



NEPA 101

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Presentation Topics

- Background on environmental regulations
- The National Environmental Policy Act (NEPA) and its application to airports
- Implementation of NEPA for airport actions
- The importance of planning to the NEPA process
- The NEPA process
- Planning considerations
- Summary



Environmental Regulations in the United States

- National Environmental Policy Act of 1969 (NEPA)
- Other regulations such as the Clean Air Act, the Clean Water Act, and the Historic Preservation Act
- State environmental laws



National Environmental Policy Act

- Enacted in 1969 to declare the national policy on the environment and protection of the environment
- Established President's Council on Environmental Quality (CEQ)
- CEQ developed implementing regulations for NEPA
- Any decision regarding a federal action that could significantly affect the quality of the human environment must consider potential impacts
- Each federal agency is required to develop and maintain guidelines and procedures for implementing the Act



NEPA – Its Application to Airports

- NEPA must be applied for any undertaking that involves a federal action
- FAA is responsible for implementing NEPA for aviation- and airport-related actions
- The level of analysis, documentation, and coordination varies depending on the project and the associated potential environmental impacts
- Some actions may require decisions by multiple federal agencies



NEPA and the Importance of Planning

- FAA Advisory Circular 150/5070-6B, *Airport Master Plans*

“The goal of a master plan is to provide the framework needed to guide future airport development that will cost-effectively satisfy aviation demand, while considering potential environmental and socioeconomic impacts.”
- Proposed development must be justified through technical, economic, and environmental investigation of concepts and alternatives
- Master plans or other planning documents need to provide sufficient project definition and detail for subsequent environmental approvals



FAA NEPA Orders and Guidance

- FAA Order 1050.1E

Environmental Impacts: Policies and Procedures, Change 1, March 2006

- FAA Order 5050.4B

National Environmental Policy Act Implementing Instructions for Airport Actions, April 2006

- *Environmental Desk Reference for Airport Actions* – provides guidance on individual environmental impact categories and special purpose laws

Available online at:

www.faa.gov/airports/environmental



Examples of FAA Federal Actions

- Actual undertaking by the FAA
 - Construction of air traffic control facilities
 - Construction of air navigation facilities
 - Implementation of or changes in airspace design or procedures
- Use of FAA funding or federal approval of use of funds for an undertaking
 - Issuance of grants-in-aid under the Airport Improvement Program
 - Approval of the use of passenger facility charge revenues
- Federal approval of an undertaking
 - Approval of a new public use airport
 - Approval of a new or updated airport layout plan
 - Release of land originally acquired for airport development
 - Approval of the use or transfer of federally owned land for airport purposes



Three Major Levels of NEPA Review

- Categorical Exclusion (CatEx)
- Environmental Assessment (EA)
- Environmental Impact Statement (EIS)



Categorical Exclusion

- Categorical exclusions are actions that have been demonstrated to not typically have a significant effect on the environment and therefore would not require an EA or EIS
- Categorical exclusions listed in FAA Order 1050.1E, paragraphs 307 through 312, and FAA Order 5050.4B, Tables 6-1 and 6-2
- Some categorical exclusions require documentation that no extraordinary circumstances exist
- If extraordinary circumstances exist, a higher level of environmental analysis/processing is required



Examples of Categorical Exclusions

- Airport planning grant issuance
- Conditional airport layout plan approval
- Part 139 Certificate issuance
- Noise exposure map acceptance and noise compatibility program approval
- Security equipment purchase
- On-airfield improvements to aircraft parking areas
- Airfield lighting
- Radar installation
- On-airport obstruction treatment
- Replacement structures



Extraordinary Circumstances

- Adverse effects on historic, archaeological, or cultural resources
- Impact on DOT Section 4(f) properties
- Adverse effects on natural, ecological, or scenic resources of significance (e.g., threatened and endangered species)
- Impacts on wetlands, floodplains, coastal zones, prime farmland, energy supply and natural resources, wild and scenic rivers, or solid waste management
- Adverse effects in terms of noise or to air or water quality
- Community disruption or increase in surface transportation congestion
- High degree of public controversy on environmental grounds
- Inconsistency with federal, state, tribal, or local laws
- Likelihood to cause a significant direct, indirect, or cumulative impact



