

CHAPTER 7. THE ENVIRONMENTAL ASSESSMENT

700. THE ENVIRONMENTAL ASSESSMENT (EA). CEQ states that an EA is a “concise document” that takes a “hard look” at expected environmental effects of a proposed action. Depending on project scope and complexity, the EA should be no more than 15 pages.¹ To achieve this page limit:

a. The EA should summarize the most important facts and conclusions surrounding the proposed action and its reasonable alternatives, if any.

b. The EA should incorporate by reference the correspondence, relevant data, inventories, assessments, appendices, or other technical documents supporting those facts and conclusions. All appendices and references must be available to anyone wishing to review them, unless another law prohibits disclosure of certain information or contains confidentiality provisions.

c. The EA should cross-reference pages of the supporting documents noted in paragraph 700.b. This enables readers to review the basis for the facts or conclusions the EA contains.

701. PURPOSE OF THE EA. FAA may prepare an EA on any action at any time to assist agency planning and decision making (40 CFR 1501.3(b)). The responsible FAA official uses the EA to meet the requirements of this Order and NEPA as the basis for recommending the issuance of a Finding of No Significant Impact (FONSI) or the preparation of an environmental impact statement (EIS). If the approving FAA official determines that an EIS is needed, the responsible FAA official may use the EA prepared for the proposed action as a source of information during FAA's preparation of an EIS for that action.

702. AIRPORT ACTIONS NORMALLY REQUIRING AN EA. The responsible FAA official must ensure an airport sponsor or the sponsor's qualified consultant or the agency prepares an EA for the airport actions listed below. Conversely, if a responsible FAA official reviews a proposed action and finds it is likely to cause significant impacts, the EA may be omitted and FAA may begin the EIS process.

a. **A normally categorically excluded action involving extraordinary circumstances.** This is an action that is normally categorically excluded, but that the responsible FAA official deems appropriate for an EA due to an extraordinary circumstance. Here, the official would require an EA to more thoroughly analyze and understand the severity of the proposed action's environmental impacts relative to applicable extraordinary circumstance(s).

¹ Question # 36a of CEQ's *Forty Most Asked Question Concerning CEQ's National Environmental Policy Act Regulations*.

b. Helicopter facilities or operations. An EA is needed to approve helicopter facilities or operations at an existing airport when helicopters using the facilities or operating at the airport would cause noise over noise sensitive areas within DNL 65 dB contours. The EA would be used to determine if those helicopters would cause a DNL 1.5 dB increase over noise sensitive areas within that contour. In addition, an EA would likely be needed for helicopter operations causing noise over national parks, wildlife refuges, or other areas where a quiet setting is a recognized quality of those land uses and the DNL 65 dB standard may not apply.

Note: Contact the responsible FAA official for settings, such as national parks, wildlife refuges, or other areas where a quiet setting is a recognized feature where the DNL 65 dB standard may not apply.

c. Land acquisition. An EA is needed to acquire land for any airport action discussed in the subparagraphs of paragraph 702 if the acquisition is highly controversial because:

(1) The supply of comparable, decent, safe, and sanitary housing is not sufficient to accommodate displaced residents. or

(2) Project-induced major business disruptions (e.g., interference with or eliminating access to businesses) in the affected area occur.

d. New airport serving general aviation. An EA is needed to unconditionally approve an initial Airport Layout Plan (ALP) or initial airport location for a new airport that would serve only general aviation, regardless of the airport's location. This paragraph includes Requests for AIP funds or approvals for a PFC to finance such a project.

e. New airport location. FAA requires an EA to unconditionally approve an ALP depicting an airport that would serve commercial service aircraft or general aviation and commercial service aircraft when that airport would not be located in a Metropolitan Statistical Area. This paragraph includes requests for AIP funds or approvals for a PFC to finance such a project.

f. New runway. FAA requires an EA to unconditionally approve an ALP depicting a proposed runway at an existing airport that is not located in a Metropolitan Statistical Area or a request to use AIP funds or a PFC to finance that project.

g. Major runway strengthening or major a runway extension. FAA requires an EA to unconditionally approve an ALP depicting a project to strengthen or extend a runway that would involve one of the extraordinary circumstances listed in Table 6-3 of

this Order. This paragraph includes requests for AIP funds or approvals for a PFC to finance such a project.

h. Prime and unique farmland. FAA requires an EA for an airport project that would convert land protected under the Farmland Protection Act to non-agricultural use, when the total score on the USDA's Farmland Conversion Impact Rating Form (Form AD-1006) exceeds 200 points.

i. Waters or wetlands. The decision to prepare an EA does not depend on the Corps of Engineers' jurisdiction over these resources (i.e. "a navigable water of the United States."). Rather, that decision depends on the context and intensity of the impact to these resources or if the project's design meets potential design eligibility criteria for a Corps of Engineers General Permit. Therefore, FAA requires an EA if an airport project involves dredging or filling of any waterway or wetland and:

(1) The airport sponsor must apply for an individual permit under Section 404 of the Clean Water Act to dredge or fill navigable waters.

