

CHAPTER 3. ADVISORY AND EMERGENCY ACTIONS AND CATEGORICAL EXCLUSIONS

300. INTRODUCTION. This chapter explains how to address advisory actions and emergency actions. It also provides guidance on FAA actions that are categorically excluded, and as a result, do not require an EA or EIS.

301. ADVISORY ACTIONS. Some Federal actions are of an advisory nature. Actions of this type are not considered major Federal actions under NEPA, and categorical exclusions, EA's or EIS's are not required as a condition for taking the action. If it is known or anticipated that some subsequent Federal action would be subject to NEPA, the FAA shall so indicate in the advisory action. Examples of advisory actions include:

301a. Determinations under 14 CFR part 77, Objects Affecting Navigable Airspace; and

301b. Determinations under 14 CFR part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports, and Marking and Lighting Recommendations. Determinations under 14 CFR part 157 apply to airports, helipads, and heliports.

301c. Designations of alert areas under FAA Order 7400.2, Procedures for Handling Airspace Matters.

302. EMERGENCY ACTIONS THAT REQUIRE AN ENVIRONMENTAL IMPACT STATEMENT. Section 1506.11 of Title 40 of the CFR allows CEQ to grant alternative arrangements for, but not eliminate, NEPA compliance where a national emergency, disaster, or similar great urgency makes it necessary to take actions that merit an environmental impact statement without observing other provisions of CEQ regulations. The processing times may be reduced or, if the emergency situation warrants, preparation and processing of environmental impact statements may be abbreviated. A request for alternative arrangements must be made by, or on the behalf of, the Administrator of the FAA. The responsible FAA official should consult with AEE (Environment, Energy and Employee Safety Division, AEE-200) and AGC (AGC-600) for evaluation to assure national consistency. The responsible FAA official shall then consult CEQ about alternative arrangements for complying with NEPA.

303. CATEGORICAL EXCLUSIONS: GENERAL.

303a. Categorical exclusions are those types of Federal actions that meet the criteria contained in 40 CFR 1508.4. They represent actions that the FAA has found, based on past experience with similar actions, do not normally require an EA or EIS because they do not individually or cumulatively have a significant effect on the human environment, with the exception of extraordinary circumstances as set forth in paragraph 304. Categorical exclusions are identified by functional group and are presented in paragraphs 307 through 312. All offices should examine the categorical exclusions provided to determine whether an action is categorically excluded. For reference, the office(s) that would most commonly use a categorical exclusion are provided in parentheses following the type of action. However, any office may use

a given categorical exclusion if it is applicable to their particular action. Where qualifications identifying an extraordinary circumstance are included in a given categorical exclusion, they are intended for emphasis only, and are not intended to imply that such qualifications should not be considered for other categorical exclusions, where applicable.

303b. The categorical exclusion list is classified by the following functions:

- (1) Administrative/General: Actions that are administrative or general in nature.
- (2) Certification: Actions concerning issuance of certificates or compliance with certification programs.
- (3) Equipment and Instrumentation: Actions involving installation, repair, or upgrade of equipment or instruments necessary for operations and safety.
- (4) Facility Siting, Construction, and Maintenance: Actions involving acquisition, repair, replacement, maintenance, or upgrading of grounds, infrastructure, buildings, structures, or facilities that generally are minor in nature.
- (5) Procedural: Actions involving establishment, modification, or application of airspace and air traffic procedures.
- (6) Regulatory: Actions involving compliance with, or exemptions to, regulatory programs or requirements.

303c. The responsible FAA official must first determine whether a proposed action is within one of the categorical exclusions listed in paragraphs 307 through 312. If it is not, an EA or EIS must be prepared. An action on the categorically excluded list is not automatically exempted from environmental review under NEPA. The responsible FAA official must also review paragraph 304, Extraordinary Circumstances, before finalizing a determination that a proposed action qualifies for categorical exclusion. If it is uncertain whether an extraordinary circumstance applies to the proposed action, the responsible FAA official shall consult with appropriate offices for guidance. Figure 3-1, Categorical Exclusion Process, summarizes the categorical exclusion process. The following paragraphs provide more information on the categorical exclusion process.

303d. Some of the categorical exclusions listed in paragraphs 307-312 are actions for which there is no reasonable expectation of a change in use and thus should not cause environmental impacts. Such actions are identified by reference to this paragraph.

