

# Environmental Update 2016

New Orders, Forms, and  
all Your Favorite  
Resource Categories

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## What Are You In For Today?

For my presentation today, I'll  
be reading the powerpoint  
slides word for word.



your  cards  
someecards.com



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2

## What Are You In For Today?

- **Updates on Orders**
  - 1050.1F, 5050.4C, CATEX SOP
- **Updates on Regional Forms**
  - Short Form EA, CATEX
- **Resource Category Refreshers**
  - Land Use, Noise & Air Quality, Waters of the US, and Floodplains!



## FAA Order 1050.1

- Order 1050.1 is FAA's NEPA implementing procedure. It outlines the FAA requirements for ensuring that environmental impacts are considered in FAA decision making.
- Published in July 2015
- Order 1050.1F is accompanied by a 1050.1F Desk Reference released in July 2015. Available on FAA's website at [https://www.faa.gov/about/office\\_org/headquarters\\_offices/apl/enviro\\_n\\_policy\\_guidance/policy/faa\\_nepa\\_order/desk\\_ref/](https://www.faa.gov/about/office_org/headquarters_offices/apl/enviro_n_policy_guidance/policy/faa_nepa_order/desk_ref/)



## Goals of Order Revision

- Provide a clear, concise, and up-to-date discussion of FAA's requirements for implementing the National Environmental Policy Act (NEPA)
- Facilitate timely, effective, and efficient reviews of FAA actions, particularly NextGen improvements



## Changes to 1050.1

Using an FAA Workgroup, AEE has developed:

- A revised order
  - Reorganized for clarity and a more user friendly approach (e.g. plain English)
  - Updated to include new terminology and NEPA efficiencies incorporating AEE and CEQ guidance
  - Updated to reflect FAA's Next Generation Air Transportation System (NextGen) (e.g. capabilities and terminology)



# Changes to 1050.1

- Clarify/Update list of actions normally requiring an Environmental Impact Statement (EIS) / Environmental Assessment (EA)
- Created 7 new CATEXs and modified 4 CATEXs based on extensive FAA experiences. A CATEX justification package was created to document FAA experience.

New	Modified
ARP: 4	ARP: 4
ATO-Tech Ops: 2	ATO-Tech Ops: 0
ATO-Mission Support Services : 1	ATO-Mission Support Services: 0

- Added the two legislative CATEXs for RNAV procedures from FAA Reauthorization



# New CATEXs

- Office of Airports:
  - Installation of solar or wind farms three acres or less
  - Fee simple purchase of land that does not involve land disturbance.
  - Converting a runway to a taxiway
  - Construction of Air Traffic Control Towers at a Level 1 Airport.
- ATO-Tech Ops
  - Environmental Investigation of Hazardous Waste or Substance Contamination
  - Remediation of Hazardous Wastes or Hazardous Substances
- ATO-Mission Support Services :
  - Actions to increase the altitude of special use airspace.



## Modified CATEXs

- Office of Airports:
  - Demolition of non-aeronautical buildings at airports.
  - Establishment of a displaced threshold
  - Installation of Engineered materials arrestor system (EMAS)
  - Establishment or replacement of storage tanks at airports.
- ATO-Tech Ops
  - None
- ATO-Mission Support Services :
  - None



## 1050.1F Desk Reference

- Updates and expands the guidance provided in Appendix A, of Order 1050.1E that includes discussion of impact categories and instructions on how to complete the analysis
- The Desk Reference only contains guidance and does not have to undergo review by the public, OST, or CEQ. This will make it easier to update as needed
- Available on FAA's website at [https://www.faa.gov/about/office\\_org/headquarters\\_offices/apl/env/iron\\_policy\\_guidance/policy/faa\\_nepa\\_order/desk\\_ref/](https://www.faa.gov/about/office_org/headquarters_offices/apl/env/iron_policy_guidance/policy/faa_nepa_order/desk_ref/)
- Updates will be posted on the website with a table of changes for easy reference



## 1050.1F Next Steps

- DOT NEPA Order 5610.1B is being updated with an anticipated release in Summer / Fall this year for public review.
- FAA Order 1050.1F will be revised to include changes in the DOT Order that would apply following DOT Order. Anticipated next year for public comment
- Order 1050.1F Desk Reference is undergoing revisions based on comments received and updates to regulations and executive Orders with regards to Water Resources, Environmental Justice, and Energy chapters. Other chapters will be updated to clarify guidance. Anticipated release in Summer 2016.



