

Federal Register

**Monday
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Part III

**Department of
Transportation**

Federal Aviation Administration

**Airport Aid and Development Programs;
Environmental Impact References and
Handbook**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 152, 154, and 155**

[Docket No. 20580; Amdt. No. 152-11, 154-2, and 155-1]

Airport Aid Program, Acquisition of U.S. Land for Public Airports, Release of Airport Property From Surplus Property Disposal Restrictions; FAA Environmental Orders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments revise Federal Aviation Regulations dealing with the airport aid program and the acquisition of public land for airport development by updating references to the FAA environmental orders. The orders contain detailed guidance for considering environmental impacts of Federal airport actions. These amendments also add a provision requiring compliance with those orders to Federal Aviation Regulations dealing with release of airport property from surplus property disposal restrictions. These amendments are necessary because of recent revisions in FAA environmental guidance required by the Council on Environmental Quality. The revisions are expected to result in a reduction of paperwork, the reduction of delays, and the production of better decisions.

EFFECTIVE DATE: August 25, 1980.

FOR FURTHER INFORMATION CONTACT: Lynne Sparks Pickard, Community and Environmental Needs Division (APP-600), Office of Airport Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone number (202) 426-3263.

SUPPLEMENTARY INFORMATION:

General

These amendments revise references to procedures for processing airport development actions affecting the environment in Part 152, Airport Aid Program, and Part 154, Acquisition of U.S. Land for Public Airports under the Airport and Airway Development Act of 1970, of the Federal Aviation Regulations. Those procedures are contained in Appendix 6 to FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts," and in FAA Order 5050.4, "Airport Environmental Handbook." Part 155, Release of Airport Property from Surplus Property Disposal Restrictions, is also being amended to require the

submission of an environmental assessment in conformance with those orders.

Interested persons were afforded an opportunity to comment on Appendix 6 of proposed FAA Order 1050.1C by a notice in the Federal Register on June 4, 1979 (44 FR 32094) and by direct mailing of advance copies of draft Appendix 6 to aviation organizations. Draft Appendix 6 contained procedural and substantive guidance for airport environmental documents and included the material that has now been printed separately in the new Airport Environmental Handbook. This handbook is being published elsewhere in this issue of the Federal Register.

In addition, the regulations of the Council on Environmental Quality (CEQ), which FAA Order 1050.1C implements, were published for comment in the Federal Register on June 9, 1978 (43 FR 25230). They had already received extensive input from the public, the business community, State and local governments, and Federal agencies. In view of these numerous opportunities for public review and comment and in light of the comments received in response to the June 4, 1979, notice, the FAA has determined that a formal notice of proposed rulemaking would not result in the receipt of additional useful information.

CEQ Regulations

On November 29, 1978, the Council on Environmental Quality published its final regulations establishing uniform procedures for implementing the procedural provisions of the National Environmental Policy Act (43 FR 55978). The purpose of those regulations is to reduce paperwork, reduce delays, and produce better decisions. Under Part 1507 of the CEQ regulations (40 CFR Part 1507), Federal agencies must adopt any necessary implementing procedures, after public comment and CEQ review.

FAA Order 1050.1C, published in its final form on January 10, 1980 (45 FR 2244), amends FAA's environmental policies and procedures in response to the CEQ regulations. The order is a comprehensive treatment of the environmental process for the broad range of FAA programs and projects. Appendix 6 to the revised order, like Appendix 6 to the previous order (FAA Order 1050.1B), applies to specified Federal actions associated with airport programs. The FAA has also developed new Order 5050.4 which is a self-contained handbook for Federal airport actions. It includes the text of Appendix 6, material cross-referenced in that appendix, and substantive detailed guidance on the form and content of

environmental assessments, environmental impact statements, and findings of no significant impact. Compliance with Order 5050.4 assures compliance with Appendix 6 to FAA Order 1050.1C.

Changes in Environmental Order

Appendix 6 to FAA Order 1050.1C and the Airport Environmental Handbook differ in several ways from Appendix 6 of FAA Order 1050.1B. The changes are as follows:

A major runway extension has been redefined as a runway extension which upgrades an existing runway to permit usage by noisier aircraft. These are aircraft over 12,500 pounds that are at least three decibels louder than aircraft currently using the runway as measured at one or more of the measuring points used to determine compliance with Federal Aviation Regulations, Part 36.

In accordance with § 1506.5(c) of the CEQ regulations (40 CFR 1506.5(c), an airport sponsor may not assume any responsibility for the preparation of draft and final environmental impact statements, unless the sponsor qualifies as a joint lead agency.

In accordance with § 1506.5(c) of the CEQ regulations (40 CFR 1506.5(c)), a contractor preparing draft and final environmental impact statements must be selected by the lead agency or by a cooperating agency, rather than by the airport sponsor. The contractor must execute a disclosure statement specifying that it has no financial or other interest in the outcome of the project.

Additional airport actions have been specifically identified as categorically excluded from environmental processing requirements, based upon FAA experience with judging which types of actions have the potential for significant impacts and which do not.

The applicability of procedures to conveyances of airport land and to releases of airport land have been further explained to clarify previous uncertainties in interpretation.

The application of design, art, and architecture to airport projects has been provided for in accordance with Notice DOT N5610.4, "Implementation of Decision to Address Environmental Design Considerations in Environmental Impact Statements" (February 27, 1978).

The format and content of the environmental assessment, environmental impact statement, and finding of no significant impact have been revised to comply with the letter and spirit of the CEQ regulations as well as regulations implementing other environmental statutes.

APP

Thresholds of significance have been delineated for each category of potential environmental impact in order to assist airport sponsors and FAA field personnel in evaluating whether or not impacts are significant. In addition, each environmental impact category has been updated to reflect recent environmental laws and regulations.

The Day/Night Level (Ldn) is the FAA's acceptable cumulative noise methodology for use in initial noise analysis. (An exception is the use of the Community Noise Equivalent Level where required to meet state requirements as in California.) Other cumulative noise methodologies, including Equivalent Noise Level (Leq) which would have been allowed under the proposed revision of Order 1050.1C, have been deleted, in the interest of having one cumulative noise methodology which is acceptable to the FAA, the Environmental Protection Agency, and the Department of Housing and Urban Development.

Sponsors will no longer be required to make available for public hearings an environmental assessment on runway extensions which are not major runway extensions. Runway extensions that are not considered major are excluded from the requirement to prepare an environmental assessment, if they do not otherwise have likely significant impacts.

A new procedure has been provided for formal FAA acceptance of a sponsor's environmental assessment. After this acceptance the assessment becomes a Federal document in accordance with §§ 1506.5(b) and 1508.9 of the CEQ regulations (40 CFR 1506.5(b) and 1508.9).

Assurances, findings, and conclusions that may be required for an action have been made as part of the decision on the action, rather than part of the environmental approval. CEQ regulations require distinct separation of the environmental approval and the Federal decision on the proposed action.

The FAA's application of low capital or noncapital alternatives to proposed actions has been emphasized and clarified in accordance with commitments made to CEQ to strengthen this area.

The implementation of commitments to mitigate environmental impacts has been emphasized and expanded upon in accordance with § 1505.3 of the CEQ regulations (40 CFR 1505.3).

Tiering, as defined in 40 CFR 1508.28, has been specifically applied to types of airport actions.

Finally, in accordance with DOT Order 5810.1C "Procedures for Considering Environmental Impacts" (44

FR 58420; October 1, 1979), time limitations on the validity of draft and final environmental impact statements have been established; prior finding affirmations have been deleted and replaced by written re-evaluations; and the conditions for preparing supplements to draft final environmental impact statements have been expanded upon.

Paperwork Reduction

The reduction of paperwork and of administrative delay expected to result from these revisions of FAA environmental guidance are in harmony with the national policy expressed by the President in Executive Order 12044 on "Improving Government Regulations" and Executive Order 12174 on "Paperwork."

Rule Changes

Section 152.111(c)(7) requires that the sponsor submit an environmental assessment with its preapplication for Federal assistance, if one is required by Appendix 6 to FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts." The reference to this revised order was added to Part 152 by Amendment No. 152-10. The section is now being amended to require that the assessment also be prepared in conformance with FAA Order 5050.4, "Airport Environmental Handbook."

This same addition has been made to § 152.117(b)(4), of Part 152, which requires that a notice of opportunity for a public hearing state that an environmental assessment is available for review, if an assessment is required. It has also made to paragraph II B of Appendix D to Part 152, which requires a sponsor seeking FAA approval of a new or revised airport layout plan to submit an environmental assessment with the plan.

Section 154.7(b)(14) has required the submission of an environmental impact assessment report, prepared in conformance with applicable DOT and FAA orders, with an application for conveyance of a property interest under Part 154. This amendment updates that requirement by referencing FAA Orders 1050.1C and 5050.4. It also eliminates reference to the DOT order, since the handbook incorporates the applicable DOT requirements and compliance with it results in compliance with the DOT order. The terminology in this section has also been updated, and the section has been revised to make it clear that an environmental assessment must be submitted only if one is required by the FAA orders.

The requirement for an environmental assessment has been added to Part 155. New § 155.11(c)(12) will now require the submission of an environmental assessment, if one is required by Appendix 6 and the handbook, with a request for release from surplus property disposal restrictions.

Since these amendments relate to public grants, and the implementation target date set by CEQ was July 30, 1979, good cause exists for making them effective in less than 30 days.

Cost Evaluation

Compliance with FAA Order 5050.4 is expected to bring about the results which CEQ's regulations aim at, namely the reduction of paperwork, the reduction of delays, and the production of better decisions. The final regulatory evaluation prepared in connection with this project, and available in the regulatory docket, describes these benefits at length.

Changes that will reduce paperwork include reducing the length of environmental impact statements, narrowing the scope of the environmental impact statement process, and eliminating duplication wherever possible. Delays will be reduced by, among other things, integrating the assessment process into early planning, emphasizing interagency cooperation, and ensuring the swift and fair resolution of disputes. Finally, the quality of decisions is expected to be better because these revisions will help ensure that environmental information is of high quality, accurate, objective, subjected to public scrutiny, and available to public officials before decisions are made and before actions are taken.

The new procedures are expected to be somewhat more costly to the Federal Government than the previous procedures. The reason for this is CEQ's emphasis on and specific delineation of certain Federal responsibilities in the assessment process. Under the CEQ regulations, draft and final environmental impact statements must be prepared directly by the lead agency or under direct contract to the lead agency. Federal agencies are to serve as cooperating agencies for the preparation of the environmental impact statements. Interdisciplinary skills are demanded of impact statement preparers, and a list of the preparer's professional qualifications is required in impact statements. A greater emphasis has been placed on Federal independent evaluation of, and responsibility for, analyses of environmental impacts, and on monitoring mitigation measures and reporting on this monitoring. These and

other responsibilities will result in increased cost to the governmental sector.

In this connection the FAA has established a number of environmental positions within the Airports Program to augment skills and reduce environmental processing delays. However, these positions are being filled within authorized levels and will result in no increase in cost to the program.

There will be an increase needed in contract funds so that the FAA may directly contract for assistance in environmental impact statement preparation, in lieu of allowing airport sponsors to contract for this work, and for assistance in evaluation of environmental analyses as necessary. Approximately \$1 million in contract funds is estimated to be required annually. In addition, to comply with the CEQ's instructions to fund the support of cooperating agencies, an amount of \$450,000 is estimated to be required annually.

The increase in the economic burden on the Federal Government will be offset to an unquantified extent by a decrease in the economic burden on airport sponsors. This decrease will result primarily from the streamlining of the environmental assessment required to be submitted to the FAA by sponsors and the preparation of more environmental documentation by, or under direct contract to, the FAA, instead of by, or under direct contract to, sponsors. A decrease in the economic burden on sponsors will be reflected in a decrease in the amount of Federal grant-in-aid funds (Airport Development Aid Program and Airport Planning Grant Program) paid to sponsors to fund the allowable Federal percentage of environmental study efforts.

An allowable alternative which the CEQ regulations and FAA Order 5050.4 recognize is for a draft and final impact statement to be prepared by a contractor selected and guided by the FAA, but paid by the sponsor. To the extent that Federal funds are insufficient to accommodate the demand, sponsors may elect this option. The total dollar value estimated to be required under the new regulation is not affected by this option.

In summary, to the extent that there will be increased direct Federal costs in preparing environmental documents for the Airports program, there will be decreased expenditures on the part of airport sponsors and the FAA's airport grant programs.

Clearinghouse Review

Part 152 of the Federal Aviation Regulations applies to the Airport Development Aid Program and the Planning Grant Program. These programs are listed in the Catalogue of Federal Domestic Assistance as program numbers 20.102 and 20.103, respectively. The procedures of Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of Federal and Federally-assisted programs and projects apply to these programs.

Adoption of the Amendment

Accordingly, Parts 152, 154, and 155 of the Federal Aviation Regulations (14 CFR Parts 152, 154, and 155) are amended, effective August 25, 1980, as follows:

PART 152—AIRPORT AID PROGRAM

1. By revising § 152.111(c)(7) to read as follows:

§ 152.111 Application requirements: airport development.

* * * * *

(c) * * *

(7) The sponsor's environmental assessment prepared in conformance with Appendix 6 to FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts" (45 FR 2244; January 10, 1980), and FAA Order 5050.4, "Airport Environmental Handbook" (45 FR —; August 24, 1980), if an assessment is required by Order 5050.4. Copies of these orders may be examined in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C., and may be obtained on request at any FAA regional office headquarters or any airports district office.

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2. By revising § 152.117(b)(4) to read as follows:

§ 152.117 Public hearings.

* * * * *

(b) * * *

(4) State that a copy is available of the sponsor's environmental assessment, if one is required by Appendix 6 of FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts" (45 FR 2244; January 10, 1980), and FAA Order 5050.4, "Airport Environmental Handbook" (45 FR —; August 25, 1980), and will remain available, at the sponsor's place of business for examination by the public for a minimum of 30 days, beginning with the date of the notice, before any hearing held under the notice.

* * * * *

3. By amending paragraph II B of Appendix D to Part 152 to read as follows:

Appendix D

* * * * *

II. * * *

B. *Airport Layout Plan Approval.* A sponsor seeking FAA approval of a new or revised airport layout plan shall submit with the plan an environmental assessment prepared in conformance with Appendix 6 of FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts" (45 FR 2244; January 10, 1980) and FAA Order 5050.4 "Airport Environmental Handbook" (45 FR —; August 25, 1980), if an assessment is required by Order 5050.4.

* * * * *

PART 154—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

4. By amending § 154.7 by revising paragraph (b)(14) to read as follows:

§ 154.7 Form and content of application for conveyance.

* * * * *

(b) * * *

(14) The sponsor's environmental assessment prepared in conformance with Appendix 6 of FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts" (45 FR 2244; January 10, 1980), FAA Order 5050.4, "Airport Environmental Handbook" (45 FR —; August 25, 1980), if an assessment is required by Order 5050.4. Copies of these orders may be examined in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C., and may be obtained on request at any FAA regional office headquarters or any airports district office.

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PART 155—RELEASE OF AIRPORT PROPERTY FROM SURPLUS PROPERTY DISPOSAL RESTRICTIONS

5. By amending § 155.11 by adding new paragraph (c)(12) to read as follows:

§ 155.11 Form and content of requests for release.

(c) * * *

(12) The sponsor's environmental assessment prepared in conformance with Appendix 6 of FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts" (45 FR 2244; January 10, 1980), and FAA Order 5050.4, "Airport Environmental Handbook" (45 FR —; August 25, 1980), if an assessment is required by Order 5050.4. Copies of these orders may be examined in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C., and may be obtained on request at any FAA regional office

headquarters or any airports district office.

(Secs. 11 through 27 of the Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1711 through 1727); § 1.47(f)(1), Regulations of the Office of the Secretary of Transportation (49 CFR § 1.47(f)(1)); 50 U.S.C. App. §§ 1622-1622c)

Note.—The FAA has determined that this document involves regulations which are not significant under Executive Order 12044, as implemented by Department of Transportation, Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to Lynne Sparks Pickard, Community and Environmental Needs Division (APP-600), Office of Airport Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

Issued in Washington, D.C., on July 29, 1980.

Langhorne Bond,
Administrator.

[FR Doc. 80-25069 Filed 8-22-80; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Airport Environmental Handbook**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of FAA Airport Environmental Handbook.

SUMMARY: The FAA Airport Environmental Handbook provides instructions and guidance for preparing and processing the environmental documents for airport development proposals and other airport actions.

EFFECTIVE DATE: March 21, 1980.

FOR MORE INFORMATION CONTACT: Lynne Sparks Pickard, Community and Environmental Needs Division (APP-600), Office of Airport Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C., 20591; telephone number (202) 426-3263.

SUPPLEMENTARY INFORMATION: FAA Order 5050.4, "Airport Environmental Handbook," provides instructions and guidance for preparing and processing environmental documents for airport development proposals and other airport actions under Part 152, Airport Aid Program, Part 154, Acquisition of U.S. Land for Public Airports under the Airport and Airway Development Act of 1970, and Part 155, Release of Airport Property from Surplus Property Disposal Restrictions, of the Federal Aviation Regulations. Amendments to these parts which require compliance with the Airport Environmental Handbook are being published elsewhere in this issue of the Federal Register (Amendments 152-11, 154-2, and 155-1).

This handbook is part of the FAA's response to the regulations of the Council on Environmental Quality (CEQ) which establish uniform procedures for implementing the procedural provisions of the National Environmental Policy Act (43 FR 55978; November 29, 1978). The purpose of those regulations is to reduce paperwork, reduce delays, and produce better decisions. Under Part 1507 of the CEQ regulations (49 CFR Part 1507), Federal agencies must adopt any necessary implementing procedures, after public comment and CEQ review.

FAA Order 1050.1C entitled "Policies and Procedures for Considering Environmental Impacts," published in its final form on January 10, 1980 (45 FR 2244), amends FAA's environmental policies and procedures in response to the CEQ regulations. The order is a comprehensive treatment of the

environmental process for the broad range of FAA programs and projects. Appendix 6 to the revised order, like Appendix 6 to the previous order (FAA Order 1050.1B), applies to specified Federal actions associated with airport programs.

The Airport Environmental Handbook, FAA Order 5050.4, is a self-contained handbook for Federal airport actions. It includes the text of Appendix 6, material cross-referenced in that appendix, and substantive detailed guidance on the form and content of environmental assessments, environmental impact statements, and findings of no significant impact. Compliance with Order 5050.4 assures compliance with Appendix 6 to FAA Order 1050.1C.

Accordingly, FAA publishes the following Order 5050.4 entitled "Airport Environmental Handbook."

(National Environmental Policy Act of 1969 as amended [42 U.S.C. 4321 et seq.]; the Environmental Quality Improvement Act of 1970, as amended [42 U.S.C. 4371 et seq.]; Section 309, Clean Air Act, as amended [42 U.S.C. 7609]; Sec. 4(f), Department of Transportation Act of 1966, as amended [49 U.S.C. 1853(f)]; Executive Order 11514, dated March 4, 1970, as amended by Executive Order 11991, dated May 24, 1977; 40 CFR Parts 1500-1508; DOT Order 5610.1C [44 FR 56420; September 18, 1979])

Issued in Washington, D.C., on August 15, 1980.

Robert J. Aaronson,
Associate Administrator for Airports.

Airport Environmental Handbook
March 21, 1980

Department of Transportation, Federal Aviation Administration

Foreward

Order 1050.1C, Policies and Procedures for Considering Environmental Impacts, was published in the Federal Register on January 10, 1980 (45 FR 2244). It was prepared in response to the Council on Environmental Quality's (CEQ) Regulations to amend FAA's environmental policies and procedures. Order 1050.1C provides in a single comprehensive document the essential treatment of the environmental process for the broad range of FAA programs and projects. Appendix 6 of Order 1050.1C prescribes environmental requirements and procedures in conjunction with specified Federal actions associated with airport programs. It includes several cross-references to the basic text of the order and references to the CEQ Regulations which would need to be consulted for a comprehensive understanding of the

requirements for compliance with NEPA in considering airport actions. Appendix 6 does not contain detailed information on the form and content of environmental assessments and environmental impact statements.

This order includes the text of Order 1050.1C, Appendix 6 (we have added Purpose and Distribution paragraphs to Chapter 1), plus most of the cross-referenced material and extensive instructions on the form and content of environmental documents. It is intended for use by FAA Airports personnel, airport sponsors, and others involved in airport actions as a self-contained document including all the essential information needed to meet both procedural and substantive environmental requirements. Compliance with this order constitutes compliance with Order 1050.1C for airport actions.

Order 1050.1C establishes policy and procedures for agency-wide compliance with environmental requirements. Any changes in Order 1050.1C which pertain to airport actions will be reflected by appropriate changes in this order.

Paul L. Galis,

Acting Director, Office of Airport Planning and Programming.

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- Chapter 1. Introduction and Definitions**
- 1. *Purpose.* This order provides instructions and guidance for preparing and processing the environmental assessments of airport development proposals and other airport actions as required by various laws and regulations.
- 2. *Distribution.* This order is distributed in Washington headquarters

to the branch level in the Offices of Airport Planning and Programming, Airport Standards, Environment and Energy, and the Chief Counsel; to all regional Airports divisions to the branch level; and to all Airports district/field offices and the Airports and Logistics Branch.

3. *Council on Environmental Quality (CEQ) Terminology.* CEQ Regulations implementing the National Environmental Policy Act of 1969 (NEPA) were published in the Federal Register on November 29, 1978. (Hereinafter, references to the CEQ Regulations shall simply identify the paragraph; e.g., CEQ 1508.1.) CEQ 1508.1 states "The terminology of this part shall be uniform throughout the Federal government."

4. *Federal Aviation Administration (FAA) Terms.* Order 1000.15A, FAA Glossary, dated December 18, 1975, contains terms which recur most often in agency communications. This order includes several terms used in airport planning and development.

5. *Airports Program Environmental Definitions.* The following terms used for airport actions are in addition to those defined in CEQ 1508.

- a. *Federal Action.* The Federal action as far as the Airports Program is concerned may be any of the following:
 - (1) Adoption of the National Airport System Plan.
 - (2) Approval of an airport location.
 - (3) Approval of an airport layout plan or revisions to an airport layout plan.
 - (4) Approval of funding for airport development.
 - (5) Requests for the conveyance of government land under section 23 of the Airport and Airway Development Act of 1970, as amended, (Airport Act) for development or improvement of a public airport.
 - (6) Approval of release of airport land.

- b. *Federal Environmental Approval.* This is a determination by the approving official that the requirements imposed by applicable environmental statutes and regulations have been satisfied by a finding of no significant impact or a final environmental impact statement. It is not an approval of the Federal action.

- c. *Finding of No Significant Impact with Section 16(c)(4) Coordination.* This is a finding of no significant impact as defined in CEQ 1508.13 which, because the project involves airport location, a major runway extension, or runway location, must be coordinated with the Department of the Interior (DOI) and the Environmental Protection Agency (EPA) in accordance with the Airport Act, section 16(c)(4).

- d. *Written Reevaluation.* This is an evaluation prepared by the FAA

responsible official of a draft or final impact statement or a finding of no significant impact with section 16(c)(4) coordination which has exceeded the three-year time limitation specified in paragraph 102, Chapter 10. This evaluation will either conclude that the contents of previously prepared environmental documents remain valid or that significant changes require the preparation of a supplement or new environmental document.

e. Approving Official. This is the FAA official who has the authority to approve findings of no significant impact or final environmental impact statements per Chapters 6 and 9.

f. Responsible Official. This is an FAA employee designated with overall responsibility to furnish guidance and participate in the preparation of environmental impact statements, to evaluate the statements, and to take responsibility for the scope and content of the statements. This person may be authorized to evaluate and accept environmental assessments prepared by airport sponsors and may direct scoping activities for the FAA.

g. Decisionmaker. This is the FAA official who has authority to approve airport layout plans, approve funding for airport development, or otherwise approve the Federal action.

h. Sponsor. This is any public agency eligible to receive Federal financial assistance under the Airport Act or anyone proposing an airport action for which a Federal authorization is required.

i. Major Runway Extension. This is a runway extension which upgrades an existing runway to permit usage by noisier aircraft.

j. Major New Construction or Expansion of Passenger Handling and Parking Facilities. This is development on an airport to accommodate one or more increments of a planned total increase in scheduled air carrier enplanements of at least 25 percent over current enplanements. This increase shall also be at least 100,000.

k. Design, Art, and Architectural Application. Design is the process of arranging physical spaces, materials, and objects to perform specific functions with emphasis on the relationship of the resulting product to human and environmental factors. Design quality is judged by broader criteria than functional performance alone. Design includes architecture, landscape architecture, graphics, interior design, and engineering. Art includes objects or works of art which are placed in or on an airport facility primarily for aesthetic reasons. Architectural application means the arrangement of structural

materials, landscaping, or site development to produce an aesthetically pleasing and functional environment.

l. NEPA Section 102(2)(D) States. Such states are those whose agencies or officials, having statewide jurisdiction and responsibility for implementing major Federal actions funded under a program of grants to states, prepare environmental impact statements required by NEPA, section 102(2)(C).

m. "NEPA-Like" State or Local Agencies. Such states or agencies are those which are subject to state or local requirements comparable to NEPA requirements for environmental impact statements according to CEQ 1506.2(c). Such agencies, unless specifically barred by other law, shall be joint lead agencies with the FAA and to the fullest extent possible jointly prepare environmental impact statements.

n. Noisier Aircraft. For purposes of this order, noisier aircraft are aircraft over 12,500 pounds which are at least three decibels louder than aircraft currently using a runway as measured at one or more of the measuring points used to determine compliance with Federal Aviation Regulations, Part 36. (An aircraft more heavily loaded than the same aircraft currently using the runway under similar conditions may be a noisier aircraft under this definition.)

o. Project Involving Airport Location. This is a project by a public sponsor for land acquisition or other development at an airport which has not previously been eligible for Airport Development Aid Program funds because:

- (1) It did not exist, or
- (2) It was privately owned.

6. Funding. Resources to implement the provisions of this order shall be requested through the normal annual budget process.

7.-9. Reserved.

Chapter 2. General Requirements and Responsibilities

10. General. a. Airport sponsors and the FAA shall carefully consider and weigh environmental amenities and values in a timely manner in evaluating proposed Federal actions relating to airport planning and development, utilizing a systematic interdisciplinary approach and involving local and state officials and individuals having expertise. The environmental assessment and consultation process is to provide officials and decisionmakers, as well as members of the public, with an understanding of the potential environmental impacts of the proposed action. The final decision is to be made on the basis of a number of factors. Environmental considerations are to be weighed as fully and as fairly as non-

environmental considerations. The FAA's objective is to enhance environmental quality and avoid or minimize adverse environmental impacts that might result from a proposed Federal action in a manner consistent with the FAA's principal mission to provide for the safety of aircraft operations.

b. Unless categorically excluded by this order, an environmental assessment and environmental impact statement or finding of no significant impact are required for proposed Federal actions related to airports. In accordance with Department of Transportation (DOT) policy and with the CEQ Regulations, it is intended that a single environmental document meet Federal, State, and local requirements.