Figure 3-1. Categorical Exclusion Determination Process

Step 1	Step 2	Step 3	Optional Step 4	Step 5
Responsible FAA official or project proponent defines proposed action.	Responsible FAA official compares proposed action to list of categorical exclusions.	Responsible FAA official reviews proposed action for extraordinary circumstances.	Responsible FAA official has an option to issue and file a categorical exclusion determination if extraordinary circumstances are not involved.	Approving FAA official proceeds with action.

304. EXTRAORDINARY CIRCUMSTANCES. Some actions that would normally be categorically excluded could require additional environmental analysis to determine the appropriate NEPA documentation. A determination of whether a proposed action that is normally categorically excluded requires an EA or EIS depends on whether the proposed action involves extraordinary circumstances. Extraordinary circumstances exist when the proposed action (1) involves any of the following circumstances, and (2) may have a significant effect (40 CFR 1508.4). The presence of one or more of the following circumstance(s) in connection with a proposed action is not necessarily a reason to prepare an EA or EIS. The determination of whether a proposed action may have a significant environmental effect is made by considering any requirements applicable to the specific resource (see Appendix A). The circumstances are as follows:

304a. An adverse effect on cultural resources protected under the National Historic Preservation Act of 1966, as amended.

304b. An impact on properties protected under section 4(f) of the Department of Transportation Act.

304c. An impact on natural, ecological (e.g., invasive species), or scenic resources of Federal, Tribal, State, or local significance (for example: Federally listed or proposed endangered, threatened, or candidate species or designated or proposed critical habitat under the Endangered Species Act), resources protected by the Fish and Wildlife Coordination Act; wetlands; floodplains; prime, unique, State or locally important farmlands; energy supply and natural resources; and wild and scenic rivers, including study or eligible river segments and solid waste management.

304d. Cause a division or disruption of an established community, or a disruption of orderly, planned development, or an inconsistency with plans or goals that have been adopted by the community in which the project is located.

304e. Cause an increase in congestion from surface transportation (by causing decrease in Level of Service below acceptable level determined by appropriate transportation agency, such as a highway agency).

304f. An impact on noise levels of noise-sensitive areas.

304g. An impact on air quality or violate local, State, Tribal, or Federal air quality standards under the Clean Air Act Amendments of 1990.

304h. An impact on water quality, sole source aquifers, a public water supply system, or State or Tribal water quality standards established under the Clean Water Act and the Safe Drinking Water Act.

304i. Effects on the quality of the human environment that are likely to be highly controversial on environmental grounds. The term "controversial" means a substantial dispute exists as to the size, nature, or effect of a proposed Federal action. The effects of an action are considered highly controversial when reasonable disagreement exists over the project's risks of causing environmental harm. Opposition on environmental grounds by a Federal, State, or local government agency or by a Tribe or by a substantial number of the persons affected by the action should be considered in determining whether or not reasonable disagreement regarding the effects of a proposed action exists. If in doubt about whether a proposed action is highly controversial, consult the program office's headquarters environmental division, AEE (Environment and Energy Team, AEE-200), regional counsel, or AGC (AGC-600) for assistance.

304j. Likelihood to be inconsistent with any Federal, State, Tribal, or local law relating to the environmental aspects of the proposed action.

304k. Likely to directly, indirectly, or cumulatively create a significant impact on the human environment, including, but not limited to, actions likely to cause a significant lighting impact on residential areas or commercial use of business properties, likely to cause a significant impact on the visual nature of surrounding land uses (see sections 11 and 12, Appendix A for additional information), likely to be contaminated with hazardous materials based on Phase I or Phase II Environmental Due Diligence Audit (EDDA's) , or likely to cause such contamination (see section 10, Appendix A for additional references and discussion).

