



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

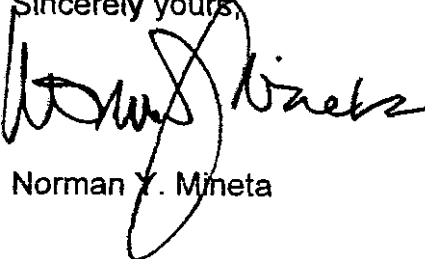
May 18, 2001

The Honorable John McCain  
Chairman, Committee on Commerce,  
Science, and Transportation  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

The enclosed report is provided in response to congressional direction in Section 310 of the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century. The U.S. Department of Transportation was directed to conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects and to report on the results of the study, together with any recommendations for streamlining the environmental review process.

Identical letters have been sent to Chairman Young, Senator Hollings, and Congressman Oberstar.

Sincerely yours,  
  
Norman Y. Mineta

Enclosure



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

May 18, 2001

**The Honorable Ernest F. Hollings  
Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, DC 20510**

**Dear Senator Hollings:**

The enclosed report is provided in response to congressional direction in Section 310 of the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century. The U.S. Department of Transportation was directed to conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects and to report on the results of the study, together with any recommendations for streamlining the environmental review process.

Identical letters have been sent to Chairmen Young and McCain and Congressman Oberstar.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Norman Y. Mineta", is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

Norman Y. Mineta

**Enclosure**



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

May 18, 2001

**The Honorable Don Young  
Chairman, Committee on Transportation  
and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515**

**Dear Mr. Chairman:**

The enclosed report is provided in response to congressional direction in Section 310 of the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century. The U.S. Department of Transportation was directed to conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects and to report on the results of the study, together with any recommendations for streamlining the environmental review process.

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Norman Y. Mineta

Enclosure



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

**May** 18, 2001

**The Honorable James L. Oberstar  
Ranking Minority Member  
Committee on Transportation  
and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515**

**Dear Congressman Oberstar:**

The enclosed report is provided in response to congressional direction in Section 310 of the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century. The U.S. Department of Transportation was directed to conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects and to report on the results of the study, together with any recommendations for streamlining the environmental review process.

Identical letters have been sent to Chairmen Young and McCain and Senator Hollings.

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Norman Y. Mineta

**Enclosure**

REPORT TO THE U.S. CONGRESS  
ON  
ENVIRONMENTAL REVIEW  
OF AIRPORT IMPROVEMENT PROJECTS

from the  
U.S. DEPARTMENT OF TRANSPORTATION

MAY 2001

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## **REPORT TO CONGRESS**

### **ENVIRONMENTAL REVIEW OF AIRPORT IMPROVEMENT PROJECTS**

#### **EXECUTIVE SUMMARY**

In Section 310 of the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century, Congress directed the Secretary of Transportation to conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects. Congress specifically requested the Secretary to assess the current level of coordination among Federal and State agencies, the role of public involvement, staffing and other resources, and the time line for environmental reviews. The Secretary was directed to submit a report on the results of the study, together with any recommendations for streamlining the environmental review process.

The US. Department of Transportation seeks to reduce undue delays while maintaining the integrity of the environmental process and complying with all environmental protection requirements. Consultation with other Federal agencies, State aviation agencies, airport sponsors, consultants, environmental interests, and Federal Aviation Administration (FAA) employees engaged in environmental reviews has substantially contributed to this study.

**Outlook for New Runways and Their Environmental Review Status.** Airport congestion primarily occurs at large hub primary airports. (The word “hub” in this context has nothing to do with airline hubbing.) The 31 large hub primary airports in the United States collectively enplane about 70 percent of U.S. air passengers. The top 25 of these airports account for 86 percent of all severe air traffic delays.

Airport proprietors are responsible for planning and constructing new runways. Local airport planning efforts have to date identified 18 new runways at the 31 large hub primary airports between now and 2010. The FAA has issued



environmental approvals for 9 of these runways, and Environmental Impact Statements (EIS) are underway for 5 more. Table 1 on page 4 of the report identifies these runways and the status of their environmental reviews.

**The Recent Environmental Record and EIS Time Lines.** This report primarily focuses on the EIS process for new runways at commercial set-vice airports. In the last 5 years (1996-2000). the FAA approved EISs for new runways at 10 commercial service airports. At seven of these airports, the EISs also included extensions of other runways to enhance the capability of the airfield. In this same timeframe, FAA environmentally approved two additional commercial service runways based on written reevaluations of previously approved EISs.

Individual profiles on the EIS time lines for the commercial service runways approved in the last 5 years are in Appendix 3 of the report. The average time line for an EIS for a new runway is 3 years from initiation of the EIS process to EIS approval. After EIS approval, the FAA must issue a decision on a project (Record of Decision). The average time to issue a Record of Decision following EIS approval is 3% months. Overall, the average FAA environmental review time line, including the decision time, is about 3% years-or one-third of the average 10-year planning time line for a new commercial service runway.

The planning of a new runway involves more than environmental review. There are multiple tasks that require amounts of time. In addition to environmental review, planning tasks include the assessment of the capability of current facilities; review and refinement of aviation demand forecasts; evaluation of options to accommodate forecast demand and their physical, operational, and financial parameters; safety factors; airspace review; terminal and ground access issues; detailed design and engineering: development costs and financing plans. Some planning tasks go on concurrently with the EIS process. The EIS process cannot cleanly be segregated from the overall planning process, and it should not be assumed that planning time would be one-third shorter absent an EIS.

In advance of an EIS, airport proprietors spend varying amounts of time during early planning to evaluate the environmental feasibility and acceptability of a project. After an EIS, Federal, State, and local permits outside the purview of the FAA can take time to obtain. This report deals to some extent with pre-EIS and post-EIS environmental work that is not within the FAA's jurisdiction or control.

While the environmental review process may not be as long as some people may perceive, it is a substantial component of the airport planning process and merits the consideration and adoption of streamlining initiatives.

**Why and How Environmental Issues and Processes Affect Major Airport Projects.** The underlying environmental impediment to airport expansion is not the environmental review process. It is the opposition on environmental grounds to airport expansion. Americans expect and demand an air transportation system that can move large numbers of people and goods safely and conveniently. At the same time, public opposition to airport expansion continues to rise. The NIMBY ("not in my backyard") effect should not be dismissed as an environmental fringe element. It is based on real environmental concerns and has an increasingly broad-based constituency. The primary concerns are aircraft noise, air pollution, and water pollution-with noise by far the greatest.

The National Environmental Policy Act of 1969 (NEPA), and its implementing regulations as formulated by the Council on Environmental Quality (CEQ), require Federal agencies to prepare EISs for projects significantly affecting the environment. Since most new commercial service runways and major runway expansions produce significant environmental impacts, as EIS is usually required. The FAA must also comply with NEPA requirements as implemented by DOT and FAA orders. The requirements of NEPA, implemented in Federal regulations and orders and interpreted by case law, are substantial.

The FAA must not only comply with NEPA, but also with all other applicable environmental requirements. There are approximately 40 Federal laws,

executive orders, and regulations that protect particular parts of the environment; e.g., Clean Air Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, Executive Order on Protection of Wetlands. These requirements were promulgated individually and were not harmonized with NEPA. They have substantive compliance requirements that differ from NEPA's requirements, special analyses, public reviews, and involvement by other agencies. While CEQ, DOT, and FAA have worked to integrate and coordinate other requirements into the NEPA process, they do increase the complexity of EISs and add to EIS time lines.

Some States have NEPA-like reviews for airport development. Some have no NEPA-like reviews, but have State requirements and/or permits covering certain types of impacts; e.g., air quality, water quality, coastal resources, State-listed endangered and threatened species. Even when Federal and State processes are done concurrently, they are not consistent in their requirements. Combined Federal and State EISs are more complex and take longer to complete.

**Current Level of Coordination Among Federal and State Agencies.** Federal agencies have different missions and priorities and are governed by varying environmental requirements and responsibilities that cause tension and create different time lines. The bulk of coordination occurs at the regional level of Federal agencies. Regional environmental specialists within FAA assess the current level of Federal interagency coordination as ranging from good to poor. State agency coordination also runs this gamut. Common causes of poor coordination and factors facilitating good coordination are outlined in the report.

**Role of Public Involvement.** Public involvement is an essential part of the environmental review process. An EIS is intended to disclose the environmental impacts of proposed Federal actions to the public, as well as to Federal agency decisionmakers. CEQ regulations and FAA guidance include basic requirements and discretionary advice on the extent of public review, meetings, and hearings.

As public interest in environmental protection has increased, so has public involvement in the environmental process. There is usually a high degree of public interest in airport projects, including a certain amount of public opposition. Airport proprietors and the FAA have generally responded by holding additional public meetings and hearings above and beyond basic requirements and by extending public comment periods on EISs. For highly controversial airport projects, public involvement can add extensive time to the EIS process.

**Staffing and Other Resources.** Within the FAA, the responsibility for the environmental review of airport projects is in the Office of the Associate Administrator for Airports (Airports Office). Currently, the Airports Office has 33 environmental specialists in FAA headquarters, regional, and larger field offices. Trained environmental attorneys are vital for EIS work, which must be legally sufficient. The FAA has 17 environmentally-trained attorneys, including 4 in headquarters. Both environmental specialists and environmental attorneys have multiple responsibilities and must balance EIS work with other work.

For complex and controversial EISs, there is a tradeoff between resources and time lines—that is, the FAA can prepare a more timely EIS by assigning more expert staff resources to it. This is the “EIS team” approach. EIS teams have a proven successful track record, and airport proprietors like them. EIS teams, however, are extremely resource-intensive. For that reason, they have been very selectively used for only a handful of EISs for major airport projects.

The FAA could not accomplish environmental reviews without consultants. The bulk of technical analyses for EISs is done by consultants. However, consultants cannot entirely take the place of FAA staff resources. Under CEQ regulations, certain NEPA functions must be retained by a Federal agency.

**FAA Environmental Initiatives.** The FAA continues to foster and support environmental mitigation to benefit the public and to reduce the environmental constraints on aviation growth. FAA-supported mitigation programs include

aircraft source noise and emissions reductions, water quality protection from aviation activities including airport and aircraft de-icing, airport noise compatibility programs backed up by Federal funding, noise abatement aircraft operational procedures and flight tracks, a compatible land use initiative, and funding support for environmental mitigation.

In early January 2001, FAA Administrator Jane Garvey approved initiatives to enhance and streamline FAA's environmental performance. No one measure is a "silver bullet." The goal of reducing environmental delays requires tackling resource, process, product, and interagency coordination problems that cumulatively can make a difference.

FAA Initiative #1 is to establish an EIS team for each new EIS for a major runway project at a large hub primary airport. This initiative also includes strengthening EIS teams by adding more FAA members, asking airport proprietors to contribute members, and adding EIS consultants to teams.

FAA Initiative #2 is to reallocate FAA staff resources. The FAA's ability to staff more EIS teams depends on resources. In FY 2001, five more positions in FAA's Airports Office will be converted to environmental specialist positions.

