

FAA GUIDE TO THE BEST PRACTICES FOR ENVIRONMENTAL IMPACT STATEMENT MANAGEMENT

JULY 2001

INTRODUCTION

In May 2001, the Department of Transportation/Federal Aviation Administration issued a report to Congress on the environmental review of airport development projects. That report included six FAA initiatives to improve and streamline the environmental process to reduce unnecessary delays. The complete "Report To The U.S. Congress On Environmental Review Of Airport Improvement Projects" is available at <http://www.faa.gov/arp/app600/600home.htm>.

FAA Initiative #6 in the report is to compile and issue a guide to best practices for environmental impact statement (EIS) management and preparation. Skilled approaches to EIS technical analyses, procedures, and coordination can reduce problems and delays. "Best Practices" include management techniques, approaches, and actions that can make the environmental process more streamlined and efficient. This guide includes best practices that are within the purview of airport proprietors and EIS consultants, as well as the FAA. It has been developed based on the experiences and suggestions of FAA environmental specialists and environmental attorneys, airport proprietors, consultants, aviation organizations, and environmental interests.

The FAA's goal is for this guide to be a useful, informal management tool that is regularly updated to include new and revised practices that prove beneficial. The guide uses topic headings in the interest of providing some organization to the presentation of practices. The topic headings should not be regarded as mutually exclusive. For example, timely scheduling and sequencing of EIS analyses are addressed under more than one topic. There are obvious interactions in practices among several topics.

Some of the practices in this guide are quite basic and in common use, while others are new and innovative. The guide is intended to be flexible. Each and every practice may not be adopted for every EIS. Sound professional judgment should be used in applying specific practices. The guide is not mandatory, and it is not a substitute for FAA environmental guidance in FAA Orders 1050 and 5050.

FAA EIS PROJECT MANAGEMENT

An Environmental Impact Statement (EIS) is a Federal responsibility and document. Therefore, the primary responsibility for the management of an EIS for airport development rests with the FAA. The FAA's EIS project manager is normally an Airports Program Environmental Specialist in a regional Airports Division or an Airports District Office.

- A highly skilled FAA EIS project manager is the greatest asset for a successful EIS. It is important for FAA to have a cadre of highly qualified and trained project managers assigned to EISs. The FAA project manager should have a basic understanding of airport planning and development, in addition to a sophisticated level of working knowledge of the laws and requirements governing the preparation of an EIS. It is equally important for a project manager to have management and organizational skills in order to plan, organize, and schedule the various work components that make up an EIS. Good "people skills" and teamwork are also necessary, especially during periods of high stress and tight deadlines.
- It is part of a project manager's job to determine an EIS's resource needs and to request additional resources in a timely manner. Resources include clerical as well as professional staff support, costs related to travel for an EIS team, and other associated costs of EIS development and processing. The effectiveness of EIS teams is enhanced when optimal resources are provided.
- The FAA project manager should be directly involved in developing the EIS scope of work and in the consultant selection process, including consultant selection criteria.
- It is important to establish critical milestones for the completion of EIS tasks and to maintain as tight a schedule as possible. Schedules should be realistic and commensurate with the level of complexity of the EIS, including whether the EIS will be a combined Federal/State document (which adds complexity and time). Schedules are subject to factors beyond FAA's control—sometimes several times over the course of an EIS. Flexibility must be used to adjust schedules, both to loosen schedules when needed and to tighten up schedules on remaining tasks to make up earlier schedule slippages to the extent possible.
- The FAA project manager is responsible for ensuring that all applicable tasks are completed in accordance with Federal requirements and in the order necessary to complete an EIS and Record Of Decision (ROD). This includes assuring timely coordination, technical completion, and good teamwork and communication. To successfully carry out these tasks, the FAA project manager needs the cooperative effort and support of the airport proprietor's and EIS consultant's project managers.

- A key part of the FAA project manager’s responsibility is EIS quality control. If quality control is unacceptably short-changed, there will be delays when analyses and documentation do not pass muster in program or legal reviews.
- The best measure of successful EIS management is that the environmental process does not produce conceptual, methodological, or informational “surprises” towards the end. The FAA project manager, supported by others assigned to the EIS, needs to look ahead, identify issues and problems as early as possible, and initiate appropriate and timely additional analysis, consultation, or other efforts that will lead to successful resolution and completion of the environmental process.

EARLY PROJECT PLANNING

Airport proprietors are responsible for planning and developing airports. The FAA provides planning guidance, technical services, and financial assistance. Airport proprietors normally hire consultants to assist in planning. Technically sound airport planning, with appropriate consideration of environmental factors and major community concerns, are important elements for the successful completion of the environmental process in the least amount of time.