305. OPTIONAL CATEGORICAL EXCLUSION DOCUMENTATION. Categorical exclusions are allowed under CEQ regulations to reduce delay and paperwork. Once categorical exclusions are promulgated, with notice and public procedure, by the FAA, CEQ guidance allows FAA not to repeatedly document that an activity is within a listed categorical exclusion and no extraordinary circumstances exist. The decision that a proposed action is within a categorical exclusion and that no extraordinary circumstances exist shall not be considered deficient if it is not supported by documentation verifying that the proposed action is categorically excluded (see, however, paragraph 306 and Appendix A for information about specific findings or determinations and associated public notice and comment requirements under other applicable environmental laws, regulations, and executive orders.). Unique situations may occur where the responsible FAA official may decide, for record-keeping purposes or in anticipation of litigation, to informally document the agency's categorical exclusion determination. Examples of such unique situations may include: (1) when there is controversy or public opposition (but not "effects on the quality of the human environment likely to be highly controversial on

environmental grounds" as defined in paragraph 304i); (2) when the applicability of a categorical exclusion is not intuitively clear; (3) when litigation is anticipated; or (4) when the project is perceived by the public as having the potential for adverse environmental effects. There is no prescribed format for any documentation that the responsible FAA official decides to include in the record to support a categorical exclusion. The responsible FAA official should use reasonable judgment on the appropriate type and amount of information.

306. OTHER ENVIRONMENTAL LAWS AND REQUIREMENTS. Paragraph 304 identifies categories of environmental impacts that are subject to laws, regulations, or executive orders in addition to NEPA and which must be complied with before a Federal action is approved. The responsible FAA official must assure, to the fullest extent possible, that compliance with all applicable environmental requirements is done in addition to making the appropriate determination to apply a categorical exclusion. Compliance with these laws, regulations or executive orders, including any required consultations, findings or determinations, should be documented. Additional information on other environmental laws, regulations, and executive orders is provided in Appendixes A and C.

307. CATEGORICAL EXCLUSIONS FOR ADMINISTRATIVE/GENERAL ACTIONS. This paragraph provides the list of categorical exclusions for FAA actions that are administrative or general in nature. *An action on the categorically excluded list is not automatically exempted from environmental review under NEPA. The responsible FAA official must also review paragraph 304, Extraordinary Circumstances, before deciding to categorically exclude a proposed action.* Those categorical exclusions that refer to those actions for which there is no reasonable expectation of a change in use and thus should not cause environmental impacts are identified by reference to paragraph 303d. The categorical exclusions for administrative and general actions are:

307a. Implementation of measures to respond to emergency air or ground safety needs, accidents, or natural events with no reasonably foreseeable significant long-term adverse effects (All)

307b. Release of an airport sponsor from Federal obligations incurred when the sponsor accepted: (1) an Airport Improvement Grant; or (2) Federal surplus property for airport purposes. FAA consent to long term leases (i.e., those exceeding 20 years) converting airport-dedicated property to non-aeronautical, revenue-producing purposes (e.g., convenience concessions such as food or personal services) has the same effect as a release and is part of this categorical exclusion provided that the proposed any reasonably foreseeable uses of the property do not trigger extraordinary circumstances as described in paragraph 304. (APP)

307c. A FAA action responding to a request for conveying Federally-owned land, including surplus Federal property and/or joint-use facilities, provided the proposed use of the conveyed land is either unchanged or for a use that is categorically excluded. (APP, ATO)

307d. Federal funding and approval of amendments to airport layout plans (ALP) to depict projects to carry out FAA-approved noise compatibility programs (NCP) pursuant to 14 CFR part 150. (APP)

307e. Issuance of Notices to Airmen (NOTAMS), which notify pilots and other interested parties of interim or temporary conditions. (AFS, AVN, ATO)

307f. Mandatory actions required under implementing regulation for any treaty or international agreement to which the United States is a party, or required by the decisions of international organizations or authorities in which the United States is a member or participant except when the United States has discretion over implementation of such requirements. (AGC, AIA, API, APP, AEE, ATO, AST, AFS)

307g. Issuance of airport policy and planning documents including the National Plan of Integrated Airport Systems (NPIAS), Airport Improvement Program (AIP) priority system, and advisory circulars on planning, design, and development which are issued as administrative and technical guidance. (APP) (see paragraph 303d)

307h. Approval of an airport sponsor's request solely to impose Passenger Facility Charges (PFC) or approval to impose and use Passenger Facility Charges for planning studies. (ARP) (see paragraph 303d)

307i. Actions that are tentative, conditional, and clearly taken as a preliminary action to establish eligibility under an FAA program, including, for example, Airport Improvement Program (AIP) actions that are tentative and conditional and clearly taken as a preliminary action to establish an airport sponsor's eligibility under the AIP. (All) (see paragraph 303d)