However, demand for accelerating EISs for critical airport projects continues to increase. Some airports have expressed interest in paying for additional FAA environmental specialists and environmental attorneys for expedited EIS reviews through a reimbursable agreement. One option under Initiative #2 is to establish a reimbursable funding arrangement for FAA staff resources. A prototype reimbursable agreement is currently being developed.

FAA Initiative #3 is to maximize consultant resources to perform more EIS tasks. The FAA will exercise administrative flexibility through existing third party EIS contracts to have consultants perform such tasks as direct assistance to the

FAA project manager on EIS coordination and administrative work, research and briefing papers on special environmental issues, and correspondence.

FAA Initiative #4 is to streamline the environmental process and product to use more categorical exclusions and to shorten and streamline EISs, as well as Environmental Assessments/Findings of No Significant Impact (EAFONSI). This initiative will streamline environmental requirements for all airport projects, not only critical capacity projects, within the current structure of environmental laws.

FAA's expanded categorical exclusion list is in final development with CEQ and will be included in FAA Order 1050.1E, "Environmental Impact: Policies and Procedures," currently under final review. The streamlining effort for EISs and EAFONSIs will begin in early summer in consultation with CEQ and the Environmental Protection Agency (EPA). CEQ and EPA have been consulted and have indicated general support.

The FAA proposes to get back to basics and conform its EIS practices to explicit streamlining opportunities provided for in CEQ regulations, including reducing the size of EISs, preparing analytical rather than encyclopedic EISs, concentrating on significant issues and impacts and only briefly discussing insignificant ones, writing EISs in plain language, reducing technical material in the body of EISs, and setting time limits.

FAA Initiative #5 is to improve interagency cooperation and coordination on environmental reviews for airport projects and on the issuance of environmental permits. Secretary Mineta and Administrator Garvey propose to discuss with the heads of other departments and agencies the national importance of airport capacity and of intergovernmental cooperation to avoid unnecessary delays. The FAA will have similar interactions at regional interagency levels.

On a project level, the FAA will engage other agencies at the very beginning of an EIS. In some cases, a formal Memorandum of Understanding (MOU) may

outline agency roles and working relationships. For the most part, the FAA finds that informal arrangements are preferable and achieve results. Flexibility to have either an informal or formal arrangement on a particular project is desirable.

In April 2001, the FAA and the National Association of State Aviation Officials (NASAO) signed an agreement for a one-year joint review of Federal/State environmental processes and coordination, State by State. The goal of the review is to recommend ways in which Federal and individual State requirements can be more effectively and efficiently combined and coordinated.

FAA Initiative #6 is to compile and issue a guide to best practices for EIS management and preparation. Skilled approaches to EIS technical analyses, procedures, and coordination can reduce problems and delays. This guide will include practices that are the responsibility of the airport proprietor and EIS consultant, as well as those of the FAA. The best practices guide will be available to everyone on FAA's Web page in early summer 2001.

**Possible Next Steps.** The FM believes that implementation of its initiatives will show real and measured progress in streamlining environmental reviews; Other issues and ideas have been raised and discussed by aviation and environmental interests, as well as within FAA, and are briefly described in the final section of the report.

## **REPORT TO CONGRESS**

### **ENVIRONMENTAL REVIEW OF AIRPORT IMPROVEMENT PROJECTS**

#### **I. INTRODUCTION**

In Section 310 of the Wendell H. Ford Aviation investment and Reform Act for the 21st Century (AIR-21), Congress directed the Secretary of Transportation to conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects. Congress specifically requested the Secretary to assess the current level of coordination among Federal and State agencies, the role of public involvement, staffing and other resources, and the time line for environmental reviews. The Secretary was directed to submit a report on the results of the study, together with any recommendations for streamlining the environmental review process. The complete text of Section 310 is in Appendix 1.

Prior to the enactment of AIR-21, the Federal Aviation Administration (FAA) had begun an internal review of environmental requirements for airport improvement projects. The FAA's review focused on the National Environmental Policy Act (NEPA) process because this process provides a framework to address the environmental requirements associated with a project. The FAA's goals in this review were to (1) maintain a high level of environmental protection and quality in Environmental Impact Statements (EIS), (2) manage staff resources to address a growing EIS workload within a responsible timeframe, (3) eliminate delays and improve efficiencies in EIS preparation and procedures, and (4) be able to address projects having minor environmental effects more efficiently and with fewer resources.



By the fall of 2000, there was increasing focus on the need for more runways at congested airports to handle the soaring demand for air travel and to reduce delays. Environmental streamlining became part of the equation for reducing the time involved in approving new runway construction. FAA Administrator Jane Garvey requested her staff to recommend immediate streamlining options and, in early January 2001, she approved several resource and process initiatives to enhance FAA's environmental performance. These initiatives are identified and discussed in the body of this report.

The need for environmental streamlining was raised in confirmation hearings for U.S. Department of Transportation (DOT) Secretary Norman Mineta. Secretary Mineta has pledged to look for ways to accelerate the environmental process for runway projects and has also stated that this will not be done at the cost of environmental protection.

In recent months, members of Congress and representatives of the aviation industry have begun considering proposals to streamline EISs for critical airport capacity projects. Consultation with other Federal agencies, State aviation agencies, airport sponsors, consultants, environmental interests, and FAA employees engaged in environmental reviews has substantially contributed to the study and its recommendations. The parties consulted include the Council on Environmental Quality, Environmental Protection Agency, Federal Highway Administration, American Association of Airport Executives, Airports Council International-North America, Airport Consultants Council, National Association of State Aviation Officials, National Organization to Insure a Sound-Controlled Environment, individual airport sponsors, environmental consultants and attorneys, and Federal employees.

The clear goal of DOT in reviewing and streamlining the environmental process is to reduce undue delays in the process while maintaining the process's environmental integrity and complying with all environmental protection requirements.

## **II. THE OUTLOOK FOR NEW RUNWAYS AND THEIR ENVIRONMENTAL REVIEW STATUS**

There has been an increasing focus on new runways as one piece of the aviation congestion solution, and on the extent to which Federal environmental reviews delay new runway construction.

Airport congestion primarily occurs at large hub primary airports. Large hub primary airports are defined as those commercial service airports that enplane more than 1 percent of total national enplaned passengers. (The word ‘hub’ in this context has nothing to do with airline hubbing.) The 31 large hub primary airports in the United States are listed in Appendix 2. They collectively enplane about 70 percent of U.S. air passengers. The top 25 of these airports account for 86 percent of all severe air traffic delays.

Airport proprietors are responsible for planning and constructing new runways. As of the date of this report, airport proprietor planning efforts have identified new runways at 18 of the 31 large hub primary airports between now and 2010. Table 1 on the following page identifies these runways and the status of their environmental reviews.

The FAA has already issued environmental approvals for 9 of these runways. EISs are underway for 5 more runways, and a Draft EIS has been issued for 4 of them. EIS startup is expected in the near future for Washington Dulles International Airport, and a FAA EIS team is already in place and has discussed the EIS scope with the airport. The runway proposals at Dallas-Fort Worth International Airport, Baltimore-Washington International Airport, and Tampa International Airport have not yet sufficiently advanced in the planning process for the airport proprietors to submit them to FAA for environmental review.

Table 1 does not include airport capacity that is being added to the national aviation system through the conversion of former military airfields to civil use.

### **III. THE RECENT ENVIRONMENTAL RECORD AND EIS TIME LINES**

Looking at the EIS record for the last 5 years (1996-2000), the FAA approved EISs for new runways at 10 commercial service airports. At seven of these airports, the EISs also included extensions of other runways to enhance the capability of the airfield. These airports are:

- **Seattle-Tacoma International Airport**
- **Minneapolis-St. Paul International Airport**
- **Miami International Airport**
- **Lambert-St. Louis International Airport**
- **Cleveland-Hopkins International Airport**
- **George Bush Houston Intercontinental Airport**
- **Charlotte Douglas International Airport, NC**
- **San Jose international Airport, CA**
- **Dane County Regional Airport, Madison WI**
- **North Carolina Global Transpark**

In this same 5-year timeframe, FAA environmentally approved a 16,000-foot sixth runway at Denver International Airport and a 10,000-foot runway at Detroit-Metro Airport based on written reevaluations of previously approved EISs.

Individual profiles on the EIS time lines for new runway projects approved in the last 5 years are in Appendix 3. The average time line for an EIS for a new commercial service runway from initiation of the EIS process until Final EIS approval is 3 years. Five of the above airports had EIS time lines of 3 years or less, and five exceeded 3 years—two slightly longer and three significantly longer.

Following Final EIS approval, the FAA must issue a decision on a project (called a Record of Decision). The average time to issue a Record of Decision following

Final EIS approval is 3% months. Approximately 1% months of this time involve required procedure. It requires about 2 weeks to print the approved Final EIS, distribute copies to all interested parties, and have the Environmental Protection Agency (EPA) publish a notice of the approval in the Federal Register. Following the Federal Register notice, there is a required minimum 30day period before a Record of Decision may be issued. Factors contributing to the additional average time to issue a Record of Decision are described later in this report.

Airport proprietors generally began planning these runways in a range of time from the mid-1980's to the mid-1990's. The average time line from the start of planning until the start of construction is around 10 years, with the EIS occupying about one-third of the planning time line. The planning required for an airport project involves more than just the environmental review. Other planning work necessary to develop a new runway is ongoing while an EIS is being prepared. The EIS process cannot cleanly be segregated from the overall planning process. It should, therefore, not be assumed that the planning process would be shortened by as much as one-third if an EIS were not required.

The planning of a new runway involves multiple tasks-all of which require amounts of time. In addition to environmental review, planning tasks include the assessment of the capability of current facilities; review and refinement of aviation demand forecasts; evaluation of options to accommodate forecast demand and their physical, operational, and financial parameters; operational safety factors, including obstruction evaluation; airspace review; terminal and ground access issues; detailed design and engineering; development costs and financing plans. When the planning information that defines and describes a proposed runway project is of high quality, the efficiency of the EIS process is increased. In some cases, new planning data or changes in a project during the progress of an EIS causes an EIS time line to be extended.

EIS time lines are not the beginning and the end of environmental reviews of airport improvement projects. Airport proprietors perform varying amounts of study of environmental factors during the early planning phase of a runway in order to gauge environmental feasibility. The amount of early environmental study varies, depending upon the severity of anticipated environmental impacts and community controversy.

Airport proprietors also engage in work to prepare for an EIS, including forming their own project team to coordinate with the FAA; developing a memorandum of understanding with the FAA on respective responsibilities, EIS consultant arrangements, and scope of work; and hiring a consultant that FAA selects for the EIS under a third-party contract arrangement.

Following the completion of an EIS and the FAA's Record of Decision, airport proprietors may still need to obtain Federal, State, and local environmental permits to construct a runway. Permits are not a FAA responsibility and are not within the FAA's control. The FAA attempts to include data and environmental analyses needed for permits in EISs and to coordinate with permitting agencies during an EIS so that subsequent permitting can be facilitated. This approach is successful for some projects and not successful for others. Permitting can take an appreciable amount of time after a Record of Decision.

This report deals to some extent with pre-EIS and post-EIS environmental work that is not within the FAA's jurisdiction or control. Appendix 3 includes factors that have added to the overall environmental working time of the new runway EISs approved in the last 5 years.

