

SUBJ: PROCEDURES FOR HANDLING AIRSPACE MATTERS

- 1. PURPOSE.** This change transmits revised pages to FAAO JO 7400.2G, Procedures for Handling Airspace Matters.
- 2. DISTRIBUTION.** This change is distributed to select offices in Washington headquarters, service area offices, the FAA Technical Center, the FAA Aeronautical Center, all air traffic field facilities, international aviation field offices, and interested aviation public.
- 3. EFFECTIVE DATE.** March 12, 2009.
- 4. EXPLANATION OF CHANGES.** See the Explanation of Changes attachment which has editorial corrections and changes submitted through normal procedures.
- 5. DISPOSITION OF TRANSMITTAL.** Retain this transmittal until superseded by a new basic order.
- 6. PAGE CONTROL CHART.** See the Page Control Chart attachment.

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Vice President, System Operations Services

Date:

FAA Order JO 7400.2G
Procedures for Handling Airspace Matters
Explanation of Changes

**Direct questions through appropriate facility/service center office staff
to the Office of Primary Interest (OPI).**

a. 32-2-1. PROCEDURES

The two paragraphs (1 and 2) located under “b” need to be reversed to display the correct order of environmental review as it occurs. Paragraph 2 needs to be revised to add additional data for clarity.

b. Editorial/format changes were made where necessary throughout the order. Revision bars were not used in all cases because of the insignificant nature of the changes.

FAAO JO 7400.23G
Change 1
Page Control Chart
March 12, 2009

REMOVE PAGES	DATED	INSERT PAGES	DATED
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Section 2. Environmental Processing

32-2-1. PROCEDURES

The Terminal or En Route & Oceanic Service Area shall conduct the NEPA process for any proposed air traffic action in their area of jurisdiction with the potential to impact the human environment. Examples of air traffic actions include, but are not limited to, procedural changes that create new or alter existing flight tracks over noise sensitive areas or altitudes utilized by aircraft, certain SUA requests or changes, and initiatives effecting operational changes (e.g., changes in runway use percentage or heading). Environmental documentation for such actions must be completed prior to approval and subsequent implementation (see Appendix 1, "Environmental Study Process Flow Chart," for the steps from action concept to implementation).

If the FAA is not the proponent of the proposed action (e.g., the Department of Defense or an Airport Sponsor [the proponent] requests the FAA to take the action) then the proponent is responsible for funding and preparation of environmental documentation associated with the proposed action. FAAO 1050.1E, "Environmental Impact: Policies and Procedures," paragraph 203b and 203c discuss responsibility for preparation of EAs or EISs (respectively) where FAA must approve the project.

The proponent must prepare and submit the associated environmental documentation in conjunction with the proposed air traffic action, as follows:

a. Determination of Appropriate Environmental Documentation. The appropriate level of environmental documentation required must be determined after all portions of a proposed action have undergone the Air Traffic Initial Environmental Review (IER) (see Appendix 5). The IER must be used for all projects that will require headquarters-level funding for completion of the environmental process. For those projects not being funded at the headquarters level, completion of the IER is optional. Facility personnel and the Service Area Environmental Specialist must coordinate the IER process.

The completed IER, along with a recommendation as to whether the proposed action warrants no further environmental review, a CATEX, or preparation of an EA or an EIS must be forwarded to the Service Area

Environmental Specialist. Field personnel must consult FAAO 1050.1E before making a recommendation on the appropriate level of environmental review for a proposed action. Following are specific sections of FAAO 1050.1E that must be reviewed.

1. Advisory Actions, paragraph 301. A memorandum to the file may be the only documentation necessary.
2. Emergencies, paragraph 302.
3. Extraordinary Circumstances, paragraph 304.
4. Categorical Exclusion, paragraphs 303 and 307 through 312, and Extraordinary Circumstances, paragraph 304. Only those categorical exclusions listed may be cited.

A review of Paragraph 305 will assist in determining the appropriate level of environmental documentation required for a CATEX (see Appendix 6 for a "Sample Categorical Exclusion Declaration").

5. Chapter 4 of FAAO 1050.1E addresses EAs and FONSI's. A review of this chapter will assist in determining when to prepare these documents. The FAA may adopt, in whole or in part, an EA prepared by another Federal agency. Consult FAAO 1050.1E paragraph 404d to determine if the EA meets the criteria for FAA adoption.

6. Chapter 5 of FAAO 1050.1E addresses EISs and RODs. A review of this chapter will assist in determining when and how to prepare these documents.

7. A review of FAAO 1050.1E, Appendix A, Section 14 will assist in determining whether a noise analysis is warranted and if so, what type of analysis should be conducted. A noise analysis requires several different types of input data including radar data. This data is available to FAA personnel.