307j. Administrative and agency operating actions, such as procurement documentation, organizational changes, personnel actions, and legislative proposals not originating in the FAA. (All) (see paragraph 303d)

307k. Agreements with foreign governments, foreign civil aviation authorities, international organizations, or U.S. Government departments calling for cooperative activities or the provision of technical assistance, advice, equipment, or services to those parties, and the implementation of such agreements; negotiations and agreements to establish and define bilateral aviation safety relationships with foreign governments, and the implementation of such agreements; attendance at international conferences and the meetings of international organizations, including participation in votes and other similar actions. (All) (see paragraph 303d)

307l. All delegations of authority to designated examiners, designated engineering representatives (DER), or airmen under section 314 of the FAA Act (49 U.S.C. 44702(d) and 45303). (AFS, AIR) (see paragraph 303d)

307m. FAA administrative actions associated with transfer of ownership or operation of an existing airport, by acquisition or long-term lease, as long as the transfer is limited to ownership, right of possession, and/or operating responsibility. (APP) (see paragraph 303d)

307n. Issuance of grants to prepare noise exposure maps and noise compatibility programs (NCP) under 49 U.S.C. 47503(2) and 47504 and, under 14 CFR part 150, FAA determinations to accept noise exposure maps and approve noise compatibility programs. (APP) (see paragraph 303d)

307o. Issuance of planning grants which do not imply a project commitment, such as airport planning grants and grants to states participating in the state block grant program. (APP) (see paragraph 303d)

307p. Conditional approval of an Airport Layout Plan (ALP). (APP) (see paragraph 303d)

307q. Planning and development of training, personnel efficiency, and performance projects and programs. (All) (see paragraph 303d)

307r. Issuance of policy and planning documents and legislative proposals not intended for, or which do not cause direct implementation of, project or system actions. (All) (see paragraph 303d)

307s. Project amendments (for example, increases in costs) that do not alter the environmental impact of the action. (All) (see paragraph 303d)

307t. Actions related to the retirement of the principal of bond or other indebtedness for terminal development. (APP) (see paragraph 303d)

307u. Approval under 14 CFR part 161 of a restriction on the operations of Stage 3 aircraft that does not have the potential to significantly increase noise at the airport submitting the restriction proposal or at other airports to which restricted aircraft may divert. (APP)

308. CATEGORICAL EXCLUSIONS FOR CERTIFICATION ACTIONS. This paragraph provides the list of categorical exclusions for FAA actions concerning issuance of certificates or compliance with certification programs. *An action on the categorically excluded list is not automatically exempted from environmental review under NEPA. The responsible FAA official must also review paragraph 304, Extraordinary Circumstances, before deciding to categorically exclude a proposed action.* Those categorical exclusions that refer to those actions for which there is no reasonable expectation of a change in use and thus should not cause environmental impacts are identified by reference to paragraph 303d. The categorical exclusions for certification actions are:

308a. Approvals and findings pursuant to 14 CFR part 36, Noise Certification: Aircraft and Airworthiness Certification and acoustical change provisions under 14 CFR 21.93. (AFS, AIR)

308b. Approvals of aircraft, launch vehicles, and engine repairs, parts, and alterations not affecting noise, emissions, or wastes. (All)

308c. Issuance of certificates such as: (1) new, amended, or supplemental aircraft types that meet environmental regulations; (2) new, amended, or supplemental engine types that meet emission regulations; (3) new, amended, or supplemental engine types that have been excluded by the EPA (14 CFR 34.7); (4) medical, airmen, export, manned free balloon type, glider type, propeller type, supplemental type certificates not affecting noise, emission, or waste; and (5) mechanic schools, agricultural aircraft operations, repair stations, and other air agency ratings. (AFS, AIR)

308d. Operating specifications and amendments that do not significantly change the operating environment of the airport. "That do not significantly change the operating environment of the airport" refers to minor operational changes at an airport that do not significantly increase noise, air quality, or other environmental impacts. These would include, but are not limited to, authorizing use of an alternate airport, administrative revisions to operations specifications, or use of an airport on a one-time basis. The use of an airport on a one-time basis means the operator will not have scheduled operations at the airport, or will not use the aircraft for which the operator requests an amended operations specification, on a scheduled basis. (AFS)

