocation of residents or community businesses, disruption of local traffic patterns, loss in community tax base, or changes to the fabric of the community.

(b) Children's Environmental Health and Safety Risks. The proposed flight procedure or air traffic action would not affect products or substances that a child would be likely to come into contact with, ingest, use, or be exposed to, and would not result in environmental health and safety risks that could disproportionately affect children.

11. Water Quality. The proposed flight procedure or air traffic action would not involve any discharges or changes to existing discharges to water bodies, create a new discharge that would result in impacts to water quality, or modify a water body. Therefore, the proposed flight procedure or air traffic action would not result in any direct or indirect impacts to water quality, and no further analysis is required.

**12. Wetlands.** The proposed action would not involve the construction of facilities or infrastructure and would therefore not impact wetlands or navigable waters. Therefore, no further analysis is required.

**13. Wild and Scenic Rivers.** If there are no Wild and Scenic River segments (<http://www.rivers.gov/rivers/>) located in the study area, the proposed flight procedure or air traffic action would not adversely impact any wild, scenic, or recreational status of a river or river segment included in the Wild and Scenic River System and therefore, no further analysis is required.

### **32–3–3. ENVIRONMENTAL SCREENING AND MODELING TOOLS**

**a. Screening.** FAA Order 1050.1 contains a list of air traffic actions which normally do not result in significant impacts to the environment, are identified as categorically excludable actions (CATEX), and therefore, do not require the preparation of an EA or an EIS. One of the requirements for a CATEX determination is to ensure that there are no extraordinary circumstances as defined in FAA Order 1050.1.

**1.** The environmental screening process provides a uniform and consistent approach to identify air traffic actions that qualify for categorical exclusion from full environmental impact review in an EA or EIS, and also identifies extraordinary circumstances and/or the potential for significant impacts associated with proposed air traffic actions. The screening process is based on currently approved FAA impact analysis tools and policies.

**2.** A proponent of an air traffic action can perform a series of relatively simple tests prior to contacting a Service Center Environmental Specialist based on the location of the action (e.g., airport location) that will indicate if a CATEX is applicable.

**3.** Actions that pass the screening tests (see paragraph 32–3–3c1) would normally be eligible for a CATEX, but could still require compliance with special purpose environmental laws, regulations, and requirements such as National Historic Preservation Act (NHPA) Section 106 requirements.

**b.** Passing the environmental screening process indicates that the potential for significant impacts and/or extraordinary circumstances due to aircraft noise is minimal or negligible, and a CATEX is appropriate. The environmental screening documentation should be used by the Service Center Environmental Specialist to support the CATEX determination.

**c.** The recommended practice is to start with simple NEPA document determination tools, switching to more complex ones only if the proposed flight procedure or other air traffic action fails the test for CATEX eligibility. In general, the simple tools evaluate isolated changes to the proposed action with the goal of achieving quick but conservative results and require input of a minimal amount of data. The more complex tools evaluate multiple interdependent changes and require input of a more comprehensive set of data.

**1.** The following are the available tools that can screen proposed flight procedures or other air traffic actions for noise and/or fuel burn and carbon dioxide (CO<sub>2</sub>) impacts as indicated:

**(a) Pre-Screening Filter.** The Environmental Pre-screening Filter was developed to guide users through initial analysis of a flight procedure or other air traffic action to achieve applicability of a CATEX. Using a series of simple questions, the pre-screening filter collects and analyzes flight procedure information to determine the next steps in completing the NEPA process. The filter provides the Service Center Environmental Specialist with information to identify an appropriate CATEX or if additional environmental review is required.

**(b) Noise Screening Guidance Document.** Using a series of look-up tables, the document guides users through the process to determine if a CATEX is appropriate or if additional environmental review is required.

**(c) Terminal Area Route Generation Evaluation and Traffic Simulation (TARGETS) Environmental Plug-in.** The TARGETS Plug-in allows specialists to design procedures for the terminal environment and assess alternative concepts leading to final designs that consider both operational noise and air emissions constraints. Once the user has performed the analysis, the TARGETS Plug-in provides results detailing any potential increase or decrease in noise due to the proposed air traffic action. The TARGETS Plug-in also leverages the technology of AEDT and provides the capability to conduct tradeoff analysis between noise, fuel burn, and CO<sub>2</sub>.

**2. Modeling.** If the result of screening indicates that additional analysis is required, then a more complex modeling tool will need to be used. FAA environmental modeling has evolved to a single tool that allows analysis of noise, emissions, and climate impacts and their interdependencies:

(a) **Aviation Environmental Design Tool.** AEDT is a software system that dynamically models aircraft performance in space and time to produce fuel burn, emissions and noise. Full flight gate-to-gate analyses are possible for study sizes ranging from a single flight at an airport to scenarios at the regional, national, and global levels.

