ACRP WebResource 21: Environmental Stewardship and Compliance Training for Airport Employees

NEPA 101 Training Course

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Course Objectives and Overview

This course will provide a high-level overview of NEPA regulations and how they apply to airport management and operations.

In this course, you will learn:

- The definition of NEPA and why it is important to federally obligated airports

- NEPA and how it applies to airport federal actions

- Required levels of NEPA documentation

- NEPA environmental impact categories

- A high-level understanding of FAA Order 1050.1 and how it applies to airport management and operations roles

Links to federal references may be modified over time. Please search FAA and other federal websites to find the most current reference material.

Key Definitions and Terms

- **Categorical Exclusion (CATEX)** – a level of NEPA review applicable to actions that do not have a significant impact on the environment (FAA 2015)

- **Council on Environmental Quality (CEQ)** – the agency responsible for implementing NEPA, created in 1969 by NEPA to coordinate the federal government's efforts to improve, preserve, and protect America's public health and environment (NEPA n.d.)

- **Environmental Assessment (EA)** – a level of NEPA review that includes a concise public document that provides sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI) (FAA 2015)

- **Environmental Impact Statement (EIS)** – an EIS is a detailed written document required under NEPA when one or more environmental impacts would be significant and mitigation measures cannot reduce the impacts below significant levels (FAA 2015)

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Key Definitions and Terms (cont'd)

- **Environmental Protection Agency (EPA)** – federal agency with a mission to protect human health and environment (EPA n.d.)

- **Finding of No Significant Impact (FONSI)** – a public decision made within the NEPA process that states a proposed action will not result in significant impacts and an EIS is not required (EPA n.d.)

- **National Environmental Policy Act (NEPA)** – an act signed into law in 1970 requiring federal agencies to assess the environmental effects of their actions prior to making decisions (NEPA n.d.)

- **Record of Decision (ROD)** – a public decision made within the NEPA process that states the federal agency's decision, alternatives considered, and plans for mitigation (EPA n.d.)

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What is the National Environmental Policy Act?

The National Environmental Policy Act of 1969 is commonly referred to as NEPA:

- NEPA was enacted in response to federal decision-making that did not consider environmental impacts

- Council on Environmental Quality (CEQ) was created by Congress to administer NEPA

- Requires analysis of potential impacts to the environment resulting from a federal action

- Alternatives and mitigation measures are considered before a federal action is approved

- NEPA is triggered when a federal agency takes a federal action

Airport Federal Actions and NEPA Compliance

NEPA applies to airport projects that are federally funded or funded by Passenger Facility Charges (PFCs), including:

- Federally funded actions

- Federal approval of changes to Airport Layout Plans (ALPs)

- Issuance of federal grants

- Federally approved land purchases and land disposals

- Locally/privately funded projects if they result in a change to the ALP

- Future conditions that are conditionally approved and shown on an ALP

- Imposing and spending PFC funds for airport projects

- Changes in land use at the airport

> Future conditions shown on an ALP are conditionally approved upon further environmental review. Just because it is shown does not mean it is approved.

Source: Willkie, W. et al. 2020. *ACRP Research Report 211: Guidance for Using the Interactive Tool for Understanding NEPA at General Aviation Airports*. Transportation Research Board, Washington, D.C. http://nap.nationalacademies.org/25735

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What is FAA Order 1050.1?

FAA Order 1050.1 is an order issued by the FAA for compliance with NEPA. Order 1050.1:

- Serves as the FAA's policy and procedures for compliance with NEPA and implementing regulations issued by the CEQ (40 CFR Parts 1500–1508)

- Establishes NEPA processes in terms of planning, procedures, content and format, and public participation for FAA actions

- Provides an overview of the various NEPA documents

FAA Order 1050.1 will be updated in the future, so stay informed of new updates.

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Levels of NEPA Review and Documentation

There are three levels of NEPA review and documentation:

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

Understand the different levels of NEPA review, and the implications they have on project timelines, and plan accordingly.