308e. Issuance of certificates and related actions under the Airport Certification Program (14 CFR part 139). (APP) (see paragraph 303d)

308f. Issuance of Airworthiness Directives (AD's) to ensure aircraft safety. (AFS, AIR) (see paragraph 303d)

309. CATEGORICAL EXCLUSIONS FOR EQUIPMENT AND INSTRUMENTATION.

This paragraph provides the list of categorical exclusions for FAA actions involving installation, repair, or upgrade of equipment or instruments necessary for operations and safety. *An action on the categorically excluded list is not automatically exempted from environmental review under NEPA. The responsible FAA official must also review paragraph 304, Extraordinary Circumstances, before deciding to categorically exclude a proposed action.* The categorical exclusions for equipment and instrumentation actions are:

309a. Construction of Remote Communications Outlet (RCO), Remote Transmitter/Receiver (RTR), or Remote Center-Air Ground Communication Facility (RCAG), or essentially similar facilities or equipment identified in, and designed and constructed in accordance with, FAA Order 6580.3, "Remote Communications Facilities Installation Standards Handbook" on designated airport property or launch facility, or co-located with other FAA facilities, or co-located at a location currently used for similar facilities or equipment, or replacement with essentially similar facilities or equipment. These facilities are typically located within a 150 ft X 150 ft parcel, with antenna towers reaching approximately 40 ft in height. (ATO)

309b. Establishment, installation, upgrade, or relocation on designated airport or FAA property: airfield or approach lighting systems, visual approach aids, beacons, and electrical distribution systems as described in FAA Order 6850.2, “Visual Guidance Lighting Systems” and other related facilities. (ATO, APP,)

309c. Federal financial assistance for, or ALP approval of, or FAA installation or upgrade of facilities and equipment, other than radars, on designated airport or FAA property or launch facility. Facilities and equipment means FAA communications, navigation, surveillance and weather systems. Weather systems include hygrometers, Automated Weather Observing System (AWOS), Automatic Surface Observation System (ASOS), Stand Alone Weather Sensors (SAWS), Runway Visual Range (RVR), other essentially similar facilities and equipment that provides for modernization or enhancement of the service provided by these facilities. Navigational aids include Very High Frequency Omnidirectional Range (VOR), VOR Test facility (VOT), co-located VOR's and Tactical Aircraft Control and Navigation (TACAN) (VORTAC), Low Power TACAN, Instrument Landing System (ILS) equipment or components of ILS equipment (establishment or relocation of an ILS system is not included; an EA is normally required; see paragraph 401i), Wide Area Augmentation System (WAAS), Local Area Augmentation System (LAAS), other essentially similar facilities and equipment, and equipment that provides for modernization or enhancement of the service provided by that facility, such as conversion of VOR to VORTAC or conversion to Doppler VOR (DVOR), or conversion of ILS to category II or III standards. FAA Order 6820.10 "VOR, VOR/DME, and TACAN Siting Criteria" governs the installation of VOR/VOT/VORTAC-type equipment. These facilities are typically located within a 150 ft X 150 ft parcel, with a total structure height reaching approximately 50-ft in height. (ATO, APP, AST)

309d. Federal financial assistance for, or ALP approval of, or FAA installation, repair, replacement, relocation, or upgrade of radar facilities and equipment, on designated airport or FAA property or launch facility, that conform to the current American National Standards Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) guidelines for maximum permissible exposure to electromagnetic fields. Radar facilities and equipment include Terminal Doppler Weather Radar (TDWR), Next Generation Weather Radar (NEXRAD), Precision Runway Monitor (PRM), Airport Surface Detection Equipment (ASDE), Air Route Surveillance Radar (ARSR), Airport Surveillance Radar (ASR), Air Traffic Control Beacon Interrogator (ATCBI), and other essentially similar facilities and equipment. In addition, this includes equipment that provides for modernization or enhancement of the service provided by these facilities, such as Radar Bright Display Equipment (RBDE) with Plan View Displays (PVD), Direct Access Radar Channel (DARC), adding a beacon system onto an existing radar, and calibration equipment. (ATO, APP,)