However, requests for the FAA to release radar data, to other than FAA personnel, for use in noise studies or NEPA documents should be via FAAO 1200.22C, Use of National Airspace System (NAS) Computer and Radar Data or Equipment by Outside Interests, or the Freedom of Information Act (FOIA) process. It may be simpler and more expedient to utilize the FOIA process, as FOIA does not require use of the

Data Release Review Committee or a Memorandum of Agreement between the FAA Field Facility and an Environmental Contractor. Consultation with the Service Area Environmental Specialist should occur if radar data is needed.

b. Preparation of Environmental Documents. Following are the various levels of environmental studies and documentation that may be prepared.

1. Actions Not Subject to NEPA Review. See FAAO 1050.1E, paragraph 200e(4), for a list of actions that require no environmental study.

2. No Further Environmental Action Required. Some air traffic actions are subject to NEPA review, but require no further environmental action after the initial NEPA review is completed. These actions relate to modifications to airspace and/or procedures and may fit some or all of the following criteria. The proposed change:

(a) is above 7,000 feet (ft) above ground level (AGL) for arrivals, and/or above 10,000 ft AGL for departures and/or overflights;

(b) is over a non-noise sensitive area(s);

(c) does not alter the current noise footprint;

(d) does not have any 1.5 dB changes above the 65 DNL contour, 3.0 dB changes within the 60–65 DNL area, or 5.0 dB changes within the 45–60 DNL area; and/or

(e) is above 18,000 ft AGL.

Currently there is no reason to analyze aircraft noise above 18,000 ft AGL. Any decision to analyze aircraft noise above 10,000 ft AGL is an exception and should be coordinated with the ATO Environmental Programs Group at FAA headquarters at the earliest possible time. Consideration for analyzing the proposed change between 10,000 ft and 18,000 ft AGL will be given when there is a National Park or Wildlife Refuge in the study area and the change is likely to be controversial. (See Memorandum, Change in Air Traffic Noise Screen Policy, dated January 7, 2001.)

NOTE—

The Noise Screening Tool (NST) or the Integrated Noise Model (INM) must be used to confirm the noise data. (See Order 1050.1E, Appendix A, Paragraph 14.6 for those projects that do not require a noise analysis.)

Following review and consultation, the field Facility Manager and Service Area Environmental Specialist may agree that no further environmental review is required. When this occurs, the originating facility shall prepare a memorandum to the file and attach any supporting documentation, which indicates the basis for the determination (i.e., copy of the proposed action that includes references to the above criteria, results of the noise review, etc.). Additionally, the memorandum shall include, if applicable, references to the provisions of Order 1050.1E that support the determination (i.e., the proposed action is administrative or advisory in nature).

3. Categorical Exclusions (CATEXs). After completion of the IER (when applicable), the originating facility shall forward the IER and any supporting environmental documentation to the Service Area Environmental Specialist for concurrence. The Service Area Environmental Specialist shall then prepare the Categorical Exclusion Declaration (see Appendix 6) for signature by the Service Area Director (or the Director's designee). A CATEX does not apply to a proposal if extraordinary circumstances as described in FAAO 1050.1E, paragraph 304, exist.

4. Environmental Assessments (EA). Although the Facility manager shall make a recommendation on the level of environmental review, the Service Area Environmental Specialist shall make the final determination as to whether the proposed action warrants preparation of an EA or an EIS. For proposed actions that warrant an EA, the Service Area Environmental Specialist may need to request additional resources and information to support the proposal.

FAAO 1050.1E, chapter 4 summarizes and supplements requirements of CEQ for EAs. The CEQ regulations do not specify a required format for an EA, however FAAO 1050.1E, paragraph 405, contains a sample format that will facilitate preparation of an EA, and integrate compliance with other environmental laws, regulations, and Executive Orders with NEPA review.

5. Findings of No Significant Impact (FONSI). If an EA reveals that a proposed air traffic action would not cause significant adverse impacts, the Service Area Environmental Specialist shall prepare a FONSI.

FAAO 1050.1E, paragraph 406, summarizes and supplements CEQ requirements for FONSI. The CEQ regulations do not specify a format for FONSI, but FONSI must contain the information discussed in 40 CFR 1508.13. The FONSI may be attached to an EA, may be combined with the EA in a single document, or may be a stand-alone document. Paragraph 406 should be reviewed in detail prior to completion of a FONSI to assist in determining the type of document to prepare. If the FONSI is not combined with or attached to an EA, it must include a summary of the EA and note any other environmental documented related to it. If the FONSI is attached or included with the EA, the FONSI does not need to repeat any of the discussions in the EA but may incorporate them by reference. All documentation relied upon must be made available to the public upon completion of the environmental process.

