

### CHAPTER 3. AGENCY AND TRIBAL COORDINATION

**300. IMPORTANCE OF COORDINATION.** Coordination with resource agencies and, as appropriate, Tribal representatives is not only necessary, but is essential in completing the NEPA process in a timely and effective manner. This coordination facilitates FAA's evaluation of action-related environmental impacts by:

- a. Providing important information to an airport sponsor and FAA about site-specific concerns and issues.
- b. Identifying potential adverse impacts to environmentally sensitive resources, alternatives to avoid or reduce impact severity, and measures to conceptually mitigate those impacts.
- c. Helping to lessen the likelihood of delays due to agency or Tribal opposition to the proposed Federal action.
- d. Avoiding delays by resolving conflicts between FAA and agencies or Tribes concerning alternative uses of available resources.
- e. Reducing duplicate efforts.
- f. Reducing the need to extensively revise an EA or EIS to address their concerns. and
- g. Improving the likelihood that a single environmental document would adequately meet lead and cooperating agency requirements.

**301. EARLY COORDINATION IN THE ENVIRONMENTAL REVIEW PROCESS.** Under 40 CFR 1501.4, Federal agencies must:

"...involve environmental agencies, applicants, and the public, to the extent practicable, in preparing [environmental] assessments."

Therefore, when conducting the NEPA process, FAA and the airport sponsor, as appropriate, should begin early coordination with the proper Federal, State, Tribal, and local agencies, including surrounding municipalities, to determine each agency's environmental concerns. This effort helps to eliminate duplication and helps to ensure NEPA documents address major issues concerning those interested parties.

**302. STATE AND LOCAL REVIEW PROCESSES.** Including State and local resource agencies and municipalities in the environmental process is critical to successfully meeting NEPA's public involvement requirements and making the NEPA process more efficient. This effort helps address issues conflicting with local planning processes (40 CFR 1506.2). In addition, these agencies are often valuable sources of information about environmental resources and concerns in the project area.

**a. Procedures for State and local reviews of airport actions.** Airport sponsors should note that each state might have specific processes for reviewing Federal actions.

(1) Airport sponsors and the responsible FAA official should use the review process established in the state where the project would occur. State and local agencies, municipalities, and zoning authorities have knowledge about statewide and area-wide comprehensive plans. Airport sponsors, and ARP planners and environmental specialists should consider these plans when designing proposed, Federally funded airport projects. This helps ensure the proposed actions will meet the goals of those plans, since compatibility with local plans is a crucial factor in ARP's decision process.

(2) As encouraged by the Office of Management and Budget, some states have established a "single point of contact" to coordinate State or local reviews. Where this "contact" exists, sponsors should ask the contact to notify agencies having responsibilities for or expertise on potentially affected resources. If the sponsor or regional or district office ARP staffs know certain agencies or members of the public are interested in the action, they should provide this information to the contact to hasten information distribution.

**b. Timing consultation.** When an airport project is being proposed, the responsible FAA official and the airport sponsor, as appropriate, should begin consultation as soon as possible. Normally, this would be when the sponsor's early planning information is sufficient to describe the proposed action and a preliminary scope of the action's expected environmental impacts. When a schedule for the NEPA process has been established at the airport sponsor's request, ARP recommends the approaches noted below to help the responsible FAA official complete the NEPA process according to the schedule. At a minimum, a sponsor seeking AIP financing or ALP approval for a proposed airport action should begin consulting with FAA, the agencies, or the single point of contact. If consultation with a Federally-recognized Tribe is needed, the responsible FAA official must conduct that consultation as described in paragraph 303.

(1) **When requesting discretionary funding for an action that is normally a categorical exclusion.** Sponsors should provide the responsible FAA with information about a proposed action and its associated impacts (extraordinary circumstances by April 30<sup>th</sup> of the fiscal year (FY) *preceding* the FY in which the sponsor is requesting discretionary funding. This should provide the official with enough time to determine if a proposed airport action maybe categorically excluded.

(2) **When requesting discretionary funding for an action normally requiring an EA.** Sponsors develop a schedule that provides them enough time to submit a final, FAA-accepted EA by April 30<sup>th</sup> of the FY *preceding* the FY in which the sponsor is requesting discretionary AIP funding.

(3) **When requesting approval of an ALP change but not discretionary or entitlement funding.** Sponsors should consult with the responsible FAA official to determine the time needed for the official to complete the appropriate NEPA process, while trying to accommodate the sponsor's schedule.

**303. GOVERNMENT-TO-GOVERNMENT RELATIONS WITH NATIVE AMERICAN TRIBAL GOVERNMENTS.** Executive Order 13175, *Consultation and Coordination With Indian Tribal Governments*, dated November 6, 2000, provides instructions to *Federal* agencies about relations with Federally-recognized Native Americans (i.e., Alaska Natives and American Indians). The Executive Order requires FAA, to the extent practicable and allowable by law, to consult Tribal governments before taking actions that could significantly or uniquely affect them. In addition, FAA must assure FAA policies, programs, and activities properly address a Tribe's concerns regarding its rights or potential impacts on tribal trust resources.

**a. Conducting these consultations.** The responsible FAA official must conduct open and candid consultation in a manner respecting Tribal sovereignty. FAA Order 1210.20, *American Indian and Alaska Native Tribal Consultation Policy and Procedures*, dated January 28, 2004, provides specific guidance for FAA personnel on how to conduct those government-to-government consultations for FAA activities.

(1) The responsible FAA official should begin the consultation as soon as FAA knows enough about the proposed action to present a list of potential environmental issues to the Federally-recognized Tribe. This ensures FAA knows of Tribal concerns early in project development when the greatest range of alternatives exists. It also allows the Tribe to present its concerns and information in a timely manner to ensure FAA fully considers issues of tribal importance.

(2) When FAA engages in consultations, the responsible FAA official must provide a current record of this and all other consultation conducted with Federally-recognized Tribes to comply with FAA Order 1210.20, section 8b. The responsible FAA official should provide the record to Regional Tribal Consultation Official for the region where the action would occur. The Tribal Consultation Official will include that information in FAA's Tribal Consultation Reporting database.

**b. Assistance.** The following sources provide more information on conducting required consultation.

(1) Department of Transportation's Office of the Assistant Secretary for Aviation and Intergovernmental Affairs (X-1).

(2) Environmental Protection Agency's Office of Environmental Justice, American Indian Environmental Office.

(3) FAA's Federal Historic Preservation Officer or Regional Tribal Consultation Officials.

**304. USING INFORMATION FROM THE AGENCY AND TRIBAL REVIEW PROCESSES.** The airport sponsor or FAA, as appropriate, should consider comments and recommendations they receive through the State, local, and Tribal review processes. Final copies of EAs or EISs must contain those comments or recommendations and the sponsor's or

FAA's responses to them. Paragraph 707.d of this Order discusses how to resolve issues an EA addresses. Paragraph 1201 addresses how to respond to comments on DEISs. That information is also useful for EAs.

**305. – 399. RESERVED.**