11. Overview of Environmental Process. a. The process for consideration of the environmental effects of a proposed action involves a number of steps, beginning with the airport proprietor or sponsor. The relative responsibilities of the sponsor and the FAA are summarized in the following paragraphs. Intergration of environmental considerations in early planning and involvement of the public are discussed in Chapter 5. Subsequent chapters present detailed instructions on content, processing, and approval of environmental documents.

b. To facilitate an understanding of the process, a flow diagram (Appendix 1) is presented at the end of this handbook. Appendix 1 is broken down into four sheets:

(1) Sheet 1 depicts the process from identification of the problem by the sponsor, through initial review of the sponsor prepared environmental assessment, to development of the environmental assessment as an FAA document. This sheet also identifies an early decision point on whether or not the action falls in the categorical exclusion category per the listing in paragraph 23. If the FAA determines after initial review of the sponsor's proposal that the action is in this category, no environmental assessment is necessary.

(2) Sheet 2 begins with a key FAA determination based on the environmental assessment on whether the action requires preparation of an environmental impact statement. If this answer is yes, sheet 2 outlines the process of scoping, developing, and processing of a draft environmental impact statement by FAA through review of comments and preparation of the proposed final document.

(3) Sheet 3 describes the process if it is determined that an environmental impact statement is not necessary. In

this case, it is first determined if limited Federal agency coordination is necessary pursuant to section 16(c)(4) of the Airport Act. If it is, a proposed finding of no significant impact is prepared, coordinated, and approved as indicated in the flow diagram. Otherwise, a finding of no significant impact may be prepared and approved without further coordination. A final decision on the action is then made after environmental approval.

(4) Sheet 4 is a continuation of Sheet 2. It represents the environmental and funding approval processes for actions which have required the preparation of an environmental impact statement. Environmental approval action is taken in either headquarters or the region depending on approval authority as described in paragraph 95. A final funding decision is made subsequently and includes a record of decision incorporating assurances and mitigation measures identified in the environmental impact statement (reference paragraph 98). The funding decision may also be made in headquarters or the region depending on approval authority. Note that the environmental and funding approvals are not necessarily made at the same level or by the same official. These distinctions are made in the flow diagram and in the definitions in Chapter 1, paragraphs 3e and g.

12. *Sponsor's Responsibility.* Sponsors of airport projects are responsible for identifying the problem, developing conceptual alternatives, and preparing an environmental assessment as more fully explained in Chapter 5. In the Airports Program, an environmental assessment prepared by the sponsor shall systematically examine each potential impact to determine if the impact is significant. The document shall be developed in coordination with appropriate local, state, and Federal agencies, with community involvement as described in this handbook, and in direct consultation with FAA. It is important that the material contained therein be objective, complete, and accurate in order for it to serve as the basis for the preparation of the FAA's environmental documents. The sponsor's responsibility also extends to providing additional data and information to the FAA when required to assist in its review of environmental impacts and in the preparation of environmental documents. The environmental assessment shall draw upon the appropriate disciplines of the natural and social sciences and the environmental design arts.

13. *FAA Responsibility.* In brief, under the Airports Program the FAA is responsible for analyzing the environmental impacts and consequences of a proposed Federal action involving airports, for the environmental assessment and related documents, and ultimately for approving or disapproving the environmental documents and the Federal action. Although an environmental assessment submitted by an airport sponsor may be used in whole or in part, the FAA is responsible for the facts, opinions, and judgments upon which the environmental determination is based. It is, therefore, incumbent upon the FAA to assure that all documentation presents a full, accurate, and fair assessment of the environmental consequences of the proposed action.

14. *Use of Contractors.* If contractors are to be involved, see paragraph 76 for details.

15. *Role of Lead and Cooperating Agencies.* The various roles of the lead agency are described in CEQ 1501.5 through 1501.8. CEQ 1501.5 generally describes the role of the lead agency when more than one agency is involved in an action. CEQ 1501.6 describes the relationship with cooperating agencies. CEQ 1501.7 and 1501.8 define the role of the lead agency in the scoping process and in setting time limits. More specific information on the involvement of the lead and cooperating agencies in the preparation of environmental impact statements is contained in paragraphs 74 and 75.

16. *Preparation of Environmental Documents.* Responsibilities and authority of state and local agencies will vary depending upon the state or local requirements, jurisdictional responsibilities, and expertise. This is discussed in Chapter 7.

17. *Early NEPA Involvement in Planning.* In accordance with NEPA, environmental consideration shall be identified early in the planning process. Chapter 5 discusses the implementation of this requirement in airport planning.

18. *Public Involvement.* a. Citizen involvement, where appropriate, should be initiated at the earliest practical time and continued throughout the development of the proposed project in order to obtain meaningful input. Examples of citizen groups are: environmental, conservation, public service, education, labor, business, or aviation and airspace user organizations, and citizen advisory committees.

b. While requests for Federal airport actions originate with a local public agency, the involvement of the community at large is a necessary

element in the decisionmaking process. An effective opportunity to comment at appropriate stages in the decisionmaking process shall be provided to communities, citizen groups, and other individuals affected by airport proposals submitted to the FAA. They shall also be provided an opportunity to review and comment on draft and final statements. In order to provide an effective opportunity for comment when significant portions of the affected public have a native language other than English, environmental documents may be provided or public hearings conducted in such native language.

c. In accordance with section 16(d) of the Airport Act, the opportunity for public hearings shall be offered on any action involving location of a new airport, location of a new runway, or extension of a runway. For other actions, a public hearing shall be considered in accordance with the guidelines contained in paragraph 49. FAA Advisory Circular 150/5050-4, Citizen Participation in Airport Planning, has additional specific guidance on community involvement. Standard procedures for Federal agency public involvement are stated in CEQ 1508.6.

19. *Reserved.*

Chapter 3. Environmental Action Choices

20. *General.* a. In the Airports Program, Federal actions which require environmental processing generally involve the approval of specific projects at specific airports. A series of projects may be grouped into an overall plan for development, with successive phases being contingent upon other events such as a projected increase in traffic or a change in the aircraft using the airport. Such programs for development will usually be the subject of tiered environmental actions (see paragraph 101 and CEQ 1508.28).

b. On occasion, such as for the development of a new National Airport System Plan which is based upon new criteria for the inclusion of airports in the plan, an environmental impact statement will be prepared for a broad action. This action is the adoption of a formal plan upon which future agency actions will be based.

c. All Federal actions fall in one of three categories:

- (1) Those normally requiring an environmental impact statement (CEQ 1508.11).
- (2) Those requiring an environmental assessment (CEQ 1508.9).
- (3) Those which are normally categorically excluded (CEQ 1508.4).

21. *Actions Normally Requiring an Environmental Impact Statement.* a. The following Federal actions will normally require an environmental impact statement:

(1) Adoption of a new National Airport System Plan which is based upon significantly different criteria for inclusion of specific airports from criteria used in the previous plan.

(2) First time airport layout plan approval or airport location approval (see paragraphs 30 and 32) for an air carrier airport located in a standard metropolitan statistical area.

(3) A new runway capable of handling air carrier aircraft at an air carrier airport in a standard metropolitan statistical area.

b. Even though these actions normally require an environmental impact statement, the preparation of the environmental impact statement will usually be preceded by an environmental assessment. If the environmental assessment demonstrates that there are no significant impacts, the action shall be processed as a finding of no significant impact instead of an environmental impact statement.

22. *Actions Normally Requiring an Environmental Assessment.* a. Federal financial participation in, or airport layout plan approval of, the following categories of development actions shall be subject to the analysis of an environmental assessment and subsequent decision as to whether to prepare an environmental impact statement or a finding of no significant impact.

(1) Airport location.

(2) New runway.

(3) Major runway extension.

(4) Runway strengthening which would permit use by a noisier aircraft than that for which the pavement was previously designed.

(5) Major new construction or expansion of passenger handling or parking facilities with Federal funding.

(6) Land acquisition associated with all the above items plus any land acquisition which causes relocation of residential or business activities or involves land covered under section 4(f) of the Department of Transportation Act of 1966, as amended (hereinafter section 4(f)).

(7) Establishment or relocation of an instrument landing system, an approach lighting system, or runway end identification lights (when airport development aid funds are used).

(8) An airport development action that falls within the scope of paragraph 24 or which involves any of the following:

(a) Use of section 4(f) land.

(b) Effect on property included in or eligible for inclusion in the National Register of Historic Places or other property of state or local historical, architectural, archeological, or cultural significance.

(c) Wetlands, coastal zones, or floodplains.

(d) Endangered or threatened species.

b. FAA requests for conveyance of government land for airport purposes under section 23 of the Airport Act (see paragraph 34 for more detailed instructions).

c. Federal release of airport land (see paragraph 35).

d. The actions identified in this paragraph shall be supported through one of the following action choices based upon an environmental assessment.

(1) Environmental impact statements.

(2) Findings of no significant impact (see paragraphs 27 and 28).

e. Actions identified in this paragraph may be the subject of written reevaluations of previously approved environmental impact statements or findings of no significant impact. (See paragraph 103).

23. *Categorical exclusions.*

Paragraphs 21 and 22 identify specific airport actions such as major runway extensions which require, as a minimum, an environmental assessment. Paragraph 24 identifies extraordinary circumstances which create a requirement for environmental assessment of actions otherwise excluded. For any specific FAA airport project or program action, paragraphs 21, 22, 24, and 26 shall be reviewed. Unless specifically covered by those paragraphs, the following items are categorically excluded from the requirement for formal environmental assessment.

a. Runway, taxiway, apron, or loading ramp construction or repair work including extension, strengthening, reconstruction, resurfacing, marking, grooving, fillets and jet blast facilities, except where such action will create environmental impacts off airport property.

b. Installation or upgrading of airfield lighting systems, including beacons and electrical distribution systems.

c. Installation of miscellaneous items including segmented circles, wind or landing direction indicators or measuring devices, or fencing.

d. Construction or expansion of passenger handling or parking facilities including pedestrian walkway facilities.

e. Construction or repair of entrance and service roadway within airport property and relocation of these type

roads except where they connect to a public highway or street.

f. Grading or removal of obstructions on airport property and erosion control actions with no off-airport impacts.

g. Landscaping generally, and landscaping or construction of physical barriers to diminish impact of airport blast and noise.

h. Land acquisition associated with any of the above items.

i. Acquisition of: noise suppression or measuring equipment, security equipment required by rule or regulation for the safety or security of personnel and property on the airport (14 CFR Part 107), safety equipment required by rule or regulation for certification of an airport (14 C.F.R. Part 139) or snow removal equipment.

j. Issuance of airport planning grants.

k. Airport Development Aid Program actions which are tentative and conditional and clearly taken as a preliminary action to establish a sponsor's eligibility under the Program.

1. Retirement of the principal of bond or other indebtedness for terminal development.

m. Issuance of airport policy and planning documents including advisory circulars on planning, design, and development programs not intended for direct implementation or issued by FAA as administrative and technical guidance to the public.

n. Issuance of certificates and related actions under the Airport Certification Program (14 CFR Part 139).

o. Advisory actions as described in paragraph 25.

p. Any items identified in other appendices of this order as categorical exclusions. These items are not normally included in airport actions. There may be circumstances when such items, especially those associated with airways facilities, may be shown on an airport layout plan or included in an airport development action.

24. *Extraordinary Circumstances.* Proposed Federal actions, normally categorically excluded, which have any of the following characteristics shall be the subject of an environmental assessment. The FAA will determine, in accordance with paragraph 51, whether the action will be the subject of an environmental impact statement or finding of no significant impact.

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

b. An action that is likely to be highly controversial on environmental grounds. A proposed Federal action is considered highly controversial when the action is

opposed by a Federal, state, or local government agency or by a substantial number of the persons affected by such action on environmental grounds. If the responsible official has any doubt whether a given number of opposing persons is "substantial," that doubt shall be resolved by discussion with APP-600 to determine if the action should be processed as a highly controversial one.

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

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

e. An action that is likely to:

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

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

f. An action that is likely to:

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

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

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

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

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

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

environmental procedures, the FAA shall so indicate in the advisory action.

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

b. CEQ 1508.25 defines three types of actions to be considered in determining the scope of an EIS as follows:

"(a) Actions (other than unconnected single actions) which may be: (1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they: (i) Automatically trigger other actions which may require environmental impact statements. (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously. (iii) Are interdependent parts of a larger action and depend on the larger action for their justification. (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences (sic) together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement."

c. For airport actions, the effect of a number of decisions about a complex of projects can be individually limited to the extent that a finding of no significant impact or categorical exclusion would appear to be appropriate for each project; however, when considered together, the projects may have a considerable cumulative impact. In both environmental assessments and environmental impact statements, the total proposal must be considered. In the

context of the CEQ Regulations, the total proposal includes the proposed action and all other actions related to it. The following are some examples:

(1) Land acquisition and a future runway extension.

(2) Runway extension and road relocation, when the road needs to be moved to accommodate the extension.

(3) Grading for an Instrument Landing System and future installation of the ILS.

(4) Apron work for terminal area relocation which necessitates highway rerouting which in turn involves housing relocation. Terminal area relocation is the principal action justifying the project, but the effect on community disruption or other impacts due to the highway or housing relocation must be included in assessing the total proposal.

(5) An initial runway extension and a second phase extension when the total length is predicated on reasonable foreseeable demand forecasts (e.g., 10 years).

d. In determining when to consider the effects of actions by other agencies in the airport vicinity, the potential for combined significant impact shall be evaluated. For example, new highway construction and airport expansion in combination may create significant air quality impacts. Extensive earth moving from more than one project may combine to cause severe erosion or flooding problems.

e. For further detail on the treatment of present and related future actions, see Chapter 10.

27. Findings of No Significant Impact Requiring Airport Act Section 16(c)(4) Coordination. a. This action choice occurs when the proposed action involves the location of an airport, the location of a runway, or the major extension of a runway but does not have significant impacts. A finding of no significant impact shall be supported by an environmental assessment, prepared in accordance with Chapter 5, substantiating the determination that the proposed action will not significantly alter the airport's impact on its surrounding environment.

b. Pursuant to section 16(c)(4) of the Airport Act, DOI and EPA shall be consulted. The FAA shall forward a copy of the proposed finding of no significant impact (and environmental assessment) to both agencies and advise them that, although the project is not expected to significantly affect the quality of the human environment, they are being consulted pursuant to section 16(c)(4).

c. FAA processing and approval of this action choice are described in Chapter 6.

28. *Findings of No Significant Impact Not Requiring Section 16(c)(4) Coordination.* This action choice applies to those projects which do not have significant impacts, do not fall under section 16(c)(4) of the Airport Act, and are not categorically excluded under paragraph 23. Content, processing, and approval of this action choice are described in Chapter 6.

29. *Supplements.* The choice of preparing a supplement to a previously prepared draft or final environmental impact statement or to a finding of no significant impact with section 16(c)(4) coordination is appropriate in some instances of tiering, or when significant changes occur affecting the validity of previously prepared documents, or when significant new information is brought to light. Paragraph 104 discusses requirements for supplements.

Chapter 4. Special Instructions

30. *Airport Layout Plan Approvals. a. Applicability.* This paragraph applies to approvals of new or revised airport layout plans showing development actions identified in paragraphs 21 and 22a. It does not affect airport layout plan approvals prior to January 1, 1970. Other paragraphs of this handbook apply to Federal participation in development actions even if shown on an airport layout plan approved prior to January 1, 1970. (See CEQ 1506.12(b).)

b. *General.* Proposals to construct new runways, runway extensions, terminal buildings, or other major and supportive development are shown on an airport layout plan. Inclusion on the plan signifies that the proposed development has been identified by public sponsors for planning purposes. It does not represent a commitment by the sponsor to implement the indicated development. FAA reviews the planned development with respect to safety, efficiency, utility, and environmental impact. FAA's approval does not represent a commitment to provide financial assistance to implement the proposed plan. Environmental documents for airport layout plan approvals are subject to tiering as explained in detail in paragraph 101b(4). Tiering results in either an unconditionally or a conditionally approved airport layout plan.

c. *Approval.* (1) When all items of development covered by paragraphs 21 and 22a have been the subject of environmental approvals pursuant to the provisions of this order, the airport layout plan may be approved unconditionally.

(2) When such environmental action has not been completed, the airport layout plan may be approved subject to

the following condition which shall be included in the airport layout plan approval letter:

"The approval indicated by my signature is given subject to the condition that the proposed airport development identified by item herein as requiring environmental processing shall not be undertaken without prior written environmental approval by the FAA."

(3) The approval letter shall identify, by item, those items shown on the airport layout plan which are covered by paragraphs 21 and 22a which have not yet been environmentally approved by FAA.

(4) The FAA approval of an airport layout plan shall be indicated as follows:

(a) The FAA unconditional approval shall be shown on the face of the airport layout plan by use of the term "approved."

(b) The FAA conditional approval shall be shown on the face of the airport layout plan by use of the term "conditionally approved," with a cross-reference to the airport layout plan approval letter.

31. *Planning Grants. a. Planning grants are not considered major Federal actions for purposes of section 102(2)(C) of NEPA. Neither are planning grants considered to be airport development projects for purposes of section 16(c)(4) of the Airport Act. Therefore, a finding of no significant impact or an environmental impact statement is not required for issuance of the grant. However, environmental considerations should be included as an integral part of master planning. The airport layout plan, which is one element of a master plan, is the vehicle through which the FAA acts with respect to airport planning and which is subject to the requirements in paragraph 30. Environmental actions may be taken to cover either the ultimate plan as developed by the study or stages of such development, depending on the independent utility of each stage and the certainty of ultimate development. Two major elements of an environmental assessment—noise and land use—are included in studies conducted under a planning grant for airport noise control and land use compatibility. See paragraph 41 for more information on the sponsor's planning process.*

b. In the context of airport development, public meetings or other planning meetings held in conjunction with master planning may be expanded to incorporate some of the principles of scoping as described in paragraph 74, especially when it is reasonable to expect that the master plan will identify

needed development which has the potential for significant environmental impacts.

32. *Airport Location Approval.* The location of new airports or existing privately owned airports is subject to the appropriate environmental approval prior to receiving first time Federal aid. If location selection is made as an initial phase of a master planning study, the environmental assessment shall take into account enough of the ultimate planned development to assure that, with the best available information, the selection is based upon considerations that the need for and benefits of future development of the site outweigh any adverse environmental impacts.

33. *Land Acquisition.* Public sponsors may have the authority to acquire land adjacent to existing airports or for new airports without prior approval by the FAA. Such action could prejudice or preclude a favorable decision by the FAA on proposed changes in airport layout or development which would use the land thus acquired or on requests for reimbursement for the property. When FAA is notified or becomes aware of a possibility that such a situation may be occurring, FAA shall advise the public sponsor that such action must be consistent with pertinent environmental policy as expressed in this order, that the manner in which the particular property was acquired will be carefully considered by the FAA prior to approval of future FAA actions involving the property, and that particular attention will be given by the FAA to its responsibilities under section 4(f) to insure that a special effort is made to preserve the natural beauty of the countryside, public parks and recreation lands, wildlife and waterfowl refuges, and historic sites. Particular attention shall also be given by the FAA to actions by a sponsor involving wetlands, floodplains, coastal zones, endangered species, properties in or eligible for inclusion in the National Register of Historic Places, and the provisions of Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. A sponsor which has acquired land without prior approval by the FAA shall demonstrate to the satisfaction of the FAA that the acquisition was consistent with the policies expressed in this order and has not prejudiced full and objective consideration of alternatives or limited possible implementation of a preferable alternative.

34. *Conveyances of Land. a. Airport sponsors may request conveyance of government owned land under section*

23 of the Airport Act for the development, improvement, or future use of a public airport. This covers land for a new airport, expansion of an existing airport, protection of aerial approaches, and future airport projects. FAA Order 5170.1, entitled Transfer of Federal Lands, Section 23, of the Airport and Airway Development Act of 1970, contains FAA's procedures for such land transfers. The sponsor shall normally be required to include with the request to FAA for the land an environmental assessment in accordance with Chapter 5. An environmental assessment is not required if the use of the land falls within the scope of paragraph 23, Categorical Exclusions. The FAA responsible official shall consult with the Federal agency controlling the land to assure that environmental documentation meets the needs of the controlling agency as well as of the FAA. If an environmental impact statement is required, the FAA may act as either joint lead agency with the controlling agency or as a cooperating agency with jurisdiction by law and may request further information from the sponsor in order to complete the analysis of significant impacts.

b. The FAA may include environmental mitigation measures as covenants in the deed or patent which transfers the land or in an Airport Development Aid Program grant agreement for a project on the land.

c. FAA Order 5170.1 instructs "Where there is other Government land adjoining that which is being requested for an airport, an easement interest should be requested as necessary to protect the airport. This involves sufficient control to clear and protect the aerial approaches to the airport, to maintain freedom from electronic interference, or smoke-producing activities, and the right to overfly any land or any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport." The FAA responsible official shall pay particular attention to recommending that the FAA request such additional land as allowed and as determined necessary for compatible land use.

35. *Releases of Airport Land.* a. When a sponsor accepts a Federal airport development grant or a conveyance of Federal surplus property for airport purposes, the sponsor incurs specific obligations with respect to the uses of the property. FAA action is required to release a sponsor from obligations in the event the sponsor desires to sell the airport land. This action requires an

appropriate environmental assessment in accordance with the provisions of this order. The assessment shall address the known and immediately foreseeable environmental consequences of the release action and, as with other Federal actions regarding land, appropriate coordination with Federal, state, or local agencies shall be completed for applicable areas of environmental consideration (e.g., historic and archeologic site considerations, section 4(f) lands, wetlands and coastal zones, endangered species). In all cases, coordination with the State Historic Preservation Officer is required.

b. In making the final determination, the responsible Federal official shall consider the effects of covenants which will encumber the title and the extent of Federal ability to enforce these covenants subsequent to the release action. The standard conditions of release relative to the right of flight, including the right to make noise from such activity and the prohibition against erection of obstructions or other actions which would interfere with flight of aircraft over the land released, may be considered as mitigating factors in the environmental assessment especially regarding noise impacts and land use compatibility. When the intended use of released land is consistent with uses described and covered in a prior environmental assessment, the prior data and analysis may be used as input to the present assessment. When the conditions as set forth in Chapter 10 apply, a written reevaluation may be used to support the property release.

c. In some cases, another Federal agency may be the lead agency that is responsible for the preparation of an environmental assessment and environmental impact statement, if required. In these circumstances, the FAA may be a cooperating agency. To support the release action, the FAA may then adopt the environmental document prepared by the other agency in accordance with the provisions of CEQ 1506.3.

d. Long term leases which are not related to aeronautical activities or airport support services (i.e., convenience concessions serving the public such as shelter, ground transportation, food and personal services) and which require the FAA's consent for the conversion of dedicated airport property to the status of revenue producing property have, for all practical purposes, the effect of a release and shall be subject to an environmental assessment. Long term leases are normally those exceeding 20 years.

36.-39. *Reserved.*

Chapter 5. Early Planning, Preparation of Environmental Assessments, A-95 Review, Public Hearings

40. *Initiation of Environmental Process.* The environmental process begins at the local level with the airport sponsor. An overview of the process is discussed in paragraph 11 and a flow diagram is presented in Appendix 1 at the end of this handbook with the steps numbered for ease of reference. CEQ 1501.2 states "Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts." At this early point in time, the sponsor may be engaged in any one of the following activities which may be expected to result in a Federal action:

a. An airport master planning study (presumably leading eventually to approval of a new or revised airport layout plan or of a grant for construction).

b. An airport site selection study.

c. A new airport layout plan or a revision.

d. Formulation of an airport development project.

e. Plans to obtain government land for airport purposes through a conveyance under section 23 of the Airport Act.

f. Plans to obtain a release of airport land.

41. *Sponsor's Planning Process.* a. *General.* Steps 1, 2, and 3 in Appendix 1 indicate the minimum action expected from the sponsor to start the process. The sponsor identifies a problem and develops conceptual alternatives to solve it. These first three steps may involve a considerable amount of effort. In the case of a master planning study, for example, problem identification would involve inventory, forecasts, demand/capacity analyses, and the determination of facility requirements. The possible alternative ways to provide the required facilities would constitute the planning alternatives. From these alternatives, the sponsor may make a choice which is identified as the proposed action. In choosing among alternatives, environmental factors play a role. CEQ 1501.2(b) states "Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses." Consequently, in developing alternatives and in choosing a proposed course of action, environmental feasibility should influence choices, as should safety, economic, and technical feasibility. The amount of environmental detail at this early planning stage should

be commensurate with other planning analyses being undertaken by the sponsor and will obviously vary greatly between a comprehensive master planning study, for example, and a small development proposal. When a master planning study is done, the sponsor is encouraged to incorporate aircraft nose control land use compatibility planning and other environmental planning techniques in the study as a basis for subsequent environmental assessment. Whether it is possible at this stage for the sponsor to choose a proposed action among alternatives depends upon the type and complexity of the problem. If the identified problem is lack of sufficient airfield runway capacity or need for a new airport, the alternatives may be numerous and sufficiently complicated to preclude an obvious solution at this early stage. On the other hand, a problem such as providing additional apron space or locating a crash/fire/rescue building may be simple enough that relatively little effort is required to identify the problem, explore the relatively limited options, and choose the proposed action.

b. Design, Art, and Architectural Application. (1) Design, art, and architectural considerations are applicable to airport actions involving airport location; extensive earthmoving or other disruption of the natural environment or aesthetic integrity of an area; terminal and access road development; and to any development which may affect sensitive locations such as parks historic sites, or other public use areas. Such considerations shall be reflected in any environmental assessment prepared to the extent relevant.

(2) Applicability may best be determined by early consultation with appropriate local or state art or architecture councils or other organizations having special interest or experience in design, art, and architecture. The environmental assessment shall reflect such consultation which may be done directly or through the A-95 clearinghouse coordination.

(3) Consideration of the design arts in the preliminary design stage of project development is encouraged and shall be reflected in the environmental assessment to the extent information is available. Emphasis should be placed on design factors which will complement and support establishment of functional, efficient, and safe airport facilities while reflecting local, cultural, and architectural heritage considerations.

(4) Examples of the application of design, art, and architecture in airport actions include the following:

(a) The adverse effects of encroachment into residential or recreational area or disruption of scenic vistas may be minimized through appropriate design considerations. Architectural treatment of facilities can reflect and blend in with nearby architectural style. Painting or shielding of structures such as landing aid supports may reduce adverse visual impact as long as there is no interference with the safe performance of the facility.

(b) Actions which involve extensive earthmoving may create disruption of the landscape visible from great distances. Normal application of sound design and engineering principles will assure the control of erosion and provide adequate drainage. Extra care in slope design and plantings will help minimize adverse visual and other environmental impacts.

