

CHAPTER 6. CATEGORICAL EXCLUSIONS

600. CATEGORICAL EXCLUSIONS. To reduce unnecessary paperwork, Council on Environmental Quality regulations at 40 CFR 1500.4(p) allow for the exemption of certain categories of actions from NEPA's EIS requirements. Specifically, 40 CFR 1508.4 defines categorical exclusions as:

“...categories of actions that normally do not individually or cumulatively have significant adverse effects on the human environment and which have been found [by the federal agency] to have no such effect.”

In developing categorically excluded actions, each Federal agency must consider:

“... extraordinary circumstances in which a normally categorically excluded action may have a significant environmental effect.” (See paragraph 606 of this chapter)

601. CATEGORICAL EXCLUSIONS FOR AIRPORT ACTIONS. Under FAA Order 1050.1E, paragraph 303c, the Office of Airports (ARP), like other FAA organizations, may categorically exclude actions listed in paragraphs 307 through 312 of that Order.

a. Similar actions. Some of these categorical exclusions are limited to specific actions, while others are defined to include not only specific, but also, similar actions. Examples of the latter exclusions include essentially similar facilities and equipment (see Order 1050.1E, paragraphs 309a, 309c, 309d, and 310g); essentially similar development (see Order 1050.1E, paragraph 310f); and similar systems (see Order 1050.1E, paragraph 310v). Here, the responsible FAA official should place in the project file a brief explanation of why the proposed action is similar to the specific action listed.

b. Tables 6-1 and 6-2. For convenience, Tables 6-1 and 6-2 at the end of this chapter provide alphabetical, annotated listings of the airport-specific portions of the categorically excluded actions in Order 1050.1E paragraphs 307 through 312.

c. Categorical exclusions satisfy NEPA. In categorically excluding an action, ARP meets its NEPA responsibilities. This allows the appropriate FAA official to determine if FAA should approve or fund that action without requiring an EA or preparing an EIS.

602. TYPES OF CATEGORICAL EXCLUSIONS. FAA has categorically excluded two types of actions.

a. Actions unlikely to involve extraordinary circumstances. Order 1050.1E, paragraph 303d, notes that certain categorically excluded actions are not reasonably expected to change land use or cause environmental impacts. These actions normally involve administrative and planning-related actions. This chapter lists airport actions in this grouping (see paragraph 604 and Table 6-1 of this Order).

b. Actions that may involve extraordinary circumstances. In contrast, actions discussed in paragraph 605 and listed in Table 6-2 of this chapter are categorical exclusions for actions that may cause environmental impacts involving extraordinary circumstances. Paragraph 304 of Order 1050.1E notes that an action involving one or more circumstance listed in Order 1050.1E, (Table 6-3 of this Order) does not necessarily require an EA or EIS. However, one may be needed as the responsible FAA official examines extraordinary circumstances associated with the proposed action. See paragraphs 606.a and b of this Order for more information.

c. Categorical exclusion citation. The correct citations for the categorically excluded, airport-related actions in Tables 6.1 and 6.2 are the paragraphs from FAA Order 1050.1E noted in the rightmost columns of those Tables. Do not cite Order 5050.4B as the authorization. For example, the reference for categorically excluding the issuance of an airport planning grant is Order 1050.1E, paragraph 307o. The reference is not Order 5050.4B, Table 6-1.

603. SPONSOR-PROVIDED INFORMATION TO SUPPORT A CATEGORICAL EXCLUSION. Sponsor-provided information greatly enhances the responsible FAA official's review of a proposed action.

a. Plan accordingly. Normally, airport sponsors know well in advance when they must take an action to meet an airport need. Therefore, as soon as the airport sponsor has defined its proposed action, ARP encourages airport sponsors to begin collecting information and completing the consultation (if the applicable special purpose law allows) or analysis that a categorical exclusion may need. ARP makes this recommendation to ensure the airport sponsor allocates enough time in the project's schedule to allow ARP to meet its responsibilities under NEPA and any applicable special purpose law(s).

b. Information the sponsor should provide to FAA. ARP urges airport sponsors (or its consultant) to review Table 6-3. This helps the sponsor determine if there is environmental information it can provide the responsible FAA official to facilitate the official's timely review of a proposed categorical exclusion involving an extraordinary circumstance. A sponsor not providing the needed information could delay the responsible FAA official's review of the action. That delay may occur because the responsible FAA official will have to collect and analyze the information the sponsor would have otherwise provided.