Categorical Exclusion Documentation

- FAA Northwest Mountain Region Airports Division uses a Categorical Exclusion Form
- States that project meets categorical exclusion criteria and that no extraordinary circumstances exist and why
- Additional documentation may be required to demonstrate that no extraordinary circumstances or significant impacts exist

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
NORTHWEST MOUNTAIN REGION - AIRPORTS DIVISION
Categorical Exclusion Form
Version 03/03/07

CONTACT THE ADO ENVIRONMENTAL SPECIALIST BEFORE USING THIS FORM

Directions: The person (analyst) preparing this form should have knowledge of the environmental features of the airport and general impacts of the project. Although some responses may be obtained from the preparer's own observations, previous environmental documents or research should be cited. Some of the best sources for information are the jurisdictional federal, state and local resource agencies responsible for the impact categories. This form is to be used with the current versions of FAA guidance, specifically FAA Orders 1050.1E, and 5050.4B.

FAA urges the analyst to contact the ADO as quickly as possible for any extraordinary circumstance that requires FAA to complete the process any applicable special purpose laws require. For example, FAA is solely responsible for completing the Section 106 process. Other special purpose laws may require FAA to complete certain procedures. Early coordination with FAA will do much to reduce delays that would have occurred if it did not begin compliance procedures with the applicable special purpose law early in the project review cycle.

Some of the categories below require a reference or information to support a finding. Attach that information to the form or scan it as an attachment if you are filing this form on the web site noted below.

An electronic version of this form is available at:
http://www.faa.gov/airports/airportdevelopment/management/operations/technical/technical/categorical_exclusion_form.cfm

APPLICABILITY:
This Environmental Evaluation Form may be used only if the sponsor's proposed project meets the following two (2) criteria:

1. The proposed project is a federal action subject to NEPA. List applicable paragraph number from FAA Order 5050.4B, Chapter 1 para. 9g _____
2. The proposed project is identified as one that can be categorically excluded. List applicable category from FAA Order 1050.1E paragraphs 307 through 312 _____

Airport: _____ **Airport Identifier:** _____

Project Title: _____

Project Description: List and clearly describe ALL components of project proposal including all connected actions. (Attach site map identifying project area).

Proposed Start Date of Project: _____

Purpose & Need: _____

Per FAA Order 1050.1E, paragraph 304 and 5050.4B paragraph 506, before a categorical exclusion may be utilized, a review of extraordinary circumstances must be conducted to ensure the categorical exclusion is valid. Extraordinary circumstances exist when the proposed action (1) involves any of the following circumstances and (2) may have an adverse effect requiring further analysis to determine the intensity of that effect. Please complete this form so that the FAA can make a determination.

FOR EACH YES OR NO ANSWER: PROVIDE DOCUMENTATION USED AS THE BASIS FOR THE DETERMINATION



NEPA Processing Beyond a CatEx

- If the action is not a categorical exclusion:
 - No significant impacts anticipated → EA
 - Unsure as to potential for significant impacts → EA or EIS
 - Significant impacts expected/major project → EIS
- An EA documents whether or not the proposed action has potential to result in significant environmental impacts
- An EA may include mitigation measures that reduce potential impacts to less than significant levels
- If an EA is prepared and significant impacts are identified, an EIS is required



Actions Normally Requiring EA

- Categorical exclusions that involve extraordinary circumstances
- Actions that would increase noise in noise-sensitive areas
- Land acquisition for airport actions if acquisition is highly controversial
- New general aviation airport
- New commercial service airport location (outside SMSA)
- New runway (outside SMSA)
- Major runway strengthening or extension that would result in extraordinary circumstances
- Actions that would convert prime farmlands when the Farmland Conversion Impact Rating Form score exceeds 200
- Actions requiring individual wetlands permit



Actions Normally Requiring EIS

- New commercial service airport in SMSA
- New runway in SMSA
- Any action that would result in significant impacts as defined in Appendix A of FAA Order 1050.1E
 - Significant adverse effect on cultural resources
 - Significant use of Section 4(f) properties
 - Significant impact on threatened and endangered species, wetlands, floodplains, coastal zones, prime farmland
 - Substantial community disruption
 - Significant increase in surface transportation congestion
 - Significant increase in noise in noise-sensitive areas
 - Significant impact on air or water quality