(c) Relocation of streams or other water courses in channels which reflect the natural characteristics of the existing stream may be more aesthetically pleasing and cost less than replacement by concrete sluiceways. Bank stabilization by appropriate plantings may improve appearance as well as control erosion.

(d) New facilities or major terminal expansion may provide an excellent means to recognize and reflect notable architectural, cultural, or ethnic assets of the area. Such influences may be reflected in interior design, landscaping, or architectural treatment.

(5) Whether or not a particular airport action requires the preparation of an environmental assessment, the FAA shall encourage airport sponsors to apply the principles of good design, art, and architectural treatment in anything they do which affects interface between the airport facilities and the public. To facilitate a better understanding of such policy and to provide advice, the FAA has available through its regional offices a slide/sound presentation entitled "First and Lasting Impression" and a companion report, "Design, Art and Architecture—A Study of Airports."

42. FAA's Initial Advice and Review. FAA personnel in regional offices and airports district offices will advise sponsors during the planning process. The locations and phone numbers of these offices are contained in Advisory Circular 150/5000-3D (or subsequent updates). The FAA's first required environmental review is indicated in step 4 of Appendix 1. This review has two basic objectives. The first objective is to determine whether the FAA agrees that a problem exists, that the problem has been correctly identified, and that appropriate alternative solutions have

been proposed. In evaluating whether the proposal has been properly defined and whether the appropriate range of actions and alternatives is being considered, FAA will apply CEQ 1502.4 and 1508.25. If the FAA is not satisfied, further consultation with the sponsor will be undertaken to resolve areas of disagreement. The second objective of this review is to determine whether the proposed action is one of categorical exclusion. Both paragraphs 23 and 24 shall be examined before a final determination is rendered by the FAA that a proposed action is a categorical exclusion. A categorical exclusion requires no further environmental processing, and the proposed Federal action may be approved by the FAA decisionmaker.

43. Requirement for Environmental Assessment. All proposed actions which are not categorical exclusions require an environmental assessment prepared by the airport sponsor. An environmental assessment is defined in CEQ-1508.9 and further elaborated on in 1501.3 and 1501.4. The completion of an environmental assessment shall normally precede the FAA's decision to prepare an environmental impact statement since the environmental assessment is a document used by the FAA to determine whether potential impacts appear to be significant. There are proposals, however, which normally require the preparation of an environmental impact statement per paragraph 21 or on which the FAA and the sponsor agree initially that impacts will be significant. In these cases, the FAA and sponsor may determine that the scoping process should not await completion of the environmental assessment. For these proposals, the sponsor's preparation of the environmental assessment shall be done concurrently with scoping as allowed in CEQ 1501.7(b)(3). If tiering is involved, sponsors should consult Chapter 10 and request special advice from the FAA prior to preparing an environmental assessment.

44. FAA Role in Environmental Assessment. The environmental assessment process is shown in steps 7 through 12 of Appendix 1. The FAA has responsibility in four ways:

a. Advice and assistance to the airport sponsor during the environmental assessment preparation.

b. Review of the environmental assessment (per step 8, Appendix 1) to determine its adequacy for a public hearing and review pursuant to Office of Management and Budget (OMB) Circular A-95 (Revised). At this time, the FAA will insure that the cover page of the environmental assessment contains a

notification that the environmental assessment has been prepared by the sponsor and that it will become a Federal document only after it is evaluated and signed on the cover page by the FAA responsible official.

c. Final review of the environmental assessment (per step 12, Appendix 1) at which point the FAA independently evaluates and takes responsibility for the environmental assessment per CEQ 1506.5(b). If not satisfied with the environmental assessment, the FAA may request the sponsor to correct deficiencies and resubmit it.

d. The decision to prepare either an environmental impact statement or a finding of no significant impact (step 13, Appendix 1) based on final review of the environmental assessment and completion of certain impact categories as necessary to make judgments on the significance of anticipated impacts.

45. *Early Coordination.* CEQ 1501.4(b) states, "The agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing [environmental] assessments . . ." and in section 1506.2(b) "Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law." The FAA encourages the sponsor to undertake early coordination with appropriate Federal, state, and local agencies, industry groups, environmental agencies, and the community in the environmental assessment process. Such coordination shall be initiated as appropriate during the sponsor's planning process and development of alternatives and continue during the preparation of the environmental assessment prior to the formal coordination during the A-95 review process. Early coordination can serve a number of purposes. It is an aid in the identification of environmental impacts and can help trigger advance planning of measures to mitigate environmental effects, including changes in project design. The community can be provided with timely information and have its opinions heard at the earliest formative stage of the project, which may avoid serious controversy later on. The amount of early coordination advisable will depend on the complexity, sensitivity, and anticipated environmental impacts of the proposal. Information received during early coordination may be used in the environmental assessment.

46. *Purposes of Environmental Assessment.* CEQ 1508.9 indicates that the environmental assessment is a

concise document. It is the FAA's intention to adhere strongly to this instruction and to require only enough analysis in the environmental assessment for the following purposes:

a. To understand the problem and identify reasonable alternative solutions, including the proposed action.

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

c. To provide the basis for the FAA's finding of no significant impact if the proposed action has no significant impacts.

d. To identify and satisfy special purpose Federal laws, regulations, and executive orders.

e. To identify and satisfy state and local laws and regulations applicable to the proposal.

f. In completing the above, to indicate agencies consulted (and to identify cooperating agencies for environmental impact statement preparation purposes).

In airport actions, inclusion of the proposed action in a. above would apply if the sponsor had chosen an action among alternatives. In reference to d. above, more specific information is included in paragraph 47e. Another purpose, not included above, is to identify any permits, licenses, or other entitlements required by the proposal.

47. *Format and Content of Environmental Assessment.* The environmental assessment shall incorporate some selected items of information required for an environmental impact statement in CEQ 1502.10. The information in the environmental assessment will, however, be in more abbreviated form than in an environmental impact statement. The following information is required:

a. *Cover Sheet.* This page is labeled "Environmental Assessment," identifies the airport, indicates that the environmental assessment was prepared by the airport sponsor (or for the sponsor by a contractor), and has the following notification at the bottom:

"This environmental assessment becomes a Federal document when evaluated and signed by the responsible FAA official.

Responsible FAA Official _____
Date" _____

b. *Purpose and Need.* This section shall identify the problem, the requested Federal action, and the timeframe for such action. Relevant statistical information supporting the fact that a problem exists shall either be included here or appended. Current and projected activity statistics shall be provided.

c. *Alternatives (Including Proposed Action).* (1) The CEQ Regulations include specific directions on the consideration of alternatives. While these directions are concerned with the environmental impact statement, they are also applicable to an environmental assessment, although in less finished detail than in an environmental impact statement. Applicable CEQ sections are:

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

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

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

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

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

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

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

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

(2) The FAA responsible official shall apply the above CEQ directions and shall judge whether the alternatives put forward by the sponsor are sufficient for the environmental assessment. The range of alternatives considered shall be commensurate with the identified problem and the anticipated impacts. In any case, the no action alternative shall be considered. Low capital or noncapital alternatives such as the development and upgrading of reliever/satellite airports, the establishment of quotas, and the use of pricing systems shall be considered for proposed actions involving the addition of airfield

capacity to high activity air carrier airports where there exists one or more of the following constraints—safety, airspace limitations, land limitations, airport ground access, environmental impacts, financial limitations, political constraints.

(3) The Alternatives section of the environmental assessment shall include:

(a) A list of alternatives considered, including the proposed action, with only enough description to explain them. For each alternative, any connected or cumulative actions shall be included (CEQ 1508.25(a)(1) and (2)).

(b) Identification of the sponsor's proposed action if one has been chosen.

(c) A concise statement explaining why any initial planning alternatives have been eliminated from study.

(d) A listing under each alternative of any areas of potential significant impact or a statement that the alternative has no significant impacts per the threshold analyses performed under paragraph 47e below. The environmental assessment shall indicate whether an alternative is being analyzed on the basis of mitigation measures assumed to be built into it.

(e) A listing under each alternative of any applicable Federal, state, or local special purpose laws and regulations and potentially required permits and licenses (reference CEQ 1502.25(a)).

(f) Graphics as appropriate to aid in understanding the alternatives. These would be of value in showing alternative runway configurations, for example, although not useful in dealing with alternative transportation modes.

d. *Affected Environment.* CEQ 1502.15 shall be followed, in particular the sentence in this section which directs that "The descriptions [of the affected environment] shall be no longer than is necessary to understand the effects of the alternatives." This section may highlight important background material, such as previous development and environmental actions which help to explain the present proposal. It may also include such items as bond actions, action by the community or citizen groups pertinent to the proposal, or any other unique factors associated with the project which do not properly belong in another section of the document. The Affected Environment section of the environmental assessment includes:

(1) A location map, vicinity map, and airport layout plan.

(2) Existing and planned land uses and zoning in the affected airport vicinity, including affected residential areas, public parks, wildlife and waterfowl refuges, wetlands, floodplains, farmlands, coastal zones,

recreation areas, and historic facilities and archeological sites.

(3) Nearby schools and places of public assembly, hospitals, shopping areas, and adjacent political jurisdictions affected by the proposed development.

(4) Population, industrial and commercial growth characteristics, and assumptions used to justify the project and determine secondary impacts only if these are relevant to the proposal.

(5) Any contemplated future actions, including facility installations and procedural actions, which have not been included in the Alternatives section and which should be described to show their relationship to the proposal and to show the sponsor's intentions regarding their environmental assessment and development.

(6) Other planned and developed activities in the affected area (e.g., highways and other transportation projects, housing development and relocation, etc.) which are interrelated to the proposal and/or which would produce cumulative impacts.

e. *Environmental Consequences—Specific Impact Categories.* A brief examination of each of the applicable potential impact areas below shall be done and documented to determine if the impact may be significant. During the environmental assessment process, required specific consultation such as historic and cultural resource consultation with the State Historic Preservation Officer shall be accomplished. For the proposed action and reasonable alternatives, including the no action alternative, each of the following applicable impact categories shall be systematically examined.

(1) *Noise.*

(a) No noise analysis is needed for proposals involving utility or basic transport type airports whose forecast operations in the period covered by the environmental assessment do not exceed 90,000 annual adjusted propeller operations or 700 annual adjusted jet operations ("adjusted" as defined in Report No. FAA-AS-75-1, Developing Noise Exposure Contours for General Aviation Airports). These numbers of propeller aircraft operations result in cumulative noise levels not exceeding 60 Day/Night Level (Ldn) more than 5,500 feet from start of takeoff roll or 65 Ldn on the runway itself. Adjusted jet operations of 700 or less do not produce a 60 Ldn contour using this method. Note that the Cessna Citation 500, the Gates Learjet 35A, and any other jet aircraft producing equivalent or less levels of noise are quieter than many propeller aircraft under 12,500 pounds and

therefore may be counted as propeller aircraft rather than jet aircraft.

(b) A noise analysis is needed for proposals which individually or cumulatively involve airport location, runway location, major runway extension, or runway strengthening at any airport which is either:

1 Larger than basic transport,

2 Utility or basic transport at which forecast operations exceed those defined in (a) above,

3 Highly controversial because of noise impacts (reference paragraph 24b), or

4 Anticipated frequent usage by special aircraft such as helicopters in proximity to noise sensitive areas.

(c) When required by (b), an initial noise analysis may be accomplished by using Report No. FAA-AS-75-1 to develop contours of equal noise exposure using the Ldn cumulative noise methodology or by making a single point analysis using Report No. EPA 550/9-77-450, Calculation of Day/Night Levels (Ldn) Resulting from Civil Aircraft Operations. Such analyses shall be sufficient to identify whether any existing or planned noise sensitive areas outside airport boundaries would be exposed to noise levels exceeding 65 Ldn for present conditions and forecast conditions with and without the preferred alternative. Single point analysis where the flight paths cross airport boundaries may be sufficient for making this determination. The analysis shall consider the effects of other related actions, including installation of navigational aids and air traffic control procedures, reflecting as applicable the results of coordination with affected FAA operating services.

(d) If the initial noise analysis indicates that there are no existing or planned noise sensitive areas (as described in paragraph 85b) within the current or projected 65 Ldn OR that the cumulative increase in noise levels in such areas within 65 Ldn does not exceed 3 Ldn over that created without the project, no further analysis is necessary and it may be assumed that there would be no significant noise impact. To determine the amount of increase, it is necessary to consider the cumulative effects of related actions as more particularly described in paragraph 26 as well as the effects of any noise abatement procedures which exist. If these thresholds are exceeded, additional noise analysis is needed, as described in paragraph 85a.

(e) The text of the environmental assessment shall include a description of any mitigation measures existing or planned to minimize noise impacts. If a noise analysis is required, sufficient

information shall be presented to permit lay and technical readers to relate the noise level data used to an understanding of its potential effects. The text and graphics shall support the conclusions reached on noise impacts. The graphics shall include map(s) of the existing airport, proposed airport development, and the airport vicinity. Existing and planned land uses shall be illustrated, including the location of the nearest noise sensitive area(s). The illustrations shall be large enough and clear enough to be readily understood. When noise contours are developed, they shall be superimposed on a land use map(s) by prominent, legible lines and be clearly labeled.

(f) The above paragraphs refer to Ldn as the methodology to use for noise analysis. An acceptable exception is use of the Community Noise Equivalent Level (CNEL) where required to meet state requirements as in California. The Noise Exposure Forecast (NEF) methodology may also be used in environmental assessments or other analyses begun prior to the effective date of the order.

(2) Compatible Land Use.

(a) The compatibility of existing and planned land uses in the vicinity of an airport is usually associated with the extent of noise impacts related to that airport. In this context, if the noise analysis described above concludes that there is no significant impact, a similar conclusion usually may be drawn with respect to compatible land use. However, if the proposal would result in other impacts exceeding thresholds of significance which have land use ramifications (for example, disruption of communities, relocation, induced socioeconomic impacts, wetlands, floodplains, coastal zones, critical habitat of endangered or threatened species), the effects on land use shall be analyzed in this context and described accordingly under the appropriate impact category with any necessary cross-references to the Compatible Land Use section to avoid duplication.

(b) The Land Use section of the environmental assessment shall include documentation to support the required sponsor's assurance under section 18(a)(4) of the Airport Act that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. The assurance must be related to existing and planned land uses.

(c) FAA officials shall contact the sponsor and representatives of affected communities to encourage the development of appropriate compatible land use controls early in the project planning stage. The environmental assessment shall document what is being done by the jurisdiction(s) with land use control authority, including an update on any prior assurance. It is recognized that not all airport sponsors have direct jurisdictional control. However, sponsors are public agencies with a voice in the affairs of the community in which the airport development is undertaken and should be required, as a minimum, to use their best effort to assure proper zoning or other land use controls near the airport. Depending on the sponsors' capability, "appropriate action" could range from extension of such influence to acquisition of land in fee. It is the FAA official's responsibility to determine that appropriate action constituting reasonable assurance, has been or will be taken. FAA Advisory Circular 150/5050-6, Airport-Land Use Compatibility Planning, presents guidance for airport sponsors and planners to help achieve compatibility between airports and their environs.

(3) Social Impacts.

(a) The principal social impacts to be considered are those associated with relocation or other community disruption which may be caused by the proposal. If the proposal will not involve the need to relocate any residence or business; alter surface transportation patterns; divide or disrupt established communities; disrupt orderly, planned development; or create an appreciable change in employment, then no specific analysis is needed and a summary statement to this effect will be sufficient in the environmental assessment.

(b) If relocation of residences is involved, the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 must be met. Sufficient information is needed in the environmental assessment to assure that the relocation can be managed. Such information may need to be obtained from secondary or community sources. If the assessment indicates any insufficiency in available housing or a high degree of controversy with respect to availability (reference paragraph 24d), the action shall be construed as having potential significant social impacts and will require additional analysis as indicated in paragraph 85c. For purposes of the environmental assessment, the following information shall be provided.

1 Estimate of the numbers of individuals and families as well as the

characteristics of the households to be displaced (e.g., minorities, income levels, renter or owner, tenure, elderly, large families).

2 Impact on the neighborhood and housing to which relocation is likely to take place.

3 Indication of ability to provide adequate relocation housing for the types of families to be displaced. Include a description of special relocation advisory services to be provided, if any, for the elderly, handicapped, or illiterate regarding interpretation of benefits or other assistance available.

(c) If relocation of any business (including farm operations) is involved, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 requires that the owner be offered assistance in finding a location and reestablishing the business. Evidence to this effect shall be included in the environmental assessment. If the business relocation will create a severe economic hardship on the community, additional analysis is required in an environmental impact statement.

(d) If the proposal would result in alteration of surface transportation patterns or otherwise divide or disrupt established communities or orderly, planned development, such disruption shall not be considered significant unless there is a noticeable increase in congestion or access time to community facilities, recreation areas, or places of residence or business or other disruption which cannot be prevented or minimized. The environmental assessment shall document, to the extent applicable, measures taken to avoid significant disruption by such means as rerouting, street widening, or changes in land use patterns to minimize the effects of the project.

(e) The environmental assessment shall reflect the results of any consultation with local officials or with relocation or other social agencies or community groups regarding the social impacts of the proposed action.

(4) *Induced Socioeconomic Impacts.* For major airport development proposals there is the potential for induced or secondary impacts on surrounding communities. When such potential exists, the environmental assessment shall describe in general terms such factors as shifts in patterns of population movement and growth, public service demands, and changes in business and economic activity to the extent influenced by the airport development. Induced impacts will normally not be significant except where there are also significant impacts in other categories, especially noise,

land use or direct social impacts. In such circumstances, a more thorough analysis of induced effects may be needed in an environmental impact statement.

(5) Air Quality.

(a) Section 176(c) of the Clean Air Act Amendments of 1977 states in part that no Federal agency shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to a State Implementation Plan after it has been approved or promulgated under section 110. The Act requires that, in developing the Plan, the states must designate all areas as Nonattainment for those pollutants which do not meet air quality standards and as Prevention of Significant Deterioration for those pollutants which do currently meet standards but are controlled to prevent further significant deterioration beyond acceptable limits. State Implementation Plans may include one or more Transportation Control Plans approved by the metropolitan planning organization(s). It is FAA's responsibility to assure that Federal airport actions conform to state Plans for controlling areawide air pollution impacts.

(b) If the proposed Federal action involves airport location, development which would cause or allow an increase in aircraft operations, or major new construction or expansion of passenger handling or parking facilities with Federal funding, paragraph (c) below shall be reviewed to determine if an air quality analysis needs to be done for the environmental assessment. For other types of airport proposals, no air quality analysis is normally required for the environmental assessment; normally it may be assumed that there is no potential for significant air quality impacts. There may be exceptional actions, such as a proposed release of airport property for an industrial complex, which occur very infrequently and require FAA judgment on a case-by-case basis of how much and what kind of air quality information is needed.

(c) For the following four conditions, if 1 applies, then 2 and 3 do not. However, if 1 is not applicable, then 2 and 3 must be examined since an airport may be located in an area which is designated Nonattainment for some pollutants and Prevention of Significant Deterioration for other pollutants. An analysis pursuant to the National Ambient Air Quality Standards may be necessary per 4.

1 If the proposed Federal action meets the conditions in *a* or *b* below, no air quality analysis is needed unless there is doubt raised by the state air quality board, the designated air quality

region, the EPA, or others regarding inclusion in the Transportation Control Plan or conformity with the State Implementation Plan OR the state has established aircraft activity thresholds that trigger indirect source review. In such a situation, the airport sponsor shall contact the FAA for guidance. The environmental assessment shall include a letter from the air quality board or region supporting the applicable condition.

a The action is included in and consistent with an areawide Transportation Control Plan as determined by the state air quality board or designated air quality region.

b The action is not included in a Transportation Control Plan OR is in a location where there is no approved Transportation Control Plan or State Implementation Plan AND review by the air quality board or region ascertains that no analysis is needed.

2 If the proposed Federal action is in an area designated as Prevention of Significant Deterioration for pollutants subject to Prevention of Significant Deterioration review (presently only sulfur dioxide and particulates), no analysis of these pollutants is needed unless a large point source, such as a power plant on the airport, is involved in the action. Airport actions generally are not considered to be large point sources subject to Prevention of Significant Deterioration review.

3 If the airport location or proposed development is NOT in a Transportation Control Plan, is NOT otherwise exempted, and IS in an area designated as Nonattainment for a particular pollutant or pollutants, the Clean Air Act Amendments of 1977 require that, prior to development, the agency must demonstrate that there will be an improvement in air quality with regard to that pollutant or that the increased emissions of the pollutant are within the available growth increment of the approved State Implementation Plan. To demonstrate either of these conditions, an emission inventory or modeling exercise of the Nonattainment pollutants for existing and forecast conditions shall be done for the environmental assessment. If this analysis shows that either condition would be met, it may be assumed that there would be no significant impact with regard to the Nonattainment pollutant or pollutants. If neither condition would be met, further detailed analysis in an environmental impact statement is required under paragraph 85e.

4 No Air quality analysis is needed to ascertain conformance with National Ambient Air Quality Standards unless

such need is indicated by the air quality board or air quality region. If needed, the analysis usually can be limited to an emissions inventory for each alternative considered in the environmental assessment. Contact with the state or local air pollution control agency will provide information and requirements for a specific area.

(d) In any case, the environmental assessment shall include any measures to be incorporated in the action to minimize adverse air quality effects, including control of air pollution during construction.

(e) The Airport Act requires that Airport Development Aid Program applications for projects involving airport location, runway location, or a major runway extension shall not be approved unless the governor of the state in which the project is located certifies that there is "reasonable assurance" that the project will be located, designed, constructed, and operated in compliance with applicable air and water quality standards.

1 To establish a "reasonable assurance," applicable standards and implementation requirements must have been established and an official designated who has authority to enforce compliance with the standards. When standards have not been approved but applicable standards have been promulgated by the EPA, EPA's approval shall be obtained. Lack of objection to air and water quality considerations as set forth in the environmental assessment or environmental impact statement may be construed as EPA approval.

2 While the air and water quality certifications shall be included in the environmental assessment or environmental impact statement whenever possible, their inclusion is not a prerequisite to approval of a finding of no significant impact or final environmental impact statement if the document includes evidence from the governor or appropriate state official indicating a reasonable expectation that the certification will be given. The state's certification or the EPA's approval must be received, however, before the project can be approved by the FAA.

(6) Water Quality.

(a) The Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (commonly referred to as the Clean Water Act), provides the authority to establish water quality standards, control discharges into surface and subsurface waters, develop waste treatment management plans and practices, and issue permits for discharges (section 402) and for dredged

or fill material (section 404). The environmental assessment shall include sufficient description of design, mitigation measures, and construction controls applicable to the proposal to demonstrate that state water quality standards and any Federal, state, and local permit requirements can be met. Such factors as storm and sanitary sewer design, requirements for additional water supplies or waste treatment capacity, erosion controls to prevent siltation, provisions for containing fuel spills and waste water from aircraft washing, designs to preserve existing drainage or to minimize dredge and fill, and location with regard to an aquifer or sensitive ecological area such as a wetlands area shall be considered to the extent applicable to the individual proposal.

(b) Early consultation with local, state, and Federal agencies charged with implementation of water quality regulations and issuance of permits will normally identify any deficiencies in the proposal with regard to water quality or any additional information necessary to make judgments on the significance of impacts. The environmental assessment shall reflect the results of consultation with regulating and permitting agencies and with agencies that must review permit applications, such as the U.S. Fish and Wildlife Service, which may have specific concerns. Such consultation should be started at an early stage of the environmental assessment and may be completed during the A-95 review.

1 A water quality certification is required under the Airport Act for approval of an Airport Development Aid Program application for a project involving airport location, a major runway extension, or a runway location. The requirement for information in the environmental assessment concerning this certification is the same as for an air quality certification as described in paragraph 47e(5)(e) above.

2 Consultation with the EPA regional office shall be undertaken if there is the potential for contamination of an aquifer designated by the EPA as a sole or principal drinking water resource for the area pursuant to section 1424(e) of the Safe Water Drinking Act, as amended.

3 The Fish and Wildlife Coordination Act applies to any proposal which would affect water resources (i.e., wetlands; groundwater; impoundment, diversion, deepening, controlling, modifying, polluting, dredging or filling of any stream or other body of water). For this situation instructions in paragraph 47e(9)(c) below apply.

4 A National Pollutant Discharge Elimination System permit under section 402 of the Clean Water Act is required for discharges into navigable waters, a section 404 permit is required for dredged or fill material in navigable waters, and a section 10 permit under the Rivers and Harbors Act of 1899 is required for obstruction or alteration of navigable waters. "Navigable waters" have been very broadly defined in EPA regulations (reference 40 C.F.R. Part 230, Appendix A) and encompass most bodies of water (including wetlands) and their tributaries. EPA is charged with the overall responsibility for section 402 permits, and the U.S. Army Corps of Engineers for section 404 and section 10 permits. States, under specified conditions, have the authority to issue these permits. Other state and local permits pertaining to water quality may also be required. Consultation with appropriate officials is necessary to determine which permits apply; what information is needed to obtain permits; and whether a permitting agency anticipates a problem given the nature, location, and possible impacts of the proposal.

(c) For most airport actions, significant impacts on water quality can be avoided by design considerations, controls during construction, and other mitigation measures. If the environmental assessment, the appropriate consultation as described in paragraph (b) above, and the A-95 coordination demonstrate that water quality standards can be met, that no special water related problem exists, and that no anticipated permit difficulty is indicated, it may be assumed that there would be no significant impact on water quality. The environmental assessment shall include documentation from regulating and permitting agencies and list required permits. No further analysis is necessary.

(d) If the environmental assessment and early consultation show the potential for exceeding water quality standards, identify water quality problems which cannot be avoided or satisfactorily mitigated, or indicate difficulties in obtaining required permits, an environmental impact statement may be required. Further analysis is described in paragraph 85f.

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

(a) Section 4(f) provides that the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or any land from a historic site of national, state, or local

significance as determined by the officials having jurisdiction thereof unless there is no feasible and prudent alternative to the use of such land and such program includes all possible planning to minimize harm.

1 Any part of a publicly owned park, recreation area, refuge, or historic site is presumed to be significant unless there is a statement of insignificance relative to the whole park by the Federal, state, or local official having jurisdiction thereof. Any such statement of insignificance is subject to review by the FAA.

2 Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes. National wilderness areas may serve similar purposes and shall be considered subject to section 4(f) unless the controlling agency specifically determines that section 4(f) is not applicable.

3 Where property is owned by and currently designated for use by a transportation agency and a park or recreation use of the land is being made only on an interim basis, a section 4(f) determination would not ordinarily be required.

4 Where the use of a property is changed by a state or local agency from a section 4(f) type use to a transportation use in anticipation of a request for FAA approval, section 4(f) shall be considered to apply, even though the change in use may have taken place prior to the request for approval or prior to any FAA action on the matter. This is especially true where the change in use appears to have been undertaken in an effort to avoid the application of section 4(f).

