



# Federal Aviation Administration

## Memorandum

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### FAA Order 1050.1 Guidance Memo

Date: June 13, 2018

To: FAA Lines of Business and Managers with NEPA Responsibilities

From: Katherine Andrus, Manager, Environmental Policy and Operations, Office of Environment and Energy, AEE-400

Subject: **Consolidated Guidance for Implementation of the Categorical Exclusion in Section 213(c)(1) of the *FAA Modernization and Reform Act of 2012***

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This memorandum provides guidance to implement a legislative categorical exclusion. This memo consolidates two previous guidance memos issued by AEE in December 2012 and July 15, 2015. It clarifies that use of this CATEX must be documented and delineates the information that must be submitted with a request for concurrence by the Office of Environment and Energy (AEE-400) and the Office of Chief Counsel (AGC-600) prior to the use of this CATEX.

### History

Congress included provisions in the FAA Modernization and Reform Act of 2012<sup>1</sup> to expedite environmental review of certain air traffic procedures implemented as part of NextGen. Section 213(c)(1) provides:

(c) COORDINATED AND EXPEDITED REVIEW.

“(1) In General. – Navigation performance and area navigation procedures developed, certified, published, or implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.”

The FAA refers to the categorical exclusion described in subsection (c)(1) as CATEX 1.<sup>2</sup> CATEX 1 is listed under paragraph 5-6.5(q) of Order 1050.1F, as follows:

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<sup>1</sup> Pub. L. 112-95; 126 STAT. 11 (Feb. 14, 2012).

<sup>2</sup> Section 213(c)(2) describes another categorical exclusion, which the FAA refers to as CATEX 2. FAA issued a separate guidance memorandum for implementing CATEX 2 on March 29, 2016.

q. The following procedures taken in accordance with Section 213 of the FAA Modernization and Reform Act of 2012, conducted at, above, or below 3,000 feet above ground level (AGL), unless there is a determination that extraordinary circumstances exist:

- (1) Area Navigation/Required Navigation Performance (RNAV/RNP) procedures proposed for core airports and any medium or small hub airports located within the same metroplex area considered appropriate by the Administrator; and
- (2) RNP procedures proposed at 35 non-core airports selected by the Administrator. (ATO)

## **Applicability**

CATEX 1 applies to Area Navigation System (RNAV) and Required Navigation Performance (RNP) and procedures at the following types of airports (see Attachment A and B):

- 30 Core Airports,<sup>3</sup> listed in Attachment A.
- Medium or small hub airports<sup>4</sup> located within the same metroplex area as a Core Airport and listed in Attachment A.
- 35 Non-Core Airports,<sup>5</sup> listed in Attachment B.

Before using CATEX 1, confirm that the RNAV/RNP procedure is listed on the Instrument Flight Procedures Information Gateway at [https://www.faa.gov/air\\_traffic/flight\\_info/aeronav/procedures/](https://www.faa.gov/air_traffic/flight_info/aeronav/procedures/) and has been identified for development at one of the eligible airports.

CATEX 1 does not apply to other types of procedures or other airports. CATEX 1 may not be used for new conventional procedures, or a combination of conventional procedures and applicable RNAV and RNP procedures. CATEX 1 does not apply to non-hub primary, non-primary commercial service, reliever or other general aviation airports. The FAA's Office of Airport Planning and Programming or regional Airports Divisions should be contacted to confirm the category of specific airports if there is any doubt about applicability.

## **Other Requirements**

### Extraordinary Circumstances

CATEX 1 is subject to the same requirements as other CATEXs in Order 1050.1F. The statutory language specifically states that the Administrator must determine if extraordinary circumstances exist before applying CATEX 1. Extraordinary circumstances, as defined in 40 CFR § 1508.4, are those in

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<sup>3</sup> Section 213 refers to "Operational Evolution Partnership (OEP) Airports." In March 2011, the FAA replaced the OEP with an initiative to incorporate NextGen technology into the National Airspace System at Core Airports, consisting of the 29 large hub airports plus Memphis International Airport. The FAA interprets the phrase "35 OEP airports" in section 213 to refer to the 30 Core Airports.