(2) The project is not normally categorically excluded (see Tables 6-1 and 6-2 of this Order). or

(3) The project is normally categorically excluded (see Tables 6-1 and 6-2), but in this instance, would not meet the design criteria of any Corps of Engineers General Permit.²

Note: FAA realizes an action involving dredging or filling of non-jurisdictional waters or wetlands would not require any permit under the CWA. However, to ensure actions occurring in non-jurisdictional waters or wetlands do not cause significant environmental effects, FAA will use the General Permit design criteria as guidance. Projects not meeting those design criteria may cause significant impacts; therefore, they require preparation of an EA.

j. Other circumstances. The responsible FAA official should consider the need for an EA in circumstances not addressed in paragraphs 703.a – i, particularly when controversy exists because the proposed action involves a special purpose law.

703. EA PREPARATION. Normally, the airport sponsor selects a qualified environmental consultant to prepare an EA for an airport action. But when the airport sponsor and/or FAA have substantial concern that the action could cause significant impacts that could not be mitigated below applicable significance thresholds, FAA should select the EA consultant. Here, FAA's consultant selection could save time if the EA shows an action would cause significant environmental impacts. This is because

² General Permits are issued on a nationwide, regional, or State basis for categories of activities the Corps of Engineers has determined do not normally cause significant impacts (See Vol. 61 FR, No. 241, p. 65874).

FAA must select the consultant (i.e., contractor) who will assist FAA in preparing the EIS (40 CFR 1506.5(c)) if the EA indicates the action would cause significant impacts. See paragraph 707.

Note: Paragraph 1003.a provides useful information on selecting contractors.

704. EA PREPARATION COORDINATION. Text at 40 CFR 1501.4(b) states:

“The [Federal] agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing assessments required by [section] 1508.9(a)(1) [environmental assessment].”

a. Public input. EA preparers should coordinate with resource agencies, industry groups, and the affected community as practicable and necessary to ensure the EA addresses those issues of greatest public concern. Therefore, the responsible FAA official may wish to use information in paragraph 403 of this Order to decide if public review or coordination is needed during EA preparation. Although the information in paragraph 403 pertains to the need for public hearings, the responsible official may use that information and his or her discretion to decide if there are issues of major concern to the public that would benefit from public review of draft EAs. If Tribal consultation is needed, the airport sponsor must contact the responsible FAA official to comply with FAA Order 1210.20, *American Indian and Alaska Native Tribal Consultation Policy and Procedures*, dated January 28, 2004.

b. Adopting another Federal agency’s EA. Order 1050.1E, paragraph 404d allows FAA to adopt another Federal agency’s EA. Paragraph 1005 of this Order has information for adopting another Federal agency’s EIS. FAA applies that information to EAs as well.

705. SCOPING ENVIRONMENTAL ASSESSMENTS. Although scoping is not required for EAs, scoping could enhance EA preparation and content. This is especially so when the proposed action is highly controversial or involves special purpose laws or other environmental concerns. Unlike scoping for an EIS, the airport sponsor or its consultant, not FAA, conduct EA scoping.

a. Conducting EA scoping. EA scoping may be a part of the agency coordination discussed in paragraph 704. FAA does not publish a Notice of Intent (NOI) (see paragraph 907) before EA scoping begins. Instead, the airport sponsor should use the local media or mail to notify the public that it is planning to conduct scoping for an EA. Although paragraphs 905 and 906 discuss EIS scoping, they provide helpful information for scoping EAs as well. If an airport sponsor requests scoping support, the responsible FAA official should aid the sponsor as needed.

b. EA scoping package. The Office of Airport (ARP) recommends that the airport sponsor provide information to scoping participants before EA scoping occurs. This helps interested parties participate productively. Information in paragraphs Chapter 9 is helpful in preparing for EA scoping.

706. EA FORMAT AND CONTENT. The following sample format may aid in preparing an EA. The suggested format also helps to integrate the NEPA process with special purpose laws outside NEPA's scope.

a. The EA cover sheet. The EA's cover must contain the words "Environmental Assessment." The cover should identify the proposed action and its geographic location. It must also contain the statement in paragraph 707.f of this Order. The cover must identify the EA's preparer. This may be the airport sponsor, a qualified environmental consultant,³ or the responsible FAA official.

b. Purpose and Need. The airport sponsor, not FAA, proposes development at an airport. Consequently, the sponsor is the applicant seeking FAA approval: to change the sponsor's airport layout plan; for Airport Improvement Program funding; or to use AIP funding or passenger facility charges to build the project. The responsible FAA official and ARP airport planners should ensure the purpose and need is rational and supported by current, available data. If these criteria are not met, the responsible FAA official and ARP airport planners should consult the airport sponsor to resolve any identified problems. Upon completing that process, the responsible FAA official is assured that the proposed action and the reasonable alternatives, if any, the NEPA document discusses can achieve the purpose and need and meet applicable airport design and planning standards or qualify for waivers to those standards.