- Planning information is the backbone of environmental analysis. It defines the proposed project, reasonable alternatives, and the scope and accuracy of the analysis of impacts. Planning information includes important elements, such as aviation forecasts, airport capacity, facility requirements, timing and phasing of development, projected user activity and fleet mix, runway utilization and flight tracks, airspace analysis, linkage versus independent utility of planned projects. Airport proprietors, FAA, and consultants need to assure that planning information is technically sound and reasonably current. Problems encountered with planning information during an EIS will delay progress. At worst, the proposed project and reasonable alternatives may need to be modified, setting the environmental work and schedule back substantially.
- It is important to consider environmental factors at an early stage in airport planning. At a minimum, the FAA advises airport proprietors to identify major environmental impacts and concerns that have an important influence on the proprietor’s evaluation and selection of a proposed project. These may range from an impact that is a primary community concern, such as aircraft noise, to an impact that poses a legal barrier, such as jeopardy of an endangered species. Either case may be of sufficient merit and importance to affect the airport proprietor’s basic planning. The late identification of governing environmental constraints is likely to delay the environmental process.

- The early consideration of environmental factors can be expanded to include a detailed inventory of the existing environment in the airport vicinity (e.g., noise, air quality, water quality, environmental justice populations), including environmental resources (e.g., wetlands, historic sites, endangered species). Such an inventory can serve the dual purpose of providing improved early environmental information to assist the airport proprietor in selecting a proposed project and of providing the existing environmental baseline for the subsequent EIS.
- Planning data and environmental inventories prepared as part of master planning become outdated over time, decreasing their usefulness for the environmental process. The closer in time that an EIS can follow an airport master plan, the less the potential problem with data currency and validity.

COMMUNITY CONSULTATION

Strong local opposition to a proposed project tends to slow down the environmental process. An EIS proceeds more rapidly and smoothly when an airport proprietor is able to build a broad core of local consensus in support of a project and to maintain a sense of trust and fair treatment with concerned communities.

- The establishment of long-term cooperative consultation between the airport proprietor and community representatives can improve the consistency between long-range community and airport plans, making it easier to gain local consensus on individual airport projects. If there is no history of such consultation, it is better for airport proprietors to begin community discussions on a proposed project, its aviation need, anticipated impacts, and potential mitigation at the beginning of airport planning, rather than later during an EIS.
- In some locations, a Citizens Advisory Committee has been useful in improving working relationships and communication between the airport and community. Such a committee may be established on either a permanent basis or for the duration of a specific project's planning and environmental review.
- Factors that help to build local consensus and address opposition include:
 - ✓ Open and frank dialogue on the aviation need and the airport proprietor's initial planning, including possible alternatives;
 - ✓ An effective forum for constructive exchanges on the expected benefits, impacts, alternatives, and mitigation prospects;
 - ✓ Serious consideration of community concerns and views, including project adjustments that have merit and are possible, as well as responses to

- major community proposals that cannot be accommodated and the reasons why;
- ✓ Confidence in the accuracy of the aviation and environmental technical data;
 - ✓ Confidence in the airport proprietor's and FAA's commitments to effective environmental mitigation.
 - ✓ Reasonable accessibility to the FAA and airport proprietor for responses to questions and clarification of information.
- A public outreach program is primarily the responsibility of the airport proprietor. This is often a critical area in which the airport proprietor can have a marked positive effect on the environmental process. When a proposed project is highly controversial, an airport proprietor should plan to assign or hire a skilled community relations specialist to assist in providing the optimal interface with the local community during project planning and environmental review. The specialist's expertise can help avoid unnecessary community conflicts. The participation of a community relations specialist can also avoid diverting other professional staff resources from the EIS to perform this function.
 - Informal workshops at periodic points during the planning and environmental processes tend to provide better forums for community consultation than formal public hearings. Project and environmental impact information understandable to a non-technical person should be made available at workshops. Knowledgeable people (usually a combination of airport proprietor staff, EIS consultants, and FAA) should be present to provide information and answer questions.
 - It is important to some people to make an official statement for the record at a public hearing. There should be reasonable provision for those who have made the time and effort to attend a public hearing to speak. Generally, the public accepts responsible hearing ground rules, including limits on speaking time.

EIS CONSULTANT SELECTION AND SKILLS

The bulk of technical analyses for an EIS is done by consultants under a third-party contract arrangement in which the FAA selects the consultant and guides the work, and the airport proprietor contracts with and pays the consultant. An efficient consultant selection process avoids delays in starting an EIS. The selection of a consultant that can devote the right combination of skills and resources to the job avoids delays throughout the EIS.

