

DRAFT ENVIRONMENTAL IMPACT STATEMENT

SPACEX STARSHIP-SUPER HEAVY LAUNCH VEHICLE AT LAUNCH COMPLEX 39A

at the Kennedy Space Center, Merritt Island, Florida

Volume II, Appendix D

August 2025



**Federal Aviation
Administration**

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Appendix D *Applicable Regulations by Resource Area*

D.1 *Introduction*

This appendix provides descriptions of the statutes, regulations, executive orders, and other requirements applicable to analysis for each resource area discussed in this Environmental Impact Statement where associated requirements are not detailed in the respective resource area.

D.2 *Noise and Noise-Compatible Land Use*

Most noise-related statutes, executive orders, and regulations are related to airport operations, which are not applicable to this Proposed Action. Table D.2-1 identifies those noise-related statutes, executive orders, and regulations applicable to this Proposed Action.

Table D.2-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Noise and Noise-Compatible Land Use

Statute, Regulation, or Executive Order	Location in U.S.C. or Federal Register	Implementing Regulation(s) or Instructions	Oversight Agency	Summary
Aviation Safety and Noise Abatement Act of 1979	49 U.S.C. §47501 et seq.	14 CFR Part 150	FAA	Directs the FAA to establish, by regulation, a single system for measuring noise and determining the exposure of people to noise; which includes noise intensity, duration, frequency, and time of occurrence; and to identify land uses normally compatible with various noise exposures.
The Control and Abatement of Aircraft Noise and Sonic Boom Act of 1968	49 U.S.C. §44715	14 CFR Parts 21, 36, 91, 119, 135, and 150	FAA	Authorizes the FAA to prescribe standards for the measurement of aircraft noise and establish regulations to abate noise.
The Noise Control Act of 1972	42 U.S.C. §§4901–4918	40 CFR Part 209	USEPA	Amends the Control and Abatement of Aircraft Noise Sonic Boom Act of 1968 to add consideration of the protection of public health and welfare and to add USEPA to the rulemaking process for aircraft noise and sonic boom standards.

Table D.2-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Noise and Noise-Compatible Land Use

Statute, Regulation, or Executive Order	Location in U.S.C. or Federal Register	Implementing Regulation(s) or Instructions	Oversight Agency	Summary
State/Local Noise Laws/Ordinances	Not applicable	Not applicable	Not applicable	There may be state or local laws or ordinances that apply to noise from a proposed project (e.g., construction noise).

Notes: § = Section; §§ = Sections; FAA = Federal Aviation Administration; U.S.C. = United States Code; USEPA = United States Environmental Protection Agency.

Source: (FAA, 2023)

D.3 Land Use

Outside of regulations associated with airports, there are no statutes, regulations, or executive orders related to land use analysis.

D.4 Socioeconomics and Children’s Environmental Health and Safety Risks

Table D.4-1 identifies and describes the statutes, regulations, executive orders, and other requirements related to socioeconomics and children’s environmental health and safety risks.

Table D.4-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Socioeconomics and Children’s Environmental Health and Safety Risks

Statute, Executive Order, or Guidance	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
Title VI of the Civil Rights Act of 1964, as amended	42 U.S.C. §§2000d–2000d-7	28 CFR §42.401	DOJ	Title VI of the Civil Right Act of 1964 states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Title VI explicitly prohibits any discrimination in federally funded programs and projects, including those sponsored by the FAA.

Table D.4-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Socioeconomics and Children's Environmental Health and Safety Risks

Statute, Executive Order, or Guidance	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
Executive Order 13045, <i>Protection of Children from Environmental Health Risks and Safety Risks</i>	62 Federal Register 19885, (April 23, 1997)	Not applicable	Not applicable	This executive order directs Federal agencies to analyze their policies, programs, activities, and standards for any environmental health or safety risks that may disproportionately affect children. Included in these categories are risks to health or safety that are attributable to products or substances that a child is likely to come in contact with or ingest, such as air, food, water, recreational waters, soil, or products they might use or be exposed to.

Notes: § = Section; §§ = Sections; CEQ = Council on Environmental Quality; CFR = Code of Federal Regulations; DOJ = Department of Justice; DOT = Department of Transportation; NEPA = National Environmental Policy Act; U.S. = United States; U.S.C. = United States Code.

Source: (FAA, 2023)

D.5 Historical, Architectural, Archaeological, and Cultural Resources

Table D.5-1 identifies and describes the statutes and regulations related to historical, architectural, archeological, and cultural resources.