Note: Advisory Circular 150/5070-6, *Airport Master Planning*, and Chapter 5 of this Order provide more information on master planning and its link to the NEPA process.

(1) The purpose and need should be defined considering the statutory objectives of the proposed Federal actions as well as the sponsor's goals and objectives.

(2) The Purpose and Need statement should be one or two short paragraphs.⁴ If specific background information is needed to support this concise Purpose and Need statement, the statement should refer the reader to the appropriate pages of an appendix or reference to the EA for more information. The Purpose and Need statement should be plainly-written so people unfamiliar with aviation can understand it. The statement

³When sub-consultants work with a prime consultant to prepare an EA, the EA cover sheet should name the prime consultant for brevity. The List of Preparers should identify each person who has prepared a section of the EA or a substantial background paper used in preparing the EA and that person's respective employer.

⁴"Memorandum on *Guidance for developing Purpose and Need Statements*, from the Manager, Community and Environmental Needs Division, dated November 4, 2003.

should summarize the benefits of FAA's decision, including a proposed time for carrying out the action.

(3) The Purpose and Need statement should be based on current aviation forecast data presented in an appendix to the EA. In developing an action's Purpose and Need statement, the airport sponsor's airport planners should coordinate with FAA and the responsible FAA. This coordination is necessary because the sponsor's forecasts must be reasonably consistent with FAA's Terminal Area Forecast (TAF). FAA uses the following guidelines to determine the acceptability of a sponsor's forecasts.

(a) A 5-year forecast should be within 10% of the TAF.

(b) A 10-year forecast should be within 15% of the TAF.⁵

(c) Forecasts not meeting these limits must be reconciled before FAA uses those data for environmental analyses. The responsible FAA official should ensure FAA and the sponsor's airport planners resolve the differences between those forecasts before completing the Purpose and Need.

c. The Proposed Action. This section should concisely describe the solution the airport sponsor wishes to implement to solve the problem(s) it is facing. It should also describe how the project, including the sponsor's proposed conceptual mitigation, fits into the airport layout plan (ALP) or the ALP amendment for which the airport sponsor seeks FAA's approval. This EA section should be written so an individual unfamiliar with aviation may understand the airport sponsor's proposal.

Note: See information on "connected actions" and "similar actions" in paragraph 905.c, as needed.

d. Alternatives. This section is based on the Purpose and Need statement. It is "the heart of the environmental document"(40 CFR 1502.14). This section compares the no action, the proposed action, and reasonable alternatives (if any), and each reasonable alternative's expected environmental effects. Tables or matrices summarizing the following information are good ways to present this comparison. Such comparisons sharply define the issues and provide the approving FAA official with a clear basis for choosing among these alternatives

(1) Why an alternative is or is not considered in detail.

(2) The statutory or regulatory requirements applicable to each alternative.

⁵ December 23, 2004, memorandum from the Director, Airport Planning and Programming, entitled *Revision to Guidance on Review and Approval of Aviation Forecasts*.

(3) Each action's expected environmental impacts.

(4) Conceptual measures needed to mitigate those impacts.

(5) If there are no unresolved conflicts concerning alternative uses of available resources, the range of alternatives may be limited to the no action and proposed action alternatives (FAA Order 1050.1E, paragraph 405d.).

(a) Unresolved conflicts may exist between the project proponent and those wishing to use affected environmental resources for non-airport purposes. Typically, an unresolved conflict exists when an airport development project concerns involves one or more special purpose law (see paragraph 9.t). Each reasonable alternative description should contain only that information needed to explain it to someone unfamiliar with airport planning or operations and documentation to support it. An example of an unresolved conflict would be when an airport sponsor proposes locating a runway in a wetland, while a project opponent states the same wetland is valuable for flood retention.

(b) In addition to the unresolved conflicts noted in paragraph 706.d.(5)(a), an EA's range of reasonable alternatives may expand after considering:

1. The proposed action's complexity.
2. The variety of expected environmental impacts. or
3. Agency experience in dealing with the action's expected environmental issues.

(c) As the nation's Federal agency responsible for airport actions, FAA can help the airport sponsor develop reasonable alternatives. ARP suggests that airport sponsors or their consultants discuss alternatives with the responsible FAA official in the regional or district Airports office.

(6) After assessing items noted in paragraphs 706.d(5)(a) and (b), EA preparers should develop the reasonable alternatives comprising this EA section. The preparers should note that reasonable alternatives for NEPA purposes include ways to achieve the stated purpose and need that are within the sponsor's or FAA's purview, and those alternatives outside FAA's jurisdiction (Order 1050.1E, paragraph 506.e). After considering the alternative's technical, economic, and environmental factors, the EA evaluates the reasonable alternatives "in detail," in addition to the no action and proposed action. That is, the EA provides the analyses of potential environmental consequences for each alternative.