More runways are in the EIS pipeline at the following eight airports. The top five of these are large hub primary airports.

. Atlanta-Hartsfield International Airport

- Los Angeles International Airport (runway relocation)
- San Francisco International Airport
- Boston-Logan International Airport
- Cincinnati-Northern Kentucky International Airport
- New Orleans International Airport
- Piedmont Triad International Airport, Greensboro, NC
- Norfolk International Airport, VA

Atlanta-Hartsfield International Airport proposes to gain a new air carrier runway by extending a previously approved commuter runway. Los Angeles International Airport proposes runway relocation and extension to enhance airfield capability. Although not classified as a new runway, the proposed extension of a runway at Fort Lauderdale-Hollywood International Airport is in the EIS stage and, if approved, will accommodate larger and heavier air carrier aircraft and business aircraft.

Two more EISs currently in progress may result in new commercial airport sites—one proposed for landbanking in the Chicago region by the State of Illinois and the other, a former military base (El Toro), proposed for conversion to civil use.

The airports and runway projects listed above do not comprise all of the EIS work related to airport improvement projects. Seven additional EISs were approved in the last 5 years for runway extensions, terminal and access projects, and runway safety areas. Twelve EISs are currently in the pipeline for airport improvement projects in addition to the ones identified above. All together, these EISs comprise a high volume of substantial airport development proposals and an active EIS workload.

#### **IV. OVERVIEW OF WHY AND HOW ENVIRONMENTAL ISSUES AND PROCESSES AFFECT MAJOR AIRPORT IMPROVEMENT PROJECTS**

##### **Public Opposition on Environmental Grounds**

The underlying impediment to airport capacity improvements is not the environmental process. It is the opposition on environmental grounds to substantial airport development. Americans expect and demand that the national air transportation system must move increasing numbers of people and goods safely and conveniently. At the same time, public opposition to airport expansion continues to rise. "Not in my back yard," commonly referred to as the NIMBY effect, is often expressed as no growth positions by airport neighbors, sometimes combined with suggestions to search for capacity solutions at other airports.

The NIMBY effect should not be dismissed as an environmental fringe element. It is based on real environmental concerns and has an increasingly broad-based constituency. The primary environmental concerns related to airports are aircraft noise, air pollution, and water pollution--with noise being the greatest concern by far. The heightened focus on the need to increase operations at our busiest urban airports to accommodate rapidly rising demand adds to concerns among some communities, environmental interest groups, and others that airport operations may have an increasingly detrimental effect on the environment and on their quality of life. This observation was included in an August 2000 General Accounting Office (GAO) report on "Aviation and the Environment-Airport Operations and Future Growth Present Environmental Challenges."

Environmental opposition affects airport expansion in a number of ways. First and foremost, local consensus is normally necessary to support a major expansion proposal. Strong environmental opposition diminishes the ability to achieve a critical mass of consensus in support of airport expansion. Without

local consensus, there can be insufficient local political impetus to undertake needed airport capacity projects.

Building local consensus for airport expansion faces substantial challenges in certain locations. The level of difficulty and controversy deters some airport proprietors from engaging in meaningful interaction with the local community until the airport's expansion plans are well advanced. Local communities, in turn, complain of being shut out of the airport planning process when they might have had a role in influencing the consideration of expansion alternatives that could be more acceptable to the community.

Consensus at the State level, as well as at the local level, can be a constraint. Some States exercise substantial control, tantamount to a veto power over local airport development, through State channeling acts or other legal mechanisms. In Illinois, for example, a channeling act effectively gives the governor the ability to approve or deny development at O'Hare International Airport.

When airport projects are proposed and an EIS is begun, organized opposition will usually extend the EIS time line with requests for more environmental analyses, pressure to provide multiple public meetings and extended EIS public review periods, extensive correspondence, requests under the Freedom of Information Act for all materials related to the proposed project and EIS, political action to engage high-level officials and members of Congress, and litigation threats. Potential litigation tends to engender extra effort to resolve adverse EIS comments from other agencies, to engage in additional public outreach, to add mitigation to gain more public support, and to take special care to provide thorough responses to all issues raised by project opponents.

Among the EISs approved for new runways in the last 5 years, strong local public opposition caused marked delays for the Seattle-Tacoma International Airport,



**Table 1  
Proposed Runways at Large Hub Primary Airports Through 2010**

Airport	Runway Length	EIS/ROD Completed	EIS Underway	Planned Opening Date	Status/Comments
Atlanta Hartsfield	9,000		Y	2005	Draft EIS issued in December 2000.
Los Angeles International	12,000		Y	2007	Draft EIS issued in January 2001. Relocation of existing runway.
Dallas-Fort Worth	9,760		N	2007	Capacity Enhancement Plan currently underway. Not yet at EIS stage.
San Francisco International	11,500		Y	2008	Reconfiguration of the airfield to reduce bad weather delay. EIS in early stage.
Denver International	16,000	2000 <sup>1</sup>		2003	Under construction.
Detroit-Metro	10,000	1998 <sup>1</sup>		2001	Under construction.
Miami International	8,600	1998		2003	Construction to begin in April/May 2001.
Minneapolis-St. Paul	8,000	1998		2003	Under construction.
Houston-George Bush	8,500	2000		2004	Site preparation and associated work underway.
St. Louis-Lambert	9,000	1998		2006	Property being acquired and homeowners relocated. Construction to begin in May 2001.
Orlando International	9,000	1994 <sup>2</sup>		2003	Under construction.
Seattle-Tacoma	8,500	1997		2006	Earthwork and site preparation underway. Awaiting 404 permit.
Boston-Logan	5,000		Y	2005	Supplemental Draft EIS issued in March 2001.
Cincinnati	8,000		Y	2005	Draft EIS issued in February 2001.
Charlotte-Douglas	9,000	2000		2004	Sponsor waiting on United/US Airways acquisition decision before issuing bonds to finance construction.
Washington-Dulles <sup>3</sup>	11,000		N	2008	EIS team in place. Preliminary EIS discussions held.
Baltimore-Washington	11,000		N	2010	Capacity Enhancement Plan being finalized. Not yet at EIS Stage.
Tampa International	10,160		N	2010	In early planning stage. Not yet at EIS stage.

<sup>1</sup> Date of written reevaluation of a previous EIS.

<sup>2</sup> Date of written reevaluation of a previous Finding of No Significant Impact.

<sup>3</sup> Two new runways under consideration at Washington-Dulles; one is anticipated after 2010.

**Minneapolis-St. Paul International Airport, Lambert-St. Louis international Airport, and Cleveland-Hopkins International Airport.**

**Determined opponents will often initiate litigation once the FAA has approved an EIS and issued a favorable Record of Decision on an airport improvement project. While the FAA has an excellent record of winning NEPA litigation, it does take time. Although airport proprietors are rarely legally restrained from proceeding, they sometimes determine that it is prudent to delay projects pending a satisfactory outcome to litigation. The airport proprietor delayed runway construction at Lambert-St. Louis International Airport for over 2 years pending the outcome of the environmental lawsuit.**

### **National Environmental Policy Act Requirements**

**The National Environmental Policy Act of 1969 (NEPA), as amended, requires Federal agencies to prepare an EIS for major Federal actions significantly affecting the quality of the environment. “Major Federal actions” include FAA actions to approve airport proprietor requests for Airport Improvement Program funding for projects, for the use of Passenger Facility Charges, and for approval of new development on airport layout plans. Most new commercial service runways and major runway extensions at high activity airports require an EIS. This report, therefore, focuses primarily on the EIS process, which is the longest of the NEPA processes. However, it also includes the review of other NEPA processes; i.e.. categorical exclusions, environmental assessments, and findings of no significant impact.**

**When an EIS is required, the President’s Council on Environmental Quality (CEQ) regulations mandate a sequence (Notice of Intent→Scoping→Draft EIS→Final EIS→Record of Decision) and provide a recommended format for all Federal agencies. CEQ has issued regulations, and both DOT and FAA have**

issued orders that apply to FAA's NEPA process. Appendix 4 provides a graphic depiction of the sequential steps in the EIS process.

Briefly, the process first involves a determination by the FAA that a proposed project would have one or more significant environmental impacts requiring the preparation of an EIS. The FAA issues a Notice of Intent to Prepare an EIS and works with the airport proprietor to select a consultant to assist the FAA in preparing the EIS.

The first substantial task is to 'scope' the EIS—that is, to determine the range of actions, the number of alternatives, and the kinds of environmental impacts that must be examined in detail. The next sizeable amount of time is spent doing the complex technical analyses of the potential environmental impacts of the proposed action and reasonable alternatives. EISs entail sophisticated technical analyses and discussions of multiple alternatives. This information is published in a Draft EIS that is issued for public comment and for review by Federal, State, and local agencies for a period of at least 45 days.

The final stage is the preparation of a Final EIS, which involves responding to all substantive comments received on the Draft EIS, revisiting planning assumptions and analyses on which questions were raised, revising or supplementing some analyses, and completing environmental mitigation plans. Finally, a Final EIS is approved, printed, and distributed. Once distribution is made, the Final EIS is filed with EPA, and notice of the approval is published in the Federal Register. The FAA's Record of Decision may be issued at any time following a 30day period after the Federal Register publication. On controversial projects, comments are often received during the 30day period, and the FAA addresses these further comments in its Record of Decision.

Generally, most of the EIS work occurs between the Notice of Intent and the issuance of a Draft EIS. During this period, aviation planning parameters and

technical reviews are scrutinized, alternatives that could meet aviation needs are examined, decisions are made about the type and extent of environmental analyses needed, technical analyses are performed, a number of public meetings are usually held, and the writing of the Draft EIS is done. The period from Notice of Intent to Draft EIS can be expected to consume about two-thirds of the overall EIS time line on the average, although there are wide variations.

The remaining EIS time line is occupied with dealing with the bulk of issues and problems raised by public and agency review, reconfirming and/or revising technical analyses, reaching agreements on the parameters of environmental mitigation with the airport proprietor and other agencies with jurisdiction, and carefully preparing and scrutinizing for legal sufficiency a Final EIS that must withstand legal challenge.

The procedural requirements of NEPA, as implemented by Federal regulations and orders and interpreted by case law, are substantial. An agency's failure to comply with the statute and its implementing regulations can result in delays, as new or revised EISs may be required by the courts.

#### **Other Federal Environmental Laws, Executive Orders, and Regulations**

As demanding as the NEPA requirements and process are, this is not the entire story. Many Federal laws, executive orders, and regulations protect particular parts of the environment; e.g., Clean Air Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, Executive Order on Protection of Wetlands. There are approximately 40 such laws and executive orders. They are listed in Appendix 5. Each Federal agency is responsible for complying with all requirements that apply to its decisions and actions.