309e. Federal financial assistance for, Airport Layout Plan (ALP) approval of, or FAA installation, repair, relocation, replacement, removal, or upgrade of minor miscellaneous items such as Low Level Wind Shear Alert System (LLWAS), wind indicators, wind measuring devices, landing directional equipment, segmented circles (visual indicators providing traffic pattern information at airports without airport traffic control towers), mobile Airport Traffic

Control Towers (ATCT), Mobile Emergency Radar Facilities (MERF), and associated fencing and calibration equipment. (APP, ATO)

309f. Installation or replacement of engine generators used in emergencies. (ATO, AST,)

309g. Replacement or upgrade of power and control cables for existing facilities and equipment, such as airfield or approach lighting systems (ALS), launch facility lighting systems, visual approach aids, beacons, and electrical distribution systems as described in FAA Order 6850.2, "Visual Guidance Lighting Systems," airport surveillance radar (ASR), launch facility surveillance radar, Instrument Landing System (ILS), and Runway Visual Range (RVR). (ATO)

309h. Acquisition of security equipment required by rule or regulation for the safety or security of personnel and property on the airport or launch facility (14 CFR part 107, Airport Security), safety equipment required by rule or regulation for certification of an airport (14 CFR part 139, Certification and Operation: Land Airports Serving Certain Air Carriers) or licensing of a launch facility, or snow removal equipment. (APP, AST)

310. CATEGORICAL EXCLUSIONS FOR FACILITY SITING, CONSTRUCTION AND MAINTENANCE. This paragraph provides the list of categorical exclusions for FAA actions involving acquisition, repair, replacement, maintenance, or upgrading of grounds, infrastructure, buildings, structures, or facilities that generally are minor in nature. *An action on the categorically excluded list is not automatically exempted from environmental review under NEPA. The responsible FAA official must also review paragraph 304, Extraordinary Circumstances, before finalizing a decision to categorically exclude a proposed action.* The categorical exclusions for facility siting and maintenance actions are:

310a. Access road construction and construction, relocation or repair of entrance and service roadways that do not reduce the Level of Service on local traffic systems below acceptable levels. (ATO, APP, AST)

310b. Acquisition of land and relocation associated with a categorically excluded action. (ATO, APP)

310c. Installation, modification or repair of radars at existing facilities that conform to the current American National Standards Institute/Institute of Electrical and Electronics Engineers (ANSI/IEEE) guidelines for maximum permissible exposures to electromagnetic fields and do not significantly change the impact on the environment of the facility. (All)

310d. Federal financial assistance, Airport Layout Plan (ALP) approval, or FAA installation of de-icing/anti-icing facilities that comply with National Pollutant Discharge Elimination System (NPDES) permits or other permits protecting the quality of receiving waters, and for which related water detention or retention facilities are designed not to attract wildlife hazardous to aviation, as defined in FAA Advisory Circular 150-5200-33. (ATO, APP)

310e. Federal financial assistance, licensing, or Airport Layout Plan (ALP) approval for construction or repair of a runway that is existing or taxiway, apron, or loading ramp, including extension, strengthening, reconstruction, resurfacing, marking, grooving, fillets and jet blast facilities, provided the action will not create environmental impacts outside of an airport or launch facility property. (APP, AST)

310f. Federal financial assistance, licensing, Airport Layout Plan (ALP) approval, or FAA construction or limited expansion of accessory on-site structures, including storage buildings, garages, small parking areas, signs, fences, and other essentially similar minor development items. (ATO, APP, AST)

310g. Construction of Remote Transmitter/Receiver (RT/R), or other essentially similar facilities and equipment, to supplement existing communications channels installed in the Airport Traffic Control Tower (ATCT) or Flight Service Station (FSS). (ATO)

310h. Federal financial assistance, licensing, or ALP approval for construction or expansion of facilities, such as terminal passenger handling and parking facilities or cargo buildings, at existing airports and launch facilities that do not substantially expand those facilities. (All)

310i. Demolition and removal of FAA buildings and structures, except those of historic, archaeological, or architectural significance as officially designated by Federal, State, or local government; and alteration of an existing FAA facility that does not alter or change environmental impacts of the existing facility or structure, provided no hazardous substances contamination is present on the site or contaminated equipment is present on the site. (ATO, AST)

310j. Removal or extension of water, sewage, electrical, gas, or other utilities of temporary duration to serve construction. (ATO, AST)