(7) When an alternative is considered but judged “not reasonable,” the EA should concisely explain why the sponsor or FAA eliminated that alternative from further consideration. The EA does contain a discussion of a rejected alternative’s environmental consequences.

e. Affected Environment. This section succinctly describes *only* those environmental resources the proposed action and its reasonable alternatives, if any, are likely to affect (FAA Order 1050.1E, paragraph 405e). The amount of information on a potentially affected resource is based on the extent of the expected impact and is commensurate with the impact’s importance. For resources not affected, the following statement is sufficient:

“The no action, proposed action, and reasonable alternatives would not affect:
[list the resources.]”

(1) To complete the EA’s cumulative analysis, the Affected Environment section should include critical background information of past, present, and reasonably foreseeable future actions.

Note: An action need not have Federal involvement to be included in a NEPA document’s cumulative analysis.

(2) Include location map(s), vicinity map(s), an ALP, and photographs to help readers understand the affected area’s characteristics.

(3) Provide information on existing and planned land uses and zoning for:

(a) The affected area’s industrial and commercial activities and their growth characteristics.

(b) Residential areas, schools, places of worship or outdoor assembly areas used by churches or hospitals.

(c) Publicly-owned and used parks, recreational areas, wildlife and waterfowl refuges.

(d) Information on National and State forests, wilderness areas and eligible and designated wild and scenic rivers.

(e) Federally-listed threatened, or endangered species or their critical habitats or candidate species. Information on state-listed species is also important.

(f) Wetlands, floodplains, coastal zones, or coastal barriers.

(g) Historic, archeological, or cultural resources on or eligible for inclusion on the National Register of Historic Places (NRHP). These include Native American cultural sites meeting NRHP eligibility criteria.

(4) Political jurisdiction(s) the proposed action or its reasonable alternatives would affect. and

(5) When appropriate demographic information and population estimates for the affected area, including a Bureau of Census map.

f. Environmental Consequences. The EA must provide concise analyses *only* for the potential environmental impacts that the no action, proposed action and its reasonable alternatives, if any, may cause. The EA must show that FAA took the required "hard look" at these impacts to support an FAA decision to prepare a FONSI or an EIS.

(1) Impact descriptions. This information must discuss the environmental consequences of the no action, proposed action, and, if any, each reasonable alternative. Based on those consequences, the approving FAA official will determine if a FONSI is appropriate or if FAA must prepare an EIS. Impact descriptions must provide clear, concise information justifying the level of impact severity for each affected resource.

(2) Special purpose laws. The EA should integrate impact determinations for special purpose laws if the no action, proposed action, or reasonable alternatives would affect any resources those laws protect. Integrating NEPA and non-NEPA requirements helps the responsible FAA official determine impact significance for NEPA purposes. It is also a good way to streamline other environmental reviews for airport actions. To promote EA review and reduce EA bulk, follow these steps:

(a) The EA should discuss any special purpose law applicable to the proposed action or any reasonable alternative. ARP encourages using hyperlinks to web-based documentation when possible.

(b) To facilitate EA review and reduce EA bulk, the EA should cross-reference specific pages in the EA's appendices or readily-available references that address special purpose law requirements. The pages noted should contain:

1. The analysis needed to meet the requirements of applicable special purpose laws and list any permits, licenses, or approvals the law requires.

2. Information supporting impact determinations. and

3. Proof of agency consultation needed to meet the applicable special purpose law.

(3) Determining environmental consequences. To determine context, intensity, and significance of potential environmental consequences, the responsible FAA official must use information the EA contains. FAA Order 1050.1E, Appendix A, provides FAA's significance thresholds for many resources FAA actions often affect. For convenience Table 7-1 (at the end of this chapter) lists the thresholds. The Table also provides intensity factors and other information for many thresholds to help the responsible FAA official determine the significance of airport-related impacts. The responsible FAA official uses each applicable threshold (where FAA has established one), intensity factors, other relevant information and consultation with resource agencies to determine if the proposed action or a reasonable alternative would cause a significant impact. The EA's Environmental Consequences section must disclose this information.

g. Mitigation. This information is critical in determining the impact level the no action, proposed action, or the reasonable alternatives, if any, would cause. This EA section describes the conceptual measures the sponsor, proposes to mitigate the identified environmental impacts. Conceptual measures are preliminary, qualitative explanations of each mitigation measure the sponsor develops in consultation with the responsible FAA official and expertise or jurisdictional agencies. These explanations should describe each measure's benefits (Order 1050.1E, paragraph 405g) by noting how the measure would avoid or reduce the adverse environmental effects.

(1) EA format. The EA's Mitigation section may be a stand-alone section or it may be combined with the Environmental Consequences section. Combining the sections may help the reader better understand the relationship of anticipated environmental consequences and the measures the airport sponsor would fulfill to mitigate those consequences. If preparers combine the sections, the section of the document should be "Environmental Consequences and Mitigation." In either format, the mitigation discussion should state clearly why the mitigation would reduce impacts of the proposed action or reasonable alternatives below applicable significance thresholds.

(2) Proof of consultation. The EA should include proof that consultation with the appropriate resource agency(ies) on the proposed mitigation has occurred. Cross-reference summaries of this coordination to pages in the EA's appendices to reduce the EA's bulk.