- Some State or local laws appear to prohibit selection of consultants by a third entity, in this case the FAA. Airport proprietors and FAA have always favorably resolved apparent conflicts in law, but not without delays. An airport proprietor anticipating an EIS should review any legal issues in advance and begin early to resolve them in consultation with FAA.
- Important factors to consider in reviewing consultant proposals include:
 - ✓ Designation of a knowledgeable and skilled project manager to head the consulting team for an EIS;
 - ✓ The firm's experience with NEPA and other environmental laws and requirements as they are specifically applied to airport development projects;
 - ✓ The presence of aviation and airport planning skills on the consultant's team;
 - ✓ Appropriate environmental resource experts to cover the range of anticipated impacts;
 - ✓ Participation of a technical editor to review, edit, and convert technical writing into plain English;
 - ✓ Estimated work schedule and adequacy of resources to complete tasks on schedule.
- Airport proprietors and FAA need to jointly provide to consulting firms as complete as possible a description of the scope of work, the desired consultant skills and tasks, and a target EIS schedule.
- Consultants may be able to expedite schedules if airport proprietors are willing to pay for extra consultant resources.
- As with the FAA, the most single important consultant asset for an EIS is a good project manager. The consultant project manager has the primary responsibility for assuring that technical analyses and coordination are assigned to the appropriate consulting team members and are started on time, for tracking and maintaining working schedules, for quality control of technical analyses and documentation, and for identifying substantive and scheduling problems with the analyses and coordination and conferring with the FAA EIS project manager on corrective steps.

EIS TEAMS AND TEAMWORK

The FAA will establish an EIS team for each new EIS for a major runway project at a large hub primary airport. EIS teams may be established for other proposed projects at the discretion of the FAA and airport proprietor. EIS teams will be strengthened by adding more FAA members, airport members, and consultants to teams. Good teamwork by FAA, airport proprietors, and consultants is

extremely important for any EIS, regardless of whether a formal EIS team is established. A strongly committed and skilled FAA, airport proprietor, and consultant team backed up with their respective management's support and adequate resources, will streamline the EIS process and avoid unnecessary delays.

- The FAA can prepare a more timely, high quality EIS by assigning more expert staff resources to it and using an EIS team approach. EIS teams are the most effective and productive when they are led by a skilled and knowledgeable FAA project manager, adequately staffed with field and headquarters Airports Program environmental specialists and environmental attorneys (supported as needed by an airport planner and other FAA specialists, such as an air traffic specialist), and provided with adequate resources (including travel funding and administrative support) and with strong FAA management support. FAA management must strive to provide personnel, travel, and administrative resources sufficient to support an EIS team.
- It is as important for airport proprietors to field an experienced EIS team as it is for the FAA, regardless of whether a formal EIS team is established or the more traditional EIS approach is used. The FAA may not delegate core Federal environmental responsibilities to other parties. However, airport proprietors provide most of the backbone airport planning information for the EIS, provide data on existing conditions on the airport and in the airport vicinity, interact with the local community on the proposed project and ongoing EIS, fund the EIS consultant's work, and are responsible for compliance with other Federal environmental requirements beyond the purview of the FAA (e.g., Corps of Engineers 404 permits) and with applicable State and local environmental requirements and permits.
- ✓ The airport proprietor's assignment of an environmentally-skilled project manager to work cooperatively with the FAA EIS project manager produces benefits in terms of adding skilled staff resources to the EIS; anticipating the need for and timing of specific airport input and providing it expeditiously; handling other Federal, State, and local environmental requirements and coordination simultaneously with the FAA's EIS (see more under Interagency Coordination); and providing a good communication channel between the FAA and airport director on the EIS work including progress, problems, and additional resource needs (including the need to fund additional consultant work). When a formal EIS team is formed, the airport project manager is a member.
- ✓ When projects have a high level of complexity or probable litigation, or both, the airport proprietor's assignment to the EIS of in-house or independent counsel with NEPA expertise is useful. The airport's counsel can productively confer with FAA counsel on legal issues during the EIS,

including the approach to specific environmental laws and requirements as they relate to the specific project, and on any subsequent litigation.

- The EIS consultant does the bulk of the technical work and extensive coordination. The project manager for the consulting firm must closely interact with the FAA EIS project manager, as well as with the airport proprietor's project manager, and will be a member of any formal EIS team.

SCOPING AN EIS

At the beginning of an EIS, the scope of actions, alternatives, and impacts to be examined must be determined. Additional time and effort spent on the scoping process may help avoid subsequent longer delays during the EIS.