(b) If the action involves the taking or other use of any section 4(f) land as described in (a), the initial assessment shall determine if the requirements of section 4(f) are applicable. When there is an actual physical taking of section 4(f) land in conjunction with an airport proposal, there is no latitude for judgment regarding section 4(f) applicability. When there is no physical taking but there is the possibility of use of or adverse impacts to section 4(f) land, the FAA must determine if the activity associated with the proposal conflicts with or is compatible with the normal activity associated with this land. The proposed action is compatible if it would not affect the normal activity or aesthetic value of a public park, recreation area, refuge, or historic site. When so construed, the action would not constitute use and would not,

therefore, invoke section 4(f) of the DOT Act.

(c) If it is determined that section 4(f) is applicable and there are no feasible or prudent alternatives which would avoid such use under the criteria indicated in paragraph 83d, the effect on the 4(f) land shall be described in detail. The description of the land shall include size, activities, patronage, access, unique or irreplaceable qualities, relationship to similarly used lands in the vicinity, or other factors necessary to determine the effects of the action and measures needed to minimize harm. Such measures may include replacement of land facilities and design measures such as planting or screening to mitigate any adverse effects. Replacement satisfactory to the Secretary of the Interior is specifically required for recreation lands aided by the DOI's Land and Water Conservation Fund and for certain other lands falling under the jurisdiction of the DOI. The environmental assessment shall include evidence of concurrence or efforts to obtain concurrence of appropriate officials having jurisdiction over such land regarding actions proposed to minimize harm.

(d) If Federal grant money was used to acquire the land involved (i.e., open space under HUD, various conservation programs under DOI), the environmental assessment shall include evidence or reference to appropriate communication with the grantor agency.

(e) Whether or not Federal agency lands are involved, the documentation shall reflect consultation with the DOI and, as pertinent, HUD or USDA.

(f) The above instructions apply regardless of the extent of impact and shall be reflected in the environmental assessment. When section 4(f) applies and agencies which have jurisdiction agree that the effects of the action will be satisfactorily mitigated (e.g., by replacement "in kind" of a park or portion thereof), the action may be considered not to have significant section 4(f) impacts and no further analysis is needed. No objection by affected agencies may be construed as agreement for this purpose. If an agency which has jurisdiction advises that mitigation measures will not avoid significant effects, additional in-depth study and consultation may be necessary for inclusion in an environmental impact statement as described in paragraph 85g.

(8) *Historic, Architectural, Archeological, and Cultural Resources.*

(a) Two basic laws apply to this category of impact. Thresholds concerning both of these laws must be

examined in the environmental assessment.

1 The first law is the National Historic Preservation Act of 1966, as amended, which established the Advisory Council on Historic Preservation to advise the President and the Congress on historic preservation matters, to recommend measures to coordinate Federal historic preservation activities, and to comment on Federal actions affecting properties included in or eligible for inclusion in the National Register of Historic Places. The Advisory Council's most recent procedures for the "Protection of Historic and Cultural Properties" (38 CFR Part 800) were published in the Federal Register on January 30, 1979. Subparagraph (b) below specifies requirements under the National Historic Preservation Act of 1966, as amended.

2 The second law is the Archeological and Historic Preservation Act of 1974 which provides for the survey, recovery, and preservation of significant scientific, prehistorical, historical, archeological, or paleontological data when such data may be destroyed or irreparably lost due to a Federal, federally licensed, or federally funded project. The DOI Heritage Conservation and Recreation Service's "Statement of Program Approach" was published in the Federal Register on March 28, 1979, (40 F.R. 18117) to advise on the manner in which this latter law will be implemented. Subparagraph (c) specifies requirements under the Archeological and Historic Preservation Act of 1974.

(b) The following are requirements under the National Historic Preservation Act of 1966, as amended.

1 An initial review shall be made to determine if any properties in or eligible for inclusion in the National Register of Historic Places are within the area of the proposed action's potential environmental impact. The "area of the proposed action's potential environmental impact" is that geographic area within which direct and indirect impacts generated by the proposed action could reasonably be expected to occur and thus cause a change in the historic, architectural, archeological, or cultural qualities possessed by the property. The National Register criteria shall be applied to all such identified properties. The Secretary of the Interior will advise, upon request, whether properties are eligible for the National Register. If no properties in or eligible for inclusion in the National Register have been identified within the area of the proposed action's environmental impact, this information

shall be documented in the environmental assessment with the letter from the State Historic Preservation Officer and a record of any other analysis or survey undertaken. No further analysis is needed.

a To aid in identifying properties, the Heritage Conservation and Recreation Service publishes the complete National Register listing each February in the Federal Register with updates each month. In addition, the State Historic Preservation Officer must be consulted for advice. State Historic Preservation Officer coordination may be accomplished through the A-95 process. Assistance may also be obtained from local officials, historical societies, museums, or academic institutions having jurisdiction or expertise with regard to such properties.

b If the State Historic Preservation Officer recommends the need for a professional cultural resource survey of the environmental impact area, the airport sponsor shall contact the FAA for a determination on whether such a survey is required for the environmental assessment. The FAA, in making this determination, should follow the recommendations of the State Historic Preservation Officer if the Officer provides good reason for believing that previously unidentified eligible historic, architectural, archeological, or cultural properties are within the area of the proposed action's environmental impact.

2 If any property in or eligible for inclusion in the National Register has been identified within the area of the proposed action's environmental impact, the Advisory Council on Historic Preservation's Procedures for the Protection of Historic and Cultural Properties shall be used to determine if the proposed action will have any effect on the property. Initially the Criteria of Effect (36 C.F.R. Part 800.3(a)) shall be applied in consultation with the State Historic Preservation Officer. If this criteria indicates and the Officer agrees that the proposal would not directly or indirectly affect those historic, architectural, archeological, or cultural characteristics of the property that qualified it to meet National Register criteria, a Determination of No Effect shall be documented in the environmental assessment with the relevant State Historic Preservation Officer letter. No further analysis is needed. If the airport sponsor and the State Historic Preservation Officer disagree on a proposed Determination of No Effect, the matter shall be referred to the FAA for resolution.

3 If the application of the criteria in 36 C.F.R. Part 800.3(a) indicates an effect on properties, the Criteria of Adverse

Effect (36 C.F.R. 800.3(b)) shall be applied. If it is determined and the State Historic Preservation Officer agrees that there would be no adverse effect, supporting documentation for a Determination of No Adverse Effect as specified in 36 C.F.R. 800.13(a) together with the written views of the State Historic Preservation Officer shall be forwarded to the Advisory Council on Historic Preservation for review by the Executive Director. Unless an objection is noted by the Executive Director within 30 days of receipt of adequate documentation, such documentation shall be included in the environmental assessment and no further analysis is needed. Disagreement on the determination of No Adverse Effect between the sponsor and the State Historic Preservation Officer or the Advisory Council shall be referred to the FAA for resolution as provided for in 36 C.F.R. 800.6(a)(2).

4 If an adverse effect on properties is indicated, a Determination of Adverse Effect shall be included in the environmental assessment with supporting documentation. A preliminary case report shall be prepared as specified in 36 C.F.R. 800.13(b), either as part of the environmental assessment or as a separate document, and submitted to the FAA for the Advisory Council's consultation process. It cannot be assumed that impacts are insignificant on properties in or eligible for inclusion in the National Register of Historic Places. Further consultation and analysis under the guidance of the FAA will be necessary as described in paragraph 85h.

(c) Following are the requirements under the Archeological and Historic Preservation Act of 1974.

1 If no information is made available through the National Register of Historic Places, the State Historic Preservation Officer, the A-95 review, or other persons or organizations with expertise that there is reason to believe that significant scientific, prehistoric, historic, archeological, or paleontological resources will be lost or destroyed by the proposed action, no further analysis under this Act is needed for the environmental assessment. It may be assumed that there would be no impact on such resources.

2 If the above consultation indicates the need for a professional resource survey of the area to be impacted, the airport sponsor shall contact the FAA for advice as described under subparagraph (b)1 above. If a survey is performed and indicates no significant resources within the area, the results of the survey shall be documented in the

environmental assessment. The survey itself shall be appended to the environmental assessment or referenced if it is voluminous. No further analysis is necessary to show that the impact is not significant.

3 If consultation and/or a survey are inconclusive with regard to the location of resources or the significance of resources, the airport sponsor may include a commitment in the environmental assessment to halt construction if resources are uncovered in order for a qualified professional to evaluate the importance of the resources and for recovery activity to occur. Such a commitment may enable the environmental document to be approved and the action to proceed without more extensive preliminary investigation. It is a matter of FAA judgment on a case-by-case basis whether such an approach is reasonable. If the FAA agrees, no further analysis is necessary; it may be assumed for purposes of the environmental assessment that the impact is not significant.

4 If consultation and/or a survey identify significant resources within the area of the proposed action's potential environmental impact, the National Register criteria shall be applied and the steps outlined under subparagraphs (b) 1 through 4 followed pursuant to the provisions of the National Historic Preservation Act of 1966, as amended. If a Determination of No Effect or No Adverse Effect can be made per subparagraph (b)2, or (b)3, respectively, it may be assumed that the impact is not significant. The environmental assessment shall document the appropriate determination. No further analysis is necessary.

5 If an adverse effect on significant resources is indicated, the sponsor shall consider project modifications that will avoid the loss or destruction of the resources and thereby not necessitate salvage. Resource salvage is generally less preferable than preservation in situ. If a commitment by the sponsor to preservation in situ reverses an adverse effect determination, the environmental assessment shall include the commitment and the supporting documentation of no adverse effect. No further analysis is necessary.

6 If a determination of adverse effect cannot be avoided, the instructions in subparagraph (b)4 apply and further consultation and analysis under the guidance of the FAA will be necessary as described in paragraph 85h.

(d) If the proposal involves the taking or use of any publicly or privately owned land from a historic or archeological site of national, state, or local significance which is included in or

eligible for inclusion in the National Register of Historic Places, section 4(f) of the DOT Act also applies. The section 4(f) instructions and paragraph 47e(7) above must be followed.

(9) *Biotic Communities (including both flora and fauna).*

(a) If the proposal would take or impact a publicly owned wildlife or waterfowl refuge of local, state, or national significance, the instructions in paragraph 47e(7) are to be followed to prepare the appropriate documentation required by section 4(f) of the DOT Act.

(b) Consideration of endangered and threatened species is required for all proposals under the Endangered Species Act Amendments of 1978. Instructions in paragraph 47e(10) below relate specifically to this Act.

(c) If the proposal would affect water resources (i.e., wetlands; groundwater; impoundment, diversion, deepening, controlling, modifying, polluting, dredging, or filling of any stream or other body of water), the Fish and Wildlife Coordination Act applies. Consultation is to be initiated with the U.S. Fish and Wildlife Service and with the state agency having administration over wildlife resources. Letters are to be obtained from the Fish and Wildlife Service and the state agency on the wildlife aspects of the proposal for the purposes of determining the possible damage to wildlife resources and of determining means and measures that should be adopted to prevent the loss of or damage to wildlife resources as well as to provide concurrently for the development and improvement of such resources.

1 If the letters from the Fish and Wildlife Service and the state agency indicate substantial damage to wildlife attributable to the proposal which will not be mitigated to a minimal level, the proposal is considered to be one with potential significant impacts. Further evaluation shall be performed under FAA direction as described in paragraph 85i.

2 If the letters from the Fish and Wildlife Service and the state agency indicate only minimal impacts, it may be assumed that there would be no significant impact on biotic communities. The environmental assessment shall include the letters from the Fish and Wildlife Service and the state agency and shall also include such justifiable means and measures to mitigate wildlife impacts as should be adopted to obtain maximum overall project benefits. No further analysis as described below is needed.

(d) If the proposal would not affect water resources as described in subparagraph (c) above, the Fish and

Wildlife Coordination Act does not apply. In this case, a series of thresholds are to be examined to determine if there is the potential for significant impact on biotic communities. The four subparagraphs below should be reviewed in the order given to determine which one applies to the proposal; e.g., if subparagraph 1 applies, the remainder do not and no further analysis is needed.

1 If the proposal would impact only man-dominated areas such as previously disturbed airport property, populated areas, or farmland, it may be assumed that there would be no significant impact on biotic communities.

2 If the proposal would impact other than man-dominated areas but the impacts would primarily be transient rather than permanent, such as dislocation or other impacts due to construction activities, it may be assumed that there would be no significant impact on biotic communities. The environmental assessment shall document the transient nature of the impacts and any mitigation measures. Mitigation measures may include:

a Erosion controls to protect adjacent biotic areas and aquatic communities.

b Phasing of construction to avoid breeding or nesting periods and to promote escape routes for mobile species.

c Landscape restoration to reconstitute existing habitat or create new habitat.

3 If the proposal would cause only a minor permanent alteration of existing habitat, it may be assumed that there would be no significant impact on biotic communities. "Minor alteration" generally refers to the removal of a few acres of habitat which represent a small percentage of the area's inventory or which support a limited variety or number of common wildlife species. "Minor alteration" is not applicable if the action involves removal of relatively small areas which are sensitive tracts occupying a strategic position in the vicinity or which supports rare (meaning not common) species or which constitute a large percentage of the remaining habitat of a particular kind. The environmental assessment shall not merely cite "minor alteration" but shall document the basis for the assumption of no significant impact and shall also document any mitigation measures.

4 If the proposal would involve the removal of a sizeable amount of habitat, of habitat which supports rare species, or of a small, sensitive tract but the accompanying loss of plant communities and displacement of wildlife do not

result in a significant long term loss to the area, it may be assumed that there would be no significant impact on biotic communities. In this case consider that, although displaced wildlife may move to adjacent land areas, a long term loss will accrue by virtue of reduction of the wildlife carrying capacity of the overall area. When wildlife habitat is removed, the possibility that the remaining habitat is insufficient in size and quality to continue to support all resident species must be considered. The input from the A-95 coordination and other informal coordination as necessary is to be used to determine the significance of the impacts. The environmental assessment shall document the impacts and mitigation measures and shall include supporting letters. Mitigation measures may include:

a Design adjustments to minimize impact on sensitive areas or species.

b Purchase of contiguous habitat as a preserve for dislocated wildlife or as a buffer zone.

(e) If the evaluation, using the thresholds in subparagraph (d), does not lead to the assumption that there would be no significant impact on biotic communities, the proposal is considered to be one with potential significant impacts. Further evaluation shall be performed under FAA direction as described in paragraph 85i.

(10) *Endangered and Threatened Species of Flora and Fauna.*

(a) Section 7 of the Endangered Species Act Amendments of 1978 requires each Federal agency to insure that "any action authorized, funded, or carried out by such agency . . . does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee. . . ."

(b) The procedure to be followed to determine impacts on endangered or threatened species and on critical habitat varies depending on whether the proposed action has a significant impact on the environment or not. Any major Federal action designed primarily to result in the building of man-made structures and which significantly affects the quality of the human environment is defined as a "construction project" by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. This includes Federal actions such as permits, grants, licenses, and other forms of Federal authorization or approval which may

result in construction. As soon as it appears that a proposed action will have a significant impact and therefore result in the preparation of an environmental impact statement, the sponsor shall institute the procedure below. In order to minimize delay, sponsors are encouraged to initiate this procedure as soon as thresholds in paragraph 47e are exceeded during the sponsor's assessment of the proposed action.

1 As required by section 7(c) of the Endangered Species Act Amendments, information shall be requested by FAA from the Regional Director of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, whichever has jurisdiction, on whether any species which is listed or proposed to be listed may be present in the area affected by the proposed action. If the reply from the Fish and Wildlife Service or National Marine Fisheries Service indicates that no such species are present, it may be assumed that there would be no significant impact on endangered or threatened species. The environmental assessment shall include the letter from the Fish and Wildlife Service or National Marine Fisheries Service. No further analysis is necessary.

2 If, however, the reply from the Fish and Wildlife Service or National Marine Fisheries Service indicates that endangered or threatened species may be present in the area affected by the proposed action, a biological assessment shall be prepared to identify whether the species or critical habitat are likely to be affected by the action and what those effects would be. If this biological assessment indicates no effects on the species or critical habitat, it may be assumed that there would be no significant impact on endangered or threatened species. The environmental assessment shall include the biological assessment. No further analysis is necessary. The FAA shall forward the biological assessment to the Fish and Wildlife Service or the National Marine Fisheries Service for its records.

3 If the biological assessment indicates an effect on endangered or threatened species or on critical habitat, the proposal is considered to be one with potential significant impact. Consultation under section 7(a) of the Endangered Species Act Amendments of 1978 and further evaluation shall be performed under FAA direction as described in paragraph 85j.

(c) For proposed actions which are not "construction projects," the procedure below shall be followed.

1 The list of Endangered or Threatened Wildlife and Plants shall be

consulted to determine whether there are any such species in the area affected by the proposed action. If there are not, this information shall be included in the environmental assessment. No further analysis is necessary.

2 If there are endangered or threatened species in the area affected by the proposed action, the environmental assessment shall include an analysis of anticipated impacts on such species and their critical habitats. If this analysis shows that the proposed action would not affect endangered or threatened species or adversely modify their critical habitat, it may be assumed that impacts are not significant. No further analysis is necessary.

3 If the environmental assessment indicates an impact on endangered or threatened species or on critical habitat, the proposal is considered to be one with potential significant impact. Consultation under section 7(a) of the Endangered Species Act Amendments of 1978 and further evaluation shall be performed under FAA direction as described in paragraph 85j.

(11) *Wetlands.*

(a) Wetlands are defined in Executive Order 11990, Protection of Wetlands, as "those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction." Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds." Wetlands also include estuarine areas, tidal overflows, and shallow lakes and ponds with emergent vegetation. Furthermore, the wetlands ecosystem includes those areas which affect or are affected by the wetland itself; e.g., adjacent uplands or regions upstream and downstream. Areas covered with water for such a short time that there is no effect on moist soil vegetation are not included within the definition of wetlands nor are the permanent waters of streams, reservoirs, and deep lakes.

(b) Wetlands are valuable ecological systems. They can serve to accumulate, convert, store, and supply basic nutrients; provide habitat for many kinds of wildlife; serve to regulate the flow of runoff waters and cleanse them of pollutants; provide a buffer against storm waters and help reduce flooding; serve as water recharge areas; and provide a scientific and recreational resource. The importance of wetlands to the Nation was reemphasized in

Executive Order 11990, issued May 24, 1977. This executive order provides that Federal agencies:

1 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, and

2 Avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds:

a that there is no practicable alternative to such construction, and
b that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.

(c) A proposal is considered to affect wetlands if it would involve development in a wetlands area; involve dredging, filling, draining, channelizing, diking, impounding, or otherwise directly impact a wetlands area; involve disturbing the water table of an area in which a wetland lies; or indirectly affect a wetland by impacting regions upstream or downstream or inducing secondary development. If there is uncertainty on whether an area is a wetland, the U.S. Fish and Wildlife Service or the local or state natural resource agency shall be contacted for further information.

(d) If the proposal does not affect a wetlands area, a sentence to this effect in the environmental assessment is sufficient. No further analysis is necessary.

(e) If the proposal would affect a wetlands area and there is a practicable alternative which solves the problem and avoids the wetlands impact, this alternative should become the proposed action. The term "practicable" means feasible. Whether another alternative is practicable depends on its feasibility in terms of safety, meeting transportation objectives, design, engineering, environment, economics, and any other applicable factors. Some additional cost alone does not necessarily make an alternative impractical since such cost may be recognized as necessary and justified to meet national wetlands policy objectives. If a practicable alternative is put forward as the new proposed action, no further wetlands analysis is necessary. The environmental assessment should document that the initial proposed action was eliminated from further study because of wetland impacts.

(f) If the proposal would affect a wetland and there is no practicable alternative, the following instructions apply:

1 The environmental assessment shall include information on the location, types, and extent of wetland areas that might be affected by the proposed action. This information may be obtained from the Fish and Wildlife Service or state or local natural resource agencies.

2 Evaluations of other categories of impacts as described under paragraph 47e are to be used to determine whether impacts on wetlands appear to be significant. Consideration shall be given to impacts on water quality, including effects on water supply and recharge capability, interference with surface and subsurface water courses, siltation and sedimentation, biotic community disruption, flood and storm hazards, development of secondary (induced) activities or services, and construction. The wetlands discussion in the environmental assessment may simply summarize and reference applicable discussions under other impact categories. Incorporate in an evaluation of impact on wetlands all practicable measures to minimize harm which will be implemented. These may include, but are not limited to:

a Modification of the design, construction, or operation of the facility, including collection of pavement surface runoff to prevent direct discharge into sensitive areas.

b Waste treatment.

c Development of compatible land uses.

d Special construction controls.

3 Early review of proposed actions shall be provided for agencies with special interest in wetlands. Such agencies include state and local natural resource and wildlife agencies, the Fish and Wildlife Service, the National Marine Fisheries Service, the Corps of Engineers, and EPA. This review may be combined as much as possible with the A-85 review. Those agencies which have permitting actions described below shall be asked to advise if they foresee any difficulty issuing such permits based on the initial assessment that the proposal has no practicable alternative which would avoid the wetland and that all possible mitigation measures have been taken. Such advice should include recommendations regarding additional measures which could be taken to enable their subsequent favorable action on such permits. Letters from these agencies shall be incorporated into the environmental assessment and their opinions used to determine significance of impacts and to pinpoint

potential problems in proceeding toward approval of the environmental document.

4 Specific consultation is required under the Fish and Wildlife Coordination Act with the U.S. Fish and Wildlife Service and the state agency having administration over the wildlife resources. For this analysis, documentation, and significance threshold, refer to paragraph 47e(9)(c) above.

5 The environmental assessment shall identify any permits that are required. Permit requirements for proposals affecting wetlands may include those identified below, which are further explained in paragraph 47e(6)(b).

a Section 402. Airport runoff into the surrounding environment may be considered to be a discharge subject to a Federal or state National Pollutant Discharge Elimination System permit pursuant to the Clean Water Act when the surrounding environment is a wetlands area.

b Section 404. Most wetlands are considered to be "navigable waters" for the purposes of the Clean Water Act.

c Section 10 of the Rivers and Harbors Act of 1899. Under this Act, wetlands may also fall under the permit requirements of the Corps of Engineers due to obstruction or alteration of navigable waters.

d State Permit. The proposal may be required to comply with a state wetlands permit system.

6 An opportunity shall be provided for early public review of any proposals involving wetlands. This may be accomplished through early coordination by the sponsor per paragraph 45, use of the A-95 dissemination per paragraph 48e, or the opportunity to review the environmental assessment prior to a public hearing when one is held for proposed actions as described in paragraph 49.

7 A wetlands which is in or adjacent to a coastal area may be subject to a state coastal zone management program. In this situation, the instructions in paragraph 47e(13) below shall also be followed.

8 Section 4(f) of the DOT Act may apply if wetlands are publicly owned lands as described in paragraph 47e(7). Wetlands subject to a publicly owned protective easement for provision of food and nesting to migratory waterfowl are considered to be publicly owned land of a wildlife and waterfowl refuge under section 4(f). The instructions in paragraph 47e(7) are to be followed for section 4(f) situations.

9 If the above analyses indicate any significant impacts on wetlands, the

instructions under paragraph 85k are to be followed.

(12) Floodplains.

(a) Floodplains are defined in Executive Order 11988, Floodplain Management, as "the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year;" i.e., the area that would be inundated by a 100-year flood.

(b) Executive Order 11988 directs Federal agencies to "take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. . . ." DOT Order 5650.2, Floodplain Management and Protection, contains DOT's policies and procedures for implementing the executive order. The DOT order further defines the natural and beneficial values served by floodplains as including, but not limited to "natural moderation of floods, water quality maintenance, groundwater recharge, fish, wildlife, plants, open space, natural beauty, scientific study, outdoor recreation, agriculture, aquaculture, and forestry." The executive order and the DOT order establish a policy to avoid taking an action within a 100-year floodplain where practicable. Every effort must be made to minimize the potential risks to human safety and property damage and the adverse impacts on natural and beneficial floodplain values.

(c) If the proposed action and reasonable alternatives are not within the limits of a base floodplain (i.e., 100-year flood area) and would not indirectly support secondary development within a base floodplain nor otherwise significantly impact a base floodplain, it may be assumed that there are no floodplain impacts. No further analysis is necessary.

1 To determine the limits of base floodplains, the Federal Insurance Administration (FIA) maps are the primary reference. A Flood Insurance Rate Map or Flood Insurance Study Report shall be consulted first. If neither of these maps is available, a Flood Hazard Boundary Map may be used to determine if the proposed action and alternatives are clearly out of the base floodplain. If the proposed action or any alternative appears to be near or inside the approximate boundaries of the Flood Hazard Boundary Map, more detailed boundary information must either be obtained or developed using the best available method meeting acceptable professional engineering standards. The delineation of floodplain limits shall

take proper account of previous alterations to the floodplain by flood retention works or other elements of the built environment. If a 100-year floodplain designation is in question, the FIA or the Corps of Engineers shall be contacted for information.

2 To determine whether other impacts are of concern to a base floodplain even though the proposed action is outside the floodplain, the evaluations of other categories of impacts as described in paragraph 47e are to be used with particular attention to potential effects on natural and beneficial floodplain values of water pollution, increased runoff from impermeable surfaces, alteration of hydrologic patterns, induced secondary development, and construction impacts. Consideration of impacts shall include proposed methods to minimize harm and to restore and preserve natural and beneficial floodplain values affected. In most cases, conceptual design as opposed to detailed engineering will be sufficient to help establish the adequacy of mitigation measures. Mitigation measures include:

a Construction controls to minimize erosion and sedimentation.

b Design of the facility to allow adequate flow circulation and preserve free, natural drainage.

c Use of pervious surfaces where practicable.

d Control of runoff.

e Waste and spoils disposal so as not to contaminate ground and surface water.

f Control of use of pesticides, herbicides, and fertilizer.

g Maintenance of vegetative buffers to reduce sedimentation and delivery of chemical pollutants to the water body.

h Land use controls (Executive Order 11988 directs Federal agencies to take floodplain management into account in evaluating land use plans and to acquire land and water resource use appropriate to the degree of hazard involved).

(d) If the analysis performed in accordance with the preceding paragraph indicate significant impacts on a base floodplain, a statement to this effect shall be included in the environmental assessment. Further analysis appropriate for an environmental impact statement is contained in paragraph 85.1.

(e) If the proposed action and reasonable alternatives are within the limits of a base floodplain, this is considered by DOT Order 5650.2 to be a floodplain encroachment. If the proposed action includes relocation housing built or moved to a new site within a base floodplain, this also

constitutes encroachment. It is not encroachment if the only step being taken in the floodplain is the relocation of persons into existing housing units. In this latter situation, potential occupants shall be advised if the relocation housing is located in a base floodplain and be offered alternative comparable housing at their option.