## 5050.4C Update- There's Another One!

- **ARP is working on the update to 5050.4B**
- **The new document will be focused on the Airports Program and expand upon 1050.1F**



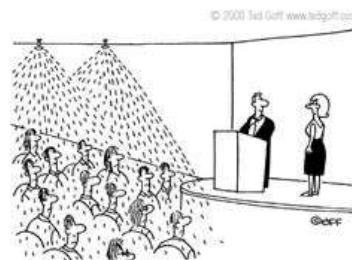
## 5050.4C Update

- **New Order will be different from what we've seen before- Annotated and Hyperlinked**
- **5050.4 Desk Reference will be updated alongside the Order**
- **Expected Publication of Draft in FR is Spring 2017 followed by Final in Spring 2018**



## CATEX SOP Update

- **Update to 1050.1F resulted in need to update the CATEX SOP**
- **Update will restructure Attachment A**
- **Expect the update to be finalized later this year**



"You're not allowed to use the sprinkler system to keep your audience awake."



## Eastern Region Short Form

- **New Short Form EA was issued on November 19, 2015**
- **Available at <http://www.faa.gov/airports/eastern/environmental/> under Short Environmental Assessment link**
- **Document is provided in editable Word format to facilitate submittal**



## Eastern Region Short Form

- **There are some substantive changes to the document so please familiarize yourself with new layout.**
- **Resource Categories Updates to 1050.1F Standards and organization**





## Short Form Applicability- Important Stuff!

**Criteria for Consideration (must be either number 1 or 2-4 collectively:**

- 1) Normally CATEX, but involves 1-2 extraordinary circumstances per 1050.1F, 5-2
- 2) Not specifically listed as CATEX
- 3) All aspects of the project are under ARP purview
- 4) Project not expected to impact more than 2 resource categories in 1050.1F Desk reference



## Short Form Applicability- Important Stuff!

**Update defines restrictions on use**

- 1) Proposed Action requires coordination outside of ARP
- 2) Proposed Action requires coordination with another Federal Agency
- 3) Proposed Action will likely require a ROD
- 4) Construction period exceeds 3 years
- 5) Proposed Action involves substantial controversy on environmental grounds
- 6) Proposed Action would have impacts to, or require mitigation to offset significant impacts to, more than two resource categories



## Short Form Changes- Last One!

- **Dates for submittal are specified**
  - Discretionary Funding Projects by April 30<sup>th</sup> of preceding FY
  - Entitlement Projects by November 30<sup>th</sup> of same FY
- **As always, all questions regarding use of the Short Form should be directed to local ADO EPS**



## CATEX Simple Written Record

- **AEA-600 is revisiting our single sheet CATEX**
- **SOP requires Simple Written Record and suggests documentation via PERADA; however, this does not apply in all cases**
- **Expect revised form to be available for field use through the summer**



# QUESTIONS



## But Wait, There's More!



### Resource Category Refreshers

- Waters of the US
- Floodplains
- Land Use
- Noise and Air Quality (AEDT)



## Jurisdictional Issues:

- **Changes based on:**
  - **Legislation**
  - **Court Decisions**
    - **United States v. Riverside Bayview**
    - **SWANCC**
    - **Rapanos**
  - **Rulemaking**
- **Subject to Interpretation**



## Waters of the US – An update

- **August 28, 2015 – USACE and EPA issued new regulations regarding waters of the US**
- **9 October 2015 - the Sixth Circuit issued an order staying the new Clean Water Rule nationwide**
- **USACE suspends use of new regulations.**



## New Rule states

1. All waters which are currently used or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.



2. All interstate waters including interstate wetlands

**•NO  
CHANGE**



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## New Rules Cont.

3. The territorial seas;



**NO CHANGE, but  
moved from 6 in old  
rule**

4. All impoundments of waters otherwise defined as waters of the United States under the definition;

**NO CHANGE**



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## New Rules Cont.

5. Tributaries of waters identified in paragraphs (a) (1) through (X3) of this section

**CHANGE based on definition of tributary**

•Tributary:

- a. A water that contributes flow (directly or **indirectly**) to a 1 – 3 water defined above, must be indications of a bed and bank and an ordinary high water mark.
- b. Can be natural, man altered or man made. Jurisdiction continues through breaks in the OHW mark and bed and bank.



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## New Rules Cont.

