

CHAPTER 10. THE ENVIRONMENTAL IMPACT STATEMENT

1000. GENERAL. This chapter presents the content requirements for an environmental impact statement (EIS).

1001. EIS PURPOSE. Regulations at 40 CFR 1502.1 state that an EIS's primary purpose is to be an "action-forcing tool" to ensure Federal government programs and actions meet NEPA's goals and policies.

a. Through an interdisciplinary approach, integrating natural and social sciences and the environmental design arts (40 CFR 1502.6), an EIS allows agency decision makers to take a "hard look" at environmental impacts of major Federal actions under the agency's purview. These actions focus on the reasonable alternatives, which are developed during scoping that could solve operational, capacity, safety or security problems that airport sponsors encounter. EISs describe individual and cumulative significant environmental impacts those alternatives could cause and conceptual measures to mitigate their impacts.

b. An EIS is a vehicle for providing the interested public and agencies with details about a proposed Federal action's purpose and need.

c. An EIS must be a concise, plainly written document (40 CFR 1502.8). This enables those not taking part in EIS preparation to understand issues facing an airport sponsor and the environmental effects of the various reasonable alternative ways to address those issues.

d. The approving FAA official must identify the agency's preferred alternative in FAA's final EIS (see paragraph 1007.e.(7)).

e. The final EIS (FEIS) presents public comments on the draft EIS's (DEIS) content and FAA's responses to those comments.

1002. WHEN TO PREPARE AN EIS. The responsible FAA official should recommend an EIS after determining the severities of impacts discussed in an airport sponsor's EA. The official could recommend an EIS without an EA, after reviewing an airport sponsor's project proposal, or determining the proposed action normally requires an EIS (see paragraph 903). Quick decisions to prepare an EIS are critical. Such decisions help ensure the EIS is available to the approving FAA official when the official receives other important decisionmaking material about a proposed action.

1003. EIS PREPARATION. To meet 40 CFR 1506.5(c), FAA (as the lead agency) remains responsible for selecting an EIS contractor, leading scoping, providing guidance, participating in EIS preparation, and completing the NEPA process.

a. Contractor selection and oversight. As the lead agency for most airport actions, FAA is ultimately responsible for preparing an EIS addressing those actions and ensuring the validity of an EIS's scope and content. However 40 CFR 1506.5(c) allows Federal agencies to select contractors to help the agencies prepare EISs. Knowing that ARP retains final decision authority regarding the contractor it will select to help preparing the EIS per 40 CFR 1506.5(c), personnel should note the following:

(1) Airport sponsors can assemble a "short list" of contractors they believe are qualified to prepare an EIS.

(2) The responsible FAA official may select a contractor from that "short list," but the official is not obligated to limit his or her selection to that list.¹

(3) Airport sponsors normally pay the contractor's costs during EIS preparation, but ARP later reimburses the sponsor for most of those expenses.

(4) Although sponsors initially finance the contractor's costs in preparing the EIS, FAA retains the authority and responsibility for overseeing and controlling the contractor's EIS-related work.

b. "NEPA-like" state or agency. See paragraph 9.m of this Order for information on how these arrangements affect EIS preparation. FAA urges these agencies or states to sign a Memorandum of Understanding (MOU) as discussed in paragraph 1003.c. The MOU will clearly define the environmental responsibilities FAA and the agency or state will complete as they work as joint lead agencies to analyze an action's environmental effects.

c. Memorandum of Understanding (MOU). This document is a contract that explains clearly the ground rules and arrangements that FAA (or the NEPA-like agency or state) and the airport sponsor agree to meet during the time FAA is preparing an EIS for an airport project. The MOU:

(1) Explains the relationship among FAA, a NEPA-like agency or state, if applicable, the airport sponsor, and the EIS contractor FAA selects to help it prepare the EIS.

(2) Specifies the duties and relationships among FAA, a NEPA-like agency or state, if applicable, the airport sponsor, and the EIS contractor during EIS preparation.

(3) Specifies that FAA selects the EIS contractor and only it directs the contractor's activities during EIS preparation (see footnote 1).

(4) Clarifies that the sponsor funds the contractor's work.

