

CHAPTER 3. ENVIRONMENTAL ACTIONS

31. CATEGORICAL EXCLUSIONS.a. Categorical Exclusions from the Requirement for an EIS or FONSI.

- (1) Administrative and operating actions, such as procurements, organizational changes, personnel actions, and legislative proposals not originating in FAA.
- (2) Emergency measures regarding air or ground safety.
- (3) Planning grants which do not imply a project commitment.
- (4) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action.
- (5) Policy and planning documents not intended for or which do not cause direct implementation of project or system actions.
- (6) Agreements with foreign governments, international organizations, or U.S. Government departments calling for the provision of technical assistance, advice or services in foreign countries, such as votes or other similar actions in international conferences and organizations.
- (7) The planning and development of projects and programs leading to Aeromedical Applications and Standards; personnel efficiency and performance.
- (8) The approval or issuance of certificates covering medicals for airmen, delegated authority, ground schools, out-of-agency training, and aircraft repair or maintenance not affecting noise, emissions, or wastes.
- (9) All facility decommissionings unless an extraordinary environmental circumstance exists.
- (10) Take over of non-Federal facilities by the FAA.
- (11) In addition to the exceptions noted above, each of the Service Appendices may provide for categorical exclusions of specific types of projects or categories of actions carried out by that service (see CEQ sec. 1508.4 for requirements).

12/21/83

b. Documentation. Categorical exclusions from this order and actions for which final EISs including any Record of Decision have been filed do not require further documentation. Program FONSI's also do not require further documentation.

c. An action which has been categorically excluded in this order but which in a particular case significantly affects the quality of the human environment, requires the preparation of an EIS.

32. EXTRAORDINARY CIRCUMSTANCES. Proposed Federal actions, normally categorically excluded, which have any of the following characteristics shall be the subject of an environmental assessment.

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.

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, unique or state or local important farmlands, 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.

(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.

33. ADVISORY ACTIONS. Some Federal actions, such as airspace determinations are of an advisory nature and are neither permissive nor enabling. Actions of this type are not 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.

34. CUMULATIVE IMPACT. 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 sec. 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." (See paragraph 37(b))

35. ENVIRONMENTAL ASSESSMENT. An environmental assessment (EA) is a concise document describing the environmental impacts of a proposed action and its alternatives. If a decision has not been made to prepare an EIS and a proposed action has not been classified as a categorical exclusion, an EA shall be prepared. If it is concluded from the EA that the proposed action is a major impact significantly affecting the quality of the human environment, the responsible official shall prepare and process a draft EIS. If it is concluded that the action is not a major impact significantly affecting the quality of the human environment, the responsible official shall prepare and file a FONSI. It is 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. The CEQ Regulations include specific directions on the consideration of alternatives. While these directions are concerned with the EIS, they are also applicable to an EA, although less detail than in an EIS. See paragraph 64 on Alternatives for the applicable CEQ sections.

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 findings 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 purpose).

36. CONTENT OF ENVIRONMENTAL ASSESSMENT. The environmental assessment shall incorporate some selected items of information required for an environmental impact statement in CEQ sec. 1502.10. The information in the environmental assessment will, however, be in more abbreviated form than in an environmental impact statement. The information required includes the purpose and need for the proposal, alternatives including proposed action (see paragraph 64), Affected Environment (see para. 65), Environmental Consequences (see paragraph 66 and Attachment 2 for applicable potential impact areas), listing of agencies and persons consulted and appendices (if any).

37. ACTIONS REQUIRING ENVIRONMENTAL IMPACT STATEMENTS.

a. After an EA has been prepared, an EIS shall be prepared if an FAA action:

- (1) Has an effect that is not minimal on properties protected under Section 4(f) of the DOT Act, or Section 106 of the Historic Preservation Act.
- (2) Has a significant impact on natural, ecological, cultural, or scenic resources of National, State, or local significance, including endangered species or wetlands, floodplains, and coastal zones.
- (3) Is highly controversial with respect to the availability of adequate relocation housing. (A controversy over the amount of acquisition or relocation payments is not a controversy with respect to the availability of relocation housing).
- (4) Causes substantial division or disruption of an established community, or disrupts orderly, planned development, or is determined not to be reasonably consistent with plans or goals that have been adopted by the community in which the project is located.
- (5) Causes a significant increase in surface traffic congestion.
- (6) Has a significant impact on noise levels of noise sensitive areas.

(7) Has a significant impact on air quality or violates the standards for air quality of the Environmental Protection Agency or an affected locality or State.

(8) Has a significant impact on water quality or may contaminate a public water supply system.

(9) Is inconsistent with an Federal, State, or local law or determination relating to the environment.

(10) Directly or indirectly affects human beings by creating a significant impact on the environment.

(11) Has a significant impact on prime or unique farmlands or farmlands of state or local importance.

b. An EIS is required not only when the impact of the proposed project itself is significant, but also when the cumulative impact of the proposed project and other past, present and reasonably foreseeable future actions is significant. A series of actions considered on an individual bases may have a limited environmental impact, yet, when considered together, may have a significant, cumulative impact.

(1) If approval of the proposed action would permit further contemplated actions, the impacts of those contemplated actions and the proposed action must both be considered in determining whether to prepare an EIS.

(2) The actions which are related to the proposed action may be undertaken by any Federal or non-Federal agency or person.

(3) If an EIS is required because of the cumulative impact of the proposed action and future, related actions, no commitment may be made with respect to the future actions prior to the processing of the EIS if such commitment would foreclose or limit the choice of alternatives or mitigating measures which may be taken. (See CEQ sec. 1506.1).

c. In case of doubt as to whether an EIS is necessary for a particular action, the responsible official or program officer should consult with AEE-1 and AGC-1. Regional Airport Divisions consultation under Order 5050.4 should be with APP-600.

38. OVERVIEW OF ENVIRONMENTAL ACTIONS.

a. The process for consideration of the environmental effects of a proposed action involves a number of steps, beginning with assessment by the FAA or applicant of actions not categorically excluded. The relative responsibilities of the FAA are summarized in the following paragraphs.

b. For a better understanding of the process, a flow chart (Attachment 1) is presented at the end of this order. Attachment 1 is broken down into four sheets:

(1) Sheet 1 depicts the initial FAA review of actions not categorically excluded. The FAA must determine, based on the environmental assessment review, whether the action requires preparation of a FONSI or an EIS.

(2) Sheet 2 describes the process if it is determined that an EIS is not necessary. It shows the procedure for the processing and approval of a FONSI.

(3) Sheet 3 describes the FAA procedure in processing a draft EIS in accordance with NEPA 102(2)(C). It outlines the process of scoping, preparing and circulating the draft, and receiving and reviewing comments.

(4) Sheet 4 explains FAA's approval process for a final EIS.

39. RESERVED.