(1) An airport sponsor (or its consultant) should review the requirements of any special purpose law(s) that applies to a proposed action that may be categorically excluded. This review helps the sponsor determine if it or FAA must consult with a resource agency to meet special purpose law requirements and the extent of public involvement.

(2) That review also helps the airport sponsor determine the analyses and documentation needed for a proposed action or if FAA has a role in meeting those special

purpose law requirements. For example, eligibility determinations and effects determinations are solely FAA's responsibilities under Section 106 of the National Historic Preservation Act. Therefore, a sponsor's early notification to FAA that the agency must fulfill a special purpose law enhances the responsible FAA official's ability to comply with the law in a timely manner and meet the sponsor's schedule.

c. Airport actions in Table 6-1. The sponsor should briefly describe its proposed action. Cite the paragraph in the right-hand column of Table 6-1 listing the action as an FAA categorical exclusion. This helps the sponsor verify it is proposing an action FAA normally categorically excludes.

d. Airport actions in Table 6-2. Actions listed in Table 6-2 require the airport sponsor to review information on extraordinary circumstances (see paragraph 606 of this Order). If an extraordinary circumstance applies, ARP urges the airport sponsor or consultant to contact FAA to discuss the applicable extraordinary circumstance(s) and the information the responsible FAA official may need to address the circumstance(s).

604. CATEGORICAL EXCLUSIONS UNLIKELY TO INVOLVE EXTRAORDINARY CIRCUMSTANCES. After determining that an action may qualify for a categorical exclusion, the next step for the responsible FAA official is to determine whether the categorical exclusion is likely to involve extraordinary circumstances, using Table 6-1 and 6-2. Table 6.1 lists categorical exclusions for actions that FAA's experience shows are unlikely to involve extraordinary circumstances. If the action is in Table 6.1, normally no further environmental review is required and the official will categorically exclude the action.

605. CATEGORICAL EXCLUSIONS THAT MAY INVOLVE EXTRAORDINARY CIRCUMSTANCES. The responsible FAA official must determine if a normally categorically excluded action listed in Table 6-2 involves an extraordinary circumstance.

a. An action not involving an extraordinary circumstance. When the responsible FAA official determines an action listed in Table 6-2 does not involve any extraordinary circumstance, the official may categorically exclude the action.

b. An action involving an extraordinary circumstance. When the responsible FAA official determines an extraordinary circumstance possibly exists, the official must:

(1) Comply with any applicable special purpose laws and determine if the impacts associated with the possible extraordinary circumstance warrant a categorical exclusion, or

(2) Decide if an EA or EIS is needed to determine if the action involving an extraordinary circumstance that would cause a significant adverse environmental impact.

606. EXTRAORDINARY CIRCUMSTANCES. Extraordinary circumstances are those situations where an action that is normally categorically excluded may cause significant adverse environmental impacts. The process discussed below integrates into the NEPA process ARP's consideration of applicable special purpose law requirements or other environmental factors. This integration should provide the responsible FAA official with information needed to determine if ARP may categorically exclude a proposed action involving extraordinary circumstances. ARP believes the steps discussed below provide the flexibility necessary to act timely and responsibly on categorically excluded actions.

a. Extraordinary circumstances. *Before* categorically excluding actions listed in Tables 6-1 or 6-2, the responsible FAA official must review Table 6-3. Table 6-3 presents an alphabetized, annotated list of the circumstances described in FAA Order 1050.1E, paragraph 304. The asterisk in the Table means the circumstance is based on a special purpose law (paragraph 9.t of this Order). If a circumstance involves a special purpose law, the airport sponsor or responsible FAA official, as appropriate, should follow the process discussed below and in paragraph 606.b.

(1) The responsible FAA official should independently review the information the airport sponsor provides to determine if the information is sufficient to analyze the categorical exclusion and any applicable extraordinary circumstance(s). Lacking that information, the official should request that the sponsor provide the information needed to verify the action may be categorically excluded. If the sponsor does not do so, the official must collect that information.