¹ FAA and NEPA-like agencies or states may jointly select an EIS contractor (40 CFR 1506.5(c)).

- (5) Requires the selected contractor to prepare a Plan of Study.
- (6) Contains terms for stopping or ending the MOU.

d. Disclosure statement. Before starting EIS preparation, the EIS contractor and the subcontractors working with it must verify to FAA that they have no financial interest in the outcome of the action the EIS will address. Consultants working on the EIS may not bid on any future actions the EIS addresses until the approving FAA official issues a Record of Decision based on that EIS. This prohibition does not prevent the airport sponsor from selecting the EIS contractor for later phases of the action. However, that selection must occur after free and open competition and there can be no implied or suggested guarantee that the sponsor would favorably consider the EIS contractor.

e. Payment for consultant work. To meet the sponsor's ordinary contract management practices and expenses, the sponsor must responsibly administer the EIS consultant's contract. To help the sponsor do so, the responsible FAA official should tell the sponsor when the contractor provides work FAA finds technically acceptable for the EIS. Normally, this will enable the sponsor to authorize payment to the contractor for that work. As an alternative and at the sponsor's request, the responsible FAA official may provide satisfactory contractor work to the sponsor before FAA publishes the work in a draft or final EIS. However, the sponsor should note that when FAA does so, the public might request that material under the Freedom of Information Act.

1004. LIMITATIONS ON ACTIONS DURING THE NEPA PROCESS. Based on regulations at 40 CFR 1506.1, there are limitations on the actions that FAA and the airport sponsor may take while FAA is preparing an EIS.

a. Actions having adverse effects or that limit alternatives. ARP and an airport sponsor may not take any action concerning a proposal that would cause adverse environmental effects or limit the range of reasonable alternatives the approving FAA official would consider while an EIS is being prepared. If the official learns that an airport sponsor is planning to take such an action within FAA's jurisdiction during EIS preparation, the approving FAA official will notify the sponsor that FAA will take appropriate action to ensure the objectives and procedures of NEPA are achieved (40 CFR 1506.1(b)).

b. ALP approvals and land purchases. See paragraphs 202.c(4) and 204 for limits on ALP approvals and land acquisitions, respectively, during EIS preparation.

c. Plans and designs for the NEPA process. Plans or designs for the proposed action and its reasonable alternatives must be developed to a level needed to properly analyze their environmental consequences. Normally, this analysis requires no more than 25 percent of an alternative's overall project design ("25% design level"). If FAA becomes aware that a sponsor is proceeding to final design level while an EIS is being prepared, the approving FAA official must do the following, unless the conditions in paragraph 1004.d apply:

(1) Notify the sponsor such actions may raise issues of compliance with 40 CFR 1506.1 and are taken at its own risk.

(2) Tell the sponsor that such action could undermine public confidence in the NEPA process, lead to a perception that ARP is pre-judging the proposed project's merits before it completes the NEPA process, and that this perception significantly increases the likelihood of adverse comments, opposition, and risk of legal challenge. Further, such actions are likely to require additional effort to complete the EIS process and could substantially delay ARP's decision.

(3) Tell the sponsor that ARP will not fund actions that would bring into question its credibility or the public's perception of ARP's objectivity and impartiality during the NEPA process. and

(4) Tell the sponsor that ARP does not and will not make any commitment for any project regardless of its level of design, except to proceed with the proper NEPA process, provided the proposed project remains viable, reasonable, and feasible.

d. Plans and designs needed for permits or assistance beyond NEPA. An airport sponsor may need to develop plans or designs beyond the "25% design level" noted in paragraph 1004.c. that may be needed to support an application for Federal, State, or local permits or assistance (40 CFR 1506.1(d)). In those cases, sponsors should consult with ARP and the permitting agencies to determine the level of plan or design needed to meet permitting or assistance requirements. This helps to streamline the NEPA process by integrating other environmental review requirements and NEPA. It also helps to reduce paperwork (40 CFR 1500.4(k)) and eliminate duplicating State and local procedures (40 CFR 1500.4(n)).

