

VOLUME 11 FLIGHT STANDARDS PROGRAMS

CHAPTER 6 ENVIRONMENTAL CONSIDERATIONS AND RESPONSIBILITIES

Section 3 Levels of Environmental Review

11-216 GENERAL. The National Environmental Policy Act of 1969 (NEPA) requires Federal agencies to assess the potential impact that any major Federal action will have on the environment. The current edition of Federal Aviation Administration (FAA) Order 1050.1, Environmental Impacts: Policies and Procedures, is the FAA's directive that implements the requirements of NEPA and Executive Order 11514. One of the purposes of NEPA is to ensure that the decision maker makes environmentally informed decisions. Accordingly, the principal inspector (PI) or the General Aviation Operations (GAOP) aviation safety inspector (ASI) for aviation events and aerobatic practice areas (APA), as decision maker, considers the results of the environmental review in deciding whether or not to take the Federal action (e.g., approval of operations specifications (OpSpecs), air shows, aviation events or an APA Certificate of Waiver (CoW). This section describes the level of environmental review for most of the major Federal actions taken by Flight Standards Service (AFS).

11-217 TYPES OF ACTION REQUIRING AN ENVIRONMENTAL REVIEW. There are two major categories of Federal action that will require some level of review: approval of OpSpecs, to include amendments and approval of CoW for an APA. In some cases, these may require the lowest level of environmental review and can be categorically excluded (see below). In other cases, a higher level of review will be needed; either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). An EA and a potential Finding of No Significant Impact (FONSI) is discussed below.

A. Actions Normally Processed as a Categorical Exclusion (CATEX). The following are actions that meet the criteria in Title 40 of the Code of Federal Regulations (40 CFR) part 150, § 1508.4 and represent actions that the FAA has found, based on past experience with similar actions, do not normally require an EA or EIS. (Refer to Order 1050.1, Chapter 5).

1) Approval of OpSpec C070 for air carriers certificated under Title 14 of the Code of Federal Regulations (14 CFR) part 121, authorizing an operator to fly to an additional airport or to use equipment not previously used by that operator at that airport, when the OpSpecs would not significantly change the environmental impact of aircraft operations at that airport and where there are no "extraordinary circumstances." (Refer to Order 1050.1, paragraph 5-6.2).

2) Approval of OpSpecs C070 and D085 for 14 CFR part 135, and OpSpecs A001 and A003 for part 129, when the OpSpecs would not significantly change the environmental impact of aircraft operations at that airport and where there are no "extraordinary circumstances." (Refer to Order 1050.1, paragraph 5-6.2).

3) Approval of a CoW for short-term, infrequent, or one-time use APAs (as defined in Volume 3, Chapter 5, Section 1 and/or Order 1050.1, paragraph 5-6.6), air shows, or aviation events; and where there are no "extraordinary circumstances," as detailed in Order 1050.1, paragraph 5-2.

NOTE: See Order 1050.1, Chapter 5: Categorical Exclusions, for information gathering and processing instructions.

B. Actions Normally Reviewed as an EA.

1) Approval of OpSpecs under part 121 authorizing an operator to go to a new airport or to use equipment not previously used by that operator at that airport (paragraph C070), that may cause significant impacts to noise, air quality, or other environmental impact categories of aircraft operations at that airport or where “extraordinary circumstances” exist, as determined by the General Aviation and Commercial Division (AFS-800) Environmental Specialist in AFS-830.

2) Approval of CoWs certificating a long-term (as defined in Volume 3, Chapter 5, Section 1) APA/Aerobatic Box that cannot be categorically excluded.

NOTE: See Order 1050.1, Chapter 6: Environmental Assessments and Findings of No Significant Impact, for information gathering and processing instructions.

RESERVED. Paragraphs 11-218 through 11-225.