Therefore, in accordance with CEQ regulations and DOT policy, the FM not only complies with NEPA when preparing an EIS, but also complies with all other applicable environmental requirements. The NEPA process is used as an “umbrella” for complying with other environmental requirements. These requirements were developed and promulgated individually and create unique substantive compliance requirements that differ from and sometimes exceed NEPA’s requirements. Particular analyses are required, as well as coordination with the relevant agency and public review. There is special involvement by other Federal agencies responsible for administering particular laws, any of which may raise concerns that can delay the progress on proposed airport projects if their requirements and recommendations are not satisfied (e.g., Environmental Protection Agency (EPA) for Clean Air Act requirements, Army Corps of Engineers for Section 404 permits to dredge or till navigable waters including wetlands, Fish and Wildlife Service for biological opinions under the Endangered Species Act, the Advisory Council on Historic Preservation for memoranda of understanding on historic property mitigation).

These many different requirements multiply the complexity of EIS analyses and coordination and add to EIS time lines. While they each serve a worthwhile environmental value, one might question whether the same level of environmental protection could not be achieved with a better harmonization of the many different environmental requirements. This would entail a broad Governmentwide review of significant magnitude, probably under the leadership of CEQ. It is beyond the intent of this review to do more than apprise Congress of the issue and of the immensity of any potential remedy.

### **Findings of No Significant Impact**

Certain runways and runway extensions at commercial service airports can be approved with a Finding of No Significant Impact (FONSI) if all environmental

impacts are below the significant thresholds established in FAA's environmental handbook. The ability to issue a FONSI, instead of an EIS, is valuable and expedites the process for projects that do not have significant impacts.

The FAA has approved a number of new runways in the State of Alaska with a FONSI, including within the past 5 years new commuter runways at the Gambell and Noorvik commercial service airports. Expedited environmental approval is particularly important in Alaska, where transportation is dependent on air travel.

Between 1996-2000, the FAA also approved FONSIs for a 5,000-foot crosswind runway at Sawyer International Airport, Michigan; a 5,000-foot crosswind runway at Chippewa County International Airport, Michigan; a general aviation runway at Eugene Airport, Oregon; and the upgrade to commercial service of a general aviation runway at Omaha, Nebraska. FONSIs are more common for runway projects at general aviation airports than at commercial service airports.

### **State Environmental Requirements**

Some States have NEPA-like reviews for airport development. Some have no NEPA-like reviews, but do have State requirements and/or permits covering certain types of impacts; e.g., air quality, water quality, coastal resources, State-listed endangered and threatened species.

State environmental reviews can add complexity and time to the overall environmental review process. This is particularly the case in States that have strong and detailed NEPA-like reviews. The most far-reaching State review of this type is the California Environmental Quality Act. Substantial airport development projects in California require a State Environmental Impact Report (EIR). in addition to a Federal EIS.

In the past, airport proprietors may have gone through sequential State and Federal NEPA processes which substantially extended overall environmental review time lines. CEQ regulations strongly recommend integrating all environmental review and consultation requirements in order to avoid delays resulting from sequential processes. It is DOT and FAA policy and practice to make every effort to combine Federal and State reviews to the extent possible, and this usually occurs. However, it is not mandated by law. Airport proprietors may exercise their discretion to separate Federal and State processes. The longest EIS time line of all EISs for new runways approved in the last 5 years was for San Jose, California--primarily due to the airports decision to separate the State EIR from the Federal EIS, which resulted in sequential processes.

Even when Federal and State processes are done concurrently, they are not consistent in their requirements. Dual track Federal/State environmental documents are more complex and take more time. The Minneapolis EIS was a dual track document, and it had the second longest time line of new runway EISs approved in the last 5 years. The State process was voluminous, as described in Appendix 3. A new airport site was seriously examined as an alternative to expanding the Minneapolis-St. Paul International Airport.

### **Environmental Permits for Airport Improvement Projects**

After the FAA issues a Record of Decision giving its approval to a project, the airport proprietor may still be required to obtain permits from other agencies in order to begin construction. (No environmental permits are required to be issued by FAA.) The FAA's practice is to include analyses within its EISs to satisfy the needs of permitting agencies in order to facilitate the issuance of permits immediately after FAA's project approval. Sometimes this is successful, and sometimes it is not. Federal and State permits can take another 6 to 12 months, sometimes more, after the FAA Record of Decision.

Of the 10 new runway EISs approved in the last 5 years, 3 airports experienced permit-related project delays. One, Seattle-Tacoma International Airport, has had an unusually long and particularly difficult problem. The FAA's Record of Decision approving the runway was issued in July 1997. The airport proprietor completed the design for wetlands mitigation following the Record of Decision and applied for 401 and 404 permits required under the Clean Water Act in December 1997. (The 401 permit includes a Stormwater Management Plan and is issued by the State. The 404 permit regulates filling or dredging of wetlands and is issued by the U.S. Army Corps of Engineers.) In September 1998, the airport proprietor discovered additional wetlands on land acquired to build the runway, which triggered a reexamination of the proposal for permitting purposes. (The airport did not have access to this land prior to acquisition to evaluate it for wetlands.) In September 1999, the airport proprietor reapplied for the permits after supplementing its earlier application to include additional planning and mitigation for the additional affected wetlands. During this time, the U.S. Fish and Wildlife Service listed two new threatened species (the Puget Sound chinook salmon and the Puget Sound bull trout) that potentially use the area in the vicinity of the airport. This threatened species listing required the re-initiation of consultation under the Endangered Species Act and the preparation of a new biological assessment of potential project impacts, since the biological opinion rendered at the time of FAA's EIS did not include consideration of these species as threatened species. Compliance with the Endangered Species Act has further complicated and delayed the permitting process.

Four other airports of the 10 experienced a gap of time between the FAA's Record of Decision and the issuance of a 404 permit. However, there was no notable effective delay due to permitting because the airports either were not ready to start construction at that time for other reasons or were able to start construction outside of the permit area.



The FAA has had mixed success in combining the EIS process with 404 permit reviews. Most 404 permits require a significant amount of project design information for the Corps of Engineers to review. This design information is beyond what is normally available in an EIS. Some airport proprietors are more willing and able than others to incur the risk and financial cost of going forward with this work during an EIS and before FAA's Record of Decision approving the project. Additionally, coordination of these processes between the FAA and Corps of Engineers has been more effective on some projects than others. A number of the general common causes of good and poor interagency coordination listed in the next section of this report are applicable to coordination successes and difficulties between the FAA and Corps in trying to combine EIS and 404 analyses.

## **V. CURRENT LEVEL OF COORDINATION AMONG FEDERAL AND STATE AGENCIES**

### **Federal Agencies**

Federal agencies have different missions and priorities and are governed by a multitude of varying environmental requirements and responsibilities that cause tension and create different time lines. The primary Federal agencies that FAA coordinates with on EISs for airport projects are the Environmental Protection Agency, Army Corps of Engineers, Department of Interior (both Fish and Wildlife Service and National Park Service), Advisory Council on Historic Preservation, Federal Highway Administration (FHWA), and National Marine Fisheries Service.

The need to coordinate effectively with Federal environmental agencies is not unique to FAA. Within DOT, the FHWA and Federal Transit Agency have been working intensively with Federal environmental agencies to facilitate

environmental reviews in response to provisions in the Transportation Equity Act for the 21<sup>st</sup> Century.

The bulk of coordination occurs at the regional level of FAA and other agencies. Regional environmental specialists within FAA assess the current level of Federal interagency coordination as ranging from good to poor.

The factors that facilitate good coordination are:

- Establishment of good interagency relationships and cooperative staff-level interfaces
- Assignments of priority and staff to critical airport EISs
- Effective engagement of agencies early and continuously in an EIS
- Extensive informal coordination to supplement formal coordination processes
- Interagency environmental workshops
- Resource agency awareness of aviation need for airport capacity expansion
- FAA inclusion in an EIS of analyses needed by other agencies, including analyses for permits
- Agreement during EIS scoping on alternatives and analyses
- Rapid and meaningful response by FAA to other agencies' concerns
- Interagency commitment to an EIS's preparation and schedule

The common causes of poor coordination (in no particular order) appear to be:

- Competing priorities, limited personnel and resources for timely participation
- Lack of understanding of aviation factors and extent of FAA and airport proprietor controls, resulting in disagreements on aviation need and requests for additional alternatives and mitigation in an EIS
- Disagreement on standards and methods of impact analyses
- Disagreement on the adequacy of proposed environmental mitigation
- Continuous requests for new information and analyses as an EIS progresses

- Changes in personnel during an EIS
- Lack of participation in scoping at the beginning of an EIS
- Identification of major problems and disputes late in the EIS process
- Regional interpretations of requirements that differ from the national level
- Delay in commenting within prescribed EIS commenting timeframes
- View of mission as adversarial to airport expansion

Among the 10 EISs approved in the last 5 years for new runways, FAA regional environmental specialists reported that 6 of these EISs were delayed to some extent due to Federal interagency coordination. Three of these six EISs were still completed within the FAA's average 3-year EIS time line or less. The other three EISs (Seattle, Minneapolis, Charlotte) had longer time lines, partly due to difficulties of Federal interagency coordination-although other factors made equal contributions to these EIS time lines.

### **State Agencies**

The need for coordination with State agencies varies State by State because each State has different requirements. Some States are very active in the environmental review and permitting of airport development projects; other States are not. Some States have a NEPA-like review, mirroring but not exactly the same as the Federal NEPA. Other States perform specific reviews of certain types of environmental impacts, but not the complete array of impacts.

State agency coordination also runs the gamut from good to poor, according to FAA regional environmental specialists who interact with State agencies on EISs. Agencies in some States are reported to make the FAA's EIS preparation easier and faster, while others add to the level of difficulty-including the requirement for extensive and time-consuming analyses by the airport proprietor for State permits following FAA's project approval. Since a major airport project with

significant environmental impacts does not occur frequently within most individual States, State agencies may have the additional challenge of getting up to speed on the details of requirements and coordination responsibilities.

It is not possible to generalize about State agency environmental coordination. The FAA and the National Association of State Aviation Organizations (NASAO) propose to conduct a more detailed State-by-State analysis of the relationship of Federal and State environmental processes and coordination. This review is further described later in this report under FAA Environmental Initiatives.

## **VI. ROLE OF PUBLIC INVOLVEMENT**

Public involvement is an essential part of the environmental review process. An EIS is intended to disclose the environmental impacts of proposed Federal actions to the public, as well as to Federal agency decisionmakers. CEQ regulations and FAA environmental guidance include both basic requirements and discretionary advice on the extent of public review, meetings, and hearings.

As public interest in environmental protection has increased, so has public involvement in the environmental process. Airport proprietors and the FAA have generally responded by holding additional public meetings and hearings above and beyond basic requirements and by extending public comment periods.

CEQ regulations require that a Draft EIS be available for public review for not less than 45 days. EISs for major airport projects are sizeable and complex documents containing extensive technical analyses. There is usually a high degree of public interest in the proposed projects, including a certain amount of project opposition. The FAA commonly provides public review periods longer than the minimum 45 days for Draft EISs, often at the request of the airport proprietor. Public review periods between 75 and 90 days are common.

Due to the intensity of public interest and controversy on the proposed projects at Los Angeles International Airport, the airport proprietor extended the public comment period on the State Environmental Impact Report (EIR) to 180 days and requested the FAA to provide the same period on the Federal EIS. This document is a combined Federal EIS and State EIR, and the FAA agreed to the airport proprietor's request. This is an unprecedented Draft EIS review period in the FAA's experience. The FAA defers to the airport proprietor's judgment of local public circumstances and notes that the LAX experience could be a harbinger of the future unless steps are pursued to limit extended reviews while still protecting the public's interest.