1005. ADOPTING ANOTHER FEDERAL AGENCY'S EIS. Text at 40 CFR 1506.3 allows ARP to adopt some or all of another Federal agency's draft or final EIS provided the EIS is acceptable under NEPA. When ARP adopts another agency's document, the responsible FAA official should complete these following steps.

a. Ensure the EIS meets FAA needs. The responsible FAA official must complete these following steps before adopting another Federal agency's EIS per Order 1050.1E, paragraph 404.d:

(1) Independently review the material and take full responsibility for the scope and content of information addressing FAA actions.

(2) Determine if the material adequately addresses airport development needs and the requirements of this Order.

(3) Request the lead agency responsible for the EIS to make the changes necessary to address ARP's concerns.

(4) If more than 3 years have elapsed since the other agency issued its FONSI and ARP has not yet issued its own FONSI, prepare a written re-evaluation of the other agency's EA. Follow the instructions in paragraph 1401 for re-evaluating NEPA documents.

(5) Prepare a supplement to the EIS if the lead agency will not revise the EIS to address FAA concerns. That supplement should contain only the information FAA determines necessary to comply with this Order or other information addressing safe, efficient airport operations.

b. Notify EPA. When FAA plans to adopt an EIS, the responsible FAA official must prepare a written notice and send it to EPA. The notice tells the public that FAA is adopting another Federal agency's EIS. EPA will publish a notice that FAA is adopting the EIS in the *Federal Register*.

c. Re-circulating an adopted EIS. This step varies with FAA's role and the document's content.

(1) When FAA is a cooperating agency. Here, FAA must independently review the document.

(a) If the responsible FAA official determines the EIS adequately addresses FAA's comments and concerns, it may adopt the EIS without re-circulating it.

(b) FAA may also adopt only a portion of a lead agency's EIS and reject that part of the document with which FAA disagrees. Here, the responsible FAA official must explain why FAA adopted only a portion of the EIS (40 CFR 1506.3(a)). If FAA needs to supplement the EIS because it does not address FAA concerns, FAA must circulate the supplement as a draft for public review and comment. When this occurs, FAA should circulate the adopted EIS portions with that supplement to ensure the reader understands the supplement's relationship to the adopted EIS and the EIS's content.

(2) When FAA adopts an EIS, but FAA is not a cooperating agency. This rarely occurs because an adopting agency normally acts as a cooperating agency. But if the situation arises, the responsible FAA official must do one of the following:

(a) If the proposed action FAA is considering is essentially the same as the lead agency's, the responsible FAA official may re-circulate the EIS as a final version and inform the public FAA is doing so.

(b) If the proposed action FAA is considering is not essentially the same as that of the lead agency, the responsible FAA official must circulate the EIS as a draft and follow the draft EIS review and processing procedures noted in Chapter 11.

d. When to file an adopted EIS with EPA. When FAA is a cooperating agency, the responsible FAA official need not file the adopted EIS with EPA for circulation. When FAA is not a cooperating agency, the responsible FAA official must file 5 copies of the adopted draft or final EIS with EPA (see paragraphs 1101 and 1211, respectively).²

Note: FAA may adopt information the airport sponsor or other parties provide for use in preparing an EIS. However, before doing so, the responsible FAA official must independently review that information and take responsibility for its scope and content.

1006. EIS CONTENT. An EIS focuses on significant environmental impacts. To do this, the responsible FAA official must use an interdisciplinary approach integrating natural and social sciences and the environmental design arts (40 CFR 1502.6). The EIS must be a concise, plainly written, comprehensive document (40 CFR 1502.8). This enables those not taking part in EIS preparation to understand the issues and intelligently analyze the no action alternative, the proposed action, reasonable alternatives, and the potential environmental impacts of those actions and alternatives.

1007. EIS FORMAT. When preparing an EIS, the responsible FAA official must follow the format described below (40 CFR 1502.10). This encourages good analyses and a clear presentation of the no action, the proposed action, and the reasonable alternatives FAA is considering. This format also provides the approving FAA official and interested parties with information they need to fully understand the proposed action, the reasonable alternatives, and their expected environmental impacts.

a. Cover sheet. Except for information in paragraph 1007.a(6), a cover sheet must include the information listed in 40 CFR 1502.11.