(f) It is DOT policy, in accordance with Executive Order 11988, to avoid where practicable encroachments in base floodplains by DOT actions. If there is a practicable alternative which solves the problem and avoids the encroachment, this alternative shall become the proposed action. The term "practicable" is defined under Wetlands Impact in paragraph 47e(11)(e) above. If a practicable alternative is put forward as the new proposed action, no further analysis is necessary if the new proposed alternative does not otherwise significantly impact the base floodplain. The environmental assessment shall document that the initial proposed action was eliminated from further study because of base floodplain encroachment.

(g) If the proposed action and reasonable alternatives would encroach within the limits of a base floodplain, the following instructions apply:

1 The environmental assessment shall indicate briefly why the action is proposed to be located in a floodplain and why there are not considered to be any practicable alternatives outside the base floodplain.

2 The environmental assessment shall include the map information, analyses, and proposed mitigation measures described under subparagraph (c) above and shall also consider any risk to, or resulting from, the airport action in the base floodplain, including long term loss of available flood storage volume. In addition to measures listed under subparagraph (c), mitigation measures for base floodplain encroachments may include:

a Commitments to special flood related design criteria.

b Elevation of facilities above base flood level.

c Location of nonconforming structures and facilities out of the floodplain.

d Minimizing fill in floodplains.

3 The environmental assessment shall indicate if the encroachment would result in one or more of the construction or flood related impacts listed below. If so, the encroachment is considered by DOT Order 5650.2 to be a significant encroachment. It is not contemplated that detailed design would be necessary in order to determine whether there is a significant encroachment. (A significant

encroachment will require a Federal finding as part of any favorable decision on the action that there is no practicable alternative and that the action conforms to applicable state and/or local floodplain protection standards.) A significant encroachment involves:

a A considerable probability of loss of human life.

b Likely future damage associated with the encroachment that could be substantial in cost or extent, including interruption of service on or loss of a vital transportation facility.

c A notable adverse impact on natural and beneficial floodplain values.

4 The environmental assessment shall indicate if the proposed action is in a special flood hazard area designated by the FIA or proposed to be so designated. Special flood hazard areas are shown as zones A or V on Flood Hazard Boundary Maps. Under the Flood Disaster Protection Act of 1973, Federal agencies are prohibited from providing financial assistance for acquisition or construction of buildings in areas which have been designated by the FIA as special flood hazard areas for at least one year and which are in communities that are not participating in the national flood insurance program.

5 The environmental assessment shall identify any state and local floodplain regulations and standards that must be adhered to, indicate whether the proposed action will conform, and name the state and local agencies having jurisdiction.

6 An opportunity shall be provided for early public review of base floodplain encroachments. This may be accomplished through existing public involvement procedures as indicated in paragraphs 45, 48e, and 49. Any public hearing presentations shall include identification of encroachments. If one or more of the alternatives under consideration include significant floodplain encroachments, any public notices, notices offering the opportunity for a public hearing, public hearing notices, and notices of the availability of environmental assessments shall make reference to that fact.

(h) If no significant encroachment within a base floodplain is involved as defined in subparagraph (g)3 above, it may be assumed that there would be no significant floodplain impact. No further analysis and no special floodplains findings are necessary.

(i) If a significant encroachment is involved which could result in either loss of life or substantial future damage or both but would not result in notable adverse impacts on natural and beneficial floodplain values, these circumstances do not by themselves

require the preparation of an environmental impact statement. CEQ 1508.14 states that ". . . economic or social effects are not intended by themselves to require preparation of an environmental impact statement." While further consideration on the floodplains aspects of the proposed action would be prudent on the part of the sponsor and the FAA before proceeding, a finding of no significant impact is the appropriate action choice in this circumstance assuming there are no other significant environmental impacts associated with the action. The findings delineated in paragraph 94b(6) would be required for the project decision.

(j) If a significant encroachment is involved which would result in notable adverse impacts on natural and beneficial floodplain values, this would require the preparation of an environmental impact statement and further analysis as described in paragraph 85.1.

(13) Coastal Zone Management Program.

(a) Detailed procedures for determining Federal consistency with approved coastal zone management programs are contained in the National Oceanic and Atmospheric Administration (NOAA) Regulations (15 CFR Part 930). The sections most relevant to airport actions are subpart D, Consistency for Activities Requiring a Federal License or Permit, and subpart F, Consistency for Federal Assistance to State and Local Governments. If there is no approved state program, the instructions below do not apply. However, the environmental assessment shall in any case consider impacts on coastal areas. This may be done through analyses performed under other impact categories (e.g., water quality, biotic communities, construction impacts) as appropriate, using the thresholds established under these respective categories. If thresholds of significance are exceeded, a more detailed coastal area and/or marine analysis may be necessary in an environmental impact statement. Coastal areas may also be designated as wetlands and require the special treatment described in paragraph 47e(11) above.

(b) The principal means used to determine if a proposed Federal action is consistent with an approved coastal zone management program is through the A-95 clearinghouse review process as described in paragraph 48. To the extent possible, the information provided shall include a detailed description of the proposed action and any associated facilities sufficient to permit an assessment of their probable coastal zone effects and consistency

with the provisions of the approved coastal zone management program. If, through the A-95 process, the state coastal zone management agency does not object to the proposed action, no further action is necessary. The environmental assessment shall document the result of such coordination.

(c) Approval of airport layout plans could by definition in the NOAA Regulations be a Federal permitting action subject to subpart D. Unless this activity has specifically been identified in a given state's coastal zone management program or unless a state coastal zone management agency specifically advises the sponsor and FAA through A-95 or review of an environmental impact statement that an airport layout plan approval action would significantly affect a coastal zone, subpart D of the NOAA regulations will not apply and no further action is needed. If subpart D applies, the applicant must provide more specific information including a consistency certificate, and the state agency has up to six months within which to register objection.

(d) If the state coastal zone management agency objects to the proposed action on the basis of failure to provide sufficient information, it must describe the nature of the information needed to determine consistency with the coastal zone management program. Otherwise, any objection must identify how the proposed action is inconsistent with specific elements of the management program and alternative measures which, if adopted, would permit consistency. The objection shall also provide information on the right to appeal to the Secretary of Commerce pursuant to subpart H of the NOAA Regulations. Such appeal must be made within 30 days of notice of the objection. When an objection has been raised which cannot be satisfied by providing additional information or otherwise be resolved through informal discussions to avoid the need for an appeal as provided in subpart H, the sponsor may file a notice of appeal as soon as possible and notify the FAA accordingly. The action shall not be approved unless such an objection is successfully appealed.

(e) As a result of an appeal, the Secretary of Commerce may find that the action is "consistent with the objectives and purposes of the [Coastal Zone Management] Act" and permissible even though it is inconsistent with a state's management program. Such finding may be made on the basis that the action:

1 Furthers one or more of the competing national objectives or purposes defined in the Act;

2 Will not cause adverse impacts on the natural resources of the coastal zone substantial enough to outweigh its contribution to the national interest;

3 Will not violate the requirements of the Clean Air Act or Clean Water Act; and

4 No reasonable alternative exists which permits the action to be consistent with the management program.

Such a finding by the Secretary of Commerce shall become part of the environmental documentation prior to any approval action.

(f) The nature and timing of the requirements related to actions affecting a coastal zone are such that any issues raised should normally be resolved by the sponsor during the environmental assessment process. Successful resolution will usually mean that any impact with respect to an approved coastal zone management program is not significant and no further information is needed.

(14) *Prime and Unique Farmland.*

(a) If any farmland is to be converted to other uses as a direct result of the proposed action or induced development, the local office of the USDA shall be contracted to determine if the farmland is identified as prime or unique. If it is not prime or unique, the contact shall be documented in the environmental assessment; no further analysis is necessary.

(b) If prime or unique farmland is to be converted, the environmental assessment shall describe present uses of the farmland, the amount to be converted compared with the total amount of such land in the area, and any proposed mitigation measures. The local USDA office should be asked to review this information and, unless the USDA indicates that the conversion constitutes a potential significant loss, no further assessment is needed except to document the result of the USDA review.

(c) If the USDA does indicate a potential significant loss, the instructions in paragraph 85n apply.

(15) *Energy Supply and Natural Resources.*

(a) Energy requirements associated with the action fall generally into two categories:

1 Those which relate to changed demands for stationary facilities (e.g., airfield lighting and terminal building heating). For purposes of the environmental assessment, the proposal shall be examined to identify any

proposed major changes in stationary facilities which would have a measurable effect on local supplies. If there are major changes, power companies or other suppliers of energy shall be contacted to determine if projected demands can be met by existing or planned source facilities.

2 Those which involve the movement of air and ground vehicles. Increased consumption of fuel by aircraft need only be examined if average ground movement or runup times are increased substantially without offsetting efficiencies in operational procedures or if the action includes a change in flight patterns, such as from noise abatement procedures, which adds noticeably to flight times. Ground vehicles' fuel consumption shall be examined only if the action would add appreciably to access time or if there would be a substantial change in movement patterns for on-airport service or other vehicles.

(b) Use of natural resources other than for fuel need be examined only if the action involves a need for unusual materials or those in short supply.

(c) For most airport actions, changes in energy or other natural resource consumption will not result in significant impacts. If the environmental assessment identifies problems with demands exceeding supplies, changes in aircraft or ground vehicle use which would greatly increase fuel consumption, or the proposed substantial use of natural resources in short supply, additional analysis will be required in an environmental impact statement per paragraph 85o. Otherwise, it may be assumed that impacts are not significant.

(16) *Light Emissions.*

(a) The sponsor shall consider the extent to which any lighting associated with an airport action will create an annoyance among people in the vicinity of the installation. The following information shall be included in the environmental assessment whenever the potential for annoyance exists:

1 Site location of lights or light system.

2 A brief description of the light system as to its purpose, method of installation (pole or ground mounted), beam angle, intensity, color, flashing sequence, and other pertinent characteristics of the particular system and its use.

3 Measures to lesson any annoyance, such as shielding or angular adjustments.

(b) Only in unusual circumstances, as for example when high intensity strobe lights would shine directly into people's homes, will the impact of light emissions

be considered sufficient to warrant special study and a more detailed examination of alternatives in an environmental impact statement. Normally, it may be concluded that no significant impact would occur.

(17) Solid Waste Impact.

(a) Airport actions which relate only to airfield development (runways, taxiways, and related items) will not normally include any direct relationship of solid waste collection, control, or disposal other than that associated with the construction itself (reference paragraph 47e(18)).

(b) Terminal area development may involve circumstances which require consideration of solid waste impacts. Preliminary review should indicate if the projected quantity or type of solid waste generation or method of collection or disposal will be appreciably different than would be the case without the action. If there is an appreciable difference, consultation with local officials shall determine if there is any potential problem with either capacity of available disposal facilities or location which may violate any local, state, or Federal regulations. Special attention shall be given to the control of hazardous waste.

(c) Consultation with local officials shall also determine the location of all solid waste disposal facilities within or planned to be within 1,500 meters of all runways planned to be used by piston-type aircraft and within 3,000 meters of all runways planned to be used by turbojet aircraft. A preliminary study of disposal sites within the above distances should determine if a potential bird hazard exists and if the affected planned runways need to be modified. (Meters used in lieu of feet per EPA.)

(d) The environmental assessment shall document the results of the consultation; the nature of any potential problems, including the siting of runways in the vicinity of active or planned solid waste disposal facilities; and the manner in which waste products will be controlled to comply with any applicable regulations. If it is necessary to explain a problem concerning solid waste system loading resulting from terminal development, an estimate of current and projected quantities of waste production and disposal capacity shall be included. Only if there are significant unresolved issues will additional analysis be needed in an environmental impact statement.

(18) Construction Impacts.

(a) Specific effects during construction which may create adverse environmental impacts include noise of construction equipment on the site, noise and dust from delivery of

materials through residential streets, creation of borrow pits and disposal of spoil, air pollution from burning debris, and water pollution from erosion. The extent to which any of these effects are subject to local, state, or Federal ordinances or regulations shall be discussed as applicable together with measures to be taken to conform with such requirements.

(b) In general, impacts during construction are of lesser magnitude than long term impacts of the proposed action. Many of the specific types of impacts which could occur will be covered in the descriptions of other impact categories. To the extent not discussed elsewhere, this item shall include a general description of the type and nature of the construction and measures to be taken to minimize potential adverse effects. As a minimum, reference shall be made to the incorporation in project specifications of the provisions of Advisory Circular 150/5370-7, Airport Construction Controls to Prevent Air and Water Pollution.

(c) Only in unusual circumstances, as for example construction in an ecologically sensitive area or construction involving substantial urban effects, would this impact category be considered to create significant consequences which may not be adequately mitigated. It is a matter of FAA judgment to determine if such circumstances exist and require the preparation of an environmental impact statement.

f. Environmental Consequences—Other Considerations. To the extent not covered in the Specific Impact Categories under paragraph 47e, the Environmental Consequences section of the environmental assessment shall include discussion of the following:

(1) "Possible conflicts between the proposed action and the objectives of Federal, regional, state, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned" (CEQ 1502.16(c)). If the proposal is not reasonably consistent with plans, goals, policies, or controls that have been adopted for the area in which the airport is located, an environmental impact statement is required.

(2) ". . . [A]ny inconsistency of a proposed action with any approved state or local plan and laws (whether or not federally sanctioned)" (CEQ 1506.2(d)). If the proposal is inconsistent with a Federal, state, or local law or administrative determination relating to the environment, an environmental impact statement is required.

(3) "Means to mitigate adverse environmental impacts . . ." (CEQ

1502.16(h)) which were not included in the Alternatives section and are important in judging the significance of an impact or in supporting a section 16(c)(4) finding that "the proposed action includes all possible steps to minimize any adverse effects."

(4) Degree of controversy on environmental grounds. If the proposal is highly controversial with regard to an impact that is determined to be significant according to the thresholds in paragraphs 47e and 85, an environmental impact statement is required. Otherwise, no further analysis is needed and a finding of no significant impact may be prepared.

g. Preparers. The preparers of an environmental assessment shall be identified, and other information on the preparers per paragraph 87 shall subsequently be made available to the FAA if an environmental impact statement is prepared.

h. Appendices. The environmental assessment shall have appended to it the following:

(1) Any documentation supporting statements in the body of the environmental assessment, including methodologies and sources used. Such documentation should be minimal in an environmental assessment.

(2) An air and water quality certification pursuant to section 16(e) of the Airport Act if one is required and has been obtained at this stage.

(3) A listing of agencies and persons consulted and any responses.

(4) Evidence that A-95 coordination has taken place, comments and recommendations received through the A-95 review process, and responses to such comments.

(5) A summary of citizen involvement, evidence of the opportunity for a public hearing if required under section 16(d) of the Airport Act, and a summary of issues raised at any public hearing held.

(6) Any cost-benefit analysis that the sponsor has done. See CEQ 1502.23 for more specific information when a cost-benefit analysis is being considered for the proposed action.

48. A-95 Review Process.

a. Review of proposed Airport Development Aid Program actions by state and local government organizations routinely occurs through procedures set forth in OMB Circular A-95 (Revised). The purpose of the A-95 clearinghouse process is to assure that proposed federally assisted programs and projects are reviewed and evaluated in advance in terms of their potential impact on or conflict with statewide or areawide comprehensive planning or upon the plans and programs of local governments. In the

case of proposed actions which are not Airport Development Aid Program actions, it is suggested that the sponsor consider use of the A-95 review procedure to solicit input to the environmental assessment from state and local agencies in order to reduce the need for independent contacts with affected agencies.

b. The A-95 clearinghouse process for projects is set forth in Special Federal Aviation Regulation, Part 35.

c. Under A-95 procedures, sponsors are required to notify the appropriate clearinghouses as soon as project planning has developed in sufficient detail to inform the clearinghouses of the nature and scope of the development proposed to be undertaken for which Federal assistance will be sought. This should take place at least 60 days prior to the date the sponsor submits its preapplication form requesting Federal assistance.

d. During the initial clearinghouse review period, the preapplication for Federal aid may be completed. This period may also be used to complete the requirement for public hearings, if applicable. The A-95 procedure includes provisions for consideration of the project's probable impact on the environment and input from areawide and local agencies authorized to develop and enforce environmental standards or which have expertise or jurisdiction with respect to environmental impacts. An appropriate vehicle to solicit such input is the environmental assessment.

e. The clearinghouse should be asked to inform known interested groups of the project. If either the sponsor or FAA has knowledge of such groups, this information should be given to the clearinghouse. During this same period, the clearinghouse may act as liaison between the agencies affected and the sponsor, arranging meetings and such other forms of consultation as may be necessary to work towards resolution of any problem raised by the proposed project.

f. The comments and recommendations received through the A-95 clearinghouse process become input to the sponsor's environmental assessment and ultimately must be reported and appropriately addressed in the FAA's environmental documentation.

49. Public Hearing.

a. If a new airport location, a new runway, or an extension of an existing runway is involved, the sponsor must afford the opportunity for public hearings as required by section 16(d)(1) of the Airport Act. The public hearing opportunity shall normally be afforded

prior to formal submission of a sponsor's environmental assessment.

b. In deciding whether a public hearing is appropriate in other cases, the FAA and sponsor shall consider the provisions of CEQ 1506.6(c)(1) and (2); i.e., whether there is:

"(1) Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.

"(2) A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. . ."

c. In preparing for a public hearing, the sponsor is required to comply with the requirements in section 152.73 of the Federal Aviation Regulations. Notice of the hearing is required to be published in an areawide or local newspaper of general circulation and shall include:

(1) The intent to undertake the proposed airport development, with a concise description of the proposed development;

(2) The opportunity for a public hearing;

(3) The scheduling of a public hearing (time, date, and place), if requested by interested parties; and

(4) The availability and location of an environmental assessment if one is required by paragraph 21, 22, or 24; or a statement that, in accordance with FAA Order 5050.4, Airport Environmental Handbook, the proposed development will not have a significant effect on the environment and is categorically excluded from the requirement to prepare an environmental assessment.

d. Additional information concerning the public hearing is contained in Advisory Circular 150/5100-7A. Hearings may be held by the sponsor simultaneously with the A-95 review process. An environmental assessment, if required by the FAA, is to be made available for public examination at least 30 days prior to the hearing and so indicated in the hearing notification. Comments received through the A-95 process should be made available at the public hearing if the A-95 process has been completed.

e. A detailed summary of issues raised in public hearings is to be included in an environmental assessment. A hearing transcript need not be included, but at least one copy of the transcript must be obtained by the sponsor for the record. The sponsor must furnish a copy of the transcript to the FAA upon request.

50. FAA Submission.

a. The sponsor shall revise the environmental assessment as necessary as a result of the A-95 review, any public hearing, and other input and shall

submit a completed assessment per paragraph 47 to the FAA. The environmental assessment shall be submitted, depending upon the type of action proposed, at any time in the project formulation but not later than at submission of the sponsor's preapplication for Federal aid or the sponsor's request for either FAA approval of a new or revised airport layout plan, FAA approval of an airport location, conveyance of government lands for airport purposes under section 23 of the Airport Act, or FAA approval of a release of airport land.

b. The FAA may require corrections or additional information from the sponsor before accepting the environmental assessment. The FAA's acceptance of the environmental assessment will be indicated on the cover page by the signature of the responsible FAA official. From this point on the environmental assessment is a Federal Document for which the FAA is responsible. The number of copies of the environmental assessment submitted to the FAA shall be determined by consultation with the FAA and, for findings of no significant impact, shall include a copy designated as a reproducible master which must be of good quality.

c. If no environmental assessment is required by the FAA, such as for runway extensions which are not major runway extensions, and a public hearing is held, the sponsor shall submit a written report to the FAA which summarizes the issues raised, alternatives considered, conclusion reached, and reasons for the conclusion. The sponsor must furnish a copy of the transcript to the FAA upon request. The responsible official shall review the written report to determine whether the action should remain a categorically excluded action or whether it appears to be covered by conditions set forth in paragraph 21, 22, or 24.

51. FAA Completion of Environmental Assessment and Decision.

a. The FAA is responsible for making the judgment, based on the environmental assessment and any other known information, of whether the action choice will be an environmental impact statement or a finding of no significant impact and shall inform the sponsor of this decision.

b. If no thresholds indicating the potential for significant impact are exceeded for the proposed action, the environmental assessment, when evaluated and accepted by the FAA, will have been completed. The FAA decision will be to prepare a finding of no significant impact.

c. If some thresholds are exceeded, the environmental assessment may not have been completed when it is evaluated and accepted from the sponsor by the FAA, and the FAA may not be able to make a decision on the appropriate action choice until completing further evaluation and consultation. This situation may occur for two reasons. One is that a number of thresholds of significance may produce borderline cases which require further FAA evaluation, in consultation with appropriate officials having jurisdiction and expertise, in order to make a final judgment on whether impacts are significant. The second reason is that there are some consultations, such as the section 7(a) consultation under the Endangered Species Act Amendments or the consultation with the Advisory Council on Historic Preservation, which are required when specific categories of impacts may be of significant concern and for which the FAA rather than the sponsor must take the lead. When enough evaluation and applicable consultations have been completed by the FAA to judge for each category of impact whether the impact is significant or not, the FAA shall complete the documentation of the environmental assessment and make its decision on the action choice.

d. In order to minimize overall environmental processing time, sponsors should inform the FAA as soon as they find that their initial analysis exceeds thresholds of significance. Consultations can then be initiated without delay and advice offered on what the needs for additional information for more detailed analysis are likely to be. These further actions need not be delayed until the sponsor's final submission of the environmental assessment but can be pursued simultaneously with the environmental assessment preparation.

e. To assist in resolving uncertainties on whether impacts are significant, it may be prudent to initiate scoping prior to a firm final decision to prepare an environmental impact statement and prior to issuing a Notice of Intent per CEQ 1501.7. Scoping, under these circumstances, may eliminate from detailed study all issues as insignificant and thereby lead the responsible FAA official to determine that a finding of no significant impact is the appropriate action choice. If the FAA has announced a decision to prepare an environmental impact statement and issued a Notice of Intent to this effect, CEQ 1501.7(c) provides the authority to revise previous determinations on the significance of impacts when applicable.

52. Availability of Environmental Assessments. After the FAA has evaluated and accepted the environmental assessment, this document shall be made available to the public pursuant to CEQ 1506.6. 53.-59. Reserved.

Chapter 6. Finding of No Significant Impact

60. Requirement for Finding of No Significant Impact.

a. CEQ 1501.4(e) provides that the Federal agency shall "Prepare a finding of no significant impact (section 1508.13), if the agency determines on the basis of the environmental assessment not to prepare a statement." Section 1508.13 defines a finding of no significant impact as ". . . a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (section 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared." The FAA shall evaluate the environmental assessment to determine if an alternative which provides a good solution to the problem has no significant impacts. Unless there is an overriding reason for not selecting such an alternative, the FAA shall then proceed with the preparation of a finding of no significant impact. This decision point is identified as step 13 in Appendix 1. The process for a finding of no significant impact is shown in steps 14 through 23 of Appendix 1.

b. For the FAA Airports Program there are two types of findings of no significant impact. The first type shall be designated simply "Finding of No Significant Impact" and includes proposed actions which have been found by the FAA not to have a significant impact on the environment and which require no specific coordination under the Airport Act. The second type shall be designated "Finding of No Significant Impact/Section 16(c)(4) Coordination" and includes proposed actions which do not have a significant impact, but do require coordination with DOI and EPA pursuant to the Airport Act.

61. *Special Considerations.* There are several special assurances, conclusions, and findings which apply to Airport Development Aid Program projects, to projects involving the use of section 4(f) lands, to projects involving the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and to other environmental areas. If any of these special assurances, conclusions, or findings apply to a proposed action, they must be based on

appropriate analyses and evidence in the finding of no significant impact, although the findings themselves will not be made until the decision on the Federal action per paragraph 67c.

62. Format and Content.

a. The CEQ Regulations do not specify a format for the finding of no significant impact. CEQ 1508.13 does briefly indicate content of the document: "It [the finding of no significant impact] shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (section 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference."

b. Both types of Airports Program findings of no significant impact shall use the following documentation.

(1) A heading which shall read: "Department of Transportation, Federal Aviation Administration, Finding of No Significant Impact (or) Finding of No Significant Impact/Section 16(c)(4) Coordination."

(2) The airport name, location, and proposed Federal action.

(3) Reasons why the FAA has determined that the proposed action will have no significant impacts, referencing the environmental assessment. CEQ 1502.2(b) states ". . . there should be only enough discussion to show why more study is not warranted."

(4) Mitigation measures which are a condition of Federal approval.

(5) The environmental assessment with its appendices.

(6) For Airport Development Aid Program projects, a letter from the sponsor giving specific land use assurances if the FAA is not satisfied that the information in the environmental assessment provides a satisfactory basis for making a standard assurance pursuant to section 18(a)(4) in the grant.

63. Coordination.

a. *General.* Appropriate Federal, state, and local coordination shall be completed as described in Chapter 5 for applicable areas of environmental consideration. In all cases, coordination with the State Historic Preservation Officer is required. In addition, other informal coordination as may be considered prudent by the region may be carried out to satisfy the FAA regarding the extent of specific impacts. All proposed findings of no significant impact shall be reviewed by affected FAA program divisions and staff officials at the regional level before presentation for approval. Findings of no significant impact which are not section 16(c)(4) actions may be approved

without headquarters level review or other formal Federal review unless such review is required under some special purpose law, regulation, or executive order. This is shown as step 15 in Appendix 1.

b. Section 16(c)(4) Actions.

(1) Section 16(c)(4) of the Airport Act requires consultation with DOI and EPA regarding the effects which a new airport, new runway, or major runway extension may have on natural resources. Proposed findings of no significant impact which are section 16(c)(4) types of actions shall be distributed for formal Federal review as follows:

(a) One copy to the Office of Airport Planning and Programming (Attention: APP-600).

(b) Five copies to EPA regional offices.

(c) The same number of copies to DOI as required for draft environmental impact statements, sent directly to the same address in Washington as given in paragraph 91.

(d) Copies to the Department of Agriculture (USDA) or the Department of Housing and Urban Development (HUD) if section 4(f) land under their jurisdiction is involved.

(2) Copies shall be accompanied by a transmittal letter explaining the purpose of the consultation. A time limit for review of not less than 45 days after receipt of the letter shall be established after which it may be presumed that the agency consulted has no comment. Differences of opinion that develop as a result of section 16(c)(4) consultation shall be resolved at the field level to the extent possible. Unresolved issues, including objections on the adequacy of the assessment of impacts or alternatives or objections to the proposed section 16(c)(4) action, shall be identified and called to the attention of the approving official. The roles of DOI and EPA are of consultation, not concurrence, on section 16(c)(4) actions. After consultation, it is FAA's responsibility to give due consideration to the comments received and to make the decision as to whether the action should be approved as a finding of no significant impact. Reference steps 16 through 20 of Appendix 1.

