

FAA NEPA Requirements for proposed Land Releases

The level of NEPA documentation required for an Airport land release will vary for each location and be based on a couple of key considerations.

1. Change in ownership
2. Any proposed change in use of the land requested for release --- including any change in the use or expansion of an existing use.

FAA Order 5050.4B does list Release of airport land as an action that is 'normally categorically excluded' that may involve Extraordinary Circumstances, reference Table 6-2. The determination of whether Extraordinary Circumstances are involved can be based on a letter exchange between the Airport sponsor and FAA, or it may involve completion of the Environmental Evaluation Form (essentially a documented Categorical Exclusion). Completion of the evaluation form --- demonstrating compliance with all applicable 'special purpose' environmental laws and regulations, would be required if a change in use of the land from its present use were proposed or if there were an expansion of the proposed use.

Additionally there are circumstances under which a change in ownership alone with no change in proposed use or development plans would necessitate additional process, analysis and documentation. For example, if the land proposed for land release were determined to be a Historic Property protected under State or Federal Law (i.e. the National Historic Preservation Act), release of the land to a local community would remove the property's protection from State and Federal laws. In which case we might have to consult with the State Historic Preservation Office and the local Tribe, and address the affect of removing Federal and State protections on the Historic Property before approving release of the land.

In a situation under which the State of Alaska Department of Transportation and Public Facilities proposes to release Airport land to State Parks --- a State agency would retain ownership of the property. It would be appropriate to confirm that the land proposed for release is or is not eligible for the National Register of Historic Places --- a records search *may* be adequate documentation for this determination. The reason for this is because removal of the land from Airport property removes FAA involvement in future actions, so protection afforded under section 106 of the National Historic Preservation Act would be removed.

If State Parks has 'reasonably foreseeable' plans to expand/ improve/ modify the existing use of the land proposed for release then the affects of that expansion/ improvements would have to be addressed in a documented categorical exclusion. Reasonably foreseeable would mean State Parks had identified expansion in funding plan within the next 3 years (similar to FAA's 3 year AIP funding plan). If State Parks does not have plans for expansion/ improvement/ modification of the area requested for release in the reasonably foreseeable future, then a letter exchange between DOTPF and FAA would adequate --- but the cultural resource question noted above would still have to be addressed.

The Airport Sponsor should provide the following documentation: 1) a description of the proposed action (release of airport land); 2) cite the applicable Categorical Exclusion (307b. in FAA Order 1050.1E); 3) figures depicting the proposed area to be released; 4)

the proposed use; and 5) any 'reasonably foreseeable' planned development; and 6) documentation regarding cultural resources. Based on that information the Airports Division's environmental protection specialist's can either approve the documentation as adequate for NEPA purposes or determine that a 'documented CE'/ completion of the environmental evaluation form would be required --- which should only be required if State Parks has near term plans to expand or improve/ modify the land requested for release.