310k. Filling of earth into previously excavated land with material compatible with the natural features of the site, provided the land is not delineated as a wetland; or minor dredging or filling of wetlands or navigable waters for any categorically excluded action, provided the fill is of material compatible with the natural features of the site, and the dredging and filling qualifies for an U.S. Army Corps of Engineers nationwide or a regional general permit. (ATO, AST, APP)

310l. Federal financial assistance for, licensing of, or approval of the grading of land, the removal of obstructions to air navigation, or erosion control measures, provided those activities occur on and only affect airport property, a launch facility, or FAA-owned or leased property (ATO, APP, AST,)

310m. Lease of space in buildings or towers. (ATO)

310n. Minor expansion of facilities, including the addition of equipment, such as telecommunications equipment, on an existing facility where no additional land is required, or

when expansion is due to remodeling of space in current quarters or existing buildings. Additions may include antennas, concrete pad and minor trenching for cable. (ATO, AST)

310o. Minor trenching and backfilling where the surface is restored and the excavated material is protected against erosion and runoffs during the construction period. (ATO, APP, AST,)

310p. New gardening or landscaping, and maintenance of existing landscaping that do not cause or promote the introduction or spread of invasive species that would harm the native ecosystem; use landscape practices that reflect the recommendations in the Guidance for Presidential Memorandum on Environmentally and Economically Beneficial Landscape Practices on Federal Landscaped Grounds (60 FR 40837); and do not attract wildlife that is hazardous to aviation. (ATO, APP, AST)

310q. Construction and installation, on airports or launch facilities, of noise abatement measures, such as noise barriers to diminish aircraft and launch vehicle engine exhaust blast or noise, and installation of noise control materials. (All)

310r. Purchase, lease, or acquisition of three acres or less of land with associated easements and rights-of-way for new facilities. (ATO)

310s. Repairs and resurfacing of existing access to remote facilities and equipment, such as Air Route Surveillance Radar (ARSR), Remote Center Air/Ground Communications Facility (RCAG), Remote Communications Outlet (RCO), and VHF Omnidirectional Range (VOR) with Ultra-High Frequency Tactical Air Navigation Aid (VORTAC). (ATO)

310t. Federal financial assistance for, or Airport Layout Plan (ALP) approval of, a new heliport on an existing airport or launch facility that would not significantly increase noise over noise sensitive areas. (APP, AST)

310u. Repair or replacement of underground storage tanks (UST's) and aboveground storage tanks (AST's), or replacement of UST's with AST's at the same location. Closure, removal, or remediation of a fuel storage tank at a FAA facility in accordance with FAA Order 1050.15A, Fuel Storage Tanks at FAA Facilities and EPA regulations 40 CFR parts 280, 281, and 112. (ATO)

310v. Replacement or reconstruction of a terminal, structure, or facility with a new one of similar size and purpose, where location will be on the same site as the existing building or facility. (ATO, APP, AST)

310w. Repair and maintenance of existing roads, rights-of-way, trails, grounds, parking areas, and utilities, including, for example, snow removal, vegetation control, and erosion control work. (All)

310x. Routine facility decommissioning, exclusive of disposal. (ATO, AST)

310y. Take over of non-Federal facilities by the FAA. (ATO)

310z. Federal financial assistance, licensing, Airport Layout Plan (ALP) approval, or FAA action related to topping or trimming trees to meet 14 CFR part 77 (Objects Affecting Navigable Airspace) standards for removing obstructions which can adversely affect navigable airspace. (All)

310aa. Upgrading of building electrical systems or maintenance of existing facilities, such as painting, replacement of siding, roof rehabilitation, resurfacing, or reconstruction of paved areas, and replacement of underground facilities. (ATO, AST)

311. CATEGORICAL EXCLUSIONS FOR PROCEDURAL ACTIONS. This paragraph provides the list of categorical exclusions for FAA actions involving establishment, modification, or application of airspace and air traffic procedures. *An action on the categorically excluded list is not automatically exempted from environmental review under NEPA. The responsible FAA official must also review paragraph 304, Extraordinary Circumstances, before finalizing a decision to categorically exclude a proposed action.* The categorical exclusions for procedural actions are:

311a. Rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (14 CFR part 71, "Designation of Class A, Class B, Class C, Class D, and Class E Airspace Areas; Airways; Routes; and Reporting Points"). (ATO)