- Scoping should be used to focus the EIS. This includes identifying the significant environmental issues that are deserving of the most study and deemphasizing insignificant issues, thereby narrowing the scope of an EIS.
- Scoping should also be regarded as an early decision process. Council on Environmental Quality (CEQ) Regulations provide that "Draft environmental impact statements shall be prepared in accordance with the scope decided upon in the scoping process." (CEQ 1502.9(a)) Obviously, flexibility must be retained to make reasonable adjustments to an EIS scope if significant new circumstances or information arise during an EIS that bear on the proposal or its impacts.
- The scoping process can be productively used to discuss and resolve questions from other agencies on the purpose and need for a proposed project and the reasonable alternatives that should be evaluated in the EIS, as well as the environmental impacts that will receive the most attention and detailed analysis. This effort may involve several iterations of discussions and exchanges of written and verbal information.
- While not everyone may reach agreement, the more that other agencies are introduced early to the proposed project and EIS and are reasonably satisfied with the scope of it, the more that subsequent issues and comments may be foreclosed. (See more under Interagency Coordination.)
- Based on scoping with other agencies and the public, the EIS team (whether formalized or not) should agree on the scope, project definition, and purpose and need before technical environmental analyses are started. This ensures a smoother, more systematic approach to outlining the necessary analyses and document format.

INTERAGENCY AND INTRA-AGENCY COORDINATION

Interagency Coordination. Coordination with Federal, State, and local agencies with jurisdiction and environmental expertise is built into the requirements that govern EISs. As with scoping, additional effort expended on interagency coordination earlier in the environmental process can yield benefits in reduced time later in the process.

- It is valuable to establish good relationships and cooperative staff-level interfaces with other agencies, without regard to a specific project. Impediments to effective working relationships caused by differences in missions, requirements, resources, and timing should be identified and managed to the extent possible.
- On a project level, the early identification of agencies having jurisdiction and/or expertise with respect to expected project impact is important to determine agency involvement. In most airport development projects, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers will be involved. Other Federal agencies will be involved depending on the type of project and the affected environmental resources. Other Federal agencies that often have a role in airport development EISs are the Department of the Interior (U.S. Fish and Wildlife Service and National Park Service), the Advisory Council on Historic Preservation, the Federal Highway Administration (due to highway work related to airport development), and the National Marine Fisheries Service. The failure to identify an agency with jurisdiction over an affected resource and to engage that agency can cause additional work and delays later in the environmental process.
- The FAA will involve other Federal 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 advisable to establish a written agreement of agency roles and working relationships. For the most part, FAA finds that informal arrangements are preferable and achieve results. The lack of written formality should not lower the level of commitment to effective interagency coordination.
- The involvement of State and local agencies in an EIS varies substantially by locale. The airport proprietor's project manager should bear the primary responsibility for identifying important State and local agencies to the FAA EIS project manager to assure that they are contacted early in the environmental process.

- It is useful to maintain an ongoing working relationship on major projects and, to the degree possible, to share technical and project information with key agencies as the information is developed. It is not necessary for all agencies to agree on all aspects of a proposed project or EIS. To the extent that disagreements cannot be resolved, at the least it is beneficial for the FAA to avoid surprises and to make reasoned judgments on how to proceed, given disagreements.
- Other agencies should be informed of FAA's project priorities and time schedules. They should be alerted ahead of time when they will receive critical documents (e.g., scoping information, technical working drafts, Draft EIS) and notified of definitive deadlines for comment, so that the other agencies may plan and adjust their workload and resources to the extent possible.
- Regional FAA management should be alerted by the FAA EIS project manager and should intervene when staff-level cooperation with other agencies breaks down. Regional managers should refer any escalating issues that remain unresolved at regional levels to FAA headquarters.

Intra-agency Coordination. Projects that are complex enough to require an EIS generally include issues that cross divisional lines within FAA. If more than a single FAA division in the region has responsibility for a particular project (e.g., air traffic/airspace management and navigational aids associated with a new runway), it is vital to begin internal FAA coordination as early as practicable.