6. All waters adjacent to a water identified in waters 1 thru 5 above.

**•CHANGE based on the definition of adjacency.**

•**Adjacent**: waters bordering, contiguous or **neighboring\*** a water identified in waters 1 thru 5 above.

•**Neighboring**:

- all waters within 100 feet of OHW
- all waters within 100 year floodplain **and** 1500' of OHW
- all waters within 1500' of high tide line (1 and 3), or of OHW of a Great Lake



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## New Rules Cont.

7. The following waters, on a case by case basis, if determined to have **significant nexus** on a 1 thru 3 water.

- Prairie Pothole
- Carolina & Delmarva Bays
- Pocosins
- Western Vernal Pools
- Texas Coastal Prairie wetlands

### Similarly Situated



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29

## New Rules Cont.

8. Waters not identified above that are either

- Within the 100 year floodplain of a 1 thru 3 water, or;
- Within 4,000' of a 1 thru 5 water.



On a case by case basis. Not automatic use of similarly situated



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## New Rules Cont.

### NOT Waters of the US

- Waste Treatment Systems
- Prior Converted Cropland
- **Specific Ditches**

- Ephemeral flow
- Intermittent flow that don't drain wetlands

### **Not a relocated tributary or excavated in a tributary**

- That do not connect to a 1 thru 3 water

### **Does not include perennial flowing ditches**



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31

## New Rules Cont.

### NOT Waters of the US cont.

- **Man Caused Wet Areas on Dryland:**
  - Artificially irrigated areas
  - Artificial ponds created on dryland
  - Reflecting pools, ornamental ponds, depressions
  - Erosional features and puddles.
- **Groundwater**
- **Stormwater Control Features in dry land**
- **Wastewater recycling structures in dry land**



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32



# Questions?



## FLOODPLAINS



- **Executive Order 13690:**
- **Signed on January 30, 2015**
- **Established a Federal Flood Risk Management Standard (FFRMS) and process for further soliciting and considering stakeholder input**
- **Requires (if practicable) higher levels of flood protection for Federally funded projects**
- **Number of alternatives that one can use**
  - **500 floodplain – 0.2% chance of flooding in any one year.**
  - **Freeboard Value Approach - 2 and 3 feet above the 100 year floodplain**
  - **Climate Informed Science Approach**



# FLOODPLAINS

- **Federal Agencies have been responding to new EO with changes to their internal orders.**
- **FAA is working with DOT to modify DOT Order 5650.2a**
- **FAA will then incorporate changes needed into Orders 1050 and 5050**



# QUESTIONS



## Oh man....that guy's going to talk again?

- **Quick Refresher on NEPA applicability for Land Transactions**
- **Quick Discussion of AEDT**



## What are the different types of Release Requests Concerning Airport Land?

Typical release requests include, but are not limited to, those concerning:

- Concurrent use
- Interim use
- Change of use of airport land from aeronautical to nonaeronautical use
- Long term nonaeronautical lease
- Airport Land disposals/sales



## What do the Orders Say?

- 5-6.1b: Release of an airport sponsor from Federal obligations incurred when the sponsor accepted: (1) an Airport Improvement Grant; or (2) Federal surplus property for airport purposes. (NOTE: FAA consent to long-term leases (i.e., those exceeding 20 years) converting airport-dedicated property to non-aeronautical, revenue-producing purposes (e.g., convenience concessions such as food or personal services) has the same effect as a release and is part of this CATEX provided that the proposed and reasonably foreseeable uses of the property do not trigger extraordinary circumstances as described in Paragraph 5-2, Extraordinary Circumstances).



## What do the Orders Say?

- 5-6.1c: conveying federally owned land, including surplus Federal property and/or joint-use facilities, provided the proposed use of the conveyed land is either unchanged or for a use that is categorically excluded
- 5-6.1m: administrative actions associated with transfer of ownership or operation of an existing airport, by acquisition or long-term lease, as long as the transfer is limited to ownership, right of possession, and/or operating responsibility



## What do the Orders Say?

- 5-6.4b: Acquisition of land and relocation associated with a categorically excluded action
- 5-6.4r: Purchase, lease, or acquisition of three acres or less of land with associated easements and rights-of-way for new facilities
- 5-6.4bb: fee-simple purchase of land or the purchase of an aviation easement to establish a runway protection zone (RPZ) or for other aeronautical purposes provided there is no land disturbance and does not require extensive business or residential relocations