Table D.5-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Historical, Architectural, Archeological, and Cultural Resources

Statute, Executive Order, or Guidance	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
American Indian Religious Freedom Act	42 U.S.C. §1996	43 CFR §7.7 43 CFR §7.32 25 CFR §262.7	Not applicable	Requires consultation with Native American groups concerning actions on sacred sites or affecting access to sacred sites. Requires Federal agencies to consider the impacts of their actions on religious sites and objects that are important

Table D.5-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Historical, Architectural, Archeological, and Cultural Resources

Statute, Executive Order, or Guidance	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
				to Native Americans, including Alaska Natives and Native Hawaiians, regardless of the eligibility for the NRHP.
Antiquities Act of 1906	54 U.S.C. §§320301–320303	43 CFR Part 3	DOI; NPS	Authorizes the President to declare areas of public lands as national monuments and to reserve or accept private lands for that purpose.
Archeological and Historic Preservation Act	54 U.S.C. §§312501–312508	36 CFR Part 68 36 CFR Part 79 Guidelines for Archeology and Historic Preservation: Standards and Guidelines, 48 Federal Register 44716, (September 29, 1983)	NPS; Departmental Consulting Archeologist and Archeological Assistance Program	Provides for the preservation of historical and archeological data which might otherwise be destroyed or irreparably lost due to a Federal action, federally licensed action, or federally funded action. DOI's Standards and Guidelines for Archeology and Historic Preservation (see 36 CFR Part 68) advise Federal agencies on implementation of this law.
Archaeological Resources Protection Act	16 U.S.C. §§470aa–470mm	43 CFR Part 7 36 CFR Part 79 25 CFR Part 262	NPS; Departmental Consulting Archeologist and Federal Archaeology Program	Prohibits unauthorized excavation of archaeological resources on Federal or Native American lands, and establishes standards for permissible excavation by permit. Requires Federal agencies to identify archaeological sites on Federal lands.
Department of Transportation Act, Section 4(f)	49 U.S.C. §303	23 CFR Part 774 FHWA/FTA Regulations, not binding on the FAA	DOT	See Chapter 5 of this Desk Reference for a discussion of Section 4(f) of the DOT Act.
Historic Sites Act of 1935	54 U.S.C. §§320101–320106	36 CFR Part 65	DOI; NPS	Declares as national policy the preservation for public use of historic sites, buildings, objects, and properties of national

Table D.5-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Historical, Architectural, Archeological, and Cultural Resources

Statute, Executive Order, or Guidance	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
				significance. Provides the basis for the National Historic Landmarks program for designating properties having exceptional value in commemorating or illustrating the history of the United States.
National Historic Preservation Act	54 U.S.C. §300101 et seq.	36 CFR Part 800 (Section 106 process); 36 CFR Part 60 (NRHP); 36 CFR Part 61 (state and local preservation programs); 36 CFR §62.1 (National Natural Landmarks); 36 CFR Part 65 (National Historic Landmarks); 36 CFR Part 68 (standards); 36 CFR Part 73 (World Heritage Program); 36 CFR Part 78 (waiver of Federal agency Section 110 responsibilities); 36 CFR Part 79 (curation)	NPS; ACHP; SHPO; THPO	Establishes the ACHP, an independent agency, and the NRHP within the NPS. Section 106 of the NHPA requires Federal agencies to consider the effects of their undertaking (or action) on properties listed in or eligible for listing in the NRHP. Section 110 of the NHPA governs Federal agencies' responsibilities to preserve and use historic buildings; designate an agency Federal Preservation Officer; and identify, evaluate, and nominate eligible properties under the control or jurisdiction of the agency to the NRHP. Section 112 of the NHPA addresses professional standards. Section 304 discusses confidentiality requirements that may apply to an undertaking.
Native American Graves Protection and Repatriation Act	25 U.S.C. §§3001–3013	43 CFR Part 10 25 CFR §262.8	NPS; NAGPRA Review Committee	Addresses the disposition of certain Native American cultural items, including human remains, by a federally funded repository, and governs the inadvertent discovery of Native American cultural items on Federal and tribal lands.

Table D.5-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Historical, Architectural, Archeological, and Cultural Resources

Statute, Executive Order, or Guidance	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
Public Building Cooperative Use Act	40 U.S.C. §§601a, 601a1, 606, 611c, and 612a4	41 CFR Parts 101–117	GSA	Encourages the acquisition and use of space in suitable buildings of historic, architectural, or cultural significance.
Executive Order 11593, <i>Protection and Enhancement of the Cultural Environment</i>	36 Federal Register 8921, (May 13, 1971)	Not applicable	ACHP	Requires that Federal plans and programs contribute to the preservation and enhancement of sites, structures, and objects of historic, architectural, or archaeological significance.
Executive Order 13006, <i>Locating Federal Facilities on Historic Properties in Our Nation's Central Cities</i>	61 Federal Register 26071, (May 24, 1996)	Not applicable	ACHP	Requires Federal agencies, when operationally appropriate and economically prudent, to use and maintain historic properties and districts, especially those located in central business areas, and to give first consideration when locating Federal facilities to historic properties within historic districts, then developed or undeveloped sites within historic districts, and lastly to historic properties outside of historic districts.
Executive Order 13007, <i>Indian Sacred Sites</i>	61 Federal Register 26771, (May 29, 1996)	Not applicable	Assistant to the President for Domestic Policy	Requires Federal agencies to consult on a government-to-government basis with Indian Tribes if the proposed project involves an Indian Sacred Site.
Executive Order 13175, <i>Consultation and Coordination with Indian Tribal Governments</i>	65 Federal Register 67249, (November 9, 2000)	Not applicable	Not applicable	Requires Federal agencies to have an accountable tribal consultation process that ensures timely and meaningful input from Indian Tribes on the development of Federal policies that have tribal