(2) When the responsible FAA official has information sufficient to evaluate the extraordinary circumstance(s) related to the proposed action, the official may:

- (a) Categorically exclude the action.
- (b) Request that the sponsor prepare an EA. or
- (c) Recommend that FAA begin preparing an EIS.

b. Special purpose laws. To streamline FAA's NEPA review and compliance with special purpose laws, the responsible FAA official (the airport sponsor or its consultant, if appropriate), should follow the instructions in paragraphs 606.b.(1) – (4) of this Order. FAA may categorically exclude an action for NEPA purposes, but *only* if it meets all requirements in paragraphs 606.b.(1) - (4) and the responsible FAA official determines the severity of environmental impacts does not warrant an EA or EIS.

(1) **Compliance requirements.** Except when the responsible FAA official determines that an EA or EIS is needed to properly analyze extraordinary circumstances under a special purpose law, the applicable special purpose law, not NEPA, determines the type of analysis, the extent of resource agency consultation, public involvement, and documentation needed to support a categorical exclusion.

(2) Resource agency input. FAA (or the sponsor, if determined appropriate under the applicable special purpose law) should obtain input from the resource agency as the special purpose law requires and place that information in the project file. A fax, e-mail, memorandum, letter, or other proof of communication providing a record of the consulted agency's input or opinion is sufficient. The responsible FAA official or the sponsor (or its consultant), if appropriate, must allow the resource agency the time specified in the applicable special purpose law to provide agency input. Therefore, the sponsor should include the required time in its project schedule.

(3) Mitigation. As appropriate or needed, the responsible FAA official or the sponsor and resource agency should discuss mitigation. These parties should ensure the mitigation is related to the proposed airport action, that it is reasonable, and that it complies with FAA's mission. The responsible FAA official must ensure the measures required to mitigate impacts are enforced under the:

- (a) Applicable special purpose law or its implementing regulations.
- (b) FAA's unconditional ALP approval letter. or
- (c) Special assurances in FAA's grant for the action, if applicable.

(4) When a resource agency does not respond. Special purpose laws applicable to proposed actions may require input from or require that comment opportunities be afforded to resource agencies or agencies with special expertise. When that input is needed or the applicable law provides an opportunity for those agencies to review a proposed action, the responsible FAA official is encouraged to proactively seek that input. Doing so should lessen the possibility of delaying an action because an agency fails to act in a timely manner. If a resource agency does not respond or provide information within the time the applicable special purpose law specifies, the responsible FAA official may complete the environmental review of the proposed action. However, the official should consider contacting the expertise agency. Also, if the airports sponsor sought, but did not receive agency input, the sponsor should immediately alert the responsible FAA official. Those steps help FAA determine why the resource agency did not respond within the special purpose law's designated time. Those steps also provide opportunities to receive resource agency input and complete the project review, even though the designated time for that input has expired. The responsible FAA official should place a record of this effort in the project file.

(a) If the responsible FAA official's effort does not provide resource agency input, the responsible FAA official should immediately elevate the action to the approving FAA official for a decision. The responsible FAA official should provide the approving FAA official with documentation to show that FAA and/or the airport sponsor has complied with the applicable law.

(b) Based on the documentation, the approving FAA official has the discretion to:

1. Further seek agency input.
2. Categorically exclude the action. or
3. Require an EA or EIS.

(5) Required good faith efforts. In completing paragraphs 606b.(1) – (4), FAA (or the airport sponsor, as appropriate) must verify it has made a good faith effort to comply with NEPA and the applicable special purpose law(s).

607. FAA DOCUMENTATION.

a. CEQ regulations. CEQ’s NEPA implementing regulations do not require documentation for categorically excluded actions. FAA Order 1050.1E, paragraph 305, reflects this, but it also notes that unique situations may occur, prompting the responsible FAA official to document a categorical exclusion.

b. Required information to streamline the review of categorical exclusions involving special purpose laws. To streamline the NEPA process while complying with special purpose laws, ARP requires the responsible FAA official to provide some documentation in a project file for a categorical exclusion involving special purpose laws.

(1) There is no prescribed format or amount of documentation to support the categorical exclusion, if the applicable special purpose law does not specify it. An airport sponsor (or consultant) should ask the responsible FAA official about how the official wishes to receive information involving those laws.