(b) AEDT is currently used by the U.S. government to consider the interdependencies between aircraft-related fuel burn, noise, and emissions.

(c) The AEDT initially replaced the Noise Integrated Routing System (NIRS) that was used for the noise analysis of large regional study areas that included multiple airports. AEDT has subsequently also replaced the Integrated Noise Model (INM) and the Emissions and Dispersion Modeling System (EDMS).

### **32-3-4. RECORDS RETENTION**

Records retention must be in accordance with the appropriate paragraph(s) in FAA Order 1350.15, Records Organization, Transfer, and Destruction Standards.

**NOTE-**

*Although chapter 10 of FAA Order 1350.15 contains Air Traffic-specific information, guidance for retention of environmental documentation is contained in that portion of the order specific to the Airports Division.*

a. Environmental record-keeping should receive special attention at the field facility level. If an action requires preparation of an EA or an EIS, the Service Center Environmental Specialist must maintain an Administrative File for every proposed action. The Administrative File is important in the environmental process because it is a compilation of all the information relied upon by FAA in the decision-making process.

b. Since some environmental projects may extend over several years, the Administrative File becomes a history of events. In the event of a legal challenge, the Administrative File will be used to develop the Administrative Record. The Administrative Record will be reviewed by the U.S. Court of Appeals to determine if the FAA complied with environmental requirements. The data and documentation contained in the File can also be used as the starting point for any follow-on environmental studies.

c. Field facility personnel must consult with their Service Center Environmental Specialist to obtain guidance on what should or should not become part of the Administrative File. Regional counsel or AGC-620, as appropriate, should also be consulted on this. Federal court rules provide that when an FAA action is challenged in court, the agency has 40 days to compile the Administrative Record, make necessary copies, and file an index to the Record with the court. Therefore, it is preferable to begin development of the Administrative Record by maintaining an accurate Administrative File from the earliest stages of a project, instead of waiting until a lawsuit is filed.



## Section 4. Air Traffic-Specific Environmental Guidance and Requirements

### 32-4-1. DEPARTMENT OF TRANSPORTATION (DOT) ACT SECTION 4(f) (RECODIFIED AS 49 USC SECTION 303(c))

Air Traffic personnel need to consult with all appropriate Federal, state and local officials having jurisdiction over affected Section 4(f) resource when determining whether project-related noise impacts would constitute a use of those resources.

FAA Order 1050.1, Appendix B, provides guidance on matters relevant to Section 4(f). (See also Appendix 9, Noise Policy for Management of Airspace Over Federally Managed Lands.)

### 32-4-2. NATIONAL HISTORIC PRESERVATION ACT (NHPA) § 106: ACTIONS NOT REQUIRING CONSULTATION

The types of undertakings listed in subparts a–e are presumed to have “no potential to cause effects” pursuant to 36 CFR § 800.3(a). When an action falls into one of these types of actions, it must be documented in the environmental record such as the Environmental Pre-screening Filter Tool or the project file. ATO is not required to consult when taking these actions. Once documentation is completed, then § 106 obligations are concluded.

- a. Air traffic actions that decrease/reduce the times of use or dimensions of Special Use Airspace (SUA) and do not change the existing operations within SUA.
- b. Air traffic actions that change the controlling agency or technical descriptions of SUA and do not change the operations within SUA.
- c. Air traffic actions that do not change the location of existing flight tracks, do not lower altitudes of existing flight tracks, and do not increase the number of aircraft operations, concentrations of aircraft or aircraft types. Examples include but are not limited to: adjusting speeds at waypoints, adding/removing waypoints along existing flight tracks, overlays that replace existing conventional flight tracks with satellite based navigation, and increasing altitudes of existing flight tracks or SUA.
- d. Air traffic actions that do not introduce new aircraft, new types of aircraft, or air traffic where it does not currently exist. The proposed changes must pass FAA’s noise screening using currently approved tools and methodologies, and do not introduce reportable noise. Such actions must move aircraft to areas already experiencing aircraft noise.
- e. Cancellation of flight procedures or routes when there is no planned replacement for them.

The actions listed in subpart f are not undertakings and therefore are not subject to § 106 obligations.

- f. New, amended, or deleted missed approach procedures to be published.

### 32-4-3. COMMUNITY INVOLVEMENT

a. Community involvement is the process of engaging in dialogue and collaboration with communities affected by FAA actions. Collaboration means all parties taking responsibility to engage in meaningful dialogue with their counterparts. This includes making a genuine effort to ensure that the interests of all have been identified and as many as possible have been addressed before an outcome is determined.

b. The FAA is committed to open dialogue with communities and regards community input as an important consideration in decisions that affect the airspace. Because the FAA must prioritize the safe and efficient operation of the National Airspace System, community involvement does not guarantee outcomes that satisfy everyone. However, decisions that take community input into consideration are more likely to reflect the

collective public interest, receive broader community acceptance, and experience fewer implementation and post-implementation problems.