(3) Incorporating Part 150 noise mitigation in a proposed action. A Noise Compatibility Plan under 14 CFR Part 150 may only be used to identify measures to mitigate noise if the airport sponsor completes that study *concurrently* with the EA (or EIS). In this instance, the airport sponsor would identify noise mitigation measures at the

same time that FAA makes its decision concerning the proposed action, not before FAA makes that decision. The sponsor must identify its proposed and meaningful noise mitigation during the NEPA process. In addition, mitigation measures identified in a FONSI (or Record of Decision) may be funded using the Airport Improvement Program's discretionary account under 49 USC 47117(e). Therefore, there is no need for airport sponsors to use Part 150 studies to gain access to discretionary funding for noise mitigation measures.

(4) Using an Environmental Management System (EMS). Paragraph 9.e of this Order defines an EMS. EMS information addressing the effectiveness of mitigation used in other FAA actions is helpful in determining impact significance for the alternatives analyzed in detail. The responsible FAA official, airport sponsor, and consulted agencies may use information from an airport sponsor's EMS or another EMS for similar airport actions to determine if mitigation the EA contains would likely prevent significant impacts.

h. Cumulative impact analysis. An EA may need to analyze impacts on resources due to the proposed action and impacts on the same resources due to past, present, and reasonably foreseeable actions (see Order 1050.1E, paragraphs 405f.(1)(c) and 500c). This "cumulative impact analysis" may be needed to determine if any significant impacts would occur when the proposed action's effects are added to those other actions. For more details, see paragraph 1007.i of this Order.

i. Agencies and people consulted. In an EA appendix, list the agencies and people consulted to develop the EA or the information supporting it.

707. FAA'S ROLE WHEN A SPONSOR OR ITS CONSULTANT PREPARES AN EA. For NEPA purposes, FAA must independently evaluate the EA and take responsibility for its scope and content (40 CFR 1506.5(b)).

a. Aid the airport sponsor or its consultant. The airport sponsor, or its consultant normally prepares the EA. However, when the sponsor requests, the responsible FAA official and FAA airport planners should provide assistance (40 CFR 1506.5(a)). This often assistance may include:

(1) Helping the sponsor define airport design and planning standards needed for a proposed action.

(2) Helping the sponsor develop a Purpose and Need.

(3) Helping the sponsor develop the reasonable alternatives that meet airport planning standards and the Purpose and Need.

(4) Outlining impact concerns based on the proposed action and the identified reasonable alternatives, if any. and

(5) Advising document preparers on consultation, coordination, or other information the EA should contain.

b. Review the EA. The responsible FAA official must independently evaluate the EA to:

(1) Determine the EA's accuracy.

(2) Take full responsibility for the scope and content that addresses FAA actions.

(3) Determine if the EA meets the requirements of NEPA, applicable special purpose laws, and this Order, including responses to public comments. If over 3 years have elapsed since the other federal agency issued its FONSI, but ARP has not yet issued its FONSI, the responsible FAA official must prepare a written re-evaluation of the other agency's EA per paragraph 1401 of this Order.

(4) Help ensure the necessary agency review and consultation has occurred and that the EA adequately addresses their comments and concerns.

Note: Responses to comments on draft EAs need not be as detailed or as comprehensive as those prepared for EIS, but they must adequately respond to the comment.

(5) Ensure the EA identifies EA preparers. and

(6) Ensure the EA is suitable for a public hearing, if one will occur.

c. Request correction of deficiencies. If the responsible FAA official determines the EA is inadequate or does not provide the information noted in paragraph 707.a(1) – (5) or other information needed for an informed decision, the official must request that the airport sponsor correct the identified deficiencies. The airport sponsor is responsible for submitting a revised EA addressing the official's comments to FAA for review. EA preparers should carefully respond to these comments to ensure they address the official's specific comments. This minimizes the extent of needed revisions. These steps are needed to support the cover page statement noted in paragraph 707.f of this Order.

d. Resolving outstanding issues. Sometimes, the airport sponsor does not accept certain recommendations Federal, State, local or Tribal agencies provide. In other instances, the sponsor may not resolve an issue before submitting an EA to FAA for

review. Here, the responsible FAA official may help develop an agreeable solution to resolve outstanding issues. If that effort does not produce a solution, then the airport sponsor must provide written rationale for rejecting the recommendations or solutions. The responsible FAA official must forward that explanation to the following people:

(1) The "single point of contact" (see paragraph 302.a.(2)) or, if a contact doesn't exist, the agency providing the comment or recommendation.

(2) DOT's Assistant Secretary for Administration.

(3) If necessary, a tribal representative.

A minimum of 15 days must elapse between the time responsible FAA official sends the sponsor's explanation to these parties and the date FAA takes final action on a proposal. If the responsible FAA official is unable to resolve outstanding issues, it should immediately alert APP-400 of this situation, summarize the issue(s) causing the controversy and provide that summary to APP-400. This will enable APP-400 to understand the issues and assist the responsible FAA official as needed complete the EA.

e. Regional Counsel review of EAs.