<sup>4</sup> The definitions of medium and small hub airports are based on number of enplanements and are contained in 49 USC 47102(13) and (25). See [http://www.faa.gov/airports/planning\\_capacity/passenger\\_allcargo\\_stats/categories/](http://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/categories/)

<sup>5</sup> Section 213(b)(1) directed FAA to publish a report listing required navigation performance procedures to be developed, certified, and published, and the air traffic control operational changes, to maximize the fuel efficiency and airspace capacity of NextGen commercial operations at 35 non-OEP small, medium, and large hub airports. FAA published the *Report on Acceleration of NextGen Technologies* in October 2012. This report also addressed the FAA's interpretation of the legislation's reference to OEP airports. See [https://www.faa.gov/about/plans\\_reports/modernization/media/Sec.213a-b.pdf](https://www.faa.gov/about/plans_reports/modernization/media/Sec.213a-b.pdf)

which a normally categorically excluded action may have a significant environmental impact that requires further analysis in an EA or an EIS. Extraordinary circumstances exist when the proposed action involves any of the circumstances described in paragraph 5-2 of FAA Order 1050.1F<sup>6</sup> and may have a significant impact. Screening<sup>7</sup> and other environmental consultation or analyses may be needed to determine the potential for extraordinary circumstances. If extraordinary circumstances are found to exist, FAA will prepare an EA or Environmental Impact Statement (EIS) in accordance with Order 1050.1F.

#### Connected Actions and Cumulative Effects

CATEX 1 may not be used if the proposed RNAV/RNP procedures are connected actions to ineligible procedures or projects (e.g., conventional and PBN procedures for implementation at the same location and the same time, or runway development and associated PBN procedures). Connected actions are closely related actions that: (a) automatically trigger other actions; (b) cannot or will not proceed unless other actions are taken previously or simultaneously; or (c) are interdependent parts of a larger action and depend on the larger action for their justification. (See 40 CFR § 1508.25(a)(1) and Order 1050.1F, paragraph 2-3.2). In order to use CATEX 1, proposed RNP/RNAV procedures at eligible airports must be independent of non-eligible procedures or projects.

In addition, the proposed RNAV/RNP procedure must be reviewed in conjunction with other actions to ensure cumulative impacts are appropriately evaluated. A likelihood to cumulatively create a significant impact on the human environment is one of the circumstances that may prevent use of a CATEX, including CATEX 1 (see Order 1050.1F, paragraph 5-2b(12)).

Proposed RNP/RNAV procedures at the specified airports must not be inappropriately segmented from larger projects or evaluated in isolation from potential cumulative effects with other proposed agency actions (e.g., conventional and PBN procedures for implementation at the same location and the same time, or runway development and associated PBN procedures).

#### Other Environmental Laws

Any applicable special purpose laws and requirements (such as Section 106 of the National Historic Preservation Act) must be complied with in the same manner as with other CATEXs. To the extent that these other requirements are relevant to a determination of extraordinary circumstances, they must be addressed before CATEX 1 is used. The responsible FAA official must document compliance with applicable requirements, including any required consultations, findings, or determinations. Special

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<sup>6</sup> Section 213(c)(1) references FAA Order 1050.1E, which was in effect at the time. Order 1050.1F, *Environmental Impacts: Policies and Procedures* (July 16, 2015) updates and supersedes Order 1050.E.

<sup>7</sup> Screening is a process in which a first order analysis is performed to determine if there is a potential for significant environmental impacts. Screening can be completed using FAA approved look up tables and/or screening tools. Screening should be conducted in accordance with specific guidance on the appropriate use of the different screening mechanisms and the interpretations of the results.

purpose laws may also have public notification requirements. Information on other environmental requirements that may apply to proposed actions is provided in the 1050.1F Desk Reference.

### **Implementing Instructions**

The use of CATEX 1 should be documented in accordance with the instructions in paragraph 5-3.b. of Order 1050.1F. The documentation should also describe how the proposed action fits within the CATEX 1 criteria outlined in Section 213(c)(1) of the *FAA Modernization and Reform Act of 2012*, and should include the results of screening and any other reviews that were performed.

#### Airport Operator Collaboration and Community Involvement

FAA collaboration with airport operators is critical during the planning and design of proposed RNP/RNAV procedures, and as part of determining the applicability of CATEX1. This collaboration should include consideration of appropriate community involvement that would inform the affected public of proposed procedures and allow the public to provide feedback on community concerns.

#### Required AEE and AGC Concurrence

Due to the unique nature of this CATEX, until further notice, written concurrence must be obtained from AEE-400 and AGC-600 prior to applying CATEX 1 to a proposed action. The request for concurrence should be submitted to AEE and AGC by the Air Traffic Organization's Director of Airspace Services (AJV-1) along with the following information:

- The initial environmental review.
- Noise screening data showing projected noise changes, including but not limited to the identification of reportable noise increases.
- Information on residential communities and other noise sensitive areas (e.g., schools, hospitals, historical or cultural sites) affected by proposed PBN flight tracks and the altitudes of new or increased concentration of aircraft overflights of these areas compared to the existing situation.
- Feedback from collaboration with airport operators, public notification and outreach sessions, and other information on potential community concerns and controversy.