Public opposition to major airport development was discussed earlier in this report, including how active opposition groups extend EIS time lines with requests for additional environmental analyses, submission of extensive critical technical comments and/or competing technical analyses to which the FAA must respond in a Final EIS, submission of extensive correspondence and FOIA requests throughout the EIS process, political action, and litigation.

The public has increasingly come to engage in the process after the FAA has approved a Final EIS. The 30day minimum period between the Federal Register notice that a Final EIS has been approved and the issuance of a Record of Decision is not an official public comment period. However, the FAA has come to expect many comments during this time. The FAA's practice is to respond to Final EIS comments in the Record of Decision in order to ensure that the record clarifies that FAA has considered all substantive issues in its decision. A well-documented Record of Decision is beneficial for a project that faces NEPA litigation. For highly controversial airport projects, the interaction between public involvement late in the EIS process and the FAA's Record of Decision adds time to the completion and issuance of the Record of Decision.

## **VII. STAFFING AND OTHER RESOURCES**

### **FAA Staffing**

**Within FAA, the responsibility for the environmental review of airport improvement projects resides in the Office of the Associate Administrator for Airports (referred to as Airports Office). The environmental responsibilities of the Airports Office include:**

- Development and publication of national environmental requirements governing airports.**
- . Environmental reviews of all Federal decisions involving airport development (i.e., Airport Improvement Program funding, Passenger Facility Charge use, airport layout plan approval, new airport sites, military base reuse, conveyances or releases of airport property) and the issuance of an EIS, FONSI, or categorical exclusion for each decision.**
- Administration of the airport noise compatibility program under Federal Aviation Regulations part 150.**
- Review of proposed airport noise and access restrictions under Federal Aviation Regulations part 161.**
- Administration of Federal real property acquisition policies and relocation responsibilities.**
- . Technical guidance relating to eligibility of environmental measures under the Airport Improvement Program and Passenger Facility Charge program.**
- . Ad hoc environmental issues relating to airports.**

**These responsibilities are carried out by an Environmental Division in the Airports Office in FAA headquarters and by professional environmental staff in FAA regional and field offices.**

As the environmental workload increased during the 1990's, the Airports Office increased its environmental staff resources by converting vacated positions into environmental specialist positions. Currently, the headquarters Environmental Division totals eight positions, including management. There is generally one environmental specialist in each regional office. (The Western-Pacific regional office has two environmental specialists and the Alaskan regional office has a combination airport planner/environmental specialist.) In addition, there is one environmental specialist in each of the larger field offices in the regions having field offices. Nationally, this totals about 33 people. These specialists are heavily engaged in EIS work, but must balance EIS work with the other Airports Office environmental responsibilities listed above.

In fulfilling its environmental responsibilities, the Airports Office relies heavily on the FAA Office of the Chief Counsel and on Regional Counsel offices. Trained environmental attorneys are vital for EIS work, which must be legally sufficient. Currently, the FAA headquarters Environmental Law Branch totals four attorneys, including management. In addition, there is one attorney in each regional office (two in the New England and Western-Pacific regions) and in the two FAA centers who are trained in environmental law. Nationally, this totals 17 attorneys. As with Airports Office staff, attorneys must balance EIS responsibilities with their enforcement workload and other legal responsibilities.

### **Consultant Resources**

The bulk of technical analyses for EISs is done by consultant support under a third-party contract arrangement in which the FAA selects the consultant and the airport proprietor contracts with and pays the consultant.

The FAA. could not accomplish environmental reviews without consultants. However, consultants cannot take the place of FAA staff resources. Under CEQ

regulations, certain NEPA functions must be retained by a Federal agency. When a consultant assists the FAA in preparing an EIS, the FAA must:

- . Exercise oversight of the consultant and subcontractors to ensure a conflict of interest does not exist, including obtaining a disclosure statement.
- . Take the lead in the EIS scoping process.
- . Furnish guidance and participate in the preparation of the EIS.
- . Independently evaluate the EIS and verify the environmental information provided by the airport proprietor or others, adding expertise and review.
- . Take responsibility for the scope and content of the EIS.
- . Approve the EIS.
- . Issue the Record of Decision

#### **EIS Team Resources**

For complex and controversial EISs, there is a tradeoff between resources and time lines—that is, the FAA can prepare a more timely high quality EIS by assigning more expert staff resources to it. The FAA calls this the ‘EIS team’ approach. The FAA has successfully used the team approach to prepare EISs for a few major projects, including the new Denver International Airport and new runways at St. Louis, Minneapolis-St. Paul, Miami, and Cleveland. To date this year, FAA has established EIS teams for four projects—San Francisco, Cincinnati, Dulles, and the South Suburban Airport new site and landbanking proposal for the Chicago region.

On each FAA team are usually two to three Airports Program environmental specialists and one or two environmental attorneys. Their job is to provide on time expertise to keep the environmental process on schedule, to identify and resolve problems at the most productive level (e.g., headquarters or regional



agency level) within the least time possible, and to substitute a one-stop coordinated FAA review for the usual sequential organizational EIS reviews,

EIS teams have a proven successful track record, and airport proprietors like to have teams dedicated to EISs. Appendix 6 describes the EIS team effort for Cleveland. (Cleveland was a complex and controversial EIS with significant environmental issues, substantial interagency coordination requirements, and a high level of opposition. The EIS team completed the EIS in 2 years, 1 month. The FAA issued a Record of Decision 5 months later.) EIS teams, however, are extremely resource-intensive. For that reason, they have been very selectively used for only a handful of EISs.

#### VIII. FAA ENVIRONMENTAL INITIATIVES

The continued ability of the national airports system to grow to meet air transportation demand is related to the reduction and mitigation of the environmental effects of that growth. The FAA is continuing to foster and support environmental mitigation to benefit the public and to help ease the environmental constraints on aviation. FAA-supported mitigation programs include aircraft source noise and emissions reductions, water quality protection from aviation activities including airport and aircraft de-icing, airport noise compatibility programs backed up by Federal funding, noise abatement aircraft operational procedures and flight tracks, a compatible land use initiative, and funding support for environmental mitigation. The U.S. government is also working within the International Civil Aviation Organization to develop international noise and air quality standards for aircraft engines.

With respect to streamlining environmental reviews, as a practical matter site-specific circumstances dictate different EIS time lines for individual airport projects. For example, there is obviously more technical analysis, as well as

heightened public concern, related to the potential impacts of constructing a new runway in the bay at San Francisco than in constructing a runway in the midst of other runways within developed airport areas. For some proposed projects, there is earlier integration of airport planning and the EIS process than for other projects. Starting an EIS at a projects earlier planning stage may lengthen the EIS time line as planning is refined, but may shorten the overall planning time line for the project. In sum, there will always be some circumstances beyond FAA's control that add to the length of particular environmental processes.

The FAA is committed to addressing factors within its control. The Administrator has approved the following initiatives to provide real progress towards reducing environmental review time lines. No one measure is a "silver bullet." The goal of reducing environmental delays requires tackling resource, process, product, and interagency coordination problems that cumulatively can make a difference.

**FAA Initiative #1: Establish an EIS Team for Each New EIS for a Major Runway Project at a Large Hub Primary Airport. Strengthen EIS Teams by Adding More FAA Members, Airport Members, and Consultants.**

The EIS team approach is highly effective. More teams are needed for critical airport projects, and teams need to be more fully staffed.

The FAA proposes to establish a team for each new EIS for a major runway enhancement project at a large hub primary airport. These are the top 31 airports in the Nation listed in Appendix 2 that enplane 70 percent of U.S. air passengers. For EISs that are substantially underway, FAA intends to determine, in consultation with the airport proprietor, whether shifting to the team approach at this point in the EIS process would be desirable.

The FAA wants to strengthen FAA team membership to include on each team not only Airports Office environmental specialists and a regional environmental attorney but also an airport planner, a headquarters environmental attorney (as needed), and an air traffic environmental specialist (as needed).

The FAA also wants to strengthen the teams by asking airports to contribute members. While certain EIS responsibilities are required by CEQ regulations to be performed by Federal employees as previously described in this report, there are many interrelated airport planning, environmental, and public involvement tasks that are properly performed by employees of airport proprietors. The FAA recommends that airports provide a project manager/environmental specialist, community relations specialist, and environmental attorney. Airport proprietors should examine whether they have committed or can commit sufficient resources of their own to have the strongest possible team.

Consultant participation has not always been maximized on EIS teams, but should be. Each team should include the project manager for the consulting firm assisting FAA in the EIS preparation.

**FAA Initiative #2: Reallocate FAA Staff Resources to Support Environmental Work. Seek Airport Reimbursable Agreements to Expedite Reviews.**

The FAA's practical ability to staff more EIS teams and to strengthen the FAA membership on teams depends on personnel resources. In FY 2001, five more positions in the FAA's Airports Office will be converted to environmental specialist positions-one in headquarters and one in each of the regions with the bulk of the EIS workload (Eastern, Great Lakes, Southern, Western-Pacific).

Several airports have expressed interest in paying for additional FAA environmental staff resources-environmental specialists and environmental attorneys-for expedited EIS reviews through a reimbursable agreement. The FAA has been reviewing legal and practical issues related to such an arrangement. The basic requirements would be that (1) it could be done relatively soon to boost resources on EISs in the pipeline, (2) it must be done in a way to provide reasonable stability in FAA's resource pool so that new people are not constantly coming and going, and (3) it must avoid an impermissible appearance of a conflict of interest. The FAA is in the process of developing the first reimbursable agreement of this type.

**FAA Initiative #3: Maximize the Use of Consultant Resources to Assist FAA with More EIS-related Tasks.**

The FAA intends to exercise administrative flexibility to make use of consultants through existing third party EIS contracts to assist FAA in more tasks than in the past, Examples of new tasks are direct assistance to the FAA project manager on EIS coordination and administrative work, research and briefing papers on specialized environmental issues, and drafting of related correspondence. The FAA will immediately delineate these tasks and institute this practice. This should provide immediate and noticeable improvements in FAA's environmental service capability at such locations as San Francisco.

**FAA Initiative #4: Streamline the Environmental Process and Product to Use More Categorical Exclusions, and to Shorten and Streamline Environmental Assessments/Findings of No Significant Impact and Environmental Impact Statements.**

The FAA has an active initiative to streamline environmental requirements for all airport projects within the current structure of environmental laws.

**Categorical Exclusions.** An initial product of this effort is an expanded list of small- and modest-sized projects on airports that are categorically excluded from detailed environmental review based on their lack of potential for significant impact (referred to as ‘categorical exclusions’ or ‘CATEX’).

While the FAA must still exercise sufficient review to ensure that no extraordinary circumstances create unexpected impacts requiring environmental assessment, such circumstances are indeed rare. Almost all CATEXs are determined by the FM in a very limited amount of time, require no special documentation from airport proprietors, and are integrated into FAA’s normal planning and funding processes and timelines. In a 1999-2000 survey of the Nation’s 50 busiest commercial service airports, the GAO found that many airports were not even aware of the time spent by FAA on CATEX reviews of their airport layout plans and funding requests. The expanded CATEX list is in final development with CEQ and will be included in the update to FAA’s agencywide environmental order, FAA Order 1050.1E, ‘Environmental Impact: Policies and Procedures,’ which will be issued following the final review that is currently in progress.