(1) At the top of the sheet, place these words:

**"DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
(DRAFT, FINAL, or SUPPLEMENTAL) ENVIRONMENTAL IMPACT STATEMENT"**

(2) Identify the lead agency and cooperating agency(ies), if any.

(3) Provide the title of the proposed action with the city(ies), state(s) and county(ies) where the action would occur.

(4) For a DEIS, add text similar to this:

"The FAA presents this environmental impact statement for review pursuant to the following public law requirements."

² Send 1 paper copy of the EIS and its appendices and 4 CD copies of those materials.

Note: Examples of those requirements include Section 102(2)(C) of the National Environmental Policy Act of 1969, the special purpose laws that apply to the proposed action , such as Section 4(f) of the DOT Act.

(5) Provide the name, mailing address, e-mail address, and telephone number of the responsible FAA official who can give further information about the proposed action.

(6) Regarding comment submittal, ARP bases its EIS comment submittal due date on the date EPA plans to publish the EIS's "Notice of Availability" in the *Federal Register*. Because EPA sometimes experiences problems publishing that Notice, we recommend not inserting the final comment due date on the EIS's title page. Instead, the responsible FAA official should place the date in the FAA cover letter sending the EIS to a recipient.

b. Summary. The Summary must stress the major conclusions, areas of controversy, if any, and issues the approving FAA official must decide (for example, the preferred alternative). The summary should not exceed 15 pages. For airport actions, the summary should highlight the following items:

(1) The sponsor's proposed action.

(2) Those parts of the EIS presenting the rationale for the proposed action.

(3) Major environmental concerns and how the EIS addresses them.

(4) Highly controversial issues (see paragraph 9.i. of this Order, if needed).

(5) Proposed conceptual mitigation measures. Specify those measures FAA expects to make conditions of approval, such as grant assurances. Include any monitoring requirements.

(6) Reasons FAA addressed certain items in detail, while it dismissed others from analyses.

(7) Any scoping process that occurred, including the time and place of a scoping meeting. Provide the following information:

(a) Major areas of concern.

(b) Items identified for detailed analyses.

(c) Reasonable alternatives considered and a summary of why those alternatives are reasonable.

(d) The process used to resolve issues. and

(e) The responsibilities assigned to scoping participants.

(8) The sponsor's proposed action preferred alternative and FAA's preferred alternative in the FEIS (paragraph 1007.e(7)). ARP encourages the responsible FAA official to identify the environmentally preferred alternative in the FEIS (CEQ's *Forty Most Asked Question Concerning CEQ's National Environmental Policy Act Regulations*, Question 6b).

Note: The FEIS must identify FAA's preferred alternative unless another law prevents FAA from doing so (40 CFR 1504.(e)). If FAA knows its preferred alternative when it prepares the DEIS, the DEIS must identify FAA's preferred alternative.

(9) The approving FAA official's reason for identifying the preferred alternative, unless another law prevents FAA from expressing that alternative (40 CFR 1502.14(e)).

(10) Information on the status of compliance or expected compliance with applicable permits, approvals, or license requirements. Include any known problems the airport sponsor may have in getting those authorizations.

(11) The FEIS summary must contain the following approval language:

“After careful and thorough consideration of the facts contained herein, and following consideration of the views of those Federal agencies having jurisdiction by law or special expertise on environmental impacts described, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969.”

c. Table of Contents. Text at 40 CFR 1502.10(c) requires a Table of Contents to help readers find major topics in the EIS. This should list the chapters, figures, maps, tables, and exhibits in the EIS. Include lists of appendices, acronyms, and references.

d. Purpose and Need. See paragraph 706.b of this Order for a general discussion on this topic. In addition, review the following information as appropriate.

(1) The purpose and need for streamlined airport actions under 49 U.S.C. Subpart III, section 47171(j). For projects addressing airport capacity enhancement projects at the nation's congested airports.³ Federal reviewing agencies must give substantial deference to the purpose and need the DOT Secretary defines. However, this section requires the Secretary to request and consider comments on project purpose and need from interested people and governmental entities. This deference also applies to

³ 49 USC 47175.(2) defines a congested airport as, “...an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most year for which data is available and an airport listed in table 1 of the Federal Aviation Administration's *Airport Capacity Benchmark Report 2001*.” Contact ARP's Airport Planning and Environmental Division for more information if needed

aviation safety projects and aviation security projects (See 49 U.S.C. 47171(j)). Chapter 15 of this Order provides more information on streamlining.