Table D.5-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Historical, Architectural, Archeological, and Cultural Resources

Statute, Executive Order, or Guidance	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
				implications. Directs executive departments and agencies to engage in government-to- government relations with Native American tribal governments in a knowledgeable, sensitive manner.
USDOT Order 5650.1, Protection and Enhancement of the Cultural Environment, November 20, 1972	Not applicable	Not applicable	USDOT	Requires that Federal plans and programs contribute to the preservation and enhancement of sites, structures, and objects of historic, architectural, or archaeological significance.
Executive Memorandum, Government-to-Government Relations with Native American Tribal Governments (April 29, 1994) Executive Memorandum on Tribal Consultation (November 5, 2009)	65 Federal Register 67249, (November 9, 2000)	Not applicable	Not applicable	Directs executive departments and agencies to develop a detailed plan of action to implement Executive Order 13175.

Notes: § = Section; §§ = Sections; ACHP = Advisory Council on Historic Preservation; CFR = Code of Federal Regulations; DOJ = Department of Justice; DOT = Department of Transportation; FAA = Federal Aviation Administration; FHWA = Federal Highway Administration; FTA = Federal Transit Administration; GSA = General Services Administration; NAGPRA = Native American Graves Protection and Repatriation Act; NHPA = National Historic Preservation Act; NPS = National Park Service; NRHP = National Register of Historic Places; SHPO = State Historic Preservation Officer; THPO = Tribal Historic Preservation Officer; U.S.C. = United States Code.

Source: (FAA, 2023)

D.6 Visual Effects

Some visual resources are protected under Federal, state, or local regulations. Protected visual resources may include, but are not limited to (FAA, 2023):

- Federal, state, or local scenic roadways/byways
- Wild and Scenic Rivers

- National Scenic Areas
- Scenic easements
- Trails protected under the National Trails System Act or similar state or local regulations
- Biological resources
- Parks, recreation areas, and wildlife/waterfowl refuges
- Historic properties
- Features protected under other Federal, state, or local regulations

Although there are no Federal special purpose laws or requirements specific to light emissions and visual effects, there are special purpose laws and requirements that may be relevant. In addition to NEPA, laws protecting resources that may be affected by visual effects include Section 106 of the National Historic Preservation Act, Section 4(f) of the United States (U.S.) Department of Transportation Act, the Wild and Scenic Rivers Act, the Coastal Zone Management Act, and state and regional coastal protection acts. Visual resources are also protected and managed on Federal resource lands, such as under U.S. Forest Service Resource Management Plans and the Bureau of Land Management Visual Resource Management System (FAA, 2023).

There are specific ordinances, codes, and instructions developed by state and local entities to manage light pollution. The State of Florida implemented Section 161.163, Florida Statutes, which requires the Florida Department of Environmental Protection to establish guidelines for local government regulations that control beachfront lighting to protect hatching sea turtles. Brevard County, and Federal and municipal entities therein, have created the following lighting codes (Table D.6-1):

Table D.6-1 identifies and describes local lighting codes applicable to visual resources analysis.

Table D.6-1. Local Lighting Codes Applicable to Visual Resources Analysis

Managing Agency	Date Adopted/Updated	Ordinance/Code
Brevard County ¹	1985/1990/1993	Chapter 46, Article III
City of Cape Canaveral ¹	1990	Chapter 14, Article III
City of Cocoa Beach ¹	1986	Land Development Code, Chapter III, Article VI, Sec 3–64
Cape Canaveral Space Force Station ²	2008	45th Space Wing Instruction 32-7001
Kennedy Space Center ³	2018	Lighting Operations Manual, SpaceX, Launch Complex 39A, Facility Number J8-1708

¹ (Florida Fish and Wildlife Conservation Commission)

² (45th Space Wing, 2018)

³ (KSC, 2018)

D.7 Department of Transportation Act, Section 4(f)

The regulation known as Section 4(f) was originally established in the U.S. Department of Transportation Act of 1966 (49 United States Code §1653(f) and later recodified as 49 United States Code §303). In 2005, Congress enacted legislation that required the Department of Transportation to issue additional regulations that clarify Section 4(f) standards and procedures (FHWA, 2012). These new regulations were finalized in March 2008 (23 Code of Federal Regulations [CFR] Part 774).