## So What Do We Take Away?

- **1050.1F focuses mostly on acquisition but CATEX list does address releases and changes of use including long term leases**
- **Many releases or changes in use have extraordinary circumstances associated with them and would require an EA; however, a Short Form could apply**
- **Determination of documentation will be dependent upon type of ultimate use of the property**
  - The more info, the better
  - When development is unknown, defer to what may ultimately be allowed under local zoning or applicable ordinances



# QUESTIONS



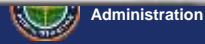
## Last Topic, I Promise

- **Quick overview of AEDT, which was published in May 2015**
- **All analyses for projects started following that date should be using this model**
- **Credit for the following slides goes to Fabio Grandi of AEE....so, please send your questions to him**

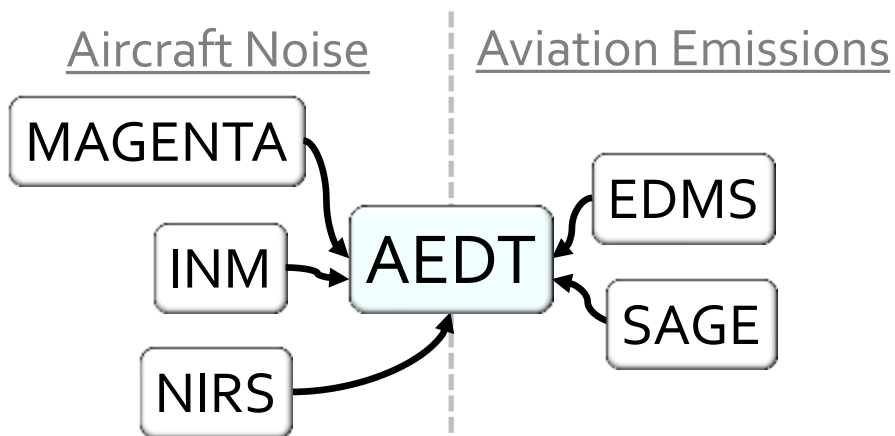


## What Is AEDT 2b

A comprehensive environmental software tool that allows for the assessment of the environmental effects of aviation, known as the Aviation Environmental Design Tool (AEDT).

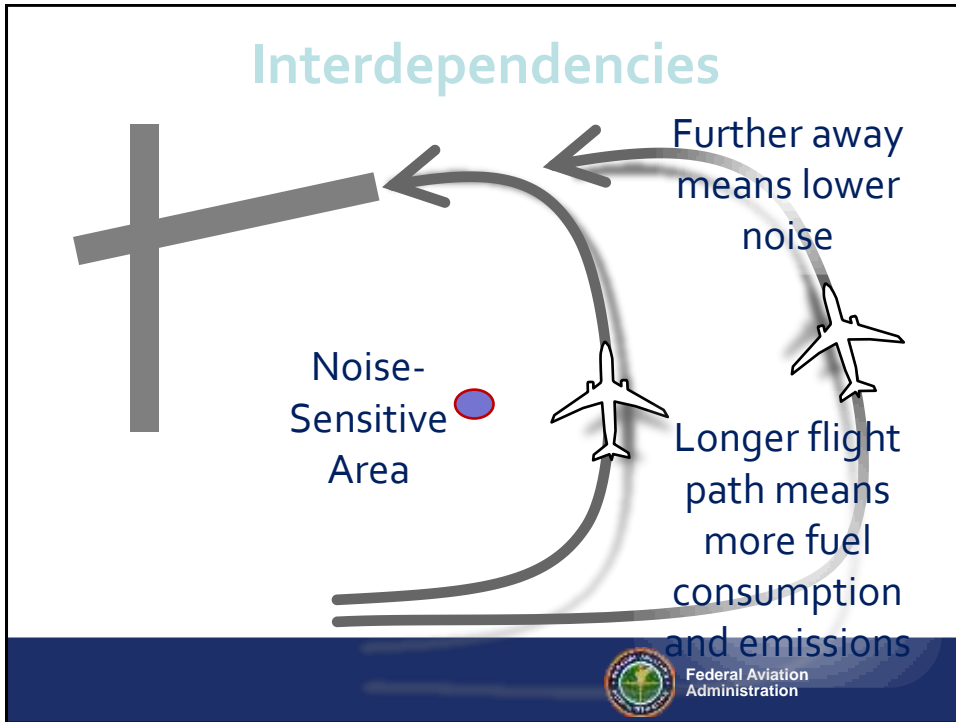


## AEDT replaces legacy tools



AEDT replaces legacy tools.