(2) If the applicable special purpose law requires certain documentation, the project file must include it. For example, the project file for a categorical exclusion that involves National Register-listed or eligible historic properties, must include information 36 CFR Part 800 requires for the type of effects that may occur. In other cases, the documentation may range from a specific analysis to a telephone memo, letter, a memorandum, or other personal communication. In all cases, the documentation must prove that FAA or the sponsor, as appropriate, has met the applicable special purpose law’s requirements.

c. Optional documentation. ARP recognizes that the categorical exclusions in Table 6-1 rarely involve extraordinary circumstances, while those in Table 6-2 may do so. Even if the categorical exclusion does not require documentation to address any special purpose laws, the responsible FAA official may choose to include information in the project file for reference or legal challenges that may occur.

Note: ARP leaves the decision to include contractual requirements for SBGP participants to use forms to document categorical exclusions to the discretion of the Airports Division managers in the respective regions having SBGP participants.

608. NOTIFYING THE AIRPORT SPONSOR ABOUT A CATEGORICAL EXCLUSION. Via a dated e-mail or letter, the responsible FAA official must notify the airport sponsor that FAA has or has not categorically excluded a proposed action. This ensures the airport sponsor knows that FAA has met the requirements of NEPA and that FAA has addressed all associated extraordinary circumstances applicable to a proposed action. The responsible FAA official must place proof of this notice in the project file. If FAA cannot categorically exclude an action, the responsible FAA official should explain why. This information may help the sponsor design future actions that FAA may categorically exclude.

609. - 699. RESERVED.

Table 6-1. Airport-specific Categorical Exclusions Unlikely to Involve Extraordinary Circumstances.

AIRPORT ACTION	ANNOTATED DESCRIPTION “Approving AIP funding for or a request to ...”	CITE FROM FAA ORDER 1050.1E
Grants for airport planning or State Block Grants.	issue a planning grant that does not commit FAA to a project. Issuing grants to a state block grant program is included here.	307o.
Bond retirement for terminal development.	retire an airport sponsor’s principal bond for terminal development.	307t.
Conditional Airport Layout Plan (ALP) approval.	conditionally approve an ALP.	307p.
Grants to prepare environmental documents.	issue a grant to prepare an EA or EIS.	307o.
Grants to prepare Noise exposure maps (NEMs) and noise compatibility programs (NCPs).	issue a grant to prepare NEMs or NCPs.	307n.
Approval of Passenger Facility Charge (PFC).	allow an airport sponsor to solely impose or to impose and use a PFC for planning studies. Note: FAA Order 5500.1, <i>Passenger Facility Charge</i> provides more information.	307h.

Table 6-1 (continued). Airport-specific Categorical Exclusions Unlikely to Involve Extraordinary Circumstances.

AIRPORT ACTION	ANNOTATED DESCRIPTION OF THE ACTION	CITE FROM FAA ORDER 1050.1E
	“Approving AIP funding for or a request to ...”	
Issuing policy and planning documents.	issue these documents. Examples include the NPIAS, advisory information on the AIP.	307g.
Preliminary AIP eligibility actions.	tentatively or conditional actions taken to establish sponsor AIP eligibility.	307i.
Safety equipment for airport certification.	authorize the purchase of safety equipment such as snow removal equipment or other equipment necessary for airport certification.	309h.
Security equipment purchase.	buy equipment for airport security purposes, per 14 CFR Part 107. Note: This does not include fence installation because that action involves land disturbance that may involve an extraordinary circumstance. See Table 6-22, Security.	309h.

Table 6-2. Airport-specific Categorically Excluded Actions that may Involve Extraordinary Circumstances.

AIRPORT ACTION	ANNOTATED DESCRIPTION OF THE ACTION “Approving AIP funding for or a request to approve or change an ALP to...”	CITE FROM FAA ORDER 1050.1E
Airfield barriers.	build or extend aircraft operating area fencing, or jet blast facilities.	310e
Airfield improvements, aircraft parking areas.	build, repair, or extend an existing airport’s aprons, loading ramps, taxiway, or taxi lane provided they have only on-airport impacts.	310e.
Airfield improvements, roads.	build, maintain, move, or repair roads, if the action does not permanently reduce the Level of Service to unacceptable levels. ¹	310a.
Airfield improvements, runways.	extend, fillet, groove, mark, rebuild, resurface, or strengthen existing runways or runway surface areas. ²	310e.
Airfield improvements, storage areas.	build or expand airport fire and rescue buildings, equipment storage buildings or T-hangars.	310f.
Airfield lighting.	install or upgrade airfield lighting (e.g., beacons, runway indicator lights, runway end identification lights, visual approach aids, etc.).	309b.