To be protected under Section 4(f), public parks, recreation facilities, and wildlife or waterfowl refuges must be considered *significant* (FHWA, 2012). Pursuant to 23 CFR §771.135(c), Section 4(f) resources are presumed to be significant unless the official having jurisdiction over the site concludes that the entire site is not significant. Historic sites qualifying for Section 4(f) protection must be officially listed on or eligible for inclusion on the National Register of Historic Places (NRHP) or contribute to a historic district that is eligible for or listed on the NRHP. Archeological sites qualifying for Section 4(f) protection must be officially listed on or eligible for the NRHP and warrant preservation in place. Section 4(f) does not typically apply if the archeological resource is important chiefly because of what can be learned by data recovery (FAA, 2023).

A use of properties protected under Section 4(f) occurs under either of the following conditions (23 CFR §771.135(p)).

- Land from a qualifying Section 4(f) property is acquired and permanently incorporated into a transportation facility.
- There is a temporary occupancy of Section 4(f) land during construction of the transportation facility that is considered adverse to the preservationist purposes of the Section 4(f) statute.

Table D.7-1 identifies and describes the statutes and regulations related to Section 4(f) properties.

Table D.7-1. Statutes and Regulations Related to Section 4(f) Properties (FAA, 2023)

Statute, Executive Order, or Guidance	Location in U.S.C. or Public Law Citation	Implementing Regulation	Oversight Agency	Summary
Land and Water Conservation Fund Act of 1965	54 U.S.C. §§200301 et seq.	36 CFR Part 59	DOI	Section 6(f) provides funds for buying or developing public use recreational lands through grants to local and state governments. Section 6(f)(3) prevents conversion of lands purchased or developed with Land and Water Conservation Fund Act funds to non-recreation uses, unless the Secretary of the DOI, through the NPS, approves the conversion.

Table D.7-1. Statutes and Regulations Related to Section 4(f) Properties (FAA, 2023)

Statute, Executive Order, or Guidance	Location in U.S.C. or Public Law Citation	Implementing Regulation	Oversight Agency	Summary
U.S. Department of Transportation Act – Section 4(f)	49 U.S.C. §303	23 CFR Part 774 et seq. FHWA/FTA Regulations, not binding on the FAA	DOT	Protects certain properties from use for DOT projects unless the relevant DOT agency (e.g., the FAA) determines there is no feasible and prudent alternative and a project includes all possible planning to minimize harm.
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) – Section 6009	49 U.S.C. §303	23 CFR Part 774 et seq. FHWA/FTA Regulations, not binding on the FAA	DOT	Amended Section 4(f) to simplify the process and approval of projects that have only <i>de minimis</i> impacts on 4(f) properties.
U.S. Department of Defense Reauthorization	P.L. 105-85, Div. A, Title X, Section 1079, November 18, 1997, 111 Stat. 1916	Not applicable	DOD	Exempts military flight operations and designation of airspace for such operations from Section 4(f).

Notes: § = Section; §§ = Sections; CFR = Code of Federal Regulations; DOD = Department of Defense; DOI = Department of the Interior; DOT = Department of Transportation; FAA = Federal Aviation Administration; FHWA = Federal Highway Administration; FTA = Federal Transit Administration; NPS = National Park Service; U.S. = United States; U.S.C. = United States Code.

Source: (FAA, 2023)

D.8 Biological Resources

Table D.8-1 lists and describes the laws, executive orders, agency regulations, and other guidance that apply to biological resources.

Table D.8-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Biological Resources

Statute, Executive Order, or other Guidance	Location in U.S.C. or Federal Register	Implementing Regulation	Oversight Agency	Summary
Bald and Golden Eagle Protection Act	16 U.S.C. §668 et seq.	50 CFR Part 22	USFWS	Protects bald and golden eagles from the unauthorized capture, purchase, or transportation of the birds, their nests, or their eggs.
Endangered Species Act	16 U.S.C. §§1531–1544	50 CFR Parts 17 and 402	USFWS; NMFS	Requires all Federal agencies to seek to conserve threatened and endangered

Table D.8-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Biological Resources

Statute, Executive Order, or other Guidance	Location in U.S.C. or Federal Register	Implementing Regulation	Oversight Agency	Summary
				species. Section 7(a)(2) requires Federal agencies, in consultation with the Services (the USFWS and/or NMFS), to ensure that any action the agency authorizes, funds, or carries out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.
Fish and Wildlife Coordination Act	16 U.S.C. §§661–667d	Not applicable	USFWS	Requires that Federal agencies consult with the USFWS, NMFS (in some instances), and appropriate state fish and wildlife agencies regarding the conservation of wildlife resources when proposed Federal projects may result in control or modification of the water of any stream or other water body.
Magnuson- Stevens Fishery Conservation and Management Act	16 U.S.C. §1801 et seq.	50 CFR Part 600	NMFS	Governs the conservation and management of ocean fishing, including essential fish habitat.
Marine Mammal Protection Act	16 U.S.C. §1361 et seq.	50 CFR Parts 18 and 216	NMFS, USFWS	Protects all marine mammals and prohibits, with certain exceptions, the take of marine mammals in U.S. waters and by U.S. citizens on the high seas.
Migratory Bird Treaty Act	16 U.S.C. §703 et seq.	50 CFR Part 21	USFWS	Protects migratory birds by prohibiting private parties (and Federal agencies in certain judicial circuits) from intentionally taking, selling, or conducting other activities that would harm migratory birds, their eggs,