**Environmental Assessments/Findings of No Significant Impact (EA/FONSI).** The level of documented environmental review that is more than a CATEX, but much less than an EIS, is an Environmental Assessment (EA). An EA is prepared by an airport proprietor to assess whether any environmental impacts are significant. The EA is submitted to FAA for evaluation and acceptance. If no impacts exceed FAA’s thresholds of significance, the FAA completes a FONSI and approves the project. In the same GAO survey of the 50 busiest commercial service airports, the majority of airports indicated satisfaction with the EA/FONSI

process. The FAA is exploring ways to streamline the EA/FONSI process further, such as (1) using a tool such as a kind of documented CATEX instead of an EA for minimal environmental impacts on protected resources, and (2) using a short-form EA when an EA is appropriate. CEQ has advised that it will closely review these proposals to maximize FAA streamlining opportunities.

**Environmental impact Statements.** Reductions in environmental requirements through CATEX and EA/FONSI streamlining are highly desirable, but the primary need is to streamline EISs. CEQ regulations currently incorporate EIS streamlining concepts under headings of reducing paperwork and reducing delay. Unfortunately, in everyday practice, EISs on a Governmentwide basis have been increasing in both size and technical complexity for years.

The FAA proposes to get back to basics and to conform its EIS practices to explicit streamlining opportunities listed in the CEQ regulations, including:

- Reducing the size of EISs
- Preparing analytical EISs rather than lengthy descriptions of every conceivable aspect of the environment
- Concentrating on significant issues and impacts and only briefly discussing insignificant ones
- Writing EISs in plain language
- Including more technical material in appendices or incorporating it by reference, instead of including it within the body of an EIS
- Setting time limits

This effort will begin in early summer of 2001 in consultation with CEQ and EPA. Senior staff at CEQ and EPA have been preliminarily consulted by FAA and have indicated general support for this initiative. The FAA regards this as a worthwhile effort, but not simple. It involves taking a different direction than the one

developed over time in response to additional environmental requirements and requests for more information and analyses in EISs. EIS streamlining must fully comply with environmental requirements and must not unreasonably jeopardize EISs in litigation, which could further delay airport projects,

A guiding principle in FAA's EIS streamlining effort will be the public interest. In addition to benefiting EIS time lines, EISs that are shorter, readable, and understandable-rather than volumes of compilation of technical detail-should help members of the public that have project concerns and want to understand and comment on potential impacts.

**FAA initiative #5: Improve Interagency Cooperation and Coordination to Achieve More Consistent, Effective, and Timely Environmental Reviews of Airport Projects, including Permitting Reviews.**

Federal Agencies. Secretary Mineta and Administrator Garvey propose to discuss with the heads of other departments and agencies the national importance of airport capacity and of intergovernmental cooperation and coordination to avoid unnecessary delays during the environmental review and permitting processes. Impediments to effective working relationships caused by differences in missions, requirements, resources, and timing will be identified and managed to the extent possible. The FAA will have similar interactions with counterparts of other Federal agencies at regional levels to build more effective and cooperative EIS working relationships. FAA regional management will intervene when staff-level cooperation among Federal agencies breaks down and will refer any escalating issues to FAA headquarters.

On a national basis, there are both substantive and relationship issues that are ripe for discussion. For example, there are air quality concerns that can benefit from combined FAA and EPA attention, including adequate allowances for

aviation in State Implementation Plans (SIP) and potential changes to the air quality general conformity process to treat airport construction emissions like other transportation project construction emissions and to facilitate determinations on types of projects that do not require individual conformity determinations.

On a project level, the FAA will involve other agencies that have important roles in airport projects at the very beginning of an EIS. In some cases, a formal Memorandum of Understanding may be developed to establish a written agreement of agency roles and working relationships. For the most part, the FAA finds that informal arrangements are preferable and achieve results. Formal MOUs do not absolutely bind agencies in any case, and they can take more time to prepare than is worthwhile for airport projects, considering the extent of delays caused by interagency coordination. Formal MOUs can be counterproductive by actually extending EIS time lines, not only due to their preparation time, but also in the amount of time coordinating agencies specify for reviews in MOUs to provide a cushion for meeting a formally-agreed written time schedule. The FAA prefers to retain the flexibility to pursue either an informal or formal route on a particular project to reach Federal consensus to the extent possible on EIS contents and analyses and to shorten Federal review and permitting timetables.

**State Agencies.** In March 2001, the FAA and NASA0 developed an agreement for a joint review of Federal/State environmental processes and coordination, State by State. An MOU formalizing the agreement for this one-year review was signed in April. The goal of the review is to recommend ways in which Federal and State requirements can be more effectively and efficiently combined and coordinated to streamline the overall process for the environmental review of airport projects.



**FAA Initiative #6: Compile and Issue a Guide to Best Practices for EIS Management and Preparation.**

Skilled management of the various aspects of EIS technical analyses, procedures, and coordination can reduce problems and delays.. The FAA is in the process of compiling a guide to best practices that can facilitate EIS production and approval. It will include practices that are the responsibility of the airport proprietor and EIS consultant, as well as those of the FAA. Best practices include such diverse topics as consultant selection, project management, scheduling of EIS analyses, successful public input techniques, interagency coordination, and the effective use of technology. The best practices guide will be available to everyone on FAA's Web page in early summer 2001.

**IX. POSSIBLE NEXT STEPS**

The FAA believes that implementation of the initiative% identified above will show real and measured progress in streamlining environmental reviews. Other issues and ideas have been raised and discussed by aviation and environmental interests, as well as within FAA. Some of them are linked to FAA's initiatives and others are independent. The FAA will continue to explore options for further progress, which will be coordinated and reviewed within the Administration. There are three broad areas that merit additional consideration including improving the utilization of existing resources, alternatives for prioritizing of EISs, and streamlining the environmental process and product.

**1. Environmental Mitigation**

**1.a. Broader Use of Airport Revenue for Environmental Mitigation for Critical Airport Capacity Projects.** An airport accepting Federal financial aid must agree to use all airport revenue for airport-related costs. The FAA has for

some time recognized that mitigation directly associated with the environmental impacts of an airport capital development project is an allowable use of airport revenue. Some airports have expressed interest in an ability to use airport revenue to reach practical mitigation agreements with nearby communities for critical airport capacity projects, even if such uses are not traditionally permitted under existing rules. Key questions are (1) the extent to which more flexibility in the use of airport revenue could help achieve airport capacity and environmental mitigation goals and (2) whether such flexibility could be provided without undermining existing protections on the use of airport revenue.

**1.b. Use of AIP Noise Set-Aside to Fund Noise Mitigation in Environmental Documents.** FAA approval of an airport noise compatibility program under Federal Aviation Regulations Part 150 is a prerequisite for eligibility for the Airport Improvement Program noise set-aside, with a few minor exceptions. Currently, an airport sponsor must prepare and submit a Part 150 program to FAA for approval. Expanding eligibility for access to the noise set-aside to FAA-approved noise mitigation in NEPA documents for airport development could provide an additional source of funds for noise mitigation for critical airport capacity projects.

**1.c. Use of AIP Noise Set-Aside to Fund Community Planning and Projects for Noise Compatibility.** In the past, the R,E&D Advisory Committee to the FAA submitted a report to the Administrator, recommending legislation to authorize grants from the noise set-aside to State and local governments that are not airport sponsors to make the use of land within their jurisdictions around airports more compatible with aircraft noise. The twin goals of such a consideration would be to (1) achieve more noise mitigation and compatible land uses around airports and (2) reduce noise-based opposition to airport expansion.

**1.d. Support Continued Technological Advances.** Technology is a key component of environmental mitigation. The FAA seeks to support continued effective technological advances.

Despite tremendous progress in reducing aircraft source noise over the past 25 years, aircraft noise continues to pose the most significant environmental barrier to community acceptance of airport capacity expansion. The FAA, working with NASA, is seeking to foster advanced noise reduction technology for jet airplanes. This endeavor, in close cooperation with U.S. industry, is focused on systematic development and validation of noise reduction technology in engine systems, aircraft systems, and operational procedures.

While aviation noise continues to be the primary environmental concern, air quality is also a concern. The FAA, working closely with NASA, EPA, the aviation industry, and nongovernmental organizations, is engaged in a variety of research and modeling efforts on air emissions reduction technology and procedures.

## **2. Airport Funding of FAA EIS Team Resources**

**2.a. Reimbursable Agreements.** The FAA is authorized to enter into reimbursable agreements with airports to fund additional FAA staff for specific projects under the Intergovernmental Cooperation Act of 1968. 31 USC §§6501 et seq. The expedited preparation of an EIS is a specialized service for which FAA could accept reimbursement from public airport authorities.

**2.b. Five-Year Pilot Program.** Another alternative approach could be to establish a 5-year pilot program for critical airport projects. A legislative proposal would have to be developed to permit the Secretary of Transportation to initiate a 5-year program, funded by airport sponsors, to hire full-time equivalent

environmental specialists and attorneys for environmental review of runway development projects at large hub airports as defined in 49 USC §41713. FAA positions filled under this program would not be subject to the normal appropriations process.

### **3. Streamlining the Environmental Process and Product**

The FAA's initiatives to streamline CATEXs, EA/FONSI, and EISs are within its administrative authority, in coordination with CEQ and EPA. It is beyond the scope of this study to recommend changes to NEPA or other environmental law.

**3.a. Air and Water Quality Certification.** A Governor's air and water quality certification (49 USC 947106 (c)(I)(B)) has been required in airports legislation since 1970, predating air and water quality protections that are currently in place under other Federal environmental law. In the August 2000 report to Congress on Aviation and the Environment, the GAO suggested that Congress may wish to consider eliminating the state air quality certification requirement in airports legislation because it is duplicative of protections offered under the Clean Air Act. The FAA agrees with the GAO's duplication finding and believes that a parallel situation exists with respect to the state water quality certification; that is, it is largely duplicative of protections in the Clean Water Act.

In exploring next steps, it is important that the FAA continue to work with other Federal, as well as State and local agencies, to consider the impact of any proposals.

**AIR-21**

**SEC. 310. ENVIRONMENTAL REVIEW OF AIRPORT IMPROVEMENT PROJECTS.**

- (a) STUDY.**-The Secretary shall conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects.
- (b) CONTENTS.**-In conducting the study, the Secretary, at a minimum, shall assess-

  - (1)** the current level of coordination among Federal and State agencies in conducting environmental reviews in the planning and approval of airport improvement projects;
  - (2)** the role of public involvement in the planning and approval of airport improvement projects;
  - (3)** the staffing and other resources associated with conducting such environmental reviews; and
  - (4)** the time line for conducting such environmental reviews.
- (c) CONSULTATION.**-The Secretary shall conduct the study in consultation with the Administrator, the heads of other appropriate Federal departments and agencies, airport sponsors, the heads of State aviation agencies, representatives of the design and construction industry, representatives of employee organizations, and representatives of public interest groups.
- (d) REPORT.**-Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with recommendations for streamlining, if appropriate, the environmental review process in the planning and approval of airport improvement projects.