(1) **Required review.** The responsible FAA official must request Regional Counsel review of EAs for airport actions:

(a) Opposed by a Federal, State, or local agency or a Tribe on environmental grounds or opposed by a substantial number of people the project affects.

(b) Affecting resources protected under Section 106 of the National Historic Preservation Act. or

(c) Involving a determination of use of resources protected under Section 4(f) of the Department of Transportation Act (recodified at 49 USC section 303c).

(2) **Optional review.** The responsible FAA official may request Regional Counsel review of EAs for airport actions:

(a) Involving other special purpose laws not discussed in paragraph 707.e.(1)(a) - (c). or

(b) Involving other circumstances that may benefit from Counsel review.

f. Required EA adequacy statement. The responsible FAA official must independently evaluate and determine the adequacy of the EA. The official also must

take responsibility for the document’s scope and content (40 CFR 1506.5). When the official accepts the EA, the bottom of the EA cover must contain this signed statement:

"This environmental assessment becomes a Federal document when evaluated, signed, and dated by the Responsible FAA Official.

Responsible FAA Official Date"

g. Recommend a finding. Based on the accepted EA, the responsible FAA official will recommend to the approving FAA official issuance of a FONSI or that FAA prepare an EIS. To support either recommendation, the responsible FAA official should either attach the accepted EA to a draft copy of a recommended FONSI or attach a written explanation stating why an EIS is needed.

708. DISTRIBUTING DRAFT EAs.

a. When a public hearing will occur under 49 USC 47106(c)(A)(i). When the sponsor will conduct a public hearing for a new airport, a new runway or a major runway extension per 49 USC 47106(c)(A)(i) (paragraph 402 of this Order), the official must provide the draft EA to the public for review so the public may prepare for the hearing. However, before providing the EA, the airport sponsor must file a draft EA with FAA for review to ensure the EA accurately presents FAA policy and concerns. After the sponsor revises the draft EA to address FAA’s comments, the sponsor must issue the revised EA at least 30 days before the hearing occurs.

b. NEPA and special purpose laws. If an airport action warrants public review under NEPA or a special purpose law (paragraph 403 of this Order), the responsible FAA official should consider issuing the draft EA for a 30-day public review period. ARP strongly urges responsible FAA officials to provide this 30-day review period for actions involving properties protected under Section 106 of the National Historic Preservation Act, Section 4(f), or floodplain or wetland resources. Doing so fulfills public involvement requirements for these sensitive properties or resources.

c. Distributing the draft EA. The responsible FAA official should follow the instructions in paragraph 804 of this Order as a guide when distributing draft EAs.

709. FILING THE FINAL EA WITH FAA. If a public hearing is held, it must occur before the sponsor files the final EA with FAA. Before filing a final EA whose draft was circulated for public review, the sponsor should ensure the final EA addresses substantive public concerns noted during the public hearing or other public review processes. After revising the EA so it addresses those concerns, the airport sponsor should send the EA to FAA. The airport sponsor should do so during the project

formulation step that AIP funding requires as noted in paragraph 302.b, or not later than the time the airport sponsor does the following, as appropriate:

- a. Sends a letter to FAA describing the proposed action and seeking AIP funding for the action.
- b. Requests unconditional FAA approval of a new or revised ALP.
- c. Requests FAA approval for any action normally requiring an EA (paragraph 702 of this Order). or
- d. Requests FAA approval of conveyance of government lands for airport purposes under 49 USC 47125.

710. PROCESSING THE FINAL EA. The responsible and approving FAA officials have roles in this step.

a. **The responsible FAA official.** This official ensures:

- (1) The revised EA addresses important environmental issues agencies or the public raised during the public hearing or public review processes.
- (2) The EA meets the requirements of this Order. and
- (3) Accepts the airport sponsor's EA and signs the statement noted in paragraph 707.f.

b. **The approving FAA official.** Based on the responsible FAA official's recommendation, the approving FAA official may:

- (1) Issue a FONSI for the proposed action. or
- (2) Require FAA to prepare an EIS.

711. PUBLIC DISTRIBUTION OF A FINAL EA. Because an EA normally provides the analyses to support a Finding of No Significant Impact, use paragraphs 708, 804, 806, and 807 of this Order as needed for information on distributing EAs for public information.

712. EA TIME LIMITS AND THE NEED TO RE-EVALUATE OR SUPPLEMENT AN EA. The responsible FAA official must comply with the time limit requirements noted in Chapter 14 of this Order to comply with FAA Order 1050.1E, paragraph 411.

713. RE-EVALUATING OR SUPPLEMENTING AN EA. Substantial new information or a change in the project may require the responsible FAA official to write a reevaluation of an EA or supplement one. Paragraph 1401 of this Order provides information on re-evaluating or supplementing NEPA documents.

714. – 799. RESERVED.