Table D.8-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Biological Resources

Statute, Executive Order, or other Guidance	Location in U.S.C. or Federal Register	Implementing Regulation	Oversight Agency	Summary
				or nests (such as removal of an active nest or nest tree), unless the Secretary of the Interior authorizes such activities under a special permit.
Executive Order 13112, <i>Invasive Species</i>	64 Federal Register 6183, (February 8, 1999)	Not applicable	Not applicable	Federal agencies whose actions may affect the status of invasive species are directed to use relevant programs and authorities, to the extent practicable and subject to available resources, to prevent the introduction of invasive species, and to provide for the restoration of native species and habitat conditions in ecosystems that have been invaded. Agencies are directed not to carry out actions that they believe are likely to cause or promote the introduction or spread of invasive species unless the benefits of such actions clearly outweigh the potential harm, and all feasible and prudent measures to minimize risk of harm are taken.
Executive Order 13186, <i>Responsibilities of Federal Agencies to Protect Migratory Birds</i>	66 Federal Register 3853, (January 17, 2001)	Not applicable	Not applicable	Directs Federal agencies to take action to further implement the Migratory Bird Treaty Act.
Executive Order 13751, <i>Safeguarding the Nation from the Impacts of Invasive Species</i>	81 Federal Register 88609 (December 8, 2016)	Not applicable	Not applicable	Amends Executive Order 13112 to strengthen coordinated, cost-efficient Federal prevention and control efforts related to invasive species.

Table D.8-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Biological Resources

Statute, Executive Order, or other Guidance	Location in U.S.C. or Federal Register	Implementing Regulation	Oversight Agency	Summary
CEQ Guidance on Incorporating Biodiversity Considerations Into Environmental Impact Analysis Under the National Environmental Policy Act (January 1993)	Not applicable	Not applicable	Not applicable	In accordance with 40 CFR §§1507.2(e), 1508.8(b), and 1508.27, this guidance directs Federal agencies to consider the effects of Federal actions on biodiversity to the extent that it is possible to both anticipate and evaluate those effects. The guidance outlines the general principles and discusses the importance of context – that is, examining the direct, indirect, and cumulative impacts of a specific project in the regional or ecosystem context.

Notes: § = Section; §§ = Sections; CEQ = Council on Environmental Quality; CFR = Code of Federal Regulations; NMFS = National Marine Fisheries Service; U.S. = United States; U.S.C. = United States Code; USFWS = United States Fish and Wildlife Service.

Source: (FAA, 2023)

D.9 Water Resources

Table D.9-1 lists and describes the laws, executive orders, agency regulations, and other guidance that applies to water resources.

Table D.9-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Water Resources

Statute or Executive Order	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
Clean Water Act	33 U.S.C. §§1251–1387	33 CFR Parts 320–332 40 CFR Parts 230–233	USACE, USEPA	The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States which include wetlands. The two primary sections of the CWA relating to wetland impacts and permitting are Section 404 and Section 401. Section 404 establishes a program to

Table D.9-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Water Resources

Statute or Executive Order	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
				regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Section 401 requires a Water Quality Certificate for a project to ensure it does not violate state or tribal water quality standards. Section 401 certifications are generally issued by the state or tribe with jurisdictional authority.
Fish and Wildlife Coordination Act	16 U.S.C. §§661–667d	Final regulations never issued	USFWS	Requires Federal agencies to consult with the USFWS, NMFS (in some instances), and appropriate state fish and wildlife agencies regarding the conservation of wildlife resources when proposed Federal or applicants' projects may result in control or modification of the water of any stream or other water body (including wetlands).
Executive Order 11990, <i>Protection of Wetlands</i>	42 Federal Register 26961, (May 24, 1977)	Not applicable	DOT	Requires Federal agencies to “avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.” The stated purpose of this Executive Order is to “minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands.”

