

## CHAPTER 4. FINDINGS OF NO SIGNIFICANT IMPACT

40. GENERAL. CEQ sec. 1501.4(e) provides that the Federal agency shall "Prepare a findings of no significant impact (CEQ sec. 1508.13), if the agency determines on the basis of the environmental assessment not to prepare a statement." CEQ sec. 1508.13 defines a findings of no significant impact as "... a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (CEQ sec. 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 findings of no significant impact.

41. SCOPE OF DOCUMENTATION.

- a. The FONSI may be attached to an EA or the EA and FONSI may be combined into a single document.
- b. Depending on the complexity and degree of impact of a proposed action, a FONSI may range in content from a simple conclusion, supported with pertinent facts, that the action is not a major impact significantly affecting the quality of the human environment, to an analysis involving the format and content necessary for environmental statements.
- c. The FONSI shall include a brief description of the proposed action and its purpose.
- d. The FONSI shall assess and document all relevant matters necessary to support the conclusion that the action is not a major impact significantly affecting the quality of the human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of the proposed action. The FONSI shall include any measures to minimize adverse impacts on the environment.
- e. The FONSI shall identify and discuss the alternatives considered, particularly those which mitigate environmental impacts, including the alternative of no action.
- f. The FONSI shall determine the proposed action's consistency or inconsistency with community planning, and shall document the basis for the determination.

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g. If the FONSI includes a Section 4(f) determination, it shall also include the material called for in DOT Order 5610.1C. AGC, or a designee, shall review the Section 4(f) determination for legal sufficiency. The document must reflect consultation with the Department of the Interior and, where appropriate, the Department of Agriculture or the Department of Housing and Urban Development.

h. Where a Federal action affects wetlands, the FONSI shall document the opportunity for early public review, the agency's conclusion that there is no practicable alternative to the proposed action, and that the proposed action includes all practicable measures to minimize harm. The FONSI shall document the outcome of consultations with the U.S. Fish and Wildlife Service and the pertinent State resources agency.

i. Where affected properties are included in or eligible for inclusion in the National Register of Historic Places, the FONSI shall include documentation and outcome of consultations with the State Historic Preservation Office and evidence that the Advisory Council on Historic Preservation reviewed the determination of no adverse effect.

j. Where Federally assisted activities affect the coastal zone in a state with an approved coastal management program, the FONSI should reflect FAA's views on the relationship to the approved coastal zone management program and the state's determination of the proposal's consistency with the program.

k. Where an action affects prime or unique farmlands or farmlands of state or local importance, the FONSI shall document coordination with the U.S. Department of Agriculture.

#### 42. RESPONSIBLE OFFICIALS.

a. At the field level, FONSI's shall be reviewed by pertinent staff and program offices and may be approved by the Regional or Center Director or their designees.

b. Responsible officials shall send FONSI's originating in FAA headquarters to AEE-1 and to AGC-1 for review. After review for legal sufficiency by AGC, the Service or Office Director may sign the FONSI.

43. COORDINATION. Usually FONSI's are required to be coordinated outside of the FAA only where coordination is required by law or administrative directive (e.g., actions involving a section 404 permit, (with Corps of Engineers, EPA and FWS), Section 4(f) of the DOT Act, Section 106 of the Historic Preservation Act, Section 7 of the Endangered Species Act, or wetlands impact).

44. DISTRIBUTION. A copy of the FONSI is filed in the office of the responsible official and a copy forwarded to the appropriate Service or Office Director for review for consistency with the policy and procedures of this order. Service Directors may waive this requirement, subject to AEE-1 concurrence. AEE maintains the FAA-wide files of FONSIs and EISs and should receive one copy of each.

45. AVAILABILITY FOR PUBLIC INFORMATION. FONSIs are public information, and shall be made available upon request pursuant to FAA procedures. State and local officials designated by the Intergovernmental Review Plan for the state should be notified of the availability of the FONSI. For actions with effects primarily of local concern, this complies with the public notice requirement of CEQ sec. 1506.6(b)(3)(1). For actions with effects of national concern, the notice shall include publication in the Federal Register and notice by mail to national organizations interested in the matter. In certain limited circumstances FONSIs will be made available, through such state and local officials, for public review for 30 days before the agency makes its final determination whether to prepare an EIS and before the action may begin. These circumstances include situations where the proposed action is similar to that requiring an EIS or where the proposed action is unprecedented. (See CEQ sec. 1501.4(c)(2)).

46. APPROVAL. 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: \_\_\_\_\_ "

47. RESERVED.