Additional information may be requested in some cases to assist in this concurrence review.

*For further information, contact:*

Katherine Andrus, Office of Environment and Energy, Acting Manager, Environmental Policy and Operations (AEE-400), Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 201591, telephone (202) 267.9548

Or

Rodger Dean, Air Traffic Organization, Mission Support Services, Airspace Policy Group Manager (AJV-11), Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20159, telephone (202) 267.8783

**ATTACHMENT A**

**List of CATEX 1 Applicable  
Core Airports and the Associated Medium and Small Hub Airports**

Core Airports	Metroplex	Medium Hub Airports	Small Hub Airports
Hartsfield-Jackson Atlanta	Atlanta		
Boston Logan	Boston	Bradley International Airport; T.F. Green Airport	Manchester-Boston Regional Airport
Thurgood Marshall Baltimore-Washington	D.C.		
Charlotte Douglas	Charlotte	Raleigh-Durham International	Columbia Metropolitan; Piedmont Triad International; Greenville-Spartanburg
Ronald Reagan Washington National	D.C.		
Denver	Denver		
Dallas-Fort Worth	North Texas	Dallas Love Field	
Detroit Metropolitan-Wayne County	Detroit		
Newark	New York/ Philadelphia		Westchester County; Long Island MacArthur
Fort Lauderdale-Hollywood	South Florida		
Honolulu	Honolulu		
Washington Dulles	D.C.		
George Bush	Houston	William P. Hobby	
John F. Kennedy	New York/ Philadelphia		Westchester County; Long Island MacArthur
McCarran	Las Vegas Valley		
Los Angeles	Southern California	Bob Hope; Ontario International; John Wayne Airport-Orange County Airport	Long Beach; Palm Springs International
LaGuardia	New York/ Philadelphia		Westchester County; Long Island MacArthur
Orlando	Orlando		Orlando Sanford International
Chicago Midway	Chicago	General Mitchell International	
Memphis	Memphis		
Miami	South Florida		
Minneapolis-St Paul	Minneapolis-		

Core Airports	Metroplex	Medium Hub Airports	Small Hub Airports
	St. Paul		
Chicago O'Hare	Chicago	General Mitchell International	
Philadelphia	New York/Philadelphia		Westchester County; Long Island MacArthur
Phoenix Sky Harbor	Phoenix		Phoenix-Mesa Gateway
San Diego-Lindbergh Field	Southern California	Bob Hope; Ontario International; John Wayne Airport-Orange County Airport	Long Beach; Palm Springs International
Seattle-Tacoma	Seattle		
San Francisco	Northern California	Norman Y. Mineta San Jose International; Sacramento International	Oakland International
Salt Lake City	Salt Lake City		
Tampa	Tampa		St. Petersburg-Clearwater International; Sarasota/Bradenton International

Note: This list is current as of the effective date of this memorandum. When considering use of CATEX 1, the current list of Core Airports could potentially change and should be reviewed at <http://www.faa.gov/nextgen/snapshots/airport/>.

## ATTACHMENT B

### List of CATEX 1 Applicable Non-OEP/Non-Core Airports

Airport Code	Airport Name
1V6	Fremont County Airport
ABQ	Albuquerque International Sunport
ALB	Albany International Airport
ANC	Ted Stevens Anchorage International Airport
APF	Naples Municipal Airport
AUS	Bergstrom International Airport
BCT	Boca Raton Airport
BED	Laurence G Hanscom Field Airport
BHM	Birmingham-Shuttlesworth International Airport
BIL	Billings Logan International Airport
BLI	Bellingham International Airport
BNA	Nashville International Airport
CHS	Charleston International Airport
CMH	Port Columbus International Airport
CRW	Yeager Airport
DAL	Dallas Love Field Airport
ECP	Northwest Florida Beaches International Airport
ELP	El Paso International Airport
FAI	Fairbanks International Airport
HRL	Valley International Airport
HTO	East Hampton Airport
IND	Indianapolis International Airport
IWA	Phoenix-Mesa Gateway Airport
JAX	Jacksonville International Airport
MCI	Kansas City International Airport
MHT	Manchester-Boston Regional Airport
OMA	Eppley Airfield Airport
PRC	Prescott Municipal Airport
PUW	Pullman-Moscow Regional Airport
PVD	Green Airport
RIC	Richmond International Airport
SDF	Louisville International Airport
SMF	Sacramento International Airport
SMO	Santa Monica Municipal Airport
TTN	Trenton Mercer Airport