(3) The copy received by the Office of Airport Planning and Programming shall receive limited review for the purpose of evaluating the quality of the proposed finding of no significant impact/section 16(c)(4) coordination. No concurrence by the Office of Airport Planning and Programming on individual 16(c)(4) actions is required. No further distribution is made within FAA or DOT headquarters.

c. Special Circumstances. CEQ 1501.4(e)(2) provides that "In certain limited circumstances . . . the agency shall make the finding of no significant impact available for public review (including State and areawide clearinghouses) for 30 days before the agency makes its final determination whether to prepare an environmental impact statement and before the action may begin." The circumstances in CEQ 1501.4(e)(2) are "(i) The proposed action is, or is closely similar to, one which normally requires the preparation of an environmental impact statement . . ." (see paragraph 21b). "(ii) The nature of the proposed action is one without precedence." The responsible official shall determine if the circumstances in CEQ 1501.4(e)(2) apply. The 30-day public review period may run concurrently with the Federal review for section 16(c)(4) actions.

64. Approval.

a. The decision to approve a finding of no significant impact may be made by the FAA approving official. In addition to the information on format and content provided in paragraph 62, the final document shall include other material which contributes to the finding, including documentation of EPA and DOI coordination for 16(c)(4) actions.

b. Section 16(c)(4) coordinations require review by the regional counsel for legal sufficiency. If a proposal involves section 4(f), the finding of no significant impact shall also be reviewed for legal sufficiency by the regional counsel (steps 19 and 20, Appendix 1).

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

Approved: _____ Date: _____
Disapproved: _____ Date: _____"

65. Final Distribution. After a finding of no significant impact/section 16(c)(4) coordination is approved, the region shall send one copy of the approved package to EPA, DOI (in Washington), CAB (for air carrier airports), and APP-600 for record purposes. (If no change have been made since the circulation of the package, no addition copy of the circulated document need be included in the final package sent to APP-600.)

Otherwise, distribution of approved findings of no significant impact outside the region is not required. However, the document shall be made available upon request per CEQ 1506.6 (step 21, Appendix 1).

66. Public Availability. CEQ

1501.4(e)(1) states "The agency shall make the finding of no significant impact available to the affected public as specified in section 1506.6." The regional office shall comply with section 1506.6 and shall formulate a system for announcing the availability of the finding of no significant impact through appropriate media in the area affected and in cooperation with the sponsor of the project. The announcement shall indicate the availability of the finding of no significant impact for review which shall include FAA regional and district offices, the sponsor's office, and other appropriate locations of general public access. Copies of findings of no significant impact shall be provided, on request, free of charge or at a fee commensurate with the cost of reproduction (step 22, Appendix 1).

67. Decision and Implementation.

a. Immediately following the approval of a finding of no significant impact, the decision may be made on the Federal action (step 23, figure 1).

b. Mitigation measures which were made a condition of approval of the finding of no significant impact shall be included in the decision as well as the steps taken to assure appropriate commitment and follow-up of mitigation measures. Proposed changes in or deletions of mitigation measures which were a condition of approval of the finding of no significant impact must be reviewed by the same FAA offices which reviewed the original document and must be approved by the official who originally approved the finding of no significant impact.

c. A record of decision is not required for findings of no significant impact. However, prior to the Federal action and based upon the data presented in the finding of no significant impact, the decisionmaker must reach and document the appropriate conclusions, findings, or assurances. These assurances shall be incorporated in a letter or other documentation attached to the Federal action and signed by the FAA decisionmaker.

d. If the decisionmaker wishes to take an action which was included as an alternative in the finding of no significant impact and which involves a special interest (e.g., section 4(f) land, endangered species, wetlands, historic site, or others), the FAA shall first complete any required evaluation and consultation that has not been done,

supplementing the original finding of no significant impact, prior to taking the action. Supplements to findings of no significant action shall be reviewed and approved as appropriate for the type of action (i.e., whether or not pursuant to section 16(c)(4)).

e. If the alternative on which the decisionmaker now wishes to take action has potential significant impacts, the FAA shall issue a notice of intent to prepare an environmental impact statement and commence scoping.

68.-69 *Reserved.*

Chapter 7. Environmental Impact Statement Preparation

70. *General.* This chapter and the subsequent two chapters describe the preparation, content, and processing of an environmental impact statement pursuant to section 102(2)(C) of NEPA. The process leading to a decision by FAA to prepare an environmental impact statement is described in Chapter 5. The circumstances of the proposed action which warrant the preparation of an environmental impact statement are contained in paragraphs 47e, 47f, and 85. This chapter explains the purpose of an environmental impact statement and the manner in which it is to be prepared. It describes the scoping process, the assignment of responsibilities for input, and contracting for environmental impact statement preparation (see steps 24 through 29 in Appendix 1).

71. *Purpose.* CEQ 1502.1 states that "The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act [NEPA] are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions."

72. *Implementation.*

a. To achieve the purpose in CEQ 1502.1, environmental impact statements

are to be prepared in the manner prescribed in CEQ 1502.2.

b. CEQ 1502.6 provides that "Environmental impact statements shall be prepared using an inter-disciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts (section 102(2)(A) of the Act). The disciplines of the preparers shall be appropriate to the scope and issues identified in the scoping process. . . ."

c. Other sections of the CEQ Regulations which apply generally to the preparation of environmental impact statements and their application to airport actions include sections 1502.4(a) and (b), 1502.5, and 1502.8.

(1) CEQ 1502.4(a) states in part that "Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined" and that "Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement."

(2) CEQ 1502.4(b) provides that "Agencies shall prepare statements on broad actions [such as the adoption of new agency programs or regulations] so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking." In the Airports Program, the principal example of an environmental impact statement for a broad action is the one prepared in conjunction with the National Airport System Plan.

(3) CEQ 1502.5 provides that "An agency shall commence preparation of an environmental impact statement as close as possible to the time that the agency is * * * presented with a proposal * * * For airport actions, formal preparation shall normally commence with the scoping process immediately after it is determined by the FAA responsible official at the region or airports district office level that an environmental impact statement is necessary. This decision point is identified in the flow diagram (Appendix 1) as step 13. Nothing in this order shall preclude earlier commencement of the gathering of information and preparation for the scoping process as described in paragraph 74, below.

(4) CEQ 1502.8 states that "Environmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them."

(5) CEQ 1501.8 describes the circumstances when the setting of time limits for the NEPA process may be

appropriate and the factors which should be considered.

73. *Limitations.* CEQ 1506.1 deals with limitations on actions during the NEPA process. Key provisions of CEQ 1506.1 which relate to proposals for airport actions include the following:

a. "(a) Until an agency issues a record of decision [described in paragraph 98 of this order] * * * no action concerning the proposal shall be taken which would:

(1) "(1) Have an adverse environmental impact; or
(2) "(2) Limit the choice of reasonable alternatives."

b. "(b) If any agency is considering an application from a non-Federal entity, and is aware that the applicant is about to take an action within the agency's jurisdiction that would meet either of the criteria in paragraph (a) of this section, then the agency shall promptly notify the applicant that the agency will take appropriate action to insure that the objectives and procedures of NEPA are achieved."

c. "(d) This section does not preclude development by applicants of plans or designs or performance of other work necessary to support an application for Federal, State or local permits or assistance."

74. *Scoping.*

a. The general requirement for scoping is contained on CEQ 1501.7 which provides that "there shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping." The responsible official shall assume a key role in managing the preparation of an environmental impact statement. (In the context of scoping, the responsible official is the official in charge of preparation of the environmental impact statement for the lead agency. Where joint lead agencies are involved, the other agency(s) may share in the responsibility for scoping with the FAA.) Scoping is a major element. The responsible official shall take the lead in the scoping process, including issuing the notice of intent, inviting the participation of other agencies and interested persons pursuant to CEQ 1501.7(a)(1), determining the issues to be analyzed in depth, and assigning responsibilities for inputs to the environmental impact statement. CEQ 1501.7 further describes these steps in detail.

b. (1) The first step is described in section 1501.7 as follows: "As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent

(section 1508.22) in the **Federal Register** * * * "Regions shall follow regional counsel procedures for filing notices in the **Federal Register** through the Office of the Chief Counsel, Rules Docket.

(2) The notice of intent in section 1508.22 * * * means a notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

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

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

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

(3) A scoping meeting, per se, is not a requirement for every action requiring an environmental impact statement. Depending on the nature and complexity of the project, some or all of the information needed during the scoping process may be obtained by letter or telephone.

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

c. (1) Section 1501.7 further provides that the lead agency shall "Determine the scope (section 1508.25) and the significant issues to be analyzed in depth in the environmental impact statement." Scope as defined in CEQ 1508.25 * * * consists of the range of actions, alternatives, and impacts to be considered * * *

(a) To determine the range of actions, the problem as described in the environmental assessment shall be carefully reviewed. The proposed action and any actions functionally related to it (see paragraph 26) must be clearly understood.

(b) Alternatives shall be reviewed in this context, identifying those which need to be rigorously explored and objectively evaluated as well as those which can be eliminated (see paragraph 47c).

(c) The range of impacts and areas requiring further study shall be determined by review of the environmental assessment and the criteria set forth in paragraphs 47e, 47f, and 85. Those impact categories which fall below the threshold of significance in the environmental assessment normally do not need further study or

description in the environmental impact statement.

(2) Establishing a clear definition of the Federal action, the alternatives, and the impacts needing detailed study (as well as those which do not) early in the scoping process should help considerably in managing the environmental impact statement preparation process.

75. *Assigning Responsibilities.*

a. An integral part of the scoping process is the allocation of assignments for preparation of the environmental impact statement by the responsible official among the lead and cooperating agencies (step 26, Appendix 1). This process is intended to assure, among other things, that applicable environmental permits, licenses, and other consultation requirements are identified in the environmental impact statement.

b. Federal agencies which shall be invited by the responsible official to be cooperating agencies are those with jurisdiction by law in areas which may be affected by airport development.

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

d. If a Federal agency that is requested to be a cooperating agency replies pursuant to CEQ 1501.6(c) that it will not participate, two copies of such letter shall be sent to APP-600 which will forward one copy to the Office of the Assistant Secretary for Policy and International Affairs, P-1. A copy of the draft environmental impact statement shall be sent to such agency. If that agency has adverse comments on the draft, the matter shall be referred to APP-600 for subsequent discussion with CEQ through P-1.

e. The definition of a cooperating agency in CEQ 1508.5 includes the provision that "A State or local agency of similar qualifications [i.e., jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal] or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency." To the extent that such agencies have not provided sufficient information during the A-95 review process or other earlier consultation, their use as cooperating agencies in the environmental impact statement preparation is encouraged. Their inputs may be especially important in areas which have been identified as significant environmental issues and where specific environmental laws and regulations are involved. The respective roles of Federal and state or local agencies in given areas (e.g., impacts on fish and wildlife resources)

shall be clearly identified and understood in the assignment of responsibilities for environmental impact statement inputs.

f. The airport sponsor shall be one of the key participants in the scoping process and shall be kept abreast of the areas of impact being studied, especially those which have a direct effect on the operation of its airport. The sponsor shall be apprised of mitigation measures or alternatives being proposed and shall be consulted regarding its ability or willingness to carry out provisions which may subsequently be imposed as grant conditions or other means to reduce environmental harm. The sponsor may also be the principal linkage with the affected communities in assuring, for example, that all reasonable measures have been or will be taken to provide compatible land uses in the airport environs.

g. It is incumbent upon the responsible official, in assigning responsibilities and managing the environmental impact statement preparation, to assure that those providing input appreciate the need for timely submittal and focus of the analysis on the pertinent issues at hand. This official shall monitor progress and coordinate efforts to avoid duplication or misunderstanding among the parties involved and assure that necessary areas are covered. The schedule for preparation of each item of information shall take into consideration any dependencies that may exist. For example, it may not be possible to complete analysis in one area without having obtained information from another. The objective of the responsible official is the production of a draft environmental impact statement which will deal sufficiently with the critical and significant issues to avoid or minimize critical comments during the required review period to follow.

76. *Contracting.*

a. Chapter 2 describes in general the requirements and responsibilities of the FAA and state and local agencies in meeting the requirements of NEPA and the CEQ Regulations. The degree to which state and local agencies can be involved is dependent upon whether a state agency has statewide jurisdiction or what type of state or local environmental laws or regulations exist. These distinctions are important in determining what roles agencies may play in the preparation or contracting for the preparation of an environmental impact statement as discussed below.

b. (1) State agencies with statewide jurisdiction pursuant to section 102(2)(D) of NEPA may act as joint lead agencies for the preparation of the environmental impact statement as long as the FAA

furnishes guidance and participates in such preparation and independently evaluates the statement prior to its approval and adoption (reference NEPA, section 102(2)(D)(ii) and (iii)). (Also see paragraph 5.1 for the definition of NEPA 102(2)(D) states.)

(2) Agencies subject to state or local requirements comparable to NEPA shall be joint lead agencies (unless specifically barred by some other law) in cooperation with FAA. Such cooperation, in the works of CEQ 1506.2(c), " * * * shall to the fullest extent possible include joint environmental impact statements."

(3) State or local agencies which do not qualify as lead agencies under the conditions given in (1) and (2) above may not be lead agencies but may be cooperating agencies if they have jurisdiction by law or special expertise with respect to environmental impacts involved.

c. CEQ 1506.5(c) provides that " * * * any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or where appropriate under section 1501.6(b), a cooperating agency." Further, it is intended that " * * * the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a cooperating agency to avoid any conflict of interest."

d. Under the provisions set forth above and when a determination has been made to have a contractor prepare the environmental impact statement, the contractor shall be selected either by the FAA or:

(1) A state agency with statewide jurisdiction and responsibility for action per section 102(2)(D) of NEPA.

(2) A state or local agency which is subject to state or local requirements comparable to NEPA ("NEPA-like" state or local agency).

A cooperating agency may also select contractors. However, its role is limited to providing information and analyses within its own area of special expertise or jurisdiction. It may obtain such data by contract under its own selection procedures. It would not be expected to select a contractor to prepare the entire FAA environmental impact statement.

e. In any case where a contractor prepares an environmental impact statement, section 1506.5(c) requires that "Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency [for its portion], specifying that they have no financial or other interest in the outcome of the project." Furthermore, " * * * the responsible

Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents."

f. When an agency as defined in paragraph d above elects to use a contractor to prepare an environmental impact statement, the contractor may be under contract either to that agency or the sponsor as long as the contractor is selected by the lead agency. The selection processes to be used will be based on principles in Advisory Circular 150/5100-9. This advisory circular was written to provide guidance to airport sponsors in the selection and employment of architectural, engineering, and planning consultants under the FAA Airport Development Aid and Planning Grant Programs. However, its principles apply to the selection of contractors to prepare environmental impact statements. The selection criteria and procedures therein shall be applied to the fullest extent applicable—with the obvious exception that FAA (or another lead agency) makes the selection. Further, the selecting agency must advise potential contractors of the requirement to sign the disclosure statement described in paragraph e above. The disclosure statement shall include language equivalent to the following: "We, (name of firm), do hereby certify that we have no financial or other interests in the execution or outcome of the proposed development at (airport)."

77. Use of Information.

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

b. The use of information obtained in the manner set forth above may obviate the need for extensive contractual efforts in preparing an environmental impact statement. It must be cautioned, however, that any information received from the airport sponsor or others shall be used only after evaluation and acceptance of its contents by the FAA. Further, to the extent that the information represents a significant background paper, the names and qualifications of those persons primarily responsible for its preparation together with the identification of persons responsible for particular analyses shall be listed for incorporation in the list of preparers of the environmental impact statement (see paragraph 87).

78. Preparation of a Draft Environmental Impact Statement. As a result of the scoping process, the

responsible official should have a detailed analysis of the significant issues and impacts from the various cooperating agencies and others who were assigned responsibilities as described in paragraph 75. The responsible official's task of preparing the environmental impact statement at this point involves collating the results, conducting a detailed evaluation, and adding the necessary cover sheet, summary, etc., as may be needed to complete the document and prepare it for circulation. If a contractor has been hired to prepare the environmental impact statement, the responsible official is still required to independently evaluate the statement and be responsible for its scope and contents. When in-house expertise is insufficient to evaluate independently, it may be necessary to supplement FAA expertise with either cooperating agency or independent contractor assistance. A detailed description of the environmental impact statement contents and processing of the completed document are given in Chapters 8 and 9.

79. Reserved.

Chapter 8. Environmental Impact Statement Contents

80. Format.

a. CEQ 1502.10 recommends a standard format, which is to be followed for Airports Program environmental impact statements, as follows: "(a) Cover Sheet. (b) Summary. (c) Table of Contents. (d) Purpose of and Need for Action. (e) Alternatives Including Proposed Action * * *. (f) Affected Environment. (g) Environmental Consequences * * *. (h) List of Preparers. (i) List of Agencies, Organizations, and Persons to Whom Copies of the Statement are Sent. (j) Index. (k) Appendices (if any)."

b. CEQ 1502.11 through 1502.18 require the inclusion of specific information in respective sections of the environmental impact statement. The following paragraphs provide additional instructions.

81. Cover Sheet, Summary, and Table of Contents.

a. The cover sheet shall include the information required in CEQ 1502.11 plus a heading as follows: "Department of Transportation, Federal Aviation Administration, Draft (or Final) Environmental Impact Statement. This statement is submitted for review pursuant to the following public law requirements: [List those applicable; e.g., section 102(2)(C) of the National Environmental Policy Act of 1969, section 16(c)(4) of the Airport and Airway Development Act of 1970, as

amended, section 4(f) of the Department of Transportation Act of 1966.)"

b. In addition to the requirements of CEQ 1502.12, Airports Program environmental impact statement summaries shall highlight evidence in the environmental impact statement which supports required assurances and indicate mitigation measures which are proposed. The summary of the final environmental impact statement shall specify any mitigation measures which are a condition of approval and identify any monitoring to be done. In addition, the final environmental impact statement summary shall identify the environmentally preferable alternative or alternatives and the FAA's preferred alternative (in most cases, the proposed action), including reasons for these choices.

82. *Purpose of and Need for the Action.* CEQ 1502.13 states "The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing alternatives including the proposed action." Normally, the purpose and need as described in the environmental assessment will suffice for purposes of the environmental impact statement.

83. *Alternatives, Including the Proposed Action.*

a. CEQ 1502.14 states that "This section is the heart of the environmental impact statement." Further, it is to be "Based on the information and analysis presented in the sections on the Affected Environment [paragraph 84] * * * and the Environmental Consequences [paragraph 85] * * *." Paragraph 47c includes key references and extent of analysis of alternatives in the environmental assessment. During scoping, the environmental assessment shall be reviewed for those alternatives which should be dropped from further consideration. However, eliminated alternatives are to be identified in the environmental impact statement with a simple explanation of why no further investigation was necessary. Alternatives covered in the environmental assessment may require expansion of certain portions. During the scoping process (paragraph 74), those areas needing additional work shall be identified.

b. Both section 16(c)(4) of the Airport Act and section 4(f) of the DOT Act require a finding that "no feasible and prudent alternative" exists. The terms "feasible" and "prudent" are separate criteria and refer to sound engineering principles and sound judgment, respectively. A construction alternative, for example, may be feasible if, as a matter of sound engineering principles, it can be built. It may not be prudent,

however, because of safety, policy, environmental, social, or economic consequences. The environmental documentation must show that no feasible and prudent alternative exists when all factors (safety, national policy, efficiency, economic, social, and environmental) are considered.

c. When section 16(c)(4) of the Airport Act is applicable, the FAA shall authorize no project under the Airport Development Aid Program involving airport location, a major runway extension, or runway location found to have an adverse effect unless he shall render a finding in writing, following a full and complete review, that no feasible and prudent alternative to the project exists and that all possible steps have been taken to minimize such adverse effect. The environmental impact statement must include sufficient information to support such a conclusion where applicable. However, the section 16(c)(4) finding is not made until the final decision on the action is rendered (see paragraph 98).

d. Project development involving section 4(f) of the DOT Act does not necessarily fall within the processing requirements of NEPA, section 102(2)(C). However, regardless of which action choice is appropriate, the documentation must contain an assessment of alternatives and evidence of planning to minimize harm to the section 4(f) land. To comply with section 4(f), it is necessary to show that a rejected alternative to a proposed action presents unique problems or that the costs or community disruption it entails reach extraordinary magnitudes. For additional guidance relative to section 4(f), see paragraphs 47e(7) and 85g.

e. A no practicable alternative finding is required for construction activity in a wetland area and for significant encroachment on a floodplain. This finding is further explained in paragraphs 47e(11)(e) and 47e(12)(g).3.

f. CEQ 1505.2 requires that an agency's record of decision specify the alternative or alternatives which were considered to be environmentally preferable. Whether an alternative is "environmentally preferable" is a matter of judgment on the part of the responsible official when considering the potential environmental impacts of the various alternatives considered.

84. *Affected Environment.* CEQ 1502.15 states that "The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a

statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement." The description of the affected environment as contained in the environmental assessment (reference paragraph 47d) will usually suffice for the environmental impact statement, unless there is a particular significant impact area for which additional data may be necessary to understand the effects.

85. *Environmental Consequences.* Per CEQ 1502.16, "This section forms the scientific and analytic basis for the comparisons under section 1502.14 [alternatives, as described in paragraph 83 above]. It shall consolidate the discussions of those elements required by sections 102(2)(C) (i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) [alternatives] as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in section 1502.14. It shall include discussions of:

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

b. "Indirect effects and their significance * * *

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

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

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

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

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

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

Specific environmental impact areas to be discussed "as much as is necessary to support the comparisons [of alternatives]" are described in detail in the following subparagraphs. Impacts shall be analyzed for each alternative, including the proposed action which is treated in detail in the environmental impact statement. The draft statement shall include, under appropriate impact categories, all applicable permit or license requirements and shall indicate any known problems with obtaining them. The draft statement shall also report on the status of any special consultation required (such as consultation under the Endangered Species Act Amendments, the National Historic Preservation Act, the Fish and Wildlife Coordination Act, etc.).

a. Noise.

(1) Paragraph 47e(1) presents the requirements for a noise analysis and the information needed in an environmental assessment. When an initial analysis indicates that the circumstances in 47e(1)(d) are exceeded, then an additional time above threshold type analysis shall be done. Using a methodology approved by the FAA, the data shall include as a minimum the average duration above 65 to 115 decibels (in 10 decibel intervals) for existing and planned noise sensitive areas. The data shall be presented for a 24-hour day in evening (7 p.m. to 10 p.m.) and night (10 p.m. to 7 a.m.) periods on a grid pattern not to exceed 3,000-foot intervals. Equal noise exposure contours shall be developed for each alternative (including the no action alternative) considered in detail in the environmental impact statement whenever any land use planning or noise abatement procedures are associated with the project. Such contours shall include at least the 65 and 75 Ldn or 65 or 75 CNEL and shall be developed using the same data base as used for the time above analysis for each reasonable alternative.

(2) The text and graphics developed for the environmental assessment shall be reviewed and refined as necessary. Aerial photographs, when available, may be very helpful in illustrating the relationship of the airport to surrounding

land uses and development. When the proposal will result in an increase in noise sensitive areas or numbers of people exposed to noise impacts and is highly controversial on this basis; the analysis shall include directly or by reference discussion of potential effects of noise on hearing, communication, and sleep interference, both for outdoor and indoor activities giving appropriate consideration to the effects of construction, climate, and lifestyles. Inclusion of data on background or ambient noise levels is helpful in this regard. Selective monitoring to obtain such data is encouraged when such data is not otherwise available. Other discussion such as effects of noise on animals shall be included only to the extent relevant to the situation and based on available and reliable source data, which may be referenced.

(3) The analysis shall include noise from sources other than aircraft operations when the effects are comparable with or exceed aircraft noise. The result of any monitoring done to verify or refine noise data shall be included.

(4) Mitigation measures which are in effect or proposed, including noise abatement procedures and land acquisition, shall be described and the relationship to the proposal explained.

b. Land Use. When significant noise impacts occur over noise sensitive areas (e.g., residential neighborhoods; educational, health, and religious structures and sites; and outdoor recreational, cultural, and historic sites), the analysis shall include a discussion of the noise impact over each such area under various alternatives compared to existing conditions. This includes size and location of residential areas exposed to specific noise levels, numbers of people and schools affected, and such other information as may be appropriate. Any mitigation measures to be taken in addition to those associated with noise impacts or relocation, such as insulation, changes in zoning, or other land use controls, shall be discussed. The greater the degree of existing and potential impacts over noise sensitive areas, the closer attention shall be paid to the requirements of section 18(a)(4) of the Airport Act, as described in paragraph 47e(2). The development and adoption of airport noise control and land use compatibility studies may be helpful in this regard.

c. Social Impacts. As set forth in paragraph 47e(3), when the environmental assessment indicates the potential for significant impact because of relocation or other community disruption, additional analysis is needed in the environmental impact statement

to describe the degree of impact and measures to minimize such adverse effects. If an insufficiency of available relocation housing is indicated or has engendered a high degree of controversy, a thorough analysis of efforts made to remedy the problem shall be reflected in the environmental impact statement including if necessary provision for housing of last resort as authorized by section 206(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. If business relocation would cause appreciable economic hardship on the community, if significant changes in employment would result directly from the action, or if community disruption is considered substantial, the environmental impact statement will include a detailed explanation of the effects and the reasons why significant impacts cannot be avoided.

d. Induced Socioeconomic Impacts. When the environmental assessment pursuant to paragraph 47e(4) indicates substantial induced or secondary effects directly attributable to the proposal, a detailed analysis of such effects shall be included in the environmental impact statement. As pertinent and to the extent known or predictable, such factors as effects on regional growth and development patterns, spin-off jobs created, and induced impacts on the natural environment shall be described.

e. Air Quality.

(1) Paragraph 47e(5) describes the requirements for air quality analyses for an environmental assessment. When the thresholds in paragraph 47e(5)(c) are exceeded or when the responsible official otherwise judges that a significant or highly controversial air quality issue exists, additional analysis shall be performed in consultation with the State air quality board, designated air quality region, and/or the EPA, as appropriate. The type of analysis required depends on the particular situation and the information needed by the State or Federal air quality officials who will be reviewing the results. If thresholds have been exceeded for a designated Nonattainment pollutant, pollution offset procedures must be taken in accordance with the EPA guidelines implementing section 173 of the Clean Air Act Amendments. Inclusion of state and Federal agencies with air quality expertise in the scoping process as cooperating agencies will be helpful in identifying other specific analyses to be undertaken such as the investigation of hot spots, monitoring, or modeling.

(2) In general, modeling can be considered to be one of two types—proportional and dispersion.

Proportional models are useful in assessment of impacts of emissions on an area or regional basis, particularly the precursor pollutants such as hydrocarbon and nitrogen oxide (which are precursors to oxidants). Proportional models may also be used to determine impacts of pollutants with local significance (carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulates). Dispersion modeling is limited to pollutants with local significance. Details on appropriate use of these models may be obtained by consultation with the FAA's Office of Environment and Energy.