## AEDT Study Setup Paths

### 4 Approaches

1. Manual entry into the interface
  - Aircraft flight paths, Fleet mix, Number of operations, Weather, and Elevation/terrain information
2. Importing external data from legacy tools
  - INM, EDMS, NIRS, and AEDT 2a
3. Importing data using AEDT's Standard Input File (ASIF)
  - Bulk import or Partial import of data using XML formatting
4. Direct Injection into an existing AEDT Study database
  - Manual or automated access to all tables for importing very large scale sets of data

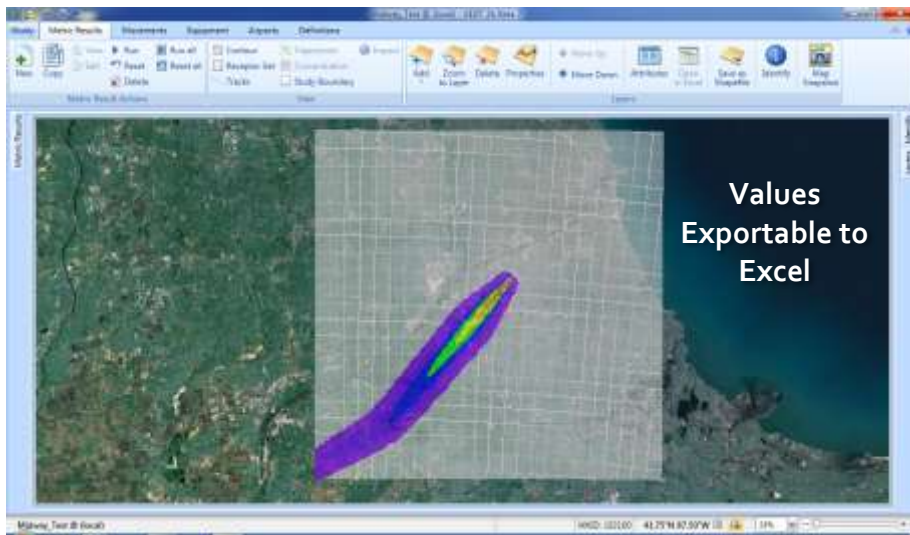


## Noise contours, like INM



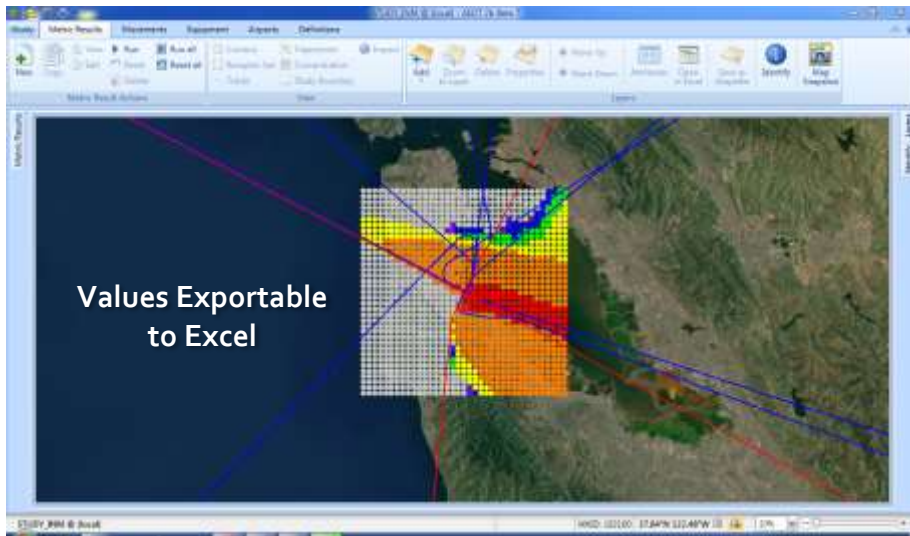
**FICTIONAL RESULTS**

## Colored noise receptor grids



**FICTIONAL RESULTS**

## Curved flight paths with emissions dispersion



**FICTIONAL FLIGHT TRACKS AND RESULTS**

For further information and  
a demo video:



[aedt.faa.gov](http://aedt.faa.gov)



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