(2) Sponsor prepared EAs. If the sponsor prepared an EA, FAA may use the EA's Need for the Proposed Action section for the EIS, but only if the responsible FAA official determines the EA fully explains why FAA is considering the proposed action.

e. Alternatives, including the No Action alternative. See paragraph 706.d of this Order for a general discussion of alternatives. In addition, for EIS preparation, review the following instructions and see paragraph 706.b(3) for aviation forecast standards applicable to alternatives.

(1) Alternatives for streamlined airport projects under 49 U.S.C. Subpart III, section 47171(k). For projects addressing airport capacity enhancement projects at the nation's congested airports (see footnote 3). Federal agencies must consider only the alternatives the DOT Secretary has determined reasonable. However, this section requires the Secretary to request and consider comments on project purpose and need from interested people and governmental entities. This deference also applies to aviation safety projects and aviation security projects (49 USC 47171(k)).

(2) Alternatives for airport projects not subject to streamlined review under 49 U.S.C. Subpart III, section 47171(k). This section should present the no action alternative, the proposed action, and the range of alternatives that are reasonable solutions to the problem(s) the sponsor wants to resolve and fulfill FAA's mission. Text at 40 CFR 1502.14(c) requires agencies to examine alternatives outside FAA's jurisdiction, if they are reasonable solutions to the sponsor's problem(s). This may include alternatives the public, an agency, or a Tribe proposed during scoping, provided the alternatives meet the purpose and need.

(3) If an EA precedes an EIS. If an EA precedes an EIS, the scoping process for the EIS must include the alternatives the EA discussed. The responsible FAA official must ensure the EIS identifies those alternatives FAA will no longer consider and the reasons for their dismissal.

(4) Actions involving new airports, new runways, or major runway extensions. 49 USC 47106.(c)(1)(B) states the Secretary of Transportation may approve a project grant application for a project involving a new airport, a new runway, or a major runway extension having significant adverse effects. However, the Secretary may do so only after finding that no possible and prudent alternative that meets the Purpose and Need exists and making a finding that all possible planning to minimize harm has been taken. The terms "possible" ("feasible") and "prudent" have separate meanings as noted here.

(a) The term “possible” (“feasible”) refers to sound engineering principles. A construction alternative may be possible if, as a matter of sound engineering principles, it can be built.

- (b) The term, “prudent” refers to rationale judgment. See paragraph 1007.e(5)(a) for more information. Although the term is defined relative to Section 4(f), the definition is very useful for these three major airport development projects.

(5) Airport actions resulting in use of Section 4(f)-protected resources.

FAA EISs will address these actions when a proposed airport project would significantly affect Section 4(f)-protected resources. The responsible FAA official must ensure the EIS prepared for these actions evaluates the existence of prudent and feasible alternatives that avoid using Section 4(f) protected resources.

(a) The EIS must contain information showing FAA has considered all feasible and prudent alternatives meeting the project’s purpose and need that avoid using the 4(f) resource. If none exists, FAA will include all possible planning to minimize harm to the protected resources. The term, “prudent” refers to rationale judgment.⁴ A project may be possible, but not prudent when one considers its safety, policy, environmental, social, or economic consequences. Use the following factors to decide if an alternative is prudent:

1. Does it meet the project’s purpose and need?
2. Does it cause extraordinary safety or operational problems?
3. Are there unique problems or truly unusual factors present with the alternative?
4. Does it cause unacceptable and severe adverse social, economic, or other environmental impacts?
5. Does it cause extraordinary community disruption?
6. Does it cause added construction, maintenance, or operational costs of an extraordinary magnitude? or
7. Does it result in an accumulation of factors that collectively, rather than individually, have adverse impacts that present unique problems or reach extraordinary magnitudes?

⁴ See, *Section 4(f) Policy Paper*, dated March 1, 2005. Review the paper’s “Section 4(f) Evaluation” section focusing on Examples of Alternative Selection Process. http://environment.fhwa.dot.gov/projdev/4f_policy.asp#alternatives.