(3) Alternative mitigation measures may be included in detailed analyses. The air quality certification requirement for Airport Development Aid Program applications for projects involving airport location, runway location, or a major runway extension is described in paragraph 47e(5)(e).

f. Water Quality. Paragraph 47e(6) deals with the examination of potential water quality impacts in an environmental assessment. When the thresholds identified in paragraph 47e(6)(c) indicate the potential for significant water quality impacts, additional analysis in consultation with affected agencies will be necessary. Specific information or studies may be required by state or Federal officials with specific water quality types of jurisdiction or permit responsibility. The type of analysis required depends on the particular situation and may be determined through agreements reached during scoping. The water quality certification requirement for projects involving airport location, runway location, or a major runway extension is discussed in paragraph 47e(5)(e).

g. Department of Transportation Act, Section 4(f). Application of paragraph 47e(7) will identify if section 4(f) of the DOT Act is involved in the proposal. The environmental assessment will reflect the results of early consultation, including identification of the effects and acceptable mitigation measures. When the threshold in paragraph 47e(7)(f) is exceeded, the FAA shall consult with the officials having jurisdiction over the section 4(f) lands and other agencies as necessary. The environmental impact statement shall thoroughly analyze and document alternatives that would avoid the section 4(f) land and provide detailed measures to minimize harm.

h. Historic, Architectural, Archeological, and Cultural Resources.

(1) The initial requirements for the evaluation of historical, architectural, archeological, and cultural resources are presented in paragraph 47e(8). If the

thresholds in paragraph 47e(8)(b)4 or 47e(8)(c)6 are exceeded, further examination is necessary as indicated below under the appropriate law to which the threshold applies. If section 4(f) is involved as determined according to the instructions in paragraph 47e(8)(d), the analysis indicated in paragraph 85g will apply if the impact on 4(f) land is significant. The DOT 4(f) section of the environmental impact statement may cross reference the historical/archeological analysis.

(a) National Historic Preservation Act of 1966, as amended.

1 When a determination of adverse effect has been made, the consultation procedures of the Advisory Council on Historic Preservation (36 C.F.R. Part 800.4(d)) shall be followed. Two weeks prior to a formal request for review to the Advisory Council the responsible official shall notify APP-600, and APP-600 shall consult with the Office of the Assistant Secretary for Policy and International Affairs. The responsible official shall submit the preliminary case report and request comments from the Council, notify the State Historic Preservation Officer, and proceed with the consultation. (If the FAA is already preparing a draft environmental impact statement because of other significant impacts, this draft statement can be submitted as the preliminary case report. Circulation of the draft statement will constitute a request for Council comments if the FAA so requests in the cover letter transmitting the draft.) The sponsor shall provide information and participate in the consultation process with and under the guidance of the FAA.

2 The consultation process includes consideration of feasible and prudent alternatives to avoid the adverse effects on National Register or eligible property, of mitigation measures, and of accepting adverse effects. The FAA has the final judgment on whether the appropriate action choice is an environmental impact statement or a finding of no significant impact. Advice from the Advisory Council and the State Historic Preservation Officer may assist the FAA in making this judgment.

a If the consulting parties agree on an alternative to avoid or satisfactorily mitigate adverse effects, a memorandum of agreement shall be executed specifying how the proposed action will proceed to avoid or mitigate the adverse effects. In this case, the FAA may complete the environmental assessment by including in it the memorandum of agreement and may prepare a finding of no significant impact.

b If the consulting parties determine that there are no feasible and prudent alternatives that could avoid or

satisfactorily mitigate the adverse effects but that it is in the public interest to proceed with the proposed action, a memorandum of agreement shall be executed. This memorandum may specify recording, salvage, or other measures that shall be taken to minimize adverse effects before the proposed action proceeds. It is likely that, in this circumstance, the impact on National Register or eligible properties will be considered significant and require the preparation of an environmental impact statement.

3 The Advisory Council on Historic Preservation may be a cooperating agency in the preparation of an environmental impact statement. Information developed for and during the consultation process will be sufficient for purposes of environmental impact statement documentation. The final impact statement shall include comments of the Advisory Council and a copy of any memorandum of agreement. (If a memorandum of agreement has been executed prior to circulation of a draft environmental impact statement, the memorandum shall be included in the draft.) Within 90 days after carrying out the terms of a memorandum of agreement, the FAA is required to report to all signatories on the actions taken.

(b) Archeological and Historic Preservation Act of 1974.

1 When a determination of adverse effect has been made, the instructions in subparagraphs (a) 1, 2, and 3 apply except that the Heritage Conservation and Recreation Service may be a cooperating agency for purposes of environmental impact statement preparation.

2 If salvage is involved, the FAA may use not more than 1 percent of the Federal share of the project for this purpose except that the 1 percent limitation does not apply if the project involves \$50,000 or less.

3 If the FAA finds in the course of project construction that significant resources will be irrevocably lost or destroyed, the FAA must notify the Heritage Conservation and Recreation Service of this situation and include information relevant to the matter. The FAA then has a responsibility to take action in accordance with the Archeological and Data Preservation Act to recover, protect, and preserve such resources.

i. *Biotic Communities (including both flora and fauna).*

(1) Paragraph 47e(9) presents the requirements for the analysis of biotic community impacts and the information needed in an environmental assessment. When the initial analysis indicates that the thresholds in subparagraph (c) or (d)

are exceeded, the FAA shall make the judgment on the significance of potential impacts. The FAA will consult with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, state or local wildlife agencies, and others as necessary in order to make this judgment.

(2) If impacts are judged to be significant, further detailed analysis may include:

(a) Use of aerial photographs and field reconnaissance to verify biotic community types and to observe wildlife or its traces.

(b) Determining the significance of various habitats proposed for removal and species that would be displaced, including the importance of flora and fauna species inhabiting the area, the range of various species, and the location of nesting and breeding areas.

(c) A more detailed analysis of other impact areas (e.g., noise, air quality, water quality, induced development) as may be necessary to determine biotic impacts.

(d) Mitigation measures.

(e) A judgment as to what extent the proposed action and its alternatives will alter ecological systems.

(3) If the proposed project affects water resources and thereby invokes the Fish and Wildlife Coordination Act, the FAA shall give full consideration to the recommendations of the Fish and Wildlife Service and the state wildlife agency and shall assure that the project plan includes such justifiable means and measures for wildlife purposes as the FAA finds should be adopted to obtain maximum overall project benefits.

(4) If significant biotic community impact relates either to use of section 4(f) lands or to endangered or threatened species, those sections of the environmental impact statement may incorporate or cross-reference the biotic community analysis as appropriate.

j. Endangered and Threatened Species of Flora and Fauna.

(1) Paragraph 47e(10) presents the requirements for the analysis of potential impacts on endangered and threatened species and the information needed in an environmental assessment. When the threshold in paragraph 47e(10)(c)3 or (d)3 is exceeded, the FAA shall forward the environmental assessment (or separate biological assessment) to the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, whichever has jurisdiction, together with a request to initiate consultation under section 7(a) of the Endangered Species Act Amendments of 1978.

(2) If the biological opinion from the Fish and Wildlife Service or the

National Marine Fisheries Service concludes that the proposed action is not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat, the FAA may conclude that impacts are not significant. On the other hand, the biological opinion may conclude that the proposed action does pose jeopardy and may suggest reasonable and prudent alternatives to avoid jeopardizing species or adversely modifying critical habitat. In this case, if the FAA and the airport sponsor accept an alternative proposed by the Fish and Wildlife Service or the National Marine Fisheries Service or propose another alternative which proves acceptable to these Services, the FAA may also conclude that impacts are not significant.

(3) If neither of the above conditions in paragraph (2) apply, the potential impact is considered significant. In the preparation of an environmental impact statement, the FAA shall request the Fish and Wildlife Service or National Marine Fisheries Service to be a cooperating agency on the basis of its jurisdiction. Further detailed analysis may consider:

(a) Any previously unconsidered mitigation measures or project modifications which would lessen impacts so as not to jeopardize species or destroy or modify critical habitat.

(b) Whether further biological assessment would be profitable to pursue in terms of likelihood of changing the biological opinion.

(c) Whether the FAA or the airport sponsor will request an exemption under section 7(g) of the Endangered Species Act Amendments.

k. Wetlands.

(1) Paragraph 47e(11) presents the requirements for the analysis of impacts on wetlands and the information needed in the environmental assessment. When the initial analysis indicates that the applicable thresholds are exceeded or when an agency having special interest in a wetlands area indicates potential significant impacts of the proposal, the FAA shall examine all relevant factors and make the judgment on the significance of the impacts. The FAA will consult as necessary with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Corps of Engineers, the EPA, and state and local natural resource and wildlife agencies in order to make this judgment. Any of these agencies may become cooperating agencies on the basis of their jurisdiction or expertise. Permitting agencies may become joint lead agencies. The FAA shall make every effort to assure that any environmental document prepared by the FAA meets

the needs of permitting agencies. (Reference paragraphs 75b and 75c.)

(2) If impacts are judged to be significant, further detailed analysis shall include the following as applicable to the proposal:

(a) Considerations specified in Executive Order 11990, Protection of Wetlands:

1 "public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;"

2 "maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources;"

3 "other uses of wetlands in the public interest, including recreational, scientific, and cultural uses."

(b) An opinion, based on the above considerations, of the proposal's overall effect on the survival and quality of the wetlands.

(c) Aeronautical safety, transportation objectives, economics, and other factors bearing on the problem.

(d) Further consideration of the practicability of any alternatives.

(e) Inclusion of all practicable measures to minimize harm.

(3) Pursuant to the Fish and Wildlife Coordination Act, the FAA shall apply the instructions contained in paragraph 85i above.

(4) If a state Coastal Zone Management Program or section 4(f) of the DOT Act are significantly involved, the instructions under paragraphs 85m and 85g respectively, are to be followed.

1. Floodplains.

(1) Paragraph 47e(12) presents the requirements for the analysis of impacts on floodplains and the information needed in the environmental assessment. When the initial analysis indicates that the applicable thresholds established in paragraph 47e(12)(d) or 47e(12)(f) are exceeded, the FAA shall prepare an environmental impact statement. Federal, state, or local agencies with floodplain jurisdiction and expertise may become cooperating agencies.

(2) Further analysis shall include the following as applicable to the proposal:

(a) A more detailed analysis of other impact areas (e.g., water quality, induced development, construction impacts) as may be necessary to determine more precisely the impacts on the natural and beneficial floodplain values, including alterations to the present flood storage volume and flooding cycle.

(b) A more detailed assessment of the risk to human life and potential future damage to the transportation facility or other property within the floodplain.

(c) Aeronautical safety, transportation objectives, economics, and other factors bearing on the problem.

(d) Further consideration of the practicability of any alternatives.

(e) Inclusion of all practicable measures to minimize harm and to restore and preserve the natural and beneficial floodplain values affected. Commitments to later compliance with special flood related design criteria or the imposition, in advance, of protective conditions may be warranted in some situations.

(f) Evidence that the action conforms to applicable state and/or local floodplain protection standards.

m. Coastal Zone Management Program:

(1) The procedures for determining consistency with approved state coastal zone management programs are outlined in paragraph 47e(13). If a state which has such a program raises an objection based on inconsistency of the proposed action with its program, FAA shall not approve such action unless the objection is satisfied or successfully appealed by the sponsor to the Secretary of Commerce. The process will normally be completed prior to a determination by the FAA whether or not an environmental impact statement is needed for the proposal. If any issues remain that have not been resolved regarding the relationship of the action to an approved coastal zone management program, such issues shall be identified in the scoping process and resolved in the environmental impact statement. In this situation, the state coastal zone management agency shall be invited to participate in the scoping process.

(2) If there is no approved state program for a coastal area and there appear to be significant impacts per paragraph 47e(13)(a), the FAA shall consult as necessary with state and Federal agencies with jurisdiction and expertise to determine any additional needs for detailed coastal and marine studies.

n. Prime and Unique Farmland.—If upon review of the environmental assessment the local USDA office finds that potential significant environmental impacts exist according to the threshold established in paragraph 47e(14)(c), additional analysis is needed in the environmental impact statement. The FAA shall ask USDA to be a cooperating agency. The analysis may evaluate the impacts on agricultural production in the area, any disruption of

the farming community either as a direct result of construction or by changes in land use associated with the action, and measures to minimize the harm. Such measures may include adjustment in the action to reduce the amount of prime or unique farmland taken out of production or retaining as much of the land as possible for agricultural use by incorporation into compatible land use plans.

o. Energy Supply and Natural Resources.—Additional analysis in an environmental impact statement is needed if the examination as described in paragraph 47e(15) indicates that the thresholds are exceeded. Such analysis shall include additional detail as needed to fully explain the degree of the problem and measures to be taken to minimize the impact. Measures such as more efficient airfield design, ground access improvements, or energy efficient building design shall be considered and described where applicable and incorporated in the action to the extent possible. The Department of Energy may be a cooperating agency and be of assistance in determining additional specific analysis needed and in judging the seriousness of impacts.

p. Light Emissions.—The description of potential annoyance from airport lighting and measures to minimize the effects as contained in an environmental assessment per paragraph 47e(16) will usually be sufficient for an environmental impact statement, in which case no further analysis is necessary. Further consideration may concentrate on previously unconsidered mitigation measures and alternatives. It is possible that the responsible FAA official will judge that a special lighting study is warranted.

q. Solid Waste Impacts.—The information in the environmental assessment as discussed in paragraph 47e(18) will usually be sufficient to describe any solid waste impacts related to the action. Only if significant problems are anticipated with respect to meeting any applicable local, state, or Federal regulations on solid waste management will any additional information or analysis be needed. Additional data may include results of any further consultation with affected agencies and measures to be taken to minimize the impacts. Disposal which would adversely affect water quality or other impact categories may be discussed under those categories or appropriately cross-referenced.

r. Construction Impacts.—The environmental assessment shall usually contain sufficient discussion of construction impacts, per paragraph 47e(19), to obviate the need for any

further information in an environmental impact statement. In an unusual circumstance where a construction impact would create significant consequences which cannot be mitigated, a more thorough discussion is needed, including the results of contacts with those agencies which have concerns and the reasons why such impacts cannot be avoided or minimized to insignificant levels.

s. Design, Art, and Architectural Application:

(1) The environmental assessment will normally include appropriate discussion of the application of design, art, and architecture in mitigating adverse visual and other environmental impacts and encouraging enhancement of the environment. In this context, the determination of "significant" impacts in this category sufficient of itself to require preparation of an environmental impact statement is usually not relevant nor is there need for more extensive detailed analysis in an environmental impact statement. The environmental assessment shall be reviewed, however, to assure that appropriate consideration has been given as discussed in paragraph 41b.

(2) FAA can encourage but cannot impose application of design, art, and architectural principles on an airport sponsor. Therefore, if additional information or analysis is needed in an environmental impact statement, it shall be discussed with and agreed upon by the sponsor. It should be noted that extensive detailed design concepts are not usually developed until after the environmental action has been completed. FAA Order 5100.35, Design, Art, and Architecture in Airport Development, prescribes guidelines for treating and promoting design, art, and architectural objectives in Airport Development Aid Program projects.

86. Adverse Impacts Which Cannot Be Avoided, Short Term Uses and Long Term Productivity, and Irreversible and Irrecoverable Commitments of Resources.—These subjects shall be covered under the heading "Environmental consequences" in the environmental impact statement and need not be repeated in separate sections. The various impact categories described in paragraph 85 shall normally include and identify those adverse impacts which cannot be avoided. These discussions shall also examine, as applicable, the extent to which the proposal involves tradeoffs between short term environmental gains at the expense of long term losses or long term gains at the expense of short term losses and the extent to which the proposal forecloses or broadens future

options. The extent to which the proposal would irreversibly and irremediably curtail the range of beneficial uses of the environment shall be identified where significant. If new, unusual, or limited sources or types of materials are involved in a project, a quantitative estimate and description shall be included. Normally, labor and materials required to accomplish an airport development project do not significantly curtail the range of beneficial uses of the environment. Depletion of materials in short supply or significant irreversible changes in natural and cultural resources shall be covered.

87. List of Preparers, List of Parties to Whom Sent:

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

b. CEQ 1506.5(a) states "If an agency requires an applicant to submit environmental information for possible use by the agency in preparing an environmental impact statement then . . . the agency shall independently evaluate the information submitted and shall be responsible for its accuracy. If the agency chooses to use the information submitted by the applicant in the environmental impact statement, either directly or by reference, then the names of the persons responsible for the independent evaluation shall be included in the list of preparers."

c. CEQ 1506.5(c) states with regard to environmental impact statements: "If the document is prepared by contract, the responsible Federal official . . . shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents." The names of the persons responsible for the independent evaluation shall be included in the list of preparers.

d. A list of agencies and organizations and persons to whom copies of the statement have been sent shall also be included.

88. Index and Appendices:

a. An index shall be included at the end of an environmental impact statement to assist the reader and facilitate review.

b. When an appendix is used, CEQ 1502.18 requires that it: "(a) Consist of material prepared in connection with an environmental impact statement (as distinct from material which is not so prepared and which is incorporated by reference. . . .) (b) Normally consist of material which substantiates any analysis fundamental to the impact statement. (c) Normally be analytic and relevant to the decision to be made. (d) Be circulated with the environmental impact statement or be readily available on request."

89. *Miscellaneous.*—CEQ 1502.21, .22, and .24 discuss in detail "incorporation by reference," "Incomplete or unavailable information," and "Methodology and scientific accuracy," respectively. These sections should be reviewed for appropriate treatment of these instructions in an environmental impact statement.

Chapter 9. Environmental Impact Statement Processing

90. General:

a. This chapter applies to proposed Federal actions requiring an environmental impact statement. The process for an environmental impact statement is shown in steps 30 through 46 of Appendix 1.

b. Environmental impact statements shall be reviewed by affected FAA program divisions and staff officers at the regional level prior to filing or public review. This internal review is to assure that related foreseeable agency actions by other FAA elements are properly covered in the draft statement and are coordinated with the appropriate action office so that commitments which are the responsibility of other divisions or offices will be carried out.

c. For adoption of another agency's environmental impact statement, refer to CEQ 1506.3.

91. *Distribution for Federal Review of Draft Environmental Impact Statements.*—The FAA region or airports district office shall distribute the draft environmental impact statement, per steps 30 through 35 of Appendix 1, as follows:

a. *Distribution for Headquarters Review.*—Five copies of the draft environmental impact statement, including the A-95 comments and the summary sheet, are to be forwarded to the Office of Airport Planning and Programming, APP-600, which shall be responsible for further distribution within the FAA and the Office of the Secretary of Transportation.

b. *Distribution and Coordination for Intergovernmental Review:*

(1) Per CEQ 1503.1, comments on the draft environmental impact statement

shall be obtained from or requested of appropriate Federal, state, and local agencies including affected local jurisdictions.

(2) Federal agencies with jurisdiction by law or special expertise shall be asked to comment.

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

(4) Draft statements shall be coordinated with the appropriate regional offices of other Federal agencies having jurisdiction by law or special expertise except that statements to be coordinated with any component of DOI, DOC, or the Department of Energy (DOE) shall be sent directly to their Washington headquarters at the following address:

(a) Assistant Secretary—Program Policy, Attention: Director, Environmental Project Review, U.S. Department of the Interior, Washington, D.C. 20240.

(b) Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

(c) Division of NEPA Affairs, Department of Energy, Room 4G064, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (only for airport actions having major energy-related consequences).

(5) Agencies will normally receive one copy of the draft environmental impact statement except as follows:

(a) Five copies of draft statements shall be sent to the appropriate regional office of the EPA.

(b) DOI shall receive:

1 Twelve copies (seven of the final) for projects in each state except those listed in 2 and 3 below.

2 Thirteen copies (eight of the final) for the projects in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

3 Fourteen copies (nine of the final) for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

(6) One copy of draft statements on air carrier airports shall be sent to: Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20420.

c. *Availability to the Public.*—The draft environmental impact statement shall be made available for public review per CEQ 1506.6. Notices of availability shall specifically identify the person in the FAA to contact for status or other information on the environmental impact statement. Normally, this person will be the same

as the one listed on the cover sheet per CEQ 1502.11(c) (also see paragraph 81a).

d. Filing with EPA.—The draft environmental impact statement shall be filed with EPA per CEQ 1506.9. The EPA will subsequently publish a notice in the Federal Register per CEQ 1506.10 which will begin the 90-day period after which the Federal action can be taken. Five copies of the draft statement shall be sent to: Office of Environmental Review, EIS Filing Section (A-104), U.S. Environmental Protection Agency, Room 2119, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (Telephone: (202) 245-3006).

e. Establishing Time Limits.—Pursuant to CEQ 1506.10(c), in seeking comments FAA regional airports divisions may establish a time limit of not less than 45 days from publication of the notice by EPA per d above and receipt by other agencies for reply after which, if no comments are received, it may be presumed that the agency consulted has no comments to make. Fifteen-day extensions will normally be granted when requested by other agencies. When DOT section 4(f) is involved, a 60-day review period is normally required by DOI. Time limits shall take into account the magnitude and complexity of the statement and degree of public interest in the proposal.

92. Comments on the Draft Environmental Impact Statement:

a. CEQ 1503.3 addresses specificity of comments. If the responsible official considers that the comments received by a commenting agency have not been made in accordance with the intent of this section, consultation with that agency may be undertaken to rectify discrepancies.

b. It is expected that the extent of comments on the draft will be reduced commensurate with the degree of involvement of the commenting agencies in the scoping process. Problems raised by commenting agencies in the draft review which were thought to have been resolved during scoping may be discussed with or assigned to those agencies for resolution.

c. Comments from EPA are categorized by impact and statement adequacy according to the following criteria:

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

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

93. Recirculation of the Draft.—CEQ 1502.9(a) instructs that "If a draft statement is so inadequate as to

preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action.

94. Preparation and Review of Final Environmental Impact Statements:

a. Final environmental impact statements shall be prepared in accordance with CEQ 1503.4 (step 36 in Appendix 1). The contents of a final environmental impact statement shall be those described for the environmental assessment in paragraph 47 as expanded and elaborated on during the more detailed analyses of significant issues, as discussed in paragraphs 80 through 86, and as revised following review of the draft statement. The final statement shall contain a concise status report (which may be included in the summary or an appendix) on the compliance or anticipated compliance with permit or license requirements.

b. The environmental impact statement shall include evidence and required consultation to support any assurances if applicable to the Federal action. The assurances themselves will not be made until the record of decision.

(1) For all airport development there shall be evidence to support the following Airport Development Aid Program grant assurances as required by the Airport Act.

(a) The project is reasonably consistent with existing plans of planning agencies for development of the area (section 18(c)(1)(A));

(b) Fair consideration has been given to the interest of communities in or near the project location (section 18(c)(3));

(c) Appropriate action has been or will be taken to restrict, to the extent reasonable, the use of land in the vicinity of the airport to purposes compatible with airport operations (section 18(a)(4));

(d) Appropriate air and water quality certificates have been or will be obtained (section 16(e)) for projects involving airport location, runway location, or a major runway extension.

(2) For actions involving an airport location, runway location, or major runway extension pursuant to section 16(c)(4) of the Airport Act and found to have an adverse effect, there shall be evidence to support a conclusion that:

(a) There is no feasible and prudent alternative, and

(b) All possible steps have been taken to minimize adverse effects.

(3) For actions involving the use of lands subject to section 4(f) of the DOT

Act, there shall be evidence to support a conclusion that:

(a) There is no feasible and prudent alternative to the use of such land, and

(b) The project includes all possible planning to minimize harm to such lands resulting from such use.

(4) For actions involving the displacement and relocation of people, there shall be evidence to support assurances that:

(a) Fair and reasonable relocation payments and assistance have been or will be provided pursuant to provisions in Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) Comparable decent, safe, and sanitary dwellings available on an open occupancy basis are on the market or will be built if necessary prior to actual displacement.

(5) For actions involving new construction directly or indirectly affecting wetlands, there shall be evidence to support assurances that:

(a) There is no practicable alternative to such construction, and

(b) The proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

(6) For actions involving a significant encroachment on a floodplain, there shall be evidence to support assurances that:

(a) There is no practicable alternative, and

(b) The action conforms to applicable state and/or local floodplain protection standards.

(7) For actions within or affecting land or water uses in an area covered by an approved state coastal zone management program, there shall be evidence to support an assurance that the action is consistent with the approved state coastal zone management program to the fullest extent practicable. (If the action is determined to be inconsistent with the state's approved program, the Federal agency shall not approve the action except upon a finding by the Secretary of Commerce that the proposed action is consistent with the purposes or objectives of the Coastal Zone Management Act or necessary in the interest of national security.)

c. CEQ 1504 establishes procedures for "environmental referrals" to CEQ by Federal agencies with disagreements on the environmental effects of a proposal. When a notice of intended referral has been received on an Airports Program environmental impact statement, a copy of the notice shall be forwarded to APP-600 which will advise P-1. Every effort shall be made to resolve the issues prior

to processing the final environmental impact statement. Resolution of issues shall be documented in the final statement. Notification in writing to the FAA from the referring agency indicating that its objections have been resolved shall be obtained to obviate the requirement for concurrence in the final statement by P-1.

95. Approval of Final Environmental Impact Statements:

a. Delegation to FAA.—Final approval authority on environmental impact statements for airport actions has been delegated to the FAA but subject to prior concurrence by the Assistant Secretary for Policy and International Affairs, P-1, for the following categories of actions (Any actions identified in (1) through (5) below which involve DOT section 4(f) also require concurrence by the DOT General Counsel.):

(1) Any new airport serving a metropolitan area (construed as a standard metropolitan statistical area unless specifically directed otherwise).

(2) Any new runway or runway extension for an airport, any part of which is located in a standard metropolitan statistical area and is either certificated under section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commercial operators.

(3) Any action to which a Federal, state, or local government agency has expressed opposition on environmental grounds.

(4) Any action for which the Assistant Secretary for Policy and International Affairs requests an opportunity to review and concur in the final statement or for which FAA requests such review and concurrence by that office.

(5) Any action for which a notice of intended referral to CEQ has been received from another agency per CEQ 1504 and the objections have not been resolved (see paragraph 94c).

b. Draft Record of Decision.—P-1 requires that a draft record of decision accompany, but not be part of, any final statement sent through that office for concurrence. This draft record of decision is for environmental review purposes only and does not constitute a review by P-1 of the Airports Program's project or funding decision. This draft record of decision shall state what the FAA's preferred alternative is, include the information specified in CEQ 1505.2 (b) and (c), indicate what environmental commitments (if any) are to be included as a condition for a favorable decision on the preferred alternative and how these will be implemented (e.g., special condition in grant agreement, property conveyance deed, plans and

specifications), and incorporate proposed applicable assurances. The draft record of decision need not include project or funding information which is not relative to environmental approval.

c. Airports Program Approval Authority:

(1) The Associate Administrator for Airports has final impact statement approval authority for any action in the categories specified in paragraph 95a, subject to prior review for legal sufficiency by the Chief Counsel and concurrence by the Assistant Secretary for Policy and International Affairs.