Table D.9-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Water Resources

Statute or Executive Order	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
DOT Order 5660.1A, Preservation of the Nation's Wetlands	Not applicable	Not applicable	DOT	Implements the guidelines set forth in Executive Order 11990. Transportation facilities should be planned, constructed, and operated to assure the protection and enhancement of wetlands to the fullest extent practicable.
Environmental Resource Permitting (ERP) Program	Not applicable	Not applicable	Florida Department of Environmental Protection.	Regulates activities involving the alteration of surface water flows. ERP permits are required for many types of work within those waters, such as dredging or filling, construction of dams, impoundments, docks or other structures, as well as the construction of stormwater management systems that discharge to those waters. In Brevard County, the ERP program is implemented by the St. Johns River Water Management District.
National Flood Insurance Act	42 U.S.C. §4001 et seq.	44 CFR Part 60	FEMA	Established the NFIP, a voluntary floodplain management program for communities (cities, towns, or counties), and implemented by FEMA. Any action within a FEMA-mapped floodplain in a participating community must follow the community's FEMA-approved floodplain management regulations.
Executive Order 11988, <i>Floodplain Management</i>	42 Federal Register 26951, (May 25, 1977)	Not applicable	DOT	Requires Federal agencies to avoid, to the extent possible, the long and short-term adverse impacts associated with the occupancy and modification of 100-year floodplains and to avoid direct or indirect support of floodplain development

Table D.9-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Water Resources

Statute or Executive Order	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
				wherever there is a practicable alternative.
DOT Order 5650.2, Floodplain Management and Protection	Not applicable	Not applicable	DOT	Implements the guidelines set forth in Executive Order 11988, Floodplain Management, 42 Federal Register 26951, (May 25, 1977). States that DOT agencies should ensure that proper consideration is given to avoid and mitigate adverse floodplain impacts in agency actions, planning programs, and budget requests.
Fish and Wildlife Coordination Act	16 U.S.C. §§661–667d	Final regulations have not been issued	USFWS	Requires Federal agencies to consult with the USFWS, NMFS (in some instances), and appropriate state fish and wildlife agencies regarding the conservation of wildlife resources when proposed Federal or applicant projects may result in control or modification of the water of any stream or other water body (including wetlands).
Safe Drinking Water Act	42 U.S.C. §§300(f)-300j-26	40 CFR Parts 141–149	USEPA	Prohibits Federal agencies from funding actions that would contaminate a USEPA-designated sole source aquifer or its recharge area.

Notes: § = Section; §§ = Sections; BLM = Bureau of Land Management; CFR = Code of Federal Regulations; CWA = Clean Water Act; DOT = United States Department of Transportation; ERP = Environmental Resource Permitting; FEMA = Federal Emergency Management Agency; NFIP = National Flood Insurance Program; NMFS = National Marine Fisheries Service; NPS = National Park Service; NPDES = National Pollutant Discharge Elimination System; U.S.C. = United States Code; USACE = United States Army Corps of Engineers; USCG = United States Coast Guard; USEPA = United States Environmental Protection Agency; USFWS = United States Fish and Wildlife Service.

Surface Waters

Florida surface water classifications and designated uses:

Florida has six surface water classifications reflecting designated uses:

- Class I (Potable Water Supplies)
- Class II (Shellfish Propagation or Harvesting)

- Class III (Fish Consumption; Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife)
- Class III-Limited (Fish Consumption; Recreation or Limited Recreation; and/or Propagation and Maintenance of a Limited Population of Fish and Wildlife)
- Class IV (Agricultural Water Supplies)
- Class V (Navigation, Utility and Industrial Use)

Groundwater

Florida groundwater classifications and designated uses:

- CLASS F-I Potable water use, groundwater in a single source aquifer described in Rule 62-520.460, Florida Administrative Code (surficial aquifers in northeast Flagler County), with a total dissolved solids content of less than 3,000 milligrams per liter (mg/L) and was specifically reclassified as Class F-I by the Commission.
- CLASS G-I Potable water use, groundwater in a single source aquifer that has a total dissolved solids content of less than 3,000 mg/L and was specifically reclassified by the Commission.
- CLASS G-II Potable water use, groundwater in aquifers with a total dissolved solids content of less than 10,000 mg/L, unless otherwise classified by the Commission.
- CLASS G-III Non-potable water use, groundwater in unconfined aquifers with a total dissolved solids content of 10,000 mg/L or greater; or with a total dissolved solids content of 3,000-10,000 mg/L and either has been reclassified by the Commission as having no reasonable potential as a future source of drinking water, or has been designated by the Department as an exempted aquifer pursuant to subsection 62-528.300(3), Florida Administrative Code.
- CLASS G-IV Non-potable water use, ground water in confined aquifers with a total dissolved solids content of 10,000 mg/L or greater.

D.10 Coastal Resources

Florida's Coastal Management Program enforceable policies and Proposed Action consistency assessment are presented in Appendix B.5, *Coastal Consistency Determination*, as part of the Coastal Zone Management Act Coastal Consistency Certification process.

D.11 Air Quality

Table D.11-1 lists and describes the laws, executive orders, agency regulations, and other guidance that apply to air quality analysis.