- It is helpful to have a regional protocol that provides internal guidance on how projects and project-specific issues will be handled across divisional lines. Such a protocol may include provisions for expedited technical and environmental reviews and coordination for high priority projects, as well as mechanisms to resolve differences of opinion and professional judgments.
- All FAA lines of business whose judgments and actions are needed to plan, implement, and operationalize an airport development project must understand that the technical and environmental details in the EIS must be correct and must accurately reflect FAA's judgment of the way the airport and related procedures and equipment will operate, once the project is constructed. The identification, review, and resolution of key issues that have a major bearing on a project's planning and environmental impacts should take place as early as possible in the planning process, rather than late in the EIS process or after the EIS has been completed.
- FAA EIS project managers should request early FAA counsel advice on issues involving compliance with environmental laws and regulations. It is important to have the early and continuous engagement of FAA

environmental attorneys for complex EISs that are likely to be litigated. Environmental attorneys offer legal sufficiency advice and review, which assists in EIS quality control. However, FAA EIS project managers are primarily responsible for quality control.

- The assignment of a point of contact by each FAA line of business involved in a high priority project can facilitate smooth and knowledgeable internal coordination and continuity.

COMBINING FEDERAL AND STATE ENVIRONMENTAL PROCESSES

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 process. 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. It is FAA policy and practice to combine Federal and State environmental reviews to the extent possible in an EIS, or at least to have the reviews running concurrently rather than sequentially.

- The airport proprietor is responsible for complying with State environmental requirements. At the beginning of the environmental process, the FAA EIS project manager and the airport proprietor's project manager should confer on the extent to which Federal and State environmental requirements can be addressed in one combined environmental document and how the respective analyses will be performed.
- A combined Federal/State environmental document is more complex and time-consuming than a Federal or State document alone, and environmental review schedules need to be adjusted accordingly. However, it is usually more efficient to have a combined document, and it certainly saves time to avoid sequential Federal and State processes.
- If Federal and State processes are sufficiently different in requirements and timing, it may be more effective and efficient not to combine documents, but to run the two processes on somewhat parallel tracks within concurrent time frames to the extent possible.
- If Federal and State processes are not combined, care must be exercised to use common data bases for both processes and to avoid end-to-end sequential processes that extend the overall environmental time line for the project.

MANAGING EIS TECHNICAL ANALYSES

FAA Orders 1050 and 5050 provide guidance on the type and extent of analysis required for the various categories of environmental impacts. This guide is intended to offer management, rather than technical, advice on EIS technical analyses.

- Basic project planning data must be technically sound and reasonably current in order to provide an adequate backbone on which to build the EIS technical analyses. Questions and concerns about the planning data need to be resolved at the earliest practical point in the environmental review.
- The proper scheduling of EIS analyses is very important. Some analyses have to wait on other work to be accomplished and data to be made available. Significant environmental impacts obviously merit the most attention and are usually attended to on schedule. Care should be taken that there is not delayed attention to apparent minor environmental issues that require more analytical work and procedure than anticipated.
- The results of technical analyses need to be written in plain English and be understandable to a non-technical reader. It is particularly important to explain aviation information in terms that are understandable to the general public.
- A key component of EIS quality control is to make sure that common data bases are used throughout an EIS by the different people preparing the various resource analyses. One part of an EIS cannot contradict another part. Sometimes, data are not inconsistent but have the appearance of being so (e.g., when percentages of different data baselines are used to describe changes). Care should be exercised to avoid the appearance of contradictory data that confuses the EIS reader. Apparently different data relationships need to be explained in the EIS. These tasks are primarily the responsibility of the EIS consultant. The FAA EIS project manager must also exercise quality control.
- The focus of an EIS should be on the major issues and impacts, with less volume of information in the main body of the EIS on minor effects. EISs should clearly identify the environmental impacts that are judged by the FAA to be significant and why, based on agency guidance.
- Environmental mitigation can produce multiple benefits of reducing impacts on the community, increasing public acceptance of airport development, reducing certain environmental impacts below thresholds of significance, and

satisfying substantive legal requirements (e.g., DOT Section 4(f)). It is usually favorable to incorporate mitigation into project proposals as early as possible. Mitigation must be feasible (including operational and cost feasibility) and must be backed up by commitments from the airport proprietor and/or the party with authority and responsibility for the mitigation.

- The size of EISs should be controlled by greater reliance on appendices and incorporating detailed data and background material by reference.

USE OF TECHNOLOGY

A highly advantageous best practice is the effective use of state-of-the-art data bases, analytical tools, electronic communications and information storage.

- All EIS documentation should be available in electronic format. Working documents should be in Word format so that revisions and editing can be done. Final versions of Draft and Final EISs and RODs should be in pdf format with document links that can be read by Adobe Acrobat.
- The efficiency of environmental document preparation and FAA internal reviews can be maximized with electronic communication and review of draft materials, including the internal use of red-lined versions to highlight the changes made since the previous draft.
- The FAA EIS project manager and EIS consultant, in consultation with an FAA environmental attorney, should agree at the beginning of the process on the way the consultant should electronically compile the administrative record.