¹ Contact the local transportation agency for help in determining unacceptable Levels of Service.

² Substantial expansion: To screen noise for possible significant impacts, use the Area Equivalent Method (AEM). If this noise-screening tool indicates the proposed action’s DNL or CNEL 65 dB contour is at least 17% greater in area when compared to the area of the future no action DNL or CNEL 65 dB contour, or if the AEM cannot be used, an EA may be necessary. To screen for air quality effects, use information in section 2, p. AD-6 of the September 2004 addendum to FAA’s *Air Quality Procedures for Civilian Airports and Air Force Bases* handbook. Results may indicate an EA is needed.

Table 6-2 (continued). Airport-specific Categorically Excluded Actions That May Involve Extraordinary Circumstances.

AIRPORT ACTION	ANNOTATED DESCRIPTION OF THE ACTION	CITE FROM FAA ORDER 1050.1E
	“Approving AIP funding for or a request to approve or change an ALP to...	
Cargo building.	construct or expand a cargo building at an existing commercial service airport that does not substantially expand the building. ²	310h.
Conveying Federally-owned airport land.	approve conveyance of Federal-owned land, including surplus property, provided intended use is categorically excluded.	307c.
Deicing/anti-icing facility.	build or operate this facility, provided it meets all water quality permit requirements and does not attract wildlife hazardous to aviation. Note: See FAA AC 150/5200-33A, <i>Hazardous Wildlife on or Near Airports</i> .	310d.
Fill activity.	fill deposits into previously excavated non-aquatic areas. Note: Fill cannot be contaminated, must be compatible with surrounding substrate, and must be contoured to match natural features.	310k.
General landscaping.	conduct landscape maintenance and vegetative and erosion control measures. Note: Actions cannot spread invasive species or attract wildlife hazardous to aviation.	310p.
Heliport at an existing airport.	a heliport that would not significantly increase noise over noise sensitive areas.	310t.
Low emission technology equipment, including the Voluntary Airport Low Emission Program	to buy this equipment and operate it within airport boundaries. This includes building, upgrading, refueling or recharging stations for low emission vehicles.	309g, 310f, 310n, 310u.
Miscellaneous items.	install or upgrade on-airport measuring devices, segmented circles, and landing aids.	309e.
Non-radar facilities.	install or upgrade non-radar equipment.	309c.
Noise barriers.	install vegetation, berms, or sound walls to reduce noise, provided they do not attract wildlife hazardous to aviation.	310q.

Table 6-2 (continued). Airport-specific Categorically Excluded Actions That May Involve Extraordinary Circumstances.

AIRPORT ACTION	ANNOTATED DESCRIPTION OF THE ACTION	CITE FROM FAA ORDER 1050.1E
	“Approving AIP funding for or a request to approve or change an ALP to...”	
Noise compatibility programs.	carry out FAA-approved noise compatibility programs or to amend airport layout plans depicting measures to be implemented.	307d.
Non-U.S. waters, including wetlands in which categorically excluded actions are proposed.	take an action that is normally categorically excluded and that unavoidably affects these aquatic resources, provided the project design would have met standards defined in a Corps of Engineers General Permit ³ that would have applied if the project involved jurisdictional waters. Often, poor or neglect of maintenance of airport drainage ditches results in conveyances that have hydrologic regimes and soil characteristics supporting wetland vegetation. Note: The instructions here do not pertain to those ditches having the following characteristics: <ul style="list-style-type: none"> - ditch must not drain a jurisdictional wetland; - the spoil from the ditch cannot contain toxic pollutants; and - the discharge of the spoil removed from the ditch cannot visibility alter the circulation or flow in waters of the U.S (see 33 CFR Part 328 for more detail on these waters). 	310k.
On-airport obstruction treatment.	grade land or remove obstructions to air navigation, including tree topping or trimming activities for Part 77 requirements. Note: These actions may occur on or affect only airport property or FAA-owned or leased property.	310l. and 310z.