**LARGE HUB PRIMARY AIRPORTS**

1. Atlanta Hartsfield
2. Chicago - O'Hare
3. Los Angeles
4. Dallas - Fort Worth
5. San Francisco
6. Denver
7. Detroit - Metro
8. Newark
9. Phoenix - Sky Harbor
10. Miami International
11. Las Vegas - McCarran
12. Minneapolis - St. Paul
13. New York - JFK
14. Houston - George Bush
15. St. Louis - Lambert
16. Orlando International
17. Seattle - Tacoma
18. Boston Logan
19. New York - LaGuardia
20. Philadelphia
21. Honolulu
22. Cincinnati
23. Charlotte - Douglas
24. Salt Lake City
25. Washington - Dulles
26. Pittsburgh
27. Baltimore - Washington
28. San Diego
29. Tampa
30. Washington - Reagan National
31. Ft. Lauderdale-Hollywood

Large hub, primary airports are defined as those airports that enplane more than 1 percent of the total national enplanements. To qualify as a large hub airport, at least 6,841,636 passengers had to be enplaned in calendar year 1999.

**TIME LINES FOR FAA ENVIRONMENTAL IMPACT STATEMENTS  
APPROVED IN LAST 5 YEARS FOR NEW RUNWAY PROJECTS  
(1996-2000)**

(Seven projects also included runway extensions)

**Seattle-Tacoma International Airport**  
Project included runway extension.

<b>EIS Time Line: Notice of Intent</b>	<b>Jan. 1994</b>
<b>Draft EIS Issued</b>	<b>April 1995</b>
<b>Final EIS Approval</b>	<b>Feb. 1996</b>
<b>Supplemental EIS Notice</b>	<b>Dec. 1996</b>
<b>Supplemental Draft EIS Issued</b>	<b>Feb. 1997</b>
<b>Supplemental Final EIS Approval</b>	<b>May 1997</b>
<b>Record of Decision</b>	<b>July 1997</b>

<b>Elapsed Time: Notice of Intent to: Draft EIS</b>	<b>1 year, 4 months</b>
<b>Final EIS</b>	<b>2 years, 1 month</b>
<b>Sup. Draft EIS</b>	<b>3 years, 1 month</b>
<b>Sup. Final EIS</b>	<b>3 years, 5 months</b>
<b>Decision</b>	<b>3 years, 7 months</b>

Commentary:

- . Airport expansion planning process started in 1989.
  - . Replacement airport option considered.
  - . Strong public and agency opposition to airport expansion; 14 lawsuits to date.
  - . Major increase in forecast aviation activity after 1996 Final EIS approval required a Supplemental EIS. Air quality was impact of most concern with higher forecast.
  - . 401 and 404 permit delays Biological opinion for two newly listed threatened species under Endangered Species Act has further delayed permits.
  - . Lawsuit challenging FAA's compliance with Endangered Species Act is pending.
-

## **Minneapolis-St. Paul International Airport**

<b>EIS Time Line:</b>	<b>Notice of Intent</b>	<b>April 1992</b>
	<b>Draft EIS Issued</b>	<b>Dec. 1995</b>
	<b>Final EIS Approval</b>	<b>May 1998</b>
	<b>Record of Decision</b>	<b>Sept. 1998</b>

<b>Elapsed Time:</b>	<b>Notice of Intent to: Draft EIS</b>	<b>3 years, 8 months</b>
	<b>Final EIS</b>	<b>6 years, 1 month</b>
	<b>Decision</b>	<b>6 years, 6 months</b>

### Commentary:

- Airport expansion planning process started in 1989.
  - The 1989 Minnesota Legislature directed the Metropolitan Airports Commission and Metropolitan Council to examine how best to meet the region's aviation needs 30 years into the future. The agencies were directed to undertake 7 years of planning studies comparing expansion of Minneapolis-St. Paul International Airport (MSP) with construction of a replacement airport. The 7-year process, known as the Dual Track Airport Planning Process, was completed in April 1996 when the State Legislature selected the development of MSP as their preferred alternative.
  - Prior to the EIS, three Alternative Environmental Documents (AED) were prepared for the State to assess the environmental impacts of (1) site selection for a replacement airport, (2) long-term plans for a new airport site, and (3) major expansion of MSP. Public scoping and hearings were held on each AED.
  - EIS was prepared to satisfy both Federal and State requirements.
  - Extreme high volume of study and public interest, filling 10 5drawer filing cabinets.
  - Coordination with FWS on impacts and mitigation for Minnesota Valley National Wildlife Refuge was extensive and time-consuming.
  - Environmental mitigation requirements following FAA Record of Decision were extensive.
  - Several Federal and State permits delayed start of construction 8-9 months.
-



### **Miami International Airport**

<b>EIS Time Line: Notice of Intent</b>	<b>March 1995</b>
<b>Draft EIS Issued</b>	<b>Dec. 1997</b>
<b>Final EIS Approval</b>	<b>Sept. 1998</b>
<b>Record of Decision</b>	<b>Dec. 1998</b>

<b>Elapsed Time: Notice of Intent to: Draft EIS</b>	<b>2 years, 9 months</b>
<b>Final EIS</b>	<b>3 years, 5 months</b>
<b>Decision</b>	<b>3 years, 8 months</b>

#### Commentary:

- . Airport expansion planning process started in 1991.
  - . Local and state procurement laws created issues that delayed EIS consultant selection.
  - . EIS was put on hold while evaluation of a gate expansion for American Airlines was conducted.
  - . Park overflight issues raised by National Park Service toward end of EIS.
- 

### **Lambert-St. Louis International Airport Project included runway extension.**

<b>EIS Time Line: Notice of Intent</b>	<b>Aug. 1995</b>
<b>Draft EIS Issued</b>	<b>Oct. 1996</b>
<b>Final EIS Approval</b>	<b>Dec. 1997</b>
<b>Record of Decision</b>	<b>Sept. 1998</b>

<b>Elapsed Time: Notice of Intent to: Draft EIS</b>	<b>1 year, 2 months</b>
<b>Final EIS</b>	<b>2 years, 4 months</b>
<b>Decision</b>	<b>3 years, 1 month</b>

#### Commentary:

- . Airport expansion planning process started in 1987. Original runway option was deemed not feasible to construct while maintaining airport operation.
  - . Strong public opposition extended public review period of Draft EIS and extended time between Final EIS and Record of Decision. Approximately 15,000 public comments received.
  - . FAA re-evaluation of technical operational issues raised by project opponents delayed Record of Decision.
  - . Airport proprietor delayed construction approximately 2 years pending outcome of environmental litigation.
-

**Cleveland Hopkins International Airport  
Project included runway extension.**

<b>EIS Time Line:</b>	
Notice of Intent	<b>May 1998</b>
Draft EIS Issued	<b>Oct. 1999</b>
Final EIS Approval	<b>June 2000</b>
Record of Decision	<b>Nov. 2000</b>

<b>Elapsed Time:</b>	<b>Notice of Intent to:</b>	
	Draft EIS	<b>1 year, 5 months</b>
	Final EIS	<b>2 years, 1 month</b>
	Decision	<b>2 years, 6 months</b>

**Commentary:**

- Airport expansion planning process started in 1991. Planning was delayed for several years pending resolution of zoning issues between the City of Cleveland, the airport proprietor, and the Community of Brook Park.
  - The airport layout plan study was delayed due to design standard concerns with a cross wind runway.
  - After initiation of the EIS, the airport proprietor acquired a large complex for potential future construction of a third runway-requiring revision of the cumulative environmental impact analysis before issuing the Draft EIS.
  - Public opposition extended the Draft EIS review period and the period between Final EIS approval and FAA Record of Decision.
  - Coordination of a Memorandum of Understanding for the destruction of a National Historic Landmark took time.
  - Environmental litigation is pending.
- 

**George Bush Intercontinental Airport, Houston  
Project also included extension of a commuter runway for air carrier operations.**

<b>EIS Time Line:</b>	
Notice of Intent	<b>Nov. 1998</b>
Draft EIS Issued	<b>Nov. 1999</b>
Final EIS Approval	<b>July 2000</b>
Record of Decision	<b>Sept. 2000</b>

<b>Elapsed Time:</b>	<b>Notice of Intent to:</b>	
	Draft EIS	<b>1 year</b>
	Final EIS	<b>1 year, 9 months</b>
	Decision	<b>1 year, 11 months</b>

**Commentary:**

- New runway was first mentioned in a 1983 Airport Master Plan. Airport proprietor began actively pursuing the project in 1995.
  - Local issues with third-party contract delayed EIS consultant selection.
  - State air quality certification was delayed.
  - Environmental litigation is pending.
-

**Charlotte Douglas International Airport  
Project included runway extension.**

<b>EIS Time Line:</b>	
Notice of Intent	<b>March 1995</b>
Draft EIS Issued	<b>July 1998</b>
Final EIS Approval	<b>Nov. 1999</b>
Record of Decision	<b>April 2000</b>

<b>Elapsed Time:</b>	<b>Notice of Intent to:</b>	<b>Draft EIS</b>	<b>3 years, 4 months</b>
		<b>Final EIS</b>	<b>4 years, 8 months</b>
		<b>Decision</b>	<b>5 years, 1 month</b>

**Commentary:**

- Airport expansion planning process began in 1995.
  - Consultant selection process was lengthy.
  - After initiation of EIS process, airport proprietor changed the proposed project to include terminal and landside projects.
  - Interagency coordination with Corps of Engineers on wetland impacts added time to EIS. Corps was extremely cooperative.
  - Internal FAA reviews were lengthy and contentious.
  - Memorandum of Agreement on historic property impact mitigation was difficult and took extra time.
  - Airport proprietor chose not to incur cost of wetlands mitigation planning during EIS to facilitate 404 permit.
- 

**San Jose international Airport  
Project included runway extension.**

<b>EIS Time Line:</b>	
Notice of Intent	<b>Jan. 1991</b>
Draft EIS Issued	<b>April 1999</b>
Final EIS Approval	<b>Oct. 1999</b>
Record of Decision	<b>Dec. 1999</b>

<b>Elapsed Time:</b>	<b>Notice of Intent to:</b>	<b>Draft EIS</b>	<b>8 years, 4 months</b>
		<b>Final EIS</b>	<b>8 years, 9 months</b>
		<b>Decision</b>	<b>8 years, 11 months</b>

**Commentary:**

- Airport expansion planning process started in 1991 and was essentially complete in 1996. Environmental process started early in planning process.
  - Joint federal EIS/state EIR was begun. Following scoping in 1995, airport proprietor decided to proceed independently with State EIR.
  - Quality of EIS work, outdated data and analyses delayed EIS.
-

## **Dane County Regional Airport, Madison, WI**

<b>EIS Time Line:</b>	<b>Notice of Intent</b>	<b>June 1993</b>
	<b>Draft EIS Issued</b>	<b>Oct. 1993</b>
	<b>Final EIS Approval</b>	<b>March 1996</b>
	<b>Record of Decision</b>	<b>June 1996</b>