(b) To meet Section 4(f) needs, an EIS must explain why a rejected alternative presents unique problems or explain the cost to carry out the action or its resultant community disruption is extraordinary. Although this requirement is similar to that in paragraph 1007.e (4), notice Section 4(f) applies to any airport action using 4(f)-protected land. Paragraph 1007.e(4) applies to analysis of alternatives for a new airport, a new runway, or a major runway extension that has significant adverse effects on natural resources.

(6) Airport actions involving floodplains, wetlands, or conflicts with other laws. The EIS should list the Federal, State, Tribal, or local laws, regulations, or permits that apply to each reasonable alternative the EIS analyzes in detail. Conflicts with those laws focus on the reasonableness of each alternative, so a conflict may prevent a sponsor from carrying out an alternative. For example, Executive Orders protecting floodplains and wetlands and Clean Water Act section 404 requirements for wetlands of the United States require FAA to determine that no practicable alternatives exist before FAA can approve an action encroaching on a floodplain or affecting wetlands (jurisdictional or non-jurisdictional).

(7) The FAA's preferred alternative. This alternative may be the environmentally preferred alternative, but it need not be. The approving FAA official selects the preferred alternative after reviewing each alternative's ability to fulfill the agency's mission while considering their economic and environmental impacts, and technical factors. The FEIS must identify FAA's preferred alternative, unless another law prohibits expressing it (40 CFR 1502.14(e)).

Note: The DEIS must identify FAA's preferred alternative, if FAA knows it when it is preparing the DEIS.

f. Affected Environment. See paragraph 706.e for a general discussion of the affected environment. For EIS preparation, review the following information.

(1) This section's primary role is to describe the existing environmental conditions that the proposed action and its reasonable alternatives would affect. Text at 40 CFR 1502.15 requires the EIS to describe succinctly the environmental resource characteristics the proposed project and the reasonable alternatives would affect. It should not describe the impacts the no action, proposed action, or the reasonable alternatives would cause.

(2) Focus on resources the no action, the proposed action, and the reasonable alternatives would significantly affect. The description for each affected resource should be proportional to the extent of potential impact on that resource. That is, the EIS should provide less detail for those resources that would not be significantly affected. Usually, if the sponsor prepared an EA for the proposed action, that document's Affected Environment section would normally be sufficient for those affected resources.

(3) If the sponsor prepared an EA, the responsible FAA official should examine the EA's Affected Environment section. This review is needed to determine the

extent of additional information the EIS will require to more fully describe the significant impacts the no action, the proposed action, and the reasonable alternatives would cause. To do so, consider the following items.

(a) An airport layout plan and map depicting the project location and the surrounding airport vicinity.

(b) Descriptions of the environmentally sensitive resources, existing and planned land uses, and zoning the proposal and alternatives under consideration would affect. As needed, describe those resources that special purpose laws protect (e.g., wildlife refuges, recreational areas, wetlands, etc.). Depending on the resources affected, the geographical area described may vary.

(c) If an EA is being used as a reference, include future actions in the Affected Environment section the EA does not address.

(d) When preparing the EIS's Affected Environment section, preparers should review material other agencies, organizations, or private parties have prepared. This information is helpful in addressing cumulative impacts. Data sources may include environmental documents or permit applications of other Federal, State, or local agencies. These documents are valuable because they address past, present, or reasonably foreseeable developments in the proposed project's affected area that are not part of the proposed action. Project examples include highway projects, housing developments, or relocation needs related to those non-FAA actions. Examine the impacts those projects cause and determine if they affect the same resources the proposed alternatives would affect. Select the documents that point to impacts on the same resources. Incorporate by reference the readily available documents used to prepare this section.

Note: The references must be available to the public during the EIS review period.

g. Environmental Consequences. See paragraph 706.f for a general discussion of this section, then, to prepare an EIS, review the following information.

(1) The section should discuss the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity. To do so, examine trade-offs between short-term environmental gains at the expense of long-term losses or long-term gains at the expense of short-term losses as needed. Include the extent to which the proposal forecloses or broadens future options.