³ General Permits included on a nationwide, regional, or State basis for particular categories of activities. (see Volume 61 *Federal Register*, No. 241, p. 65874).

Table 6-2 (continued). Airport-specific Categorically Excluded Actions That May Involve Extraordinary Circumstances.

AIRPORT ACTION	ANNOTATED DESCRIPTION OF THE ACTION	CITE FROM FAA ORDER 1050.1E
	“Approving AIP funding for or a request to approve or change an ALP to...”	
Ownership change by purchase or transfer.	acquire or transfer ownership or operation of an existing airport. Note: Here, the transfer of ownership is limited to right of ownership, right of possession and/or operating responsibility.	307m.
Parking areas.	build small aircraft parking ramps, vehicular parking areas, and garages. ²	310f. and 310h.
Passenger handling building.	construct or expand a terminal passenger handling building at an existing commercial service airport that does not substantially expand the building. ²	310h.
Radar installation.	install, repair, replace, move or upgrade radar equipment.	309d.
Releasing airport land.	release of an airport sponsor from Federal obligations the sponsor incurred when it accepted an AIP grant or Federal surplus property for airport purposes. Note: This includes FAA’s consent to long-term (>20 years) leases allowing airport land use for non-aeronautical purposes.	307b.
Relocation.	move people and businesses to carry out a categorically excluded action.	310b.
Repair and maintenance.	repair and maintain existing roads, rights-of-way, trails, grounds, parking areas and utilities, including snow removal.	310w.
Replacement structures.	replace or rebuild terminals or other airport facilities of similar size and purpose. Must be on the same site as the existing facility.	310v. and 310w.
Restrictions, aircraft access.	restrict Stage 3 aircraft operations under for 14 CFR, Part 161. Note: The action cannot cause a significant noise impact at the airport seeking the restriction nor at other airports serving the restricted aircraft.	307u.

Table 6-2 (continued). Airport-specific Categorically Excluded Actions That May Involve Extraordinary Circumstances.

AIRPORT ACTION	ANNOTATED DESCRIPTION OF THE ACTION	CITE FROM FAA ORDER 1050.1E
	“Approving AIP funding for or a request to approve or change an ALP to...”	
Runway threshold.	remove a displaced runway threshold	311l.
Security.	build or maintain fencing.	310f
Transfer land by long-term lease or acquisition.	transfer ownership or operation of an existing airport by acquisition or long-term lease. Here, the transfer is limited to ownership, right of possession and/or operating responsibility.	307m.
U.S. Waters, including wetlands, in which categorically excluded actions are proposed.	take an action that is normally categorically excluded and that unavoidably affects U.S. waters, including wetlands when avoidance of the waters or wetlands is not practical and the action qualifies for a Corps of Engineers General Permit (i.e., nationwide or regional permits). Fill material must be compatible with the site’s natural features.	310k.
Utility line construction, temporary.	approve temporary removal or extension of utility lines to serve temporary construction.	310j.
Wildlife Hazard Management Plan implementation.	implement measures listed Table 6-2 that are included in an FAA-approved WHMP.	308.e

Table 6-3. An Annotated Summary of Extraordinary Circumstances.

(Note: The asterisk (*) signifies there is a special purpose law outside of NEPA that addresses this extraordinary circumstance. See paragraph 9.t for more information on special purpose laws. Smaller font provides information and agencies that may need to be consulted to comply with a particular special purpose law).

EXTRAORDINARY CIRCUMSTANCE	ANNOTATED DESCRIPTION	CITE FROM FAA ORDER 1050.1E
* Air quality.	An action that would violate applicable Federal, State, Tribal, or local air quality standards under the Clean Air Act of 1990, as amended. Note: Contact a State or Tribal air quality agency, as appropriate.	304g.
*Coastal zone areas.	Federal actions in or affecting coastal resources must meet requirements of Coastal Zone Management Act programs. Note: Contact the State agency having authority for these programs.	304c.
Community disruption.	An action dividing ⁴ or disrupting ⁵ an established community or planned development, or that is inconsistent with plans or goals of a community where the project would occur. Note: Contact local land use authorities.	304d.
Cumulative impacts.	An action likely to cumulatively cause significant impacts.	304k.
* Endangered species.	An action that may affect listed or candidate species under the Endangered Species Act, including designated or proposed critical habitats. Note: Contact: the U.S. Fish and Wildlife Service or the National Marine Fisheries Service. For state species, contact state agency.	304c.