<b>Elapsed Time:</b>	<b>Notice of Intent to:</b>	<b>Draft EIS</b>	<b>4 months</b>
		<b>Final EIS</b>	<b>2 years, 10 months</b>
		<b>Decision</b>	<b>3 years</b>

### **Commentary:**

- **Airport expansion planning process began in 1991.**
  - **Problems with aviation forecasts.**
  - **Resolution of comments from EPA took extra time.**
  - **Impacts to wetlands and historic properties caused some delay.**
  - **Permits took 6-12 months following FAA Record of Decision.**
- 

## **North Carolina Global Transpark Project included runway extension.**

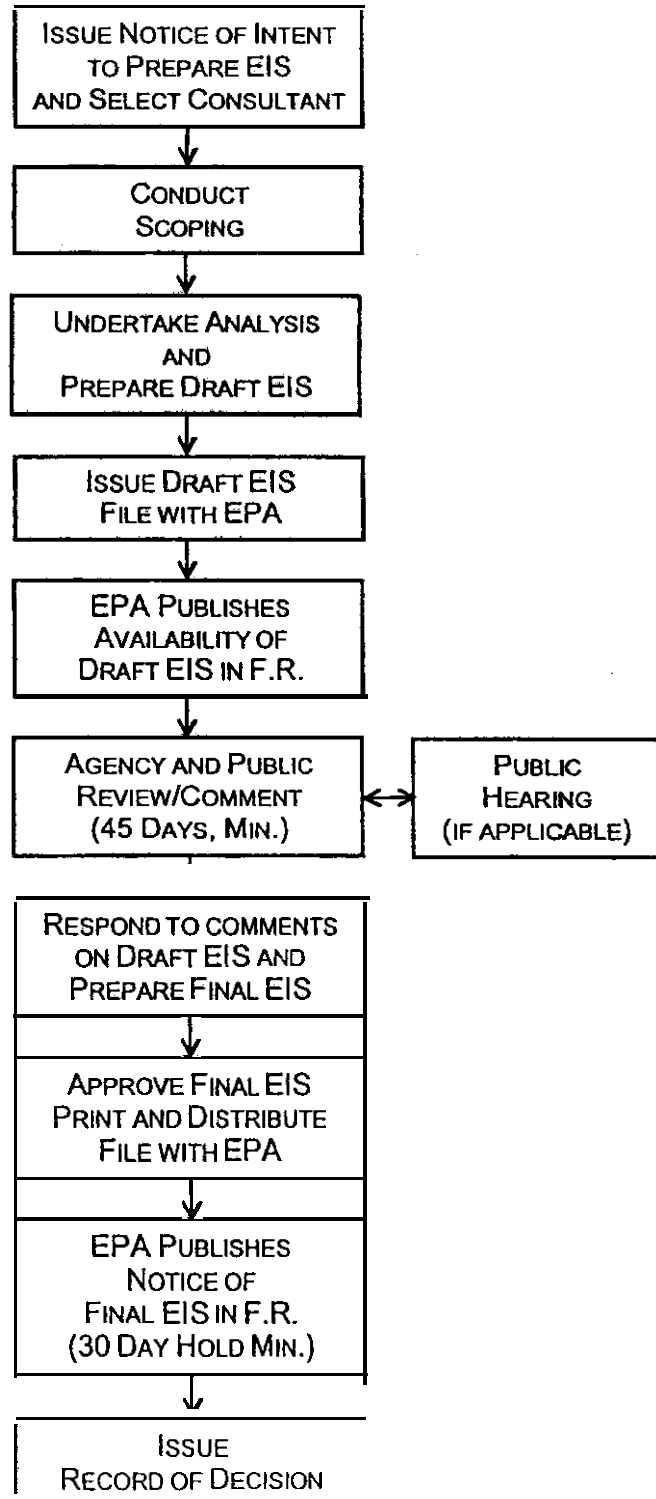
<b>EIS Time Line:</b>	<b>Notice of Intent</b>	<b>July 1994</b>
	<b>Draft EIS Issued</b>	<b>Jan. 1997</b>
	<b>Final EIS Approval</b>	<b>July 1997</b>
	<b>Record of Decision</b>	<b>Sept. 1997</b>

<b>Elapsed Time:</b>	<b>Notice of Intent to:</b>	<b>Draft EIS</b>	<b>2 years, 6 months</b>
		<b>Final EIS</b>	<b>3 years</b>
		<b>Decision</b>	<b>3 years, 2 months</b>

### **Commentary:**

- **Airport planning began in 1991.**
  - **After initiation of the EIS, the airport proprietor changed the project-requiring new analyses and EIS revision.**
  - **Coordination difficulties between airport proprietor, FAA, and EIS consultant.**
  - **Issue of potential lack of water supply in region took extra time to address.**
  - **Development of a wetlands mitigation plan acceptable to resource agencies took extra time.**
  - **Agreement with State Historic Preservation Officer on impacts to historic properties took extra time.**
-

ENVIRONMENTAL IMPACT STATEMENT (EIS) FLOW CHART



## FEDERAL ENVIRONMENTAL LAWS AND EXECUTIVE ORDERS

### FEDERAL LAWS:

American Indian Religious Freedom Act  
Anadromous Fish Conservation Act  
Archeological and Historic Preservation Act  
Archeological Resources Protection Act  
49 U.S.C. 47101 et seq., formerly Airport and Airway Improvement Act  
Clean Air Act  
Clean Water Act  
Coastal Barrier Resources Act  
Coastal Zone Management Act  
Comprehensive Environmental Response, Compensation, and Liability Act  
Department of Transportation Act, Section 4(f)  
Endangered Species Act, Section 7  
Farmland Protection Policy Act  
Fish and Wildlife Conservation Act  
Fish and Wildlife Coordination Act  
Land and Water Conservation Fund, Section 6(f)  
Marine Mammal Protection Act  
National Environmental Policy Act  
National Historic Preservation Act  
Native American Graves Protection and Repatriation Act  
Pollution Prevention Act  
Resource Conservation and Recovery Act  
Rivers and Harbors Act  
Safe Drinking Water Act  
Sikes Act Amendments  
Toxic Substances Control Act  
Uniform Relocation Assistance and Real Property Acquisition Policies Act  
Wild and Scenic Rivers Act

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### EXECUTIVE ORDERS:

11593. *“Protection and Enhancement of the Cultural Environment”*  
11990, *“Protection of Wetlands”*  
11998, *“Floodplain Management”*  
12088, *“Federal Compliance with Pollution Control Standards”*  
12372, *“Intergovernmental Review of Federal Programs”*  
12898, *“Federal Actions to Address Environmental Justice in Minority and Low-Income Populations”*  
13007, *“Indian Sacred Sites”*  
13045, *“Protection of Children from Environmental Health and Safety Risks”*  
13084, *“Consultation & Coordination with Indian Tribal Governments”*  
13112, *“Invasive Species”*  
13186, *“Responsibilities of Federal Agencies to Protect Migratory Birds”*

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## CLEVELAND EIS TEAM

On November 8, 2000, FAA completed an Environmental Impact Statement (EIS) and Record of Decision (ROD) for a replacement runway and a major runway extension at Cleveland Hopkins International Airport-culminating a planning effort that began in the early 1990's. Also involved in this effort was the completion of the Airport Capacity Design Team Study, an updated Airport Master Plan, and an updated Part 150 Airport Noise Compatibility Program. With approval of the ROD, the city of Cleveland can proceed with the development of a replacement air carrier runway and extension of a second runway, as well as related facilities. This development will enhance capacity, reduce delays, and eliminate confusing airport geometry, which has caused past runway incursions.

This was one of the most challenging environmental processes in recent years. Due to the complexity of the proposed project and its impact on other Federal agencies, the National Aeronautics and Space Administration (NASA) and the Federal Highway Administration (FHWA) were cooperating agencies.

The EIS involved a number of difficult and controversial issues that included:

- Destruction of the NASA Rocket Engine Test Facility, a National Historic Landmark-requiring a Memorandum of Agreement between the Advisory Council on Historic Preservation and other Federal and State agencies;
- Soundproofing of a number of historic homes-requiring a Programmatic Agreement with the surrounding communities;
- Relocation of Abrams Creek, fill of approximately 3 million cubic yards, and mitigation for the impacts to Abrams Creek;
- Removal and mitigation of approximately 87 acres of high-grade wetlands;
- Relocation of a major road and associated impacts to I-480;
- Remediation actions for hazardous waste on NASA property; and
- Relocation of several NASA facilities.

FAA recognized early that the Cleveland project would contain a number of unusual and difficult environmental issues, and accordingly formed an EIS team to handle the effort from cradle to grave. The EIS team consisted of the following FAA staff: Airports District Office Planner, Airports Regional Program Analyst, Regional Environmental Attorney, Headquarters Airport Environmental Specialist, and Headquarters Environmental Attorney.

One of the first things the EIS team did was Federal interagency coordination. Prior to formal EIS scoping, the EIS team met with the U.S. Environmental Protection Agency (USEPA) to discuss ways to expedite and streamline the environmental process. FAA also consulted USEPA early on air quality issues.

As the EIS progressed, the EIS team conducted additional briefings of Federal agencies. These early coordination efforts provided other agencies with a clear understanding of the airport development and enabled them to concur with the projects purpose and need and with the alternative analysis early in the EIS process. A pm-draft EIS was coordinated with USEPA, U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. This coordination enabled FAA to assure that the majority of concerns of these agencies were addressed in the Draft EIS. This resulted in a huge time and paperwork savings because these agencies had far fewer subsequent comments on the published Draft EIS to which FAA had to respond.

In addition to pre-ooordination before the Draft EIS, coordination was done with these agencies between the draft EIS and final EIS to ensure all issues and comments were resolved. The EIS team also held many lengthy indepth meetings and teleconferences with NASA, FHWA, the Advisory Council on Historic Preservation, National Park Service, State Historic Preservation Officer, a congressional office, FAA's internal lines of business, and local interest groups to ensure that all concerns were understood and addressed.

Extra coordination was especially important to NASA because the proposed replacement runway location required the destruction of the Rocket Engine Test Facility (RETF), a National Historic Landmark. A Memorandum of Agreement allowed the airport development to go forward after historic documentation of the RETF in accordance with the Secretary of the Interior's standards.

The EIS team gave early attention to permits that would be needed for the project and recommended to the city of Cleveland to start work on the required Section 401 and 404 permits concurrently with the EIS. By following the EIS team's recommendation, the city was able to expedite the review and approval of these permits by the various Federal and State agencies by several months.

Because of the team approach, FAA was able to perform timely and concurrent internal agency reviews. Prior to issuance of the Draft EIS, Final EIS, and ROD, the EIS team met and reviewed documents for accuracy and consistency with FAA policies. Team members had authority to concur for their organizations.

Due to the EIS team and its approach to coordination with other Federal and State agencies, the time line for completion of this EIS was 2 years, 1 month—almost a year under the average EIS time line of 3 years. This type of project—with its level of complexity, interagency coordination, and controversy—would normally be expected to have a much longer than average time line. The ROD was issued 5 months after Final EIS approval.