See the following links for additional information on NEPA processes from the FAA:

- [What are the levels of Environmental Review?](#)
- [How does the FAA do Environmental Review?](#)
- [Overview of Categorical Exclusions](#)

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Categorical Exclusions

A Categorial Exclusion (CATEX) refers to a category of actions that do not individually or cumulatively have a significant effect on the human environment, and thus, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) is required.

- CATEX applies for actions that do not individually or cumulatively have a significant environmental impact

- CATEX also applies for actions with impacts if the impacts are not significant

- FAA Order 1050.1 provides a list of projects normally categorically excluded and defines extraordinary circumstances for potential significant impacts

- Examples of CATEX projects include pavement rehabilitation and reconstruction and other minor development that does not result in significant impacts to environmental resources

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Environmental Assessments

An Environmental Assessment (EA) is often required:

- If potential impacts are undetermined and need additional analysis

- If a project is not included on the categorically excluded list in FAA Order 1050.1

- If a project is categorically excluded but there are one or more extraordinary circumstances

FAA Order 1050.1 provides a full list of projects that typically require an EA. Examples include:

- Location of a new airport that would serve only general aviation

- Location of a new commercial service airport that would not be located in a Metropolitan Statistical Area (MSA)

- A new runway at an existing airport that is not located in an MSA

- Runway strengthening that has the potential to significantly increase off-airport noise impacts

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Environmental Impact Statements

Proposed actions that have significant environmental impacts and mitigation measures that would not reduce impacts below significant levels require an Environmental Impact Statement (EIS).

- An EIS is required if a proposed action will significantly affect the quality of the human environment

- An EIS is often triggered by major projects in a metropolitan area (new airport, new runway, etc.)

- FAA is responsible for the preparation of an EIS

Source: Willkie, W. et al. 2020. *ACRP Research Report 211: Guidance for Using the Interactive Tool for Understanding NEPA at General Aviation Airports.* Transportation Research Board, Washington, D.C. http://nap.nationalacademies.org/25735
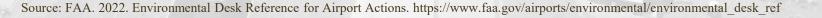
Environmental Impact Categories

FAA analyzes proposed actions and alternatives and their environmental impacts using the following environmental impact categories listed in FAA Order 1050.1:

- Air quality

- Biological resources (including fish, wildlife, and plants)

- Climate

- Coastal resources

- Department of Transportation Act, Section 4(f) (including publicly owned parks, recreation areas, and wildlife or waterfowl refuges of national, state or local significance or land from a historic site of national, state or local significance)

- Farmlands

> CATEXs, EAs and EISs require each environmental impact category to be analyzed.

Source: FAA. 2022. Environmental Desk Reference for Airport Actions. https://www.faa.gov/airports/environmental/environmental_desk_ref

Environmental Impact Categories (cont'd)

- Hazardous materials, solid waste, and pollution prevention

- Historical, architectural, archeological, and cultural resources

- Land use

- Natural resources and energy supply

- Noise and compatible land use

- Socioeconomics, environmental justice, and children's environmental health and safety risks

- Visual effects (including light emissions)

- Water resources (including wetlands, floodplains, surface water, groundwater, and wild and scenic rivers)

> Environmental resources may be present although not previously identified; verify them for each project.

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Environmental Documentation for Proposed Actions

All levels of NEPA review require documentation completed to the appropriate level of analysis, which varies by project.

- CATEX utilizes FAA Office of Airports (ARP) Standard Operating Procedure (SOP) 5.1 CATEX form

- EA and EIS include:

    o Description of proposed action

    o Purpose and need

    o Alternatives

    o Description of affected environment

    o Documentation of environmental consequences and mitigation measures

    o List of preparers

    o List of agencies and person consulted

    o Documentation of public involvement, agency coordination and consultation

    o Responses to public and agency comments

Environmental Review Outcomes for Proposed Actions

FAA will review NEPA documentation and make a determination, finding, and/or decision regarding the proposed action.