Table D.11-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Air Quality

Statute	Location in U.S.C.	Implementing Regulation(s)	Oversight Agency	Summary
Clean Air Act	42 U.S.C. §§7401–7671q	40 CFR Parts 6, 9, 50-53, 60, 61, 63, 66, 67, 81, 82, and 93	USEPA	Regulates air pollutant emissions from stationary and mobile sources; authorizes USEPA to establish NAAQS for criteria

Notes: §§ = Sections; CFR = Code of Federal Regulations; NAAQS = National Ambient Air Quality Standards; U.S.C. = United States Code; USEPA = United States Environmental Protection Agency.

Source: (FAA, 2023)

D.12 Climate

Table D.12-1 lists and describes the laws, executive orders, agency regulations, and other guidance that apply to climate analysis.

Table D.12-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Climate

Statute, Regulation, or Executive Order	Location in U.S.C. or Federal Register	Implementing Regulation or Support Document	Oversight Agency	Summary
Clean Air Act	42 U.S.C. §§7408, 7521, 7571, 7661 et seq.	40 CFR Parts 85, 86, and 600 for surface vehicles 40 CFR Part 60 for stationary power generation sources	USEPA	Regulates GHG emissions from on-road surface transportation vehicles and stationary power generation sources.
Executive Order 14148: <i>Initial Rescissions of Harmful Executive Orders and Actions</i>	90 Federal Register 8237, (January 28, 2025)	None	Executive Office of the President	Rescinds multiple prior executive orders related to climate policies, aiming to realign Federal actions with current administration priorities.
Executive Order 14162: <i>Putting America First in International Environmental Agreements</i>	90 Federal Register 8455 (January 30, 2025)	None	Executive Office of the President	Directs the withdrawal of the United States from the Paris Agreement and other international climate commitments, emphasizing national interests in environmental agreements.
Executive Order 14163: <i>Unleashing American Energy</i>	90 Federal Register 8459 (January 30, 2025)	None	Executive Office of the President	Promotes domestic energy production by revising permitting processes and reducing regulatory constraints on energy projects, impacting environmental and climate-related regulations.

Notes: §§ = Sections; CFR = Code of Federal Regulations; GHG = greenhouse gas; U.S.C. = United States Code; USEPA = United States Environmental Protection Agency.

Source: (FAA, 2023)

D.13 Hazardous Materials, Solid Waste, and Pollution Prevention

Table D.13-1. lists and describes the laws, executive orders, agency regulations, and other guidance that apply to hazardous materials, solid waste, and pollution prevention.

Table D.13-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Hazardous Materials, Solid Waste, and Pollution Prevention

Statute, Executive Order, or Other Requirement	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
Comprehensive Environmental Response, Compensation, and Liability Act (as amended by the Superfund Amendments Re-authorization Act of 1986 and the Community Environmental Response Facilitation Act of 1992)	42 U.S.C. §§9601–9675	40 CFR Parts 300, 311, 355, 370, and 373	USEPA	Establishes joint and several liability for those parties responsible for hazardous substance releases to pay cleanup costs and establishes a trust fund to finance cleanup costs in situations in which no responsible party could be identified. Enables the creation of the National Priorities List a list of sites with known releases or threatened releases of hazardous substances in the United States and its territories used to guide USEPA in determining which sites warrant further investigation. As conditions of a sale, release, or transfer of Federal lands or facilities used to store hazardous materials or where a release or disposal of hazardous materials has occurred, Federal agencies must: <ul style="list-style-type: none"> •Identify those lands or facilities and •Complete waste or contaminant clean-up of these lands or facilities
Emergency Planning and Community Right to Know Act	42 U.S.C. §§11001–11050	40 CFR Parts 350–372	USEPA	EPCRA requires hazardous chemical emergency planning by Federal, state, and local governments, Indian tribes, and industry. It also requires industry to report on the storage, use, and releases of hazardous chemicals to

Table D.13-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Hazardous Materials, Solid Waste, and Pollution Prevention

Statute, Executive Order, or Other Requirement	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
				Federal, state, and local governments.
Federal Facilities Compliance Act	42 U.S.C. §6961	40 CFR Part 22	USEPA	Waives any immunity otherwise applicable to Federal agencies for substantive or procedural requirement in connection with a Federal, state, interstate, or local solid waste or hazardous waste regulatory programs.
Hazardous Materials Transportation Act	49 U.S.C. §§5101–5128	49 CFR Parts 100–185	DOT	Establishes procedures, reporting requirements, and approval processes for the transport of hazardous materials by common, contract, and private carriers and by aircraft, railcar, vessel, and motor vehicle.
Oil Pollution Act	33 U.S.C. §§2701–2762	40 CFR Parts 109–116	USEPA; USCG	Requires oil storage facilities and vessels to submit to USEPA plans detailing how the facilities will respond to large oil discharges. USEPA has published regulations for aboveground storage facilities; the USCG has done so for oil tankers. The Act also requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale.
Pollution Prevention Act	42 U.S.C. §§13101–13109	CEQ Memorandum on Pollution Prevention and the National Environmental Policy Act, 58 Federal Register 6478 (January 12, 1993)	CEQ; USEPA	Requires pollution prevention and source reduction control so that wastes would have less effect on the environment while in use and after disposal.
Resource Conservation and Recovery Act	42 U.S.C. §§6901–6992k	40 CFR Parts 240–299	USEPA	Establishes guidelines for hazardous waste and non-hazardous solid waste management activities in the United States. Regulates the generation, storage,

