

FAA & NEPA

for Sponsors and Consultants

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National Environmental Policy Act of 1969

(C) include in every recommendation...

...a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action;
- (ii) any adverse effects that cannot be avoided;
- (iii) alternatives to the proposed action;
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
- (v) any irreversible and irretrievable commitments of resources that would be involved in the proposed action.

42 U.S.C. 4332(2)(C)

NEPA ensures agencies consider the significant environmental consequences of their proposed actions and inform the public about their decision making.

Administrative Procedure Act of 1946

- There is no NEPA basis for legal action. Challenges to an agency decision not made in accordance with NEPA are brought under the Administrative Procedure Act (APA) under the “Arbitrary and Capricious” standard.

The Administrative Procedure Act (APA) governs the process by which federal agencies develop and issue regulations and decisions.

How to Start the Process

- Determine the **Purpose and Need** for the project. This is how alternatives will be evaluated.
- Plan the project and determine alternatives and construction footprints. Involving the EPS can expedite the process and assist in evaluating alternatives.
- Prepare a **Project Description and Map** with the construction footprint for each alternative. Use the map and legend to describe the project.
- Use the **Project Description and Map** for consultations.

Document Types at the FAA

- Simple Written Record Categorical Exclusion (SWR CatEx)
- Documented CatEx – Up to two consultations with no mitigation
- “Short form” Environmental Assessment – Final document is a FONSI
- Environmental Assessment – Final document is a Mitigated FONSI
- Environmental Impact Statement – Final document is a Record of Decision. Requires multiple public involvement actions.

How to Determine the Documentation.

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Order 1050.1F
Appendix D

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Order 1050.1F
Appendix D

Appendix D. National Environmental Policy Act Process Flowcharts

Exhibit D-1. Typical Categorical Exclusion Process

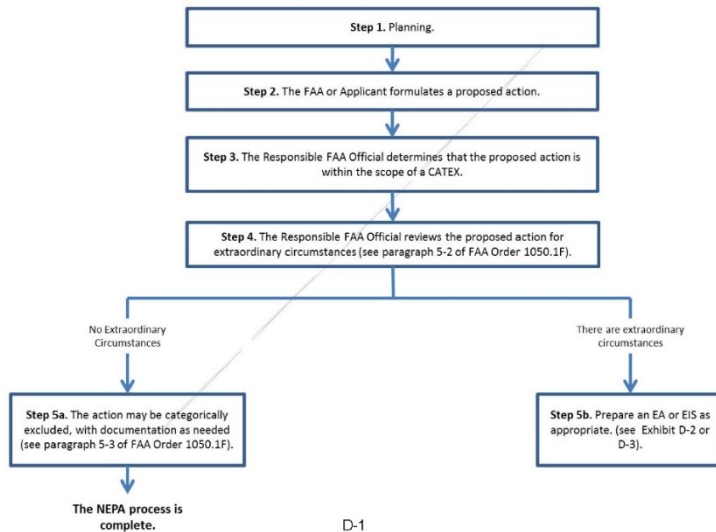
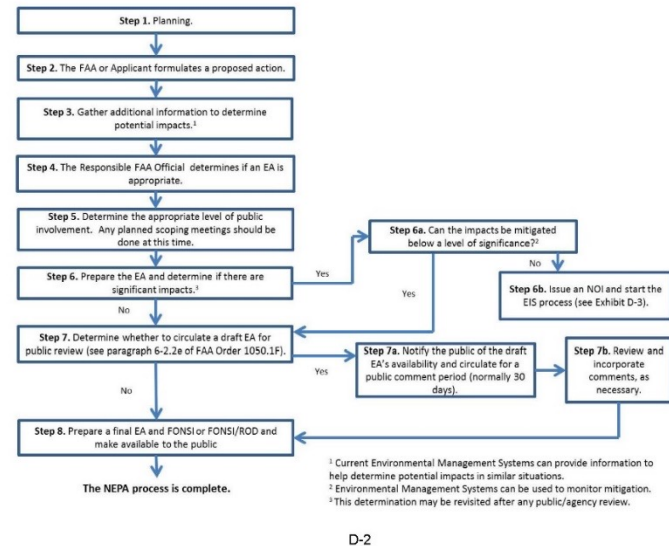


Exhibit D-2. Typical Environmental Assessment Process



How to Determine the Documentation.

Start with the CatEx Checklist...

If the proposed action is within the scope of a CatEx
– Simple Written Record Categorical Exclusion

If there are potential extraordinary circumstances
– Documented Categorical Exclusion

If extraordinary circumstances exist
– “Short form” Environmental Assessment (FONSI)

If mitigation is required and no alternative exists
– Environmental Assessment (FONSI)

If there is no way to mitigate an impact
– Environmental Impact Statement (ROD)

MITIGATION

Avoidance

Minimization

Compensation

Mitigation efforts come from the project Alternatives.

Questions?