Table 6-3 (continued). An Annotated Summary of Extraordinary Circumstances.

⁴“Dividing” would occur if a proposed action causes or requires purchasing homes and relocating their occupants on one side of a street, while the portion of the established or planned community on the other side of the street remains. An example is a neighborhood remnant that would lack the “neighborhood spirit” or “cohesiveness discussed below in “disruption.”

⁵“Disruption” would occur if a proposed action would change an existing or planned community so drastically that the community would no longer meet planning criteria used to establish the community. Disruption would also occur if the action would drastically reduce community cohesiveness. Cohesiveness is a trait found most often in long-established communities. It is often ethnically, culturally, or racially-based. An example of community cohesiveness is often found where residents feel comfortable due to the community’s unique amenities. A project disrupts this cohesiveness when it requires relocating many residents of these neighborhoods, or it causes loss of community facilities.

EXTRAORDINARY CIRCUMSTANCE	ANNOTATED DESCRIPTION	CITE FROM FAA ORDER 1050.1E
* Farmlands conversion.	An action that would convert important farmland protected by the Farmland Protection Act. Note: Contact the Natural Resources Conservation Service or state agricultural agency.	304c.
* Floodplains.	An impact on natural, ecological, or scenic floodplain resources of Federal, State, Tribal, or local significance caused by an action in the 100-year floodplain. Note: Contact local U.S. Army Corps of Engineers or Federal Emergency Management Agency offices for information on determining actions in the 100-year floodplain.	304c.
* Hazardous materials.	An action involving or causing contamination of areas, based on Phase I or II Environmental Due Diligence Audits. Note: Contact EPA's regional Office of Solid Waste and Emergency Response.	304k.
Highly controversial action.	See paragraph 9.i for more information on controversy.	304i.
* Historic or cultural property.	An action causing an adverse effect on historic or cultural property protected by Section 106 of the National Historic Preservation Act. Note: Consult FAA and the State or Tribal Historic Preservation Officer, as appropriate.	304a.
Inconsistency with applicable laws.	An action that is likely to be inconsistent with any applicable Federal, State, local, or Tribal law relating to the proposed action's environmental aspects.	304j.
Noise.	Noise impact on noise-sensitive areas. See paragraph 9.n for information on noise sensitive areas.	304.f.

Table 6-3 (continued). An Annotated Summary of Extraordinary Circumstances.

EXTRAORDINARY CIRCUMSTANCE	ANNOTATED DESCRIPTION	CITE FROM FAA ORDER 1050.1E
* Section 4(f)	An action having an impact on properties protected by DOT Act, Section 4(f) such as publicly-owned land in a park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance or a historic site of national, state, or local significance. Note: Contact agency or entity with jurisdiction over the property.	304b.
Traffic congestion.	An action causing transportation congestion due to unacceptable Levels of Service. Note: Contact the transportation or highway agency having jurisdiction over the project-affected roadways.	304e.
* U.S. waters, including jurisdictional wetlands.	An action affecting these waters or wetlands that does not qualify for a U.S. Army Corps of Engineers General Permit under Section 404 of the Clean Water Act. Note: Consult the Corps of Engineers for information on project designs or actions that would qualify for an Individual Permit. Contact the appropriate U.S. Fish and Wildlife Service office and/or state agency responsible for protecting the resources the project would affect.	304c.
Water quality.	An impact on water quality, a sole source aquifer, a public water supply system or State or Tribal water quality or water standards established under the Clean Water Act or the Safe Drinking Water Act. Note: Contact the State agency responsible for enforcing State water quality standards.	304h.
*Wild and Scenic Rivers.	An action affecting a river segment that is listed in the Wild and Scenic River System, the National Rivers Inventory, or a river that is eligible for the Inventory. Note: Contact U.S. Forest Service, National Park Service, Fish and Wildlife Service offices or Bureau of Land Management district offices.	304c.