Key Components of the NEPA Process

- Define purpose and need
- Identify reasonable alternatives
- Analyze reasonably foreseeable direct, indirect, and reasonably foreseeable cumulative impacts
- Identify and evaluate mitigation measures
- Provide for public disclosure and comment
- Use for informed decision-making
- Facilitate compliance with applicable environmental laws, regulations, and Executive Orders



Generalized EA/EIS Document Processing

- Initiate agency and tribal coordination and consultation
- Conduct scoping (optional for EA)
- Prepare Draft document
- Conduct public review/hearing
- Summarize and respond to comments
- Prepare Final document
- Prepare decision document



Roles in the Preparation of an EA

- Airport Sponsor
 - Prepares or hires consultant to prepare the Draft and Final EA
 - Conducts public involvement, including any scoping, public workshops, and public hearings
 - Seeks guidance and direction from FAA
- FAA
 - Provides guidance to the airport sponsor
 - Responsible for federal agency and tribal consultation (includes State Historic Preservation Office)
 - Reviews administrative draft of the Draft and Final EA (including responses to comments) and typically determines when documents can be released to the public
 - Accepts Final EA as a federal document and issues federal finding



Roles in the Preparation of an EIS

- Airport Sponsor
 - Identifies need for project and provides planning information to FAA
 - Administers consultant contract
 - Participates in public involvement, including any scoping, public workshops, and public hearings
 - Reviews and provides comments on draft documents, as drafts are provided by FAA
 - Provides input to FAA as needed
- FAA
 - Leads the EIS process – selects and directs the EIS consultant
 - Conducts all agency and tribal consultation
 - Leads development of Draft and Final EIS
 - Issues Record of Decision on the Final EIS



Agency Coordination

- Initiated early in the process
- Identifies potential issues and analysis and review requirements
- Establishes dialogue with jurisdictional agencies
- FAA is responsible for coordination/consultation with federal agencies and tribes for an EA and all agency coordination/consultation for an EIS



Scoping

- Always performed for an EIS – sometimes performed for an EA
- Formal process for soliciting information:
 - Identify interested parties
 - Identify cooperating agencies
 - Determine potential significant issues to help define scope
 - Identify other requirements
- Initiated by publication of a notice of intent (NOI)
- Meeting(s) typically held 30 days after publication of NOI
- Allows early input from public, agencies, tribal governments, elected officials, and other interested parties/special interest groups



Defining Purpose and Need

- Identify the problem (need for the action) and purpose of the action (proposed solution to the problem)
- Consider FAA's statutory mission and the sponsor's goals and objectives
- Use current technical planning and other data that apply to the purpose and need, such as:
 - Inventory of existing conditions and facilities
 - Aviation forecasts
 - Demand/capacity analysis
 - Facility requirements analysis
 - Regulatory requirements



Identifying and Evaluating Alternatives

- Identify alternatives during the planning process taking into consideration sensitive environmental resources
- Identify range of alternatives commensurate with the nature of the proposed action and the environmental issues involved
- Develop screening analysis to identify reasonable alternatives based on the extent to which they meet the purpose and need
- Apply environmental and economic considerations to further screen alternatives
- Ensure that alternatives analysis is adequate to support obtaining environmental permits and approvals



Environmental Impact Categories

- Air quality
- Coastal resources
- Compatible land use
- Construction impacts
- DOT Section 4(f) lands
- Farmlands
- Fish, wildlife, and plants
- Floodplains
- Hazardous materials, pollution prevention, and solids waste
- Historic, archaeological, architectural, and cultural resources
- Light emissions and visual impacts
- Natural resources and energy supply
- Noise
- Secondary (induced) impacts
- Socioeconomic impacts, environmental justice, and children's health and safety risks
- Water quality
- Wetlands
- Wild and scenic rivers
- Cumulative impacts



Cumulative Impacts

- Impacts on resources due to the proposed action and impacts on the same resources due to past, present, and reasonably foreseeable actions
- Determine whether the impacts are significant when the effects of the proposed action are added to those of other actions
- The “other” actions to be considered include both federal and non-federal actions
- “Reasonably foreseeable” defined as an action on- or off-airport that a proponent would likely complete and that has been developed with enough specificity to provide meaningful information to a decision maker and the interested public