**REFERENCE–**

*FAA Community Involvement Manual, February 2016, Section 1.1 “Background.”*

c. Therefore, ATO personnel should reference the following materials to determine the type and extent of community involvement, if any, for a project or action:

1. *FAA Order 1050.1.*
2. *FAA Community Involvement Manual (CIM).*
3. *FAA Air Traffic Organization Community Involvement Plan (ATO CIP).*
4. *FAA Community Involvement Performance Based Navigation Desk Guide (CIPDG).*
5. *FAA Order JO 7400.2, Appendix 10, FAA’s “Community Involvement Policy” statement.*
6. *FAA Scenario–Based Guidance for Community Engagement.*

d. Community involvement should be considered early in the project development process. Note that the type of community involvement (workshops, airport meetings, roundtables, presentations, etc.) must be determined on a case-by-case basis.

#### ■ 32–4–4. SEGMENTATION, INDEPENDENT UTILITY, AND CUMULATIVE IMPACTS

a. Environmental Specialists must ensure that projects that do not have independent utility are not separated into smaller components (segmented) in order to avoid analyzing the overall impact of the project. A project has independent utility when it can reasonably satisfy the agency’s purpose and need for the project even if no other project (or related portion of the project) is implemented. In contrast, projects are connected actions if they would not exist without the other project. Environmental Specialists should ensure that a project does not involve actions by multiple FAA LOB/SOs. Connected actions, as defined in FAA Order 1050.1F, Paragraph 2–3.2 (b)(1), must be considered together to prevent dividing a project into several smaller actions, each of which might have an insignificant impact when considered in isolation, but that taken as a whole, could have a substantial impact.

b. Environmental Specialists must ensure that cumulative impacts are appropriately addressed in all EAs or EISs for air traffic actions.

1. Cumulative impacts are those that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal and non-Federal) or person undertakes such other actions.

2. Cumulative impacts may result from individually minor, but collectively significant actions taking place over a period of time. (See FAA Order 1050.1, paragraph 4-2.d (3) and also “Considering Cumulative Effects Under the National Environmental Policy Act (1997).”)

#### ■ 32–4–5. DIVERSE VECTOR AREAS (DVA)

a. According to FAA Order 8260.3, United States Standard for Terminal Instrument Procedures (TERPS), a DVA is an area established to avoid obstacles.

1. A DVA is used by air traffic control (ATC) radar facilities to allow the radar vectoring of aircraft below the minimum vectoring altitude (MVA), or for en route facilities, the minimum instrument flight rules altitude (MIA).

2. A DVA consists of designated airspace associated with a departure runway where the use of the applicable departure criteria, specified in FAA Order 8260.3, and this order have been applied to identify and avoid obstacles that penetrate the departure obstacle clearance surface (OCS).

3. Avoidance of obstacles is achieved through the application of a sloping OCS within the boundaries of the DVA. Since a sloping OCS is applicable to climb segments, a DVA is valid only when aircraft are permitted to climb uninterrupted from the departure runway to the MVA/MIA (or higher). A DVA is not applicable once an aircraft's climb is arrested.

b. Since DVAs generally do not define a specific route to avoid potential obstacles, this type of action is not considered a major Federal action under NEPA and therefore, FAA Order 1050.1, paragraph 2-1.2.b, Advisory Actions, applies.

c. In accordance with FAA Order 1050.1, paragraph 2-1.2.b, the establishment of a DVA could result in subsequent action that may be subject to NEPA. Facility and Service Center specialists working on these subsequent actions must consult with their environmental specialist to determine if that action is subject to NEPA. (See questions in paragraph 33-2-1.)

#### **32-4-6. NATIONAL SECURITY AREAS (NSAs)**

a. According to paragraph 28-1-1, Definition, a National Security Area (NSA) consists of airspace of defined vertical and lateral dimensions established at locations where there is a requirement for increased security of ground facilities. Pilots are requested to voluntarily avoid flying through an NSA. When it is necessary to provide a greater level of security, flight in an NSA may be temporarily prohibited pursuant to the provisions of 14 CFR 99.7, Special Security Instructions.

b. In accordance with paragraph 28-2-1, NSA Proposals, NSAs do not require environmental analysis; therefore, this type of action is not considered a major Federal action under NEPA, and FAA Order 1050.1, paragraph 2-1.2.b, Advisory Actions, applies.

#### **32-4-7. PROHIBITED AREA AND ALERT AREA DESIGNATIONS**

In accordance with paragraph 21-1-9, Environmental Analysis, prohibited area and alert area designations are actions that are neither permissive nor enabling, and therefore, environmental assessments or statements are not required when designating these areas.