If mitigation is included as a requirement in the FONSI, appropriate follow-up actions must be taken to ensure that the required mitigation is implemented. The Service Area preparing the FONSI is responsible for ensuring that the required mitigation is implemented.

6. Environmental Impact Statement (EIS). If a proposed action requires preparation of an EIS, the Service Area Environmental Specialist shall advise the Area Director when there is a need to seek funding and/or resources for the EIS. Consultation with the Environmental Programs Group regarding projects at this stage is highly recommended. If an independent contractor is to prepare the EIS, the Service Area Environmental Specialist shall oversee the preparation to ensure compliance with FAAO 1050.1E, paragraphs 503 through 511.

NOTE-

The Service Area Environmental Specialist shall ensure that all EAs and any subsequent EISs for proposed air traffic action within their area of jurisdiction meet the requirements of FAAO 1050.1E. The originating facility is responsible for the accuracy of operational data and assumptions contained therein.

7. Record of Decision (ROD). For all proposed air traffic actions that have been the subject of an EIS, the Service Area Environmental Specialist shall prepare a ROD in accordance with FAAO 1050.1E, paragraph 512. (For proposed air traffic actions for which a FONSI is prepared, the Service Area Environmental Specialist should consider

preparing a ROD in accordance with FAAO 1050.1E, paragraph 408.)

If an independent contractor prepares the EIS, that contractor may also support preparation of the ROD. However, the ROD documents the agency's decision on the Federal action and remains the responsibility of the FAA.

32-2-2. FAR PART 150 STUDIES

Airport Sponsors (Operators) may choose to conduct a FAR Part 150 study to analyze the operation of an airport, identify compatible and non-compatible land uses, and assess the costs and benefits of noise mitigation techniques. Noise Compatibility Programs that result from Part 150 studies often recommend modifications to air traffic routes and/or procedures to accomplish noise abatement. The FAA does not normally make changes in air traffic routes and/or procedures solely for the purpose of noise abatement. However, under Part 150, the FAA can approve flight procedures to reduce noise that are recommended in a Noise Compatibility Plan. If modifications to air traffic routes and/or procedures are recommended, air traffic will evaluate those recommendations as to feasibility and provide input to the appropriate Airports Program office.

While preparation of a FAR Part 150 study does not necessarily invoke NEPA, the potential implementation of recommended noise abatement measures, such as alternative air traffic procedures, is subject to the NEPA process by the air traffic program. During the Part 150 process, Facility Managers should keep the Airports Division or Airports District Office representative and the Service Area Environmental Specialist advised of any alternative air traffic control procedures that have the potential to invoke the NEPA process. The Facility Managers are responsible for ensuring that current operational data and assumptions (furnished to the entity completing the Part 150 process) are accurate and that future operational data and assumptions reflect reasonable conditions. (Operational data in this context relates to flight track and profile data and/or documentation.)

The facility environmental representative and the Service Area Environmental Specialist shall coordinate with the Airports Division or Airports District Office representative throughout the Part 150 process. This coordination should ensure that assumptions and data used are reviewed at each phase

and results can be verified early in the process. Early coordination will allow for needed adjustments in any operational assumptions prior to completion of the study.

The Service Area Environmental Specialist shall coordinate with the Airports Division or Airports District Office personnel to furnish any data necessary for use in the FAR Part 150 study. Additionally, air traffic participation in the process does not constitute air traffic approval for a FAR Part 150 action.

During other noise studies conducted by the Airport Sponsor, Facility Managers and Service Area Environmental Specialists shall work with the Airport Sponsor and Airports Program personnel on the exchange of information as described above.

32-2-3. SPECIAL USE AIRSPACE (SUA)

The purpose of this section is to ensure that air traffic personnel and SUA proponents are aware of the need to comply with NEPA and CEQ requirements for evaluating the environmental impacts of proposed

SUA actions. (See, e.g., FAAO 1050.1E, paragraph 401p.) This section supplements the airspace processing requirements contained in Part 5. of this document.

Normally, SUA is designated to support DOD requirements. The FAA/DOD Memorandum of Understanding (MOU) provided in Appendix 7, sets forth procedures and responsibilities for the evaluation of the environmental impacts of DOD SUA proposals. It designates when DOD is the lead agency and when FAA is the cooperating agency for NEPA compliance on SUA proposals.

Appendix 8, "FAA Special Use Airspace Environmental Processing Procedures," establishes air traffic environmental processing procedures for proposed SUA actions. In the case of SUA proposals submitted by non-DOD Federal agencies, the responsibility for preparation of an EA or EIS, if required, rests with the proponent (i.e., the requesting Federal agency). However, the FAA retains responsibility under NEPA to ensure that its SUA actions are supported by adequate environmental documentation.