



**Federal Aviation
Administration**

Introduction to the National Environmental Policy Act

Presented to: JFK Airport Committee

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Goal of Discussion

- Provide brief overview of how the FAA implements the National Environmental Policy Act (NEPA)
- Discuss the resources examined and differing levels of review
- Discuss how this would apply to potential terminal development at JFK



National Environmental Policy Act (NEPA) of 1969

- A short, general statute declaring national environmental policy.
- One of the first federal legislations to promote environmental values and consideration into the federal administrative decision-making process.
- Established the Council on Environmental Quality (CEQ)
 - CEQ promulgated implementing regulations in 1978. (40 CFR 1500-1561)
 - CEQ gives federal agencies guidance on complying with NEPA, yet each agency develops its own orders



Environmental Policies & Guidance

- DOT Order 5610.1C, Procedures for Considering Environmental Impacts
- **FAA Order 1050.1F, Environmental Impacts: Policies and Procedures**
- **FAA Order 5050.4B, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions**
- **Airports Environmental and Order 1050.1F Desk References**

- **Orders also define the Federal Actions subject to review under NEPA**



Resources Studied - Construction & Operation

- Air Quality
- Biological Resources
- Climate
- Coastal Resources
- DOT Act Section 4(f)
- Farmlands
- Hazardous Materials, Solid Waste, and Pollution Prevention
- Historical, Architectural, Archaeological, and Cultural Resources
- Land Use
- Natural Resources and Energy Supply
- Noise and Noise-Compatible Land Use
- Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks
- Visual Effects
- Water Resources- Wetlands, Floodplains, Surface Water, Groundwater, and Wild and Scenic Rivers
- Cumulative Impacts



Special Purpose Laws Potentially Triggered by Federal Actions

- Endangered Species Act
- National Historic Preservation Act – Section 106
- Clean Air Act & Clean Water Act
- EO 11988 Floodplain Management
- EO 11990 Protection of Wetlands
- Section 4(f) – Parks & Recreation Areas
- Others (20+)



Possible Federal Decisions

- Categorical Exclusion (CATEX)
- Environmental Assessment (EA)
 - Finding of No Significant Impact (FONSI or FONSI/ROD)
- Environmental Impact Statement (EIS)
 - Record of Decision (ROD)



Project Description- Important Factors

When determining the level of review under NEPA, it is important to have a full understanding of the proposed project. Important factors to consider are:

- Connected Actions
- Segmentation
- Independent Utility



Categorical Exclusion

- Category of Actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a federal agency.
- Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.
- Defined in FAA Order 1050.1F, Section 5-6. These actions have been reviewed by CEQ for concurrence prior to inclusion in the order.



Typical Categorical Exclusions

- Master Plans & Part 150 Studies
- Acquisition of safety or security equipment
- Pavement repair or construction*
- Installation or upgrading airfield lighting systems*
- Landscaping*
- Land acquisition*
- Grading or removal of obstructions and erosion control activities*

All Categorical Exclusions must give consideration to Extraordinary Circumstances of the action- 1050.1F, section 5-2



Environmental Assessment

According to CEQ, an EA is a concise public document with three functions.

- An EA briefly provides sufficient evidence and analysis for determining whether to prepare an EIS.
- An EA aids an agency's compliance with NEPA when an EIS is not required; helps to identify better alternatives and mitigation measures.
- Facilitates preparation of an EIS when one is required.



Typical Environmental Assessments

- Any of the normally categorically excluded actions that have extraordinary circumstances
- New airport location
- New runway
- Major runway extension
- Runway strengthening with noise impacts
- New or relocated instrument landing system
- Land acquisition with significant relocations



Environmental Assessments – Process and Outcomes

- Process for developing, reviewing, distributing, and considering public input into the development of EAs is established in FAA Order 1050.1F, Chapter 6.
- Outcomes are:
 - Prepare a Finding of No Significant Impact (FONSI)
 - Prepare a FONSI/Record of Decision (FONSI/ROD) for when mitigation is required to bring impacts below significance thresholds
 - Determine that an Environmental Impact Statement is required
- EAs can be supplemented based on future changes to approved project



Environmental Impact Statement

- An EIS is a detailed document required for major federal actions that requires an evaluation and review of environmental impacts from the proposed action.
- It contains:
 - An honest, full explanation on why the agency is considering an action.
 - Alternatives, including the proposed action
 - Comparison of environmental impacts of the proposal and reasonable and feasible alternatives.
- Provides a clear basis for choice by the decision maker with input from the public and other agencies.



EIS Process

Process is established in FAA Order 1050.1F, Chapter 7

- Notice of Intent published in the Federal Register
- Scoping, including Public Meetings
- Publication of Draft EIS and Record of Availability in the Federal Register
- Public Comment Period and Meetings
- Publication of Final EIS and Record of Availability in the Federal Register
- Issuance of ROD and Publication in the Federal Register



EA versus EIS

- Few projects require an EIS from the start
- If EA shows significant impacts that can not be mitigated below significance thresholds, then an EIS is required
- Significance Thresholds for each resource category are established by the 1050.1F Desk Reference





Questions?