TABLE 7-1. SIGNIFICANCE THRESHOLDS		
RESOURCE CATEGORY	ORDER 1050.1E THRESHOLD	FACTORS TO CONSIDER FOR AIRPORT ACTIONS
Air quality.	When a project or action exceeds one or more of the National Ambient Air Quality Standards (NAAQS).	<p>For NEPA purposes: The responsible FAA official must determine if air quality impacts of a reasonable alternative would exceed a National Ambient Air Quality Standard for the time periods analyzed.</p> <p>For General Conformity requirements under the Clean Air Act, as amended. Analyze only the proposed or preferred alternative.</p>
Coastal Barriers.	None established.	<p>FAA Order 1050.1E, Appendix A, Section 3 does not provide a threshold for these resources. After consulting with the jurisdictional U.S. Fish and Wildlife Service or Federal Emergency Management Agency office, the responsible FAA official should determine if the proposed action would cause either of the following conditions.</p> <ul style="list-style-type: none"> • An unacceptable risks to human safety or property. • Adverse effects to the barrier’s environmental resources that could not be satisfactorily mitigated.
Coastal Zone.	None established.	<p>FAA Order 1050.1E, Appendix A, Section 3, does not provide a threshold for these resources. Because of the number of airports in coastal areas or that could affect coastal resources, ARP suggests the responsible FAA official consider the following factors, while addressing effects on coastal zone resources.</p> <ul style="list-style-type: none"> • Did the CZM agency object to the sponsor’s consistency certification? • If yes, has the sponsor changed the project so it is consistent with the applicable coastal zone management plan(s)? • If not, has the sponsor successfully appealed the CZM agency’s consistency objection to the NOAA Assistant Administrator? • If the airport action includes facilities FAA will install, did the

Table 7.1-1

		<p>responsible FAA organization provide proof that it will install the necessary aviation facilities in a manner consistent with the approved coastal zone management plan to the maximum extent practicable?</p> <ul style="list-style-type: none"> • Did the CZM agency agree or disagree with FAA’s finding? • If not, has FAA changed the proposed installation to meet CZM plan?
Compatible land use.	See significance threshold for noise.	<p>The responsible FAA official determine if any alternative would have land use consequences such as:</p> <ul style="list-style-type: none"> • community disruption; • business relocations; • induced socioeconomic impacts; • wetland, or floodplain impacts; or • critical habitat alterations. <p>Use the information from the factors addressing these specific issues to determine the severity of compatible land use effects.</p>
Construction impacts.	See significance threshold for the resource(s) construction would affect.	Use the information for each applicable resource.
Section 4(f).	When the action’s physical use would be more than minimal or its constructive use substantially impairs the 4(f) property. In either case, mitigation is not enough to sustain the resource’s designated use.	Determine if the proposed action or a reasonable alternative would eliminate or severely degrade the intended use of the Section 4(f) resource. That is would the proposed action or alternative physically or constructively use (i.e., substantially impair the use) that resource? The responsible FAA official should determine if mitigation is satisfactory to the agency having jurisdiction over the protected resource. If mitigation is unsatisfactory, more detailed, impact analysis is likely needed.

Table 7.1-2

Farmlands.	When the total combined score on Form AD-1006 ranges between 200 and 260. Impact severity increases as the total score approaches 260.	
Fish, Wildlife and Plants.	<p>For Federally-listed species: When the U.S. Fish and Wildlife Service or the National Marine Fisheries Service determines a proposed action would likely jeopardize a species' continued existence or destroy or adversely affect a species' critical habitat.</p> <p>For non-listed species: Consider scientific literature on and information from agencies having expertise addressing on the affected species. Consider information on: project effects on population dynamics; sustainability; reproduction rates; natural and artificial mortality (aircraft strikes); and the minimum population size needed to maintain the affected population.</p>	<p>The responsible FAA official should consider the following factors in consultation with organizations having jurisdiction or special expertise concerning the protection and/or management of the affected species. The official should complete the added analysis for each reasonable alternative that would cause long-term (i.e., greater than 1 year) habitat impacts.</p> <ul style="list-style-type: none"> • Consult with the appropriate agency(ies) to determine if an area sufficient to sustain species commonly found in the affected area would remain if the alternative were implemented. • Determine if the alternative would affect habitat supporting floral or faunal species not commonly occurring in the project area. If yes, In consultation with the appropriate agency(ies), determine if the alternative would affect a small tract of sensitive habitat needed for the survival or well-being of flora or fauna. Consider the locations of other nesting and breeding areas relative to the project's affected area and if resource agency(ies) indicate those areas could sustain the disturbed species.
Floodplains.	When notable adverse impacts on natural and beneficial floodplain values would occur.	<p>The a responsible FAA official must decide if a "significant floodplain encroachment" would occur. To do so, the official must decide if the action's or reasonable alternative's floodplain encroachment would cause any of the following:</p> <ul style="list-style-type: none"> • A considerable probability of loss of human life; • Future, extensive damage that would interrupt airport service or use of the proposed runway or other proposed airport facility. • A notable, adverse effect on the affected floodplain's natural and beneficial values. <p>It is critical to note that an alternative causing a significant</p>