311b. Actions regarding: establishment of Federal airways (14 CFR 71.75); operation of civil aircraft in a defense area, or to, within, or out of the United States through a designated Air Defense Identification Zone (ADIZ), (14 CFR part 99, "Security Control of Air Traffic"); authorizations for operation of moored balloons, moored kites, unmanned rockets, and unmanned free balloons (14 CFR part 101, "Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons"); and, authorizations of parachute jumping and inspection of parachute equipment, (14 CFR part 105, "Parachute Operations"). (ATO)

311c. Actions to return all or part of special use airspace (SUA) to the National Airspace System (NAS) (such as revocation of airspace or a decrease in dimensions or times of use). (ATO)

311d. Modification of the technical description of SUA that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors). (ATO)

311e. Designation of controlled firing areas. (ATO)

311f. (reserved)

311g. Establishment of Global Positioning System (GPS), Flight Management System (FMS), Radio Navigation System (RNAV), or essentially similar systems, that use overlay of existing procedures. (ATO, AFS, AVN, AST)

311h. Establishment of helicopter routes that channel helicopter activity over major thoroughfares. (ATO, AFS, AVN)

311i. Establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); instrument procedures conducted below 3,000 feet (AGL) that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved instrument procedures conducted below 3,000 feet (AGL) that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. For Air Traffic modifications to procedures at or above 3,000 feet (AGL), the Air Traffic Noise Screening Procedure (ATNS) should be applied. (ATO, AFS, AVN)

311j. Implementation of procedures to respond to emergency air or ground safety needs, accidents, or natural events with no reasonably foreseeable long-term adverse effects. (ATO, AST)

311k. Publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. (ATO, AFS, AVN)

311l. Removal of a displaced runway threshold on an existing runway. (APP, AST)

311m. A short-term change in air traffic control procedures, not to exceed six months, conducted under 3,000 feet above ground level (AGL) to accommodate airport construction. (ATO)

311n. Tests of air traffic departure or arrival procedures conducted under 3,000 feet above ground level (AGL), provided that: (1) the duration of the test does not exceed six months; (2) the test is requested by an airport or launch operator in response to mitigating noise concerns, or initiated by the FAA for safety or efficiency of proposed procedures; and (3) test data collected will be used to assess operational and noise impacts of the test. (ATO)

311o. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and measurement of possible impacts on the environment. (ATO)

311p. Establishment of new procedures that routinely route aircraft over non-noise sensitive areas. (ATO, AVN)

312. CATEGORICAL EXCLUSIONS FOR REGULATORY ACTIONS. This paragraph provides the list of categorical exclusions for FAA actions involving compliance with, or exemptions to, regulatory programs or requirements. *An action on the categorically excluded list is not automatically exempted from environmental review under NEPA. The responsible FAA*

official must also review paragraph 304, Extraordinary Circumstances, before finalizing a decision to categorically exclude a proposed action. The categorical exclusions for regulatory actions are:

312a. All FAA actions to ensure compliance with EPA aircraft emissions standards. (AEE)

312b. Authorizations and waivers for infrequent or one-time actions, such as an airshow or aviation-related exposition, to include an aerobatic practice box or aerobatic contest box per FAA Order 8700.1, Chapter 48, and parachuting or skydiving events, that may result in some temporary impacts that revert back to original conditions upon action completion. (ATO, AFS)

312c. Denials of routine petitions for: (1) exemption; (2) reconsideration of a denial of exemption; (3) rulemaking; (4) reconsideration of a denial of a petition for rulemaking; and (5) exemptions to technical standard orders (TSO's) . (AEE, AFS, AIR, AST, ATO)

312d. Issuance of regulatory documents (e.g., Notices of Proposed Rulemaking, and issuance of Final Rules) covering administrative or procedural requirements (Does not include Air Traffic procedures; specific Air Traffic procedures that are categorically excluded are identified under paragraph 311 of this order.). (AFS, AGC)

312e. Issuance of special flight authorizations controlled by operating limitations, specified in 14 CFR 21.199, 14 CFR 91.319, 14 CFR 91.611, and 14 CFR 91.859. (AFS, AIR, AEE)

312f. Regulations, standards, and exemptions (excluding those which if implemented may cause a significant impact on the human environment).

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