#### **32-4-8. RECORDS RETENTION**

Records retention must be in accordance with the appropriate paragraph(s) in FAA Order 1350.15, Records Organization, Transfer, and Destruction Standards.

##### **NOTE-**

*Although Chapter 10 of FAA Order 1350.15 contains Air Traffic-specific information, guidance for retention of environmental documentation is contained in that portion of the order specific to the Airports Division.*

a. Environmental record-keeping should receive special attention at the field facility level. If an action requires preparation of an EA or an EIS, the Service Center Environmental Specialist must maintain the Administrative File. The Administrative File is important in the environmental process because it is a compilation of all the information relied upon by FAA in the decision-making process.

b. Since some environmental projects may extend over several years, the Administrative File becomes a history of events. In the event of a legal challenge, the Administrative File will be used to develop the Administrative Record. The Administrative Record will be reviewed by the U.S. Court of Appeals to determine if the FAA complied with the requirements of NEPA. The data and documentation contained in the File can also be used to initiate any subsequent environmental studies.

c. Field facility personnel must consult with their Service Center Environmental Specialist to obtain guidance on what should or should not become part of the Administrative File. Regional counsel or AGC-620, as appropriate, should also be consulted on this. Federal court rules provide that when an FAA action is challenged in court, the agency has 40 days to compile the Administrative Record, make necessary copies, and file an index

to the Record with the court. Therefore, it is preferable to begin development of the Administrative Record by maintaining an accurate Administrative File from the earliest stages of a project, instead of waiting until a lawsuit is filed.

## **32-4-9. APPENDICES**

- a. Appendix 1. Environmental Study Process Flow Chart.
- b. Appendix 2. Special Use Airspace Aeronautical Processing Flow Chart.
- c. Appendix 3. Special Use Airspace Environmental Processing Flow Chart.
- d. Appendix 4. FAA Procedures for Processing SUA Actions Summary Table.
- e. Appendix 5. Air Traffic Initial Environmental Review (IER).
- f. Appendix 6. Sample Categorical Exclusion Document Template.
- g. Appendix 7. FAA/DoD Memorandum of Understanding.
- h. Appendix 8. FAA Special Use Airspace Environmental Processing Procedures.
- i. Appendix 9. Noise Policy for Management of Airspace Over Federally Managed Lands.
- j. Appendix 10. Community Involvement Policy.

## **32-4-10. MEMORANDUMS AND EMAILS SUPERSEDED BY THIS ORDER**

The following guidance memorandums (memos) and emails have been incorporated and therefore cancelled.

- a. ATA-1 Memo dated January 17, 2001, Change in Air Traffic Noise Screen Policy (Federal Register/Vol. 65, No. 235/Wednesday, December 6, 2000/Notices, p. 76339).
- b. ATA-300 Memo dated September 15, 2003, Altitude Cut-Off for National Airspace redesign (NAR) Environmental Analyses.
- c. AJR-34 Memo dated August 21, 2009, Environmental Guidance for Actions Involving Propeller-Driven Aircraft.
- d. AJR-34 Memo dated August 21, 2009, Guidance Regarding the Number of Procedures for Noise Screening.
- e. AJV-1 Memo dated December 15, 2010, Guidance for Conducting Environmental Review of Proposed Performance Based Navigation (PBN) Flight Procedures.
- f. AEE-400 Guidance Memo #1 dated December 20, 2010, Clarification of CATEXs 311g and 311i for Procedural Actions; FAA Order 1050.1E.
- g. AEE-400 Memo #2 dated January 10, 2011, Guidance on Preparing Focused, Concise and Timely Environmental Assessments.
- h. AEE-400 Guidance Memo #4 dated March 21, 2012, Guidance on Using AEDT2a to Conduct Environmental Modeling for FAA Air Traffic Airspace and Procedure Actions.
- i. D. Warren email dated March 23, 2012; In accordance with FAA Order 1050.1, National Security Areas (NSAs) are considered Advisory Actions and do not require environmental analysis.
- j. D. Warren email, dated May 8, 2012, CATEXs for Departure.
- k. AJV-114 memo dated July 17, 2012, Interim Guidance: Using the Lateral Movement Tests (LAT Tests) for Noise Screening of Air Traffic Actions.
- l. AJV-11 memo dated January 4, 2013, Authorized Use of the MITRE Noise Screening Guidance Document, dated December 2012.

- m.** D. Warren email dated March 11, 2013, Diverse Vector Areas (DVAs).
- n.** AJV-0 Memo dated March 21, 2013, Signature Authority and Process for Environmental Findings and Decision Documents Related to Performance Based Navigation and Airspace Redesign.
- o.** AJV-0 Guidance Memo dated September 19, 2013, Implementation of the Re-engineered Environmental Review Process for Instrument Flight Procedures: FAA Order JO 7400.2J.