Table 7.1-3

		<p>encroachment does not necessarily trigger a significant impact for NEPA purposes. That level of impact would occur only when an action would cause notable adverse impacts on the affected floodplain’s natural and beneficial values.</p> <p>In those instances when no significant effect under NEPA would occur, the responsible FAA official must ensure the environmental document discloses action-induced effects on human life, NAVAIDS, and transportation facilities. In this case, the official should ensure the document clearly states those effects do not trigger a significant impact under NEPA.</p>
Hazardous materials.	<p>When an action involves a property on or eligible for the National Priority List (NPL). Uncontaminated properties within a NPL site’s boundary do not always trigger this significant threshold.</p>	
Historical, architectural, archaeological, and cultural.	<p>When an action adversely affects a protected property and the responsible FAA official determines that information from the State and/or Tribal Historic Preservation Officer addressing alternatives to avoid adverse effects and mitigation warrants further study.</p>	
Light emissions and visual effects.	<p>For light emissions: When an action’s light emissions create annoyance to interfere with normal activities.</p> <p>For visual effects: When consultation with Federal, State, or local agencies, tribes, or the public shows these effects contrast with existing environments and the agencies state the effect is objectionable.</p>	
Natural resources and energy supply.	<p>When an action’s construction, operation, or maintenance would cause demands that would exceed available or future (project year) natural resource or energy supplies.</p>	

Table 7.1-4

<p style="text-align: center;">Noise.</p>	<p>For most areas: When an action, compared to the no action alternative for the same timeframe, would cause noise sensitive areas located at or above DNL 65 dB to experience a noise increase of at least DNL 1.5 dB. An increase from DNL 63.5 dB to DNL 65 dB is a significant impact.</p> <p>For national parks, national wildlife refuges and historic sites, including traditional cultural properties: FAA must give special consideration to these areas. The DNL 65 dB threshold may not adequately address noise effects on visitors to these areas. Consult the jurisdictional agency for more information to determine a significant noise impact.</p>	<p>ARP reminds the responsible FAA official that disclosing impacts having a DNL 3.0-dBA increase over noise-sensitive areas located between the DNL 60 and 65-dBA contours is for information purposes only. For NEPA purposes, those 3-dBA impacts do <u>not</u> cause significant adverse noise impacts below the DNL 65 dBA contour, except as noted in the 2nd column regarding national parks, etc.</p>
<p style="text-align: center;">Socioeconomic Environmental Justice, and Children’s Health and Safety Risks.</p>	<p>For Socioeconomic issues: When an action would cause:</p> <ul style="list-style-type: none"> • extensive relocation, but sufficient replacement housing is unavailable; • extensive relocation of community businesses that would cause severe economic hardship for affected communities; • disruption of local traffic patterns that substantially reduce the Levels of Service of roads serving the airport and its surrounding communities; • a substantial loss in community tax base. <p>For Environmental justice issues: When an action would cause disproportionately high and adverse human health or environmental effects on minority and low-income populations, a significant impact may occur.</p> <p>For Children’s Health & Safety Risks: An action causing disproportionate health and safety risks to children, may indicate a significant impact.</p>	

Table 7.1-5

<p>Solid waste.</p>	<p>None established.</p>	<p>ARP suggests that the responsible FAA official also determine if a reasonable alternative would cause one of the following conditions:</p> <ul style="list-style-type: none"> • Airport-generated solid waste would exceed available landfill or incineration capacities or require extraordinary effort to meet applicable solid waste permit conditions or regulations. • Local, State or Federal agencies determine that substantial, unresolved waste disposal issues exist and may require more analysis.
<p>Water Quality.</p>	<p>When an action would not meet water quality standards. Potential difficulty in obtaining a permit or authorization may indicate a significant impact.</p>	<p>The responsible FAA official also consider if a proposed action or a reasonable alternative would threaten a public drinking water supply, sole source aquifer, or waters of national significance (e.g., Wild and Scenic Rivers, national refuges, etc.).</p>
<p>Wetlands, jurisdictional or non-jurisdictional.</p>	<p>When an action would:</p> <ul style="list-style-type: none"> • Adversely affect a wetland’s function to a protect the quality or quantity of a municipal water supply, including sole source aquifers and a potable water aquifer. • Substantially alter the hydrology needed to sustain the affected wetland’s values and functions or those of a wetland to which it is connected. • Substantially reduce the affected wetlands’s ability to retain floodwaters or storm runoff, thereby threatening public health, safety or welfare. The last term includes cultural, recreational, and scientific public resources or property. • Adversely affect the maintenance of natural systems supporting wildlife and fish habitat or economically-important timber, food, or fiber 	

Table 7.1-6

	<p>resources of the affected or surrounding wetlands.</p> <ul style="list-style-type: none"> • Promote development that causes any of the above impacts. • Be inconsistent with applicable State wetland strategies. 	
Wild and scenic rivers.	None established.	

Table 7.1-7