(2) This section should describe impacts of the no action, proposed action, and each reasonable alternative on affected resources and the consequences of those impacts. Alphabetically arranged impact discussions are *not* required. Often, doing so may not be the best way to present that information in a cohesive, understandable manner.

(3) EIS preparers should determine the information necessary to explain clearly impacts and consequences (40 CFR 1500.4 and 1502.2)). To reduce bulk and improve its understanding, EIS text should summarize impacts and their consequences. Discussions should provide accurate cross-references to the specific appendices and page numbers that provide the basis for determining the severity of impacts and their consequences. This section should not repeat information in the Alternatives section. Instead, it should be the source of information used to prepare the Alternatives section's summary table. It should outline each reasonable alternative's environmental impacts.

(4) Use concise discussions of impacts and consequences that are not significant. Provide only the information needed to show why they are not significant. In most cases, if the sponsor prepared an EA for the proposed action, information in that document's Environment Consequences section would normally be sufficient for those resources.

(5) Discuss the status of consultation the applicable special purpose laws require (see Chapter 1, Table 1-1 of this Order).

(6) Discuss possible conflicts between the proposed action and the objectives of Federal, State, regional, or local land use plans, policies, or controls in the affected area. Consider Tribal or Native Hawaiian plans, policies, and controls when the action would affect a reservation, tribal trust, or other resources important to those peoples.

(7) Discuss the irreversible and irretrievable commitments of natural resources and energy requirements each reasonable alternative would require. Analyze any project-caused depletion of materials in short supply or substantial, irreversible changes to the natural or cultural environment the reasonable alternatives would cause.

(8) Discuss any National Register-eligible or listed historic and cultural resources the proposed action or reasonable alternatives would affect or destroy and the potential for reusing or conserving these resources. For Section 4(f) purposes, note any historic resources of State or local significance.

(9) Ensure the EIS clearly states where information is lacking or uncertain when evaluating reasonably foreseeable significant adverse effects (40 CFR 1502.22). See paragraph 1007.o for more information on this.

(10) Incorporate by reference or appendix any cost-benefit analysis that is relevant to the choice among environmentally different alternatives, to meet 40 CFR 1502.23 (see 1007.n).

h. Mitigation. Describe conceptual mitigation measures that are not parts of the proposed action. Consultation with the sponsor, FAA organizations, Tribes, or resource agencies is helpful when developing this mitigation. Reviewing Environmental Management Systems (EMS) provides information about effective ways to mitigate

significant environmental impacts due to airport actions. Examples of mitigation concepts include:

- (1) Design or construction measures avoiding or reducing impacts.
- (2) Management actions to reduce operational impacts.
- (3) Reuse, restoration, preservation, or compensation measures.

Note: EIS preparers may make this section a separate EIS chapter, or they may combine it with each section of the Environmental Consequences section discussing each affected environmental resource. In addition, preparers should summarize mitigation in a matrix placed in the EIS Alternatives section (see Figure 7-1, pg. 4, Table 1).

i. Cumulative impact. CEQ 1508.25 defines three types of actions one should consider when determining the scope of a NEPA process. One of the types involves cumulative actions (the others are connected actions and similar actions) CEQ 1508.7 states that a cumulative impact is the environmental effect resulting from the incremental effects of the proposed action when added to the effects of past, other present, and reasonably foreseeable future actions, regardless of the entity (i.e., Federal or non-Federal) or person that would carry out those actions. In some cases, individually minor but collectively significant actions occurring over a defined period of time can cause cumulative impacts.

(1) When an airport action affects certain resources, the effects of that action can be limited to the extent that a FONSI or a categorical exclusion would appear to be appropriate. However, when analysts cumulatively consider the project's impacts with those of past, present and reasonably foreseeable actions on or off-airport (paragraph 9.q), those impacts may exceed one or more significant impact thresholds. Therefore, EA and EIS preparers must consider the impacts the airport project and the complex of past, present, and reasonably foreseeable projects affecting the same resources. Here are some examples of this principle.

(a) Buying land and a reasonably foreseeable runway extension (i.e., a cumulative action).

(b) Runway extension and moving an access road to accommodate the extension (i.e., a connected action).

(c) Apron work needed to move a terminal, which in turn, requires moving housing (i.e., a connected action).