Public Involvement Program

- Design public involvement program specific to each project and to address specific community concerns
- Extent of the program is dependent on the potential degree of public controversy and the significance and extent of anticipated impacts
- Program may include:
 - Newsletters and public service announcements
 - Public scoping, workshops, and hearing
 - Project website and e-mail address
 - Community meetings
 - Advisory group(s)



Public Hearing

- Required for EIS
- Optional for EA
 - Depends on scope and extent of potential impacts
 - Degree of controversy
 - Agency or public may request hearing
 - Stated interest in holding hearing
 - Fulfill public involvement requirements of special purpose laws, regulations or Executive Orders



Public Hearing Requirements

- Publish Notice of Opportunity (sometimes)
- Publish Notice of Public Hearing (always)
 - At least 30 days prior to hearing
 - Provide hearing(s) date, time, and location
 - Identify location(s) where Draft document is available for review
 - State end date for public comment (minimum 2 weeks after hearing)
- Provide hearing transcript
- Include summary of issues raised in Final document and provide responses



Key Elements of a NEPA Document

- Purpose and need
- Identification and evaluation of alternatives
 - Proposed action
 - Alternatives to the proposed action
 - No action
- Description of the affected environment and identification of other reasonably foreseeable actions that could result in cumulative impacts
- Documentation of environmental consequences
- Description of mitigation measures
- Documentation of public involvement and agency coordination and consultation
- Responses to public and agency comments



FAA Decision Documents

- Categorical exclusion
- Finding of No Significant Impact (FONSI)
- Finding of No Significant Impact/Record of Decision (FONSI/ROD)
- Record of Decision (ROD)



- Issued by FAA when an EA documents that there would be no significant impact on the human environment
- Briefly describes:
 - Proposed action
 - Purpose and need
 - Alternatives considered
 - Assessment of environmental consequences and reasons the action would not have a significant impact
- Details mitigation measures or approval conditions (Mitigated FONSI)
- Includes findings and determinations made under special purpose laws, regulations, and Executive Orders
- Signifies that an EIS will not be prepared and that the NEPA process is complete



FONSI/ROD

- Issued by FAA for an EA under certain conditions
- FONSI/ROD should be prepared when:
 - Action has been redefined to include mitigation measures necessary to reduce potentially significant impacts to below significant levels
 - Action is highly controversial
 - Action is closely similar to an action that would normally be addressed in an EIS
 - Action has no precedent
- FONSI/ROD has the same content and format as a ROD on and EIS
- Signifies that an EIS will not be prepared and that the NEPA process is complete



ROD

- Documents official federal decision(s) on an EIS
- Identifies alternatives considered
- Specifies environmentally preferred alternative
- Summarizes necessary federal actions
- Summarizes affected resources and whether all practicable means to avoid or minimize harm have been adopted
- Identifies mitigation measures and conditions of approval



Environmental Documents are Not Forever

- Continued validity of an environmental document and associated finding depends upon:
 - Timing – Draft and Final EAs, Draft and Final EISs are valid for three years
 - No major changes to the project
 - No changes in the affected environment
- Project timing considerations regarding Final EAs and EISs
 - Major steps toward implementation must occur within three years
 - Applies to subsequent stages of staged projects receiving approval in a single document
- FAA determines required level of additional analysis, documentation, and processing



Pitfalls to Effective NEPA Processing

- Starting the NEPA process before its time
 - Make sure planning process is sufficiently complete
 - Review development alternatives, particularly if environmental impacts are expected, to ensure the full range has been considered
- Segmentation – all actions that need to be undertaken for a project must be considered in a single document
- Poor quality of analysis or documentation
- Lack of coordination with FAA, agencies, and the public



Planning Considerations

- Consider NEPA in the planning phase
 - Understand locations and sensitivities of environmental resources
 - Identify and evaluate an appropriate range of alternatives
 - Incorporate NEPA processing into the overall project implementation schedule
- Work with FAA
 - FAA is your friend
 - FAA is responsible for final environmental approvals for projects
 - Coordinate early and often during the planning process



Summary

- NEPA compliance is intended to ensure informed decision-making, avoid or minimize potential impacts, and facilitate compliance with applicable laws
- Agency coordination and public involvement are key components
- Level of analysis and processing required is dependent upon the potential impacts of the proposed action
- FAA ultimately determines the level of environmental documentation and processing required
- Consider NEPA and coordinate with FAA throughout the planning process



THANK YOU

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