- Finding of Categorical Exclusion (CATEX)
    - Issued by the FAA
    - Provides FAA determination that the proposed action is categorically excluded from the requirement for formal environmental assessment as extraordinary circumstances are not present
    - Finding based on CATEX documentation
    - FAA does not provide a specific expiration date for CATEXs

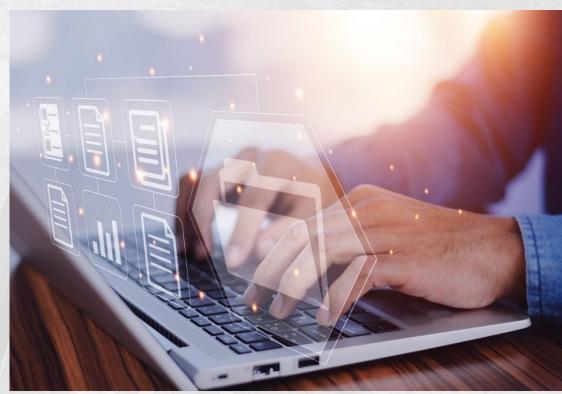# Environmental Review Outcomes for Proposed Actions (cont'd)

- Finding of No Significant Impact (FONSI)
  - Issued by the FAA
  - Provides FAA determination that the proposed action would not have the potential for significant environmental impacts
  - Finding based on an EA documentation
- Record of Decision (ROD)
  - Issued by the FAA
  - Formal decision may be published in the Federal Register
  - States whether the FAA approved or rejected the proposed action
  - Explains alternatives considered, preferred alternative, and mitigation measures
  - Decision based on EA or EIS documentation

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Airport Sponsor Obligations

The role of the airport sponsor is different depending on the type of review:

- EA and CATEX
  - Sponsor responsible for documentation (generally through the use of a consultant)
  - FAA issues final determination

- EIS
  - Sponsor (consultant) provides supporting documentation to FAA
  - FAA prepares documentation and final determination

Environmental Determination Validity

EA and EIS documents are valid for three years from when the final decision is made, assuming:

- No substantial changes to the original action

- Environmental conditions have not changed

- New information is not presented

If construction does not happen directly after environmental approval, verify with the FAA that your approval is still valid.

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What Does this Mean to Your Airport?

Who is responsible for NEPA compliance at your airport?

- o Provide guidance on who is specifically responsible for ensuring NEPA compliance, typically the airport sponsor. This is often delegated to consultants at smaller airports; however, your airport must still sign off on NEPA documents.

Who is your airport's airport district office (ADO)?

- o Provide contact information for your airport's ADO – always verify the level of environmental review needed with the ADO's environmental protection specialist (EPS)

Has your airport recently completed a CATEX or EA review?

- o Provide an example of the completed and signed CATEX or EA document

- o Review the commitments made in the environmental document, and understand that the commitments are the responsibility of your airport sponsor

- o Consultants and EPSs may change—be sure the commitments are carried on

- o Understand the expiration date for any EAs (CATEXs do no not have an explicit expiration date)

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What Does this Mean to Your Airport? (cont'd)

Are there any potential environmental resources at your airport?

- Provide graphics showing any environmental resources known to occur on airport property, such as delineated wetlands or other water resources, buildings over 50 years of age, hazardous waste (PFAS locations), or noise-sensitive areas.

Have you reached out to your local regulatory agency?

- Provide contact information to local regulatory agencies, such as:
  - U.S. Fish and Wildlife Service
  - U.S. Department of Agriculture – Animal and Plant Health Inspection Service's wildlife services
  - U.S. Army Corps of Engineers
  - State public health and environment department
  - Environmental Protection Agency

Course Wrap-Up

Some key takeaways include:

- NEPA is in place to protect the environment by considering environmental impacts related to federal actions.

- FAA issued Order 1050.1 to give policy and guidance for analyzing environmental impacts

- CATEX, EA, or EIS documentation is required for airport projects that are considered federal actions

References

EPA. n.d. Home page. https://www.epa.gov/

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   https://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.current/documentnumber/1050.1

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