Note: Here, terminal area relocation is the principal action justifying the project, but the effects due to disrupting the community or other impacts due to highway or housing relocation must be part of the total proposal.

(d) An initial runway extension and a second phase extension that is part of a firm development program or reasonably foreseeable (i.e., a similar action).

(2) When considering any past, present, or reasonably foreseeable actions the airport vicinity that affect the same resources the airport action would affect, analysts must determine if those actions and the airport action would cause significant cumulative impacts. For example, building a new highway and expanding an airport may, when considered together (cumulatively), cause significant air quality impacts. This is because extensive earthmoving activities these projects cause can increase dust due to land disturbance or substantial equipment exhaust emissions.

j. List of preparers. An EIS must provide information on those who prepared it. If possible, the list should not exceed 2 pages (40 CFR 1502.17). That information should include:

(1) The name(s) of FAA personnel responsible for: overseeing and guiding the EIS's development, scope and content, and independently reviewing the EIS for accuracy and compliance with CEQ regulations.

(2) Those responsible for preparing various EIS sections. Specify the document section(s) for which each person is responsible. This includes authors of background papers used in any analysis.

(3) Each preparer's qualifications (i.e., professional discipline, area of expertise, and years of experience).

k. List of EIS recipients. Providing information to interested parties is critical to meeting NEPA's public involvement requirement. Therefore, an EIS must contain a list of agencies, organizations, and people to whom FAA sent the EIS for review (Order 1050.1E, paragraph 506j). According to 40 CFR 1502.19, the recipients normally include:

(1) Any Federal agency having jurisdiction by law or special expertise on environmental impacts resulting from the no action, proposed action, or reasonable alternatives. The mailing list should include State, Tribal, or local agencies authorized to develop or enforce environmental standards.

(2) The applicant (i.e. the airport sponsor).

(3) Any person, organization, or agency asking for the entire EIS.

Note: Responsible FAA officials may use CDs or websites to distribute EISs as well as hard copies. ARP encourages electronic distributions to recipients. This reduces costs, delivery time, and environmental concerns (energy, material, transportation, etc.) that accompany hard copy distributions.

l. Index. Text at 40 CFR 1502.10(j) requires an EIS index. This allows the reader to easily find pages containing key terms and specific data, topics, or other important information the EIS presents.

m. Comments. See paragraph 1201.

n. Appendices incorporated by reference in an EIS. The EIS must include the studies, memoranda, and technical information prepared in connection with an EIS that are reasonably necessary to support the analyses and conclusions in an EIS (40 CFR 1502.18). Circulation and review are important parts of NEPA's attempt to ensure informed decisionmaking. Appendices improve reader understanding of the analyses and make the document easier to review. Since information in an appendix is extremely relevant to the EIS and FAA's decision process, the responsible FAA official must circulate the material with the EIS or make the appendices available to the public(40 CFR 1502.18(d)). ARP encourages distribution of appendices with the EIS using compact disk (CD) format. Incorporating material by reference that was not prepared in conjunction with an EIS reduces EIS bulk. Such material should be made reasonably available to the public for inspection during the comment period (40 CFR 1502.2). Use appendices or references to:

(1) Describe various models such as the Integrated Noise Model or the Emissions Dispersion Modeling System and provide the models' input data.

(2) Provide the detailed descriptions of analytical results and project impacts. This reduces EIS bulk as 40 CFR 1500.4 requires, while allowing the EIS to summarize or highlight the most important information the appendices or references contain. This effort requires accurate cross-referencing to specific portions of the respective appendix or reference material supporting the EIS text.

(3) Show proof of consultation and to present documentation, memorandums of agreement, or other information needed to meet special purpose laws.

o. Incomplete or unavailable information. When evaluating significant effects, ensure the EIS clearly states where information is lacking or uncertain (40 CFR 1502.22). If certain information is essential to FAA's reasoned choice among reasonable alternatives and the cost to get it is not excessive, the agency should obtain it. If the information is essential, but cost to get it is excessive or the means to get it are unknown (i.e., beyond the state-of-the art), the agency must weigh the need for the action against the risk of possible adverse effect, if the action continues with this uncertainty.

1008. - 1099. RESERVED.