(2) The Assistant Secretary may determine, after review of a draft statement, that a final statement on an action covered by paragraph 95a can be processed without prior concurrence by that office. In such case, the approval authority by the Associate Administrator for Airports may be delegated to the region on a case-by-case basis.

(3) Those actions in (2) above for which the Associate Administrator for Airports has delegated approval authority and all other environmental impact statements may be approved by the regional director or his designee. Approval may be given after review for legal sufficiency by regional counsel and subject to prior concurrence by the Director, Office of Airport Planning and Programming, and the Chief Counsel, when such concurrence is deemed necessary upon headquarters' review of the draft statement or when requested by the regional director. All actions involving section 4(f) of the DOT Act are subject to review for legal sufficiency by Chief Counsel in headquarters (steps 37 through 45, Appendix 1).

d. Headquarters Review:

(1) When final approval of an environmental statement is retained in headquarters, the headquarters coordination is initiated when statements are received in the Office of Airport Planning and Programming. Copies are forwarded by APP-600 to the Office of the Chief Counsel for review for legal sufficiency, and then to appropriate elements of the Office of the Secretary of Transportation when required for review and concurrence, with a request for response within 15 to 30 days, depending upon the complexity of the statement. During headquarters review, the statement is revised as necessary or information added. The statement, with any comment, is then submitted to the Associate Administrator for Airports for approval (steps 38 through 41, Appendix 1).

(2) When approval authority is delegated to the regional director and concurrence by headquarters is

requested, two copies are to be forwarded to APP-600 for action (step 44, Appendix 1).

e. Approval.—As the mechanism for approval of a final statement, a declaration approximately as follows shall be added to the summary. Signature and date blocks shall be added for the concurrence of appropriate offices and approval or disapproval of the approving official (step 41 or 45, Appendix 1).

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

96. Notification and Distribution of Approved Final Environmental Impact Statement:

a. General. Distribution by the region or airports district office of approved final statements to EPA, other agencies and organizations, and the public shall, insofar as possible, be simultaneous so as to avoid unnecessary inquiries and insure that all interested parties have a fair opportunity to review the documentation (step 46, Appendix 1). If there have been only minor changes to the draft, the procedure in CEQ 1503.4(c) may be used for circulation of less than the entire document. The region shall notify APP-600 when distribution has been completed.

b. Distribution to EPA.—The FAA regional office preparing the final environmental impact statement shall forward to the appropriate EPA regional office one copy of the final statement if it was categorized LO-1. Otherwise, five copies shall be sent to EPA. In the event that EPA has comments on a final impact statement, the FAA regional office shall make every reasonable effort to resolve any conflicting issues. If the issues cannot be resolved, the matter shall be referred to APP-600.

c. Distribution to the Office of Environment and Energy.—The region shall send one copy to AEE-1 for information and for ultimate transmission to the DOT library.

d. Distribution to the Civil Aeronautics Board.—The region shall send one copy of statements for air carrier airports to the CAB address listed in paragraph 91a(6) for information.

e. Distribution to DOI.—The region shall send to the DOI address listed in

paragraph 91a(4)(a) the number of copies listed in paragraph 91a(5)(b).

f. Other Distribution by the Region.—A copy of the final environmental impact statement shall also be sent to each Federal, state, and local agency and private organization which made substantive comments on the draft statement and to individuals who requested a copy of the final statement or who made substantive comments on the draft. The sponsor shall also be sent a copy as well as the appropriate state and areawide clearinghouses unless otherwise designated by the governor. A copy of the approved final statement shall be sent to APP-600 for information unless APP-600 has retained a copy when approved by the Associate Administrator for Airports. When the number of commentors is such that distribution in this manner is impractical, alternative arrangements shall be made after consultation with EPA and DOT, through APP-600.

g. Availability to the Public:

(1) Additional copies shall also be made available by the region to the public for review by distribution to appropriate locations accessible to the general public.

(2) The availability of the final statement shall be announced by the region in the appropriate local media in a manner similar to the announcement method for the draft environmental impact statement.

h. Filing with EPA.—The region shall distribute to EPA the required five copies of the final statement for Federal Register notification. The region shall forward the copies directly to the address listed in paragraph 91d. A copy of the transmittal to EPA shall be forwarded to APP-600 for record purposes.

i. Timing of Decision.—In accordance with CEQ 1506.10(b) "No decision on the proposed action shall be made or recorded [see paragraph 98] . . . until the later of the following dates: (1) Ninety (90) days after publication of the notice described above [by EPA per paragraph 91d] . . . for a draft environmental impact statement. (2) Thirty (30) days after publication of the notice described above [by EPA per paragraph 98h above] . . . for a final environmental impact statement."

j. Comments Before Decision.—CEQ 1503.1(b) provides that "An agency may request comments on a final environmental impact statement before the decision is finally made. In any case other agencies or persons may make comments before the final decision. . . ."

97. Other Availability of Final Statements.—In addition to the availability and distribution of approved

final environmental impact statements, final statements proposed for approval shall normally be made available upon request in FAA offices for inspection by the public and by Federal, state, or local agencies prior to final approval and filing with EPA. Such statements shall carry a notation that they have not been approved and filed.

98. Decision:

a. Following the review periods prescribed in CEQ 1506.10, the FAA decisionmaker may make a decision on the Federal action (see steps 47 through 53 of Appendix 1). The environmental impact statement and other environmental documents shall be included in the administrative record and made available to the decisionmaker. CEQ 1505.2 requires a record of this decision and specifies information to be included in the record of decision. CEQ 1505.2(b) states "An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions." The Airports Program's statutory mission is to promote the development of a safe and efficient nationwide airport system adequate to meet the current and projected growth in aviation, and this mission is to be given appropriate weight in any final decision on an action. Based upon the data presented in the environmental impact statement and other relevant considerations, the record of decision shall also include the appropriate assurances, conclusions, or findings as delineated in paragraph 94b.

b. The record of decision shall include any mitigation measures which were made a condition of the approval of the environmental impact statement. Proposed changes in or deletions of mitigation measures which were a condition of approval of the environmental impact statement shall be reviewed by the same FAA offices which reviewed the final statement and must be approved by the environmental impact statement approving official.

c. If the decisionmaker wishes to take an action which was included within the range of alternatives of an approved environmental impact statement but was not the agency's preferred alternative as identified in the final statement, the decisionmaker shall first coordinate a new draft record of decision for concurrence with the same FAA and DOT offices whose concurrence was required for approval of the final statement. These offices may concur without comment, may concur on the condition that specific mitigation measures be incorporated in the record of decision, may request that a

supplement to the environmental impact statement be prepared and circulated, or may nonconcur. The decisionmaker shall not approve the Federal action over a nonconcurrence.

d. If the alternative the decisionmaker now wishes to take action on involves a special interest (e.g., section 4(f) land, endangered species, wetlands, historic sites, or others), the FAA shall first complete any required evaluation and consultation that has not been done, supplementing the original environmental impact statement, prior to taking the action. Supplements to environmental impact statements shall be reviewed and approved in the same manner as the original document.

99. Implementation of Environmental Commitments:

a. In accordance with CEQ 1505.3, "Mitigation . . . and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency." This section of the CEQ Regulations further specifies actions which the lead agency shall take to implement environmental commitments. The FAA shall take steps as appropriate to the action, through special conditions in grant agreements, airport location approvals, property conveyance deeds, releases, airport layout plan approvals, and contract plans and specifications and shall monitor these as necessary to assure that representations made in the environmental documentation with respect to mitigation of impacts will be carried out.

b. Generally, the following guidelines apply to the inclusion of special environmental assurances in grant agreements, property conveyance deeds, releases, and airport layout plan approvals:

(1) Include actions or commitments by the airport sponsor, if any, which are critical to the decision.

(2) Include significant measures for mitigation of adverse impacts.

(3) Include actions to be taken by the sponsor to identify mitigating measures or to encourage others to take mitigating measures.

(4) Include special commitments to ensure compatibility of the airport with the surrounding area.

(5) Do not include in grant agreements standard items that are incorporated in project plans and specifications.

(6) Do not include assurances which are found to derogate safety. APP-600 shall be contacted to discuss disposition of any previously approved environmental commitments which appear to fall into this category.

c. Any significant deviation from prescribed action that may reduce protection to the environment must be submitted through APP-600 to P-1 for concurrence if the approved statement was concurred in by P-1.

Chapter 10. Tiering, Time Limitations, Written Reevaluations, Supplements

100. *General.*—After a draft or final environmental impact statement or a finding of no significant impact has been prepared, there are circumstances which involve further environmental documentation. These are discussed in the following paragraphs.

101. Tiering:

a. Tiering is defined in CEQ 1508.28 and further discussed in CEQ 1500.4(i), 1502.4(d), and 1502.20. CEQ 1508.28 states that tiering is appropriate when the sequence of analyses is:

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

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

b. In the Airports Program, tiering is most applicable in the circumstances listed below. Care must be exercised when tiering not to separate actions which are functionally related and have no independent utility.

(1) Program statements (as for new legislation or a new National Airport System Plan) followed by site specific statements as required.

(2) Environmental documents resulting from master planning covering specific short term projects, in a long term development context, to be followed at a later time when further specific projects become ripe for decision.

(3) Environmental documents for airport location approvals to be followed at a later time by specific development projects as the need develops. The subsequent environmental analysis or statement will then focus on the development which is proposed for decision and exclude from consideration the issue of airport location (including other airport sites as reasonable alternatives to the proposed action) since this has already been decided.

(4) Environmental documents for airport layout plan approvals (see paragraph 30). Tiering for airport layout plan approvals may work in either of two ways:

(a) All of the development on an airport layout plan may be environmentally approved (i.e., an unconditionally approved airport layout plan) if appropriate analyses have been completed and applicable assurances (such as for DOT section 4(f), relocation, wetlands, floodplains, coastal zone management programs) can be made. The appropriate environmental action choice for any future Federal actions involving development on an unconditionally approved airport layout plan would be either a written reevaluation or a supplement (see paragraphs 103 and 104, respectively). Tiering is more likely to be applied in this manner to airport layout plans which have resulted from master planning as described in subparagraph (2) above.

(b) More immediate range development shown on an airport layout plan may be environmentally approved with deferral or environmental action on later stages of development because the time is not ripe for decision on these stages. This situation may occur either with or without master planning having been done. The latter method of tiering will result in conditionally approved airport layout plans. At the time that the later development is proposed for decision, a new environmental analysis or statement will be required.

c. For instructions relative to summarizing, referencing, and making available previously tiered environmental documents, see CEQ 1502.20.

102. Time Limitations for Environmental Documents:

a. The time limitations below have been established for all DOT environmental impact statements. The time limitations in subparagraph (2) apply to final environmental impact statements approved after July 30, 1979, and apply effective July 30, 1982, to final statements approved prior to July 30, 1979.

(1) A draft environmental impact statement may be assumed valid for a period of three years. If the final statement is not submitted within three years from the date of the draft statement circulation, a written reevaluation of the draft shall be prepared by the responsible Federal official to determine whether the consideration of alternatives, impacts, existing environment, and mitigation measures set forth in the draft statement remain applicable, accurate, and valid.

If there have been changes in these factors which would be significant in the consideration of the proposal, a supplement to the draft statement or a new draft statement shall be prepared and circulated.

(2) With regard to approved final impact statements, four sets of conditions have been established:

(a) If major steps toward implementation of the proposed action (such as the start of construction, substantial acquisition, or relocation activities) have not commenced within three years from the date of approval of the final statement, a written reevaluation of the adequacy, accuracy, and validity of the final statement shall be prepared. If there have been significant changes in the proposed action, the affected environment, anticipated impacts, or proposed mitigation measures, a new or supplemental environmental impact statement shall be prepared and circulated.

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

(c) If major steps toward implementation of the proposed action have not occurred within the timeframe (if any) set forth in the final statement or, if no timeframe is set forth, within five years from the date of approval of the final statement, the written reevaluation required by (a) or (b) above shall be referred to the same concurring authority that concurred in the environmental impact statement.

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

b. For Airports Program environmental actions, the above time limitations shall also apply to preliminary section 16(c)(4) findings of no significant impact which have been circulated to EPA and DOI and to final approved section 16(c)(4) findings of no significant impact.

103. *Written Reevaluations.*—When required by paragraphs 102a(1), a(2)(a), and a(2)(b) above, the responsible official shall prepare a written reevaluation of the continued applicability, adequacy, accuracy, and validity of a draft or final impact

statement. There is no requirement for a specific format or content, for coordination, or for publication of this written reevaluation. It shall include the name of the FAA responsible official and the date prepared and shall become part of the administrative record on the action. No further processing is required unless the written reevaluation indicates that a supplemental or new draft or final impact statement is necessary.

104. Supplements:

a. CEQ 1502.9(c) defines two circumstances requiring the preparation of supplements to draft or final impact statements, as follows:

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

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

b. A change in the proposed action, in the environmental circumstances, or in the agency's decision (reference paragraph 98) may cause a supplement to a draft or final impact statement to be prepared soon after the original document. If a reasonable alternative which is significantly different from alternatives considered in the draft is identified, a supplement shall be prepared. A supplement is not required if the only change is the development of additional data, provided such data are not in conflict with the environmental impact statement. In other cases, a supplement may be required because the time limitation on an environmental document has been exceeded and a written evaluation has indicated that the contents of the original document are no longer applicable, adequate, accurate or valid per paragraph 102.

c. The format and contents of a supplement are not specified and are expected to vary depending on the extent of the changes. A supplement is likely to be in the form of either:

(1) A separate document which discusses the changed circumstances, identifies the parts of the original environmental document which have been affected, and presents the new data.

(2) Changes to the original environmental document in the form of new pages to replace existing pages and/or new pages to be added.

d. Supplements are subject to the same circulation and filing requirements as the original environmental document and to the same approval level (unless a new element is present which would raise the required approval level). Scoping is not required. A supplement is considered part of the documentation for decisionmaking. If a supplement

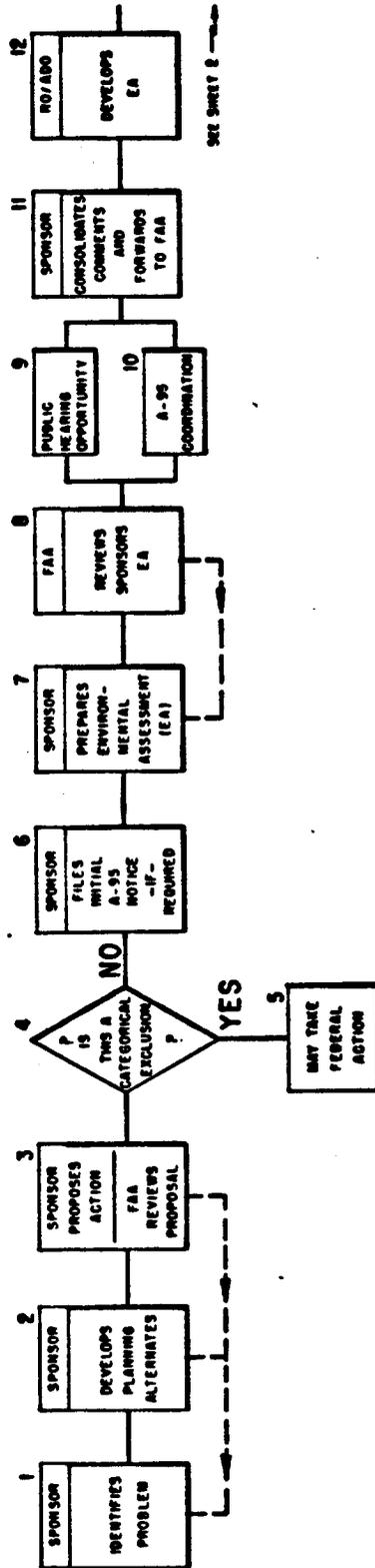
changes a record of decision, a new record of decision must be issued after the required 30-day review period.

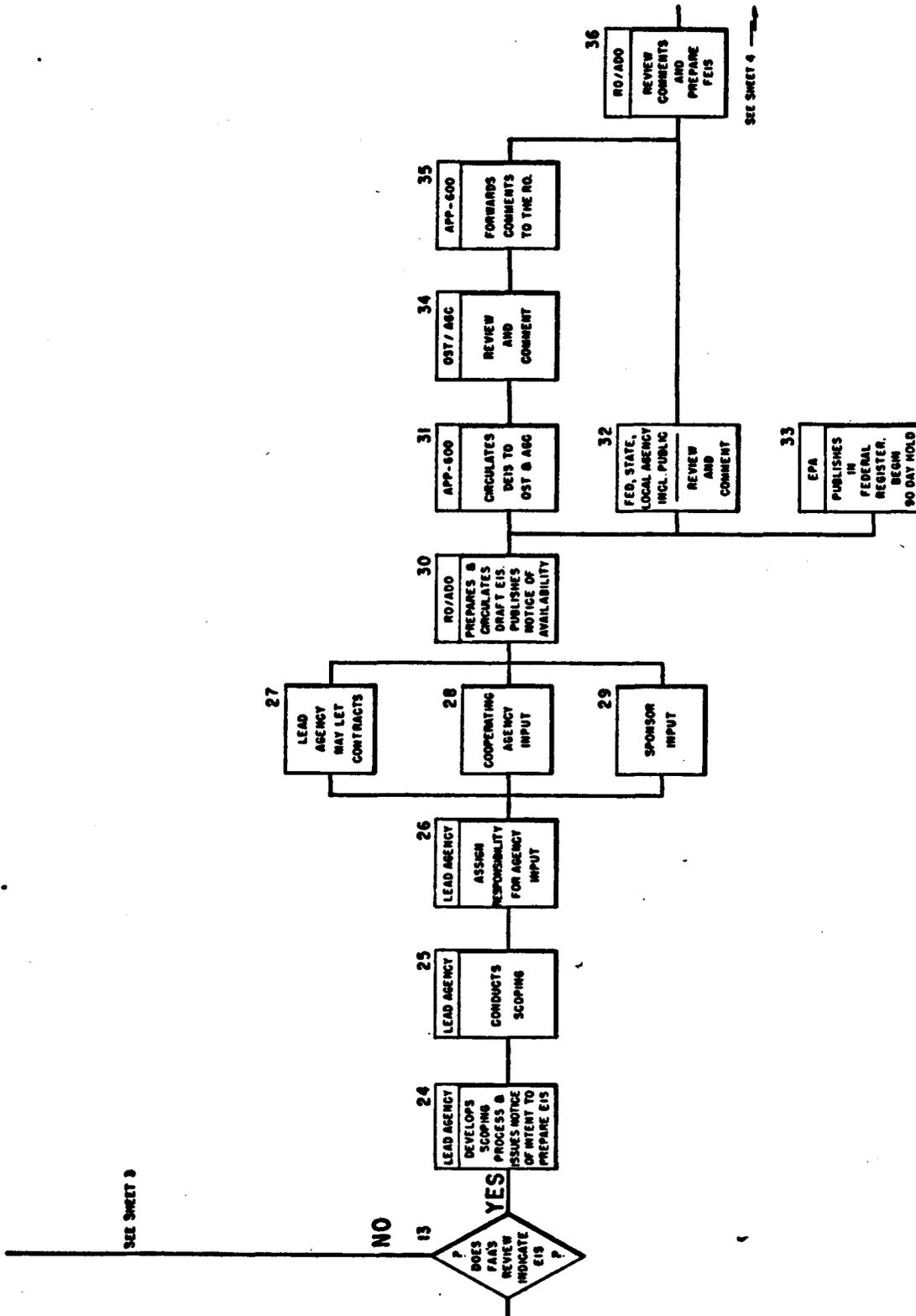
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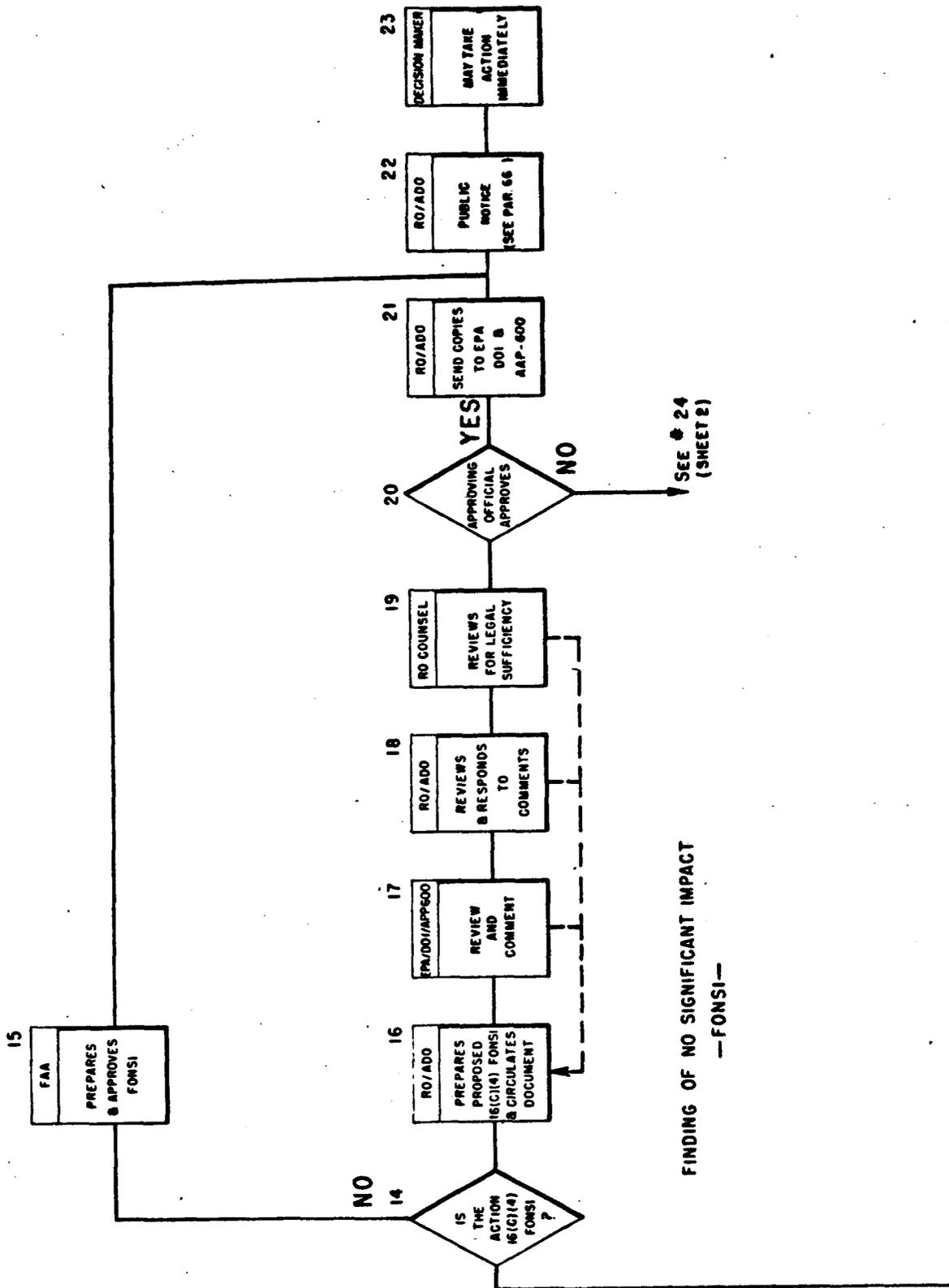
FLOW DIAGRAM OF ENVIRONMENTAL PROCESS.

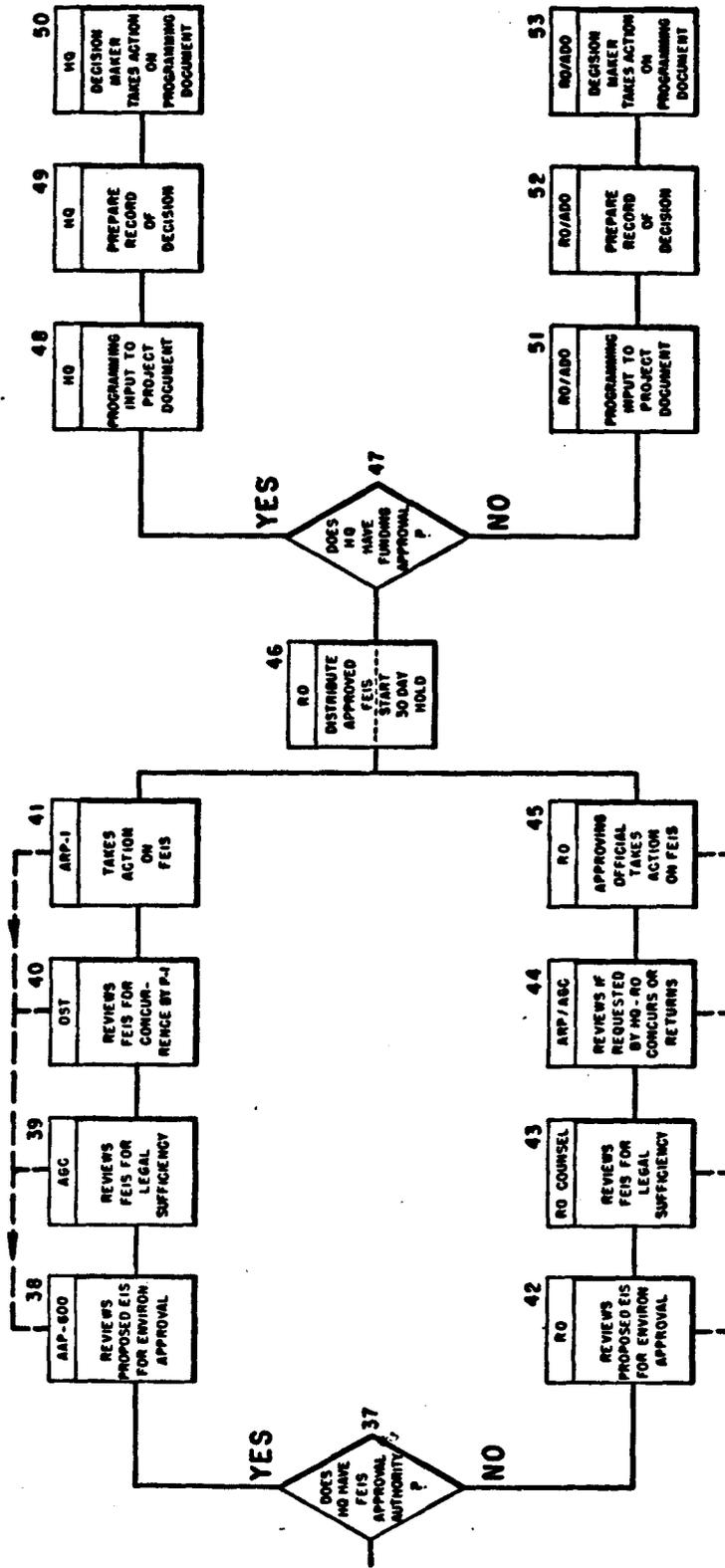




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