

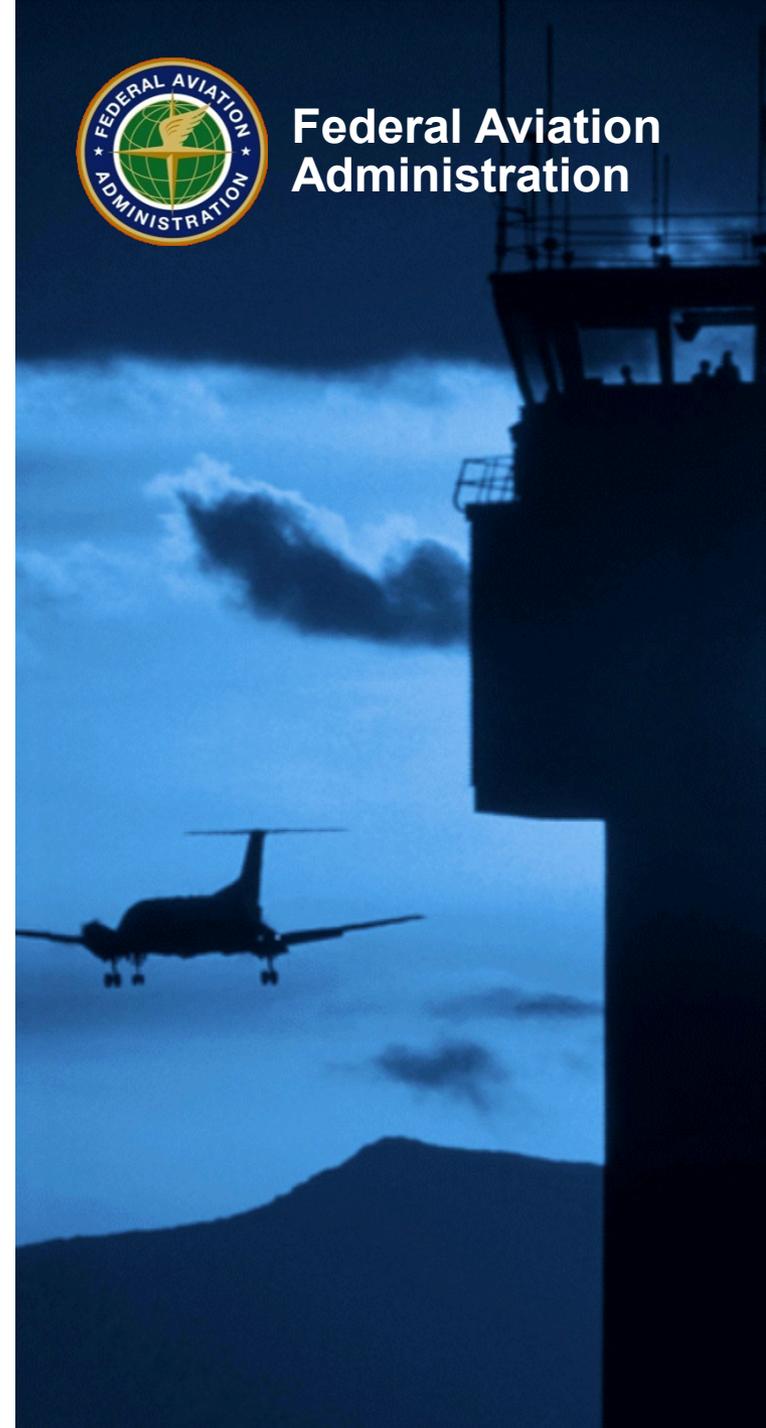
Environmental Update

2022 MAMA Meeting

October 19, 2022



Federal Aviation
Administration



Environmental Update

Topics

- Staffing/Workload
- Deadlines for AIP/BIL Programs
- Special Topics:
 - Hangar Development
 - Land
 - Beacons
- Amended CEQ Regulations



Environmental Update

Workload HLN ADO EPS:

2022

**EA: 10 – Montana and Idaho
+1 Ethnographic Study (MT)
+2 EAs – WA and Oregon**

2023

**EA: 7 – Montana and Idaho
+1 Ethnographic Study (MT)**



FY-2023 AIP/BIL Program Deadlines

- January 13th – NEPA complete for all FY23 Development/Land Projects. This assumes planning and airspace has also been completed **(NLT to avoid delays)**
- March 1st – NEPA complete for remaining projects (entitlement only design grants, and equipment/planning/environmental grants)
- **Note – plan on minimum 90 days NEPA review prior to bidding project. May be longer for additional NEPA coordination**



How you can help the NEPA process:

- **Involve EPSs early**
 - During Planning
 - Planning level surveys
- **Ensure planning is complete; this requires:**
 - 163 determination is complete;
 - Identify any connected actions;
 - Identify any Lead, Cooperating and Participating agencies;
 - Develop a preliminary purpose and need for the project and range of alternatives in coordination with any cooperating or participating agencies;
 - Develop a preliminary project description and schedule;
 - Identify potentially significant environmental issues;
 - Conduct screening activities such as desktop and field assessment to identify potentially impacted environmental resources; and
 - Identify potential mitigation strategies for any potentially significant effects.