Table D.13-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Hazardous Materials, Solid Waste, and Pollution Prevention

Statute, Executive Order, or Other Requirement	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
				treatment, and disposal of waste.
Toxic Substances Control Act	15 U.S.C. §§2601–2697	40 CFR Parts 745, 761, and 763	USEPA	Provides USEPA with the authority to regulate the production, importation, use, and disposal of chemicals defined as toxic, including lead, radon, asbestos, and PCBs, that have the potential to cause unreasonable risk of injury to public health or the environment.
Executive Order 12088, <i>Federal Compliance with Pollution Control Standards</i>	43 Federal Register 47707, (October 13, 1978)	Not applicable	USEPA	Directs Federal agencies to comply with applicable pollution control standards.
Executive Order 12580, Superfund Implementation as amended by Executive Order 13016, as further amended by Executive Order 13308	52 Federal Register 2923, (January 23, 1987) 61 Federal Register 45871, (August 30, 1996) 68 Federal Register 37691, (June 20, 2003)	Not applicable	USEPA	Delegates to a number of Federal departments and agencies the authority and responsibility to implement certain provisions of CERCLA.
CEQ Memorandum on Pollution Prevention and the National Environmental Policy Act	Not applicable	Not applicable	Not applicable	This memorandum provides guidance to the Federal agencies on incorporating pollution prevention principles, techniques, and mechanisms into their planning and decision-making processes and evaluating and reporting those efforts in documents prepared pursuant to NEPA.

Notes: § = Section; §§ = Sections; CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act; CEQ = Council on Environmental Quality; CFR = Code of Federal Regulations; DOT = Department of Transportation; EPCRA = Emergency Planning and Community Right to Know Act; NEPA: National Environmental Policy Act; PCB = polychlorinated biphenyl; U.S.C. = United States Code; USCG = United States Coast Guard; USEPA = United States Environmental Protection Agency.

Source: (FAA, 2023)

D.14 Natural Resources and Energy Supply

Table D.14-1 lists and describes the laws, executive orders, agency regulations, and other guidance that applies to natural resources and energy supply.

Table D.14-1. Statutes, Regulations, Executive Orders, and Other Requirements Related to Natural Resources and Energy Supply

Statute, Executive Order, or Guidance	Location in U.S.C. or Federal Register	Implementing Regulation(s) or Instructions	Oversight Agency	Summary
Energy Independence and Security Act of 2007 (EISA)	42 U.S.C. §17001 et seq.		DOE	Requires Federal agencies to take actions to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy GHG capture and storage options, and to improve the energy performance of the Federal government.
Energy Policy Act of 2005	42 U.S.C. §15801 et seq.		DOE	Requires Federal agencies to take actions to ensure jobs for our future with secure, affordable, and reliable energy. The Energy Policy Act contains provisions that address energy production, including energy efficiency, renewable energy; oil and gas; coal, tribal energy, nuclear matters and security, vehicles and motor fuels, energy tax incentives, hydropower and geothermal energy, and climate change technology.
Energy Act of 2020	Public Law 116-260, codified in scattered sections within Title 42 of the U.S.C.		DOE	Updates previous energy requirements and requires Federal agencies to prioritize energy management. The Act includes provisions to increase use of performance contracting and updates EISA Section 432 covered facility requirements.

Notes: § = Section; DOE = Department of Energy; EISA = Energy Independence and Security Act of 2007; GHG = greenhouse gas; U.S.C. = United States Code.

Source: (FAA, 2023)

D.15 Farmlands

Table D.15-1 lists and describes the laws, executive orders, agency regulations, and other guidance that applies to farmlands.

Table D.15-1. Regulatory Requirements Associated with Farmlands

Statute, Executive Order, or Guidance	Location in U.S.C. or Federal Register	Implementing Regulation(s)	Oversight Agency	Summary
Farmland Protection Policy Act	7 U.S.C. §§4201–4209	7 CFR Parts 657–658	NRCS	Administered by NRCS, the Farmland Protection Policy Act regulates Federal actions with the potential to convert important farmland to non-agricultural uses.
CEQ Memorandum on the Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act	45 Federal Register 59189, (September 8, 1980)	Not applicable	CEQ	Urges Federal agencies to include analysis of the effects of a proposed Federal agency action on prime or unique agricultural lands as an integral part of the NEPA process.

Notes: §§ = Sections; CEQ = Council on Environmental Quality; CFR = Code of Federal Regulations; NRCS = Natural Resources Conservation Service; U.S.C. = United States Code.

Source: (FAA, 2023)

D.16 References

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