Source: Interim Guidance on Determining the “Date of Agency Decision to Prepare an Environmental Assessment” under Section 1501.10(b)(1) of the Amended Regulations of the CEQ Implementing the NEPA (April 2021)



Environmental Update

Special Topics:

Hangar Development

- Individual Hangars
- Hangar Development Areas
 - Need Layout/Plan
 - Shown on ALP
 - Pen/Ink change to ALP
 - Okey-dokey from PM/Planner
- Resource Concerns

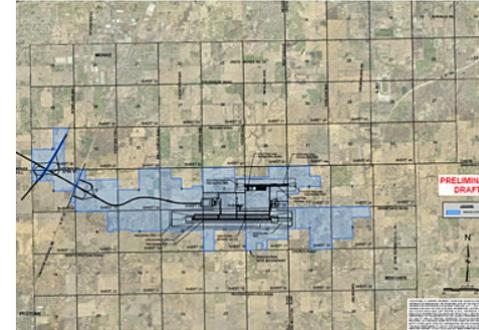


Environmental Update

Special Topics:

Land

- AIP Handbook:
 - “The sponsor is responsible for maintaining adequate documentation to support costs as eligible for Federal reimbursement.”
- 5100-17, Land AQ and Relocation Assistance...
 - “...the majority of the work required for AIP cost reimbursement or conformance to 49 CFR 24 must occur in advance of actual expenditures.”



Environmental Update

Special Topics:

Land

- 5050.4B: National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions:
 - **Sponsor responsibilities.**
 - ARP will require a sponsor who has acquired or condemned land without prior FAA approval to demonstrate to the approving FAA official's satisfaction that the purchase was consistent with the environmental policies in this Order.
 - The sponsor must also demonstrate that the purchase has not prejudiced the ARP's full and objective consideration of alternatives or limited possible implementation of a preferred alternative.

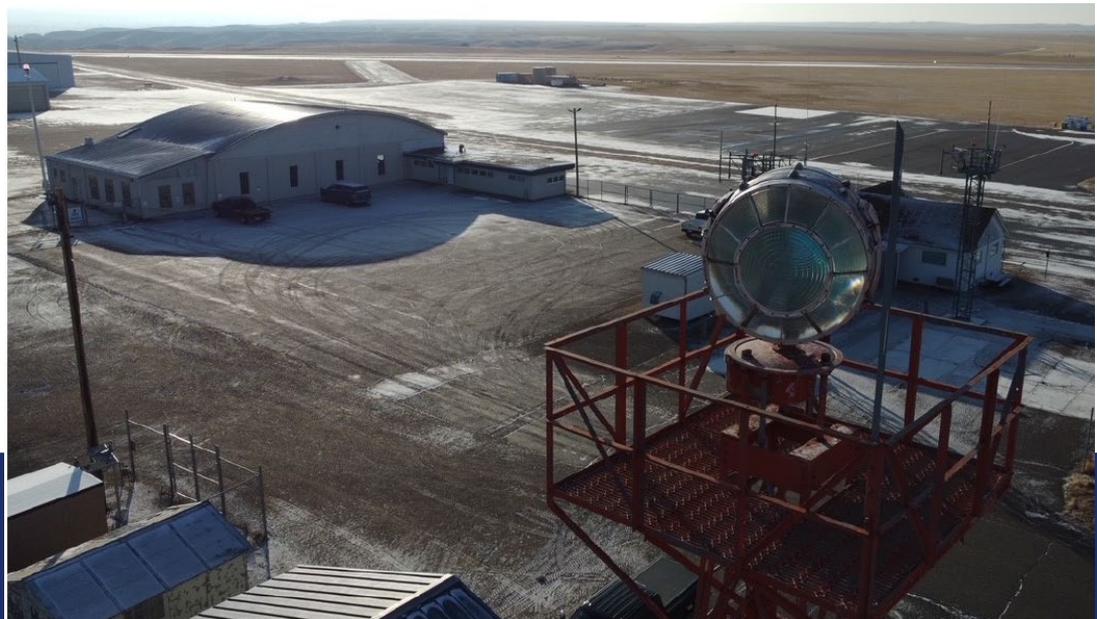


Environmental Update

Special Topics:

Beacons

- Historic (1920s/1930s)
 - Refurbished beacons may allow replacement without adverse effect to historic properties
 - Needs to be coordinated through State Historic Preservation Office (SHPO)



Amended CEQ Regs

- Regulatory, policy and judicial actions have swung to both sides of the pendulum over the last few years
- Many environmental rules are in flux
- **Spoiler Alert:** Expect changes ahead!
- For now, we'll just look at NEPA



National Environmental Policy Act

- 1970 – The Act was signed by Nixon
- 1978 – CEQ issued NEPA Regulations
- 2020 – CEQ issued amended NEPA Regulations
 - Federal agencies started preparing to update their NEPA procedures to match the new CEQ Rules
- 2021 - E.O. 13990
 - Comprehensive review of 2020 NEPA Rule



NEPA Policy Changes – The Current State

- Council on Environmental Quality (CEQ) Regulations – “NEPA Rules”
 - Regulations amended in 2020, Effective September 14, 2020
 - Phase I Revision to 2020 Amended Regs – effective May 20, 2022
 - Phase II Revision to 2020 Amended Regs – expected Fall 2022 (any day)
- FAA Order 1050.1F, Environmental Impacts: Policies and Procedures (July 2015)
 - Order outlines how FAA implements NEPA and related federal laws
 - Currently being updated to ensure procedures confirm to amended regulations
 - 1050.1G to be completed/published after Phase II Revisions are effective
- FAA Order 5050.4B, National Environmental Policy Act Implementing Instructions for Airport Projects
 - Provisions from 5050 are being incorporated into 1050 with the intent to cancel 5050



What does this mean for you?

- NEPA will probably be in the news
- Some changes to procedures are coming
- Changes likely won't be drastic, especially for actions with “insignificant impacts” (categorical exclusion or environmental assessment)



