

Categorical Exclusion

For

**Letter of Agreement Update to Automate a 250° Westerly Turn for Southbound
Turboprops When Seattle – Tacoma International Airport is Operating in North-Flow
Between the Hours of 6 am and 10 pm**

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Prepared by:
United States Department of Transportation
Federal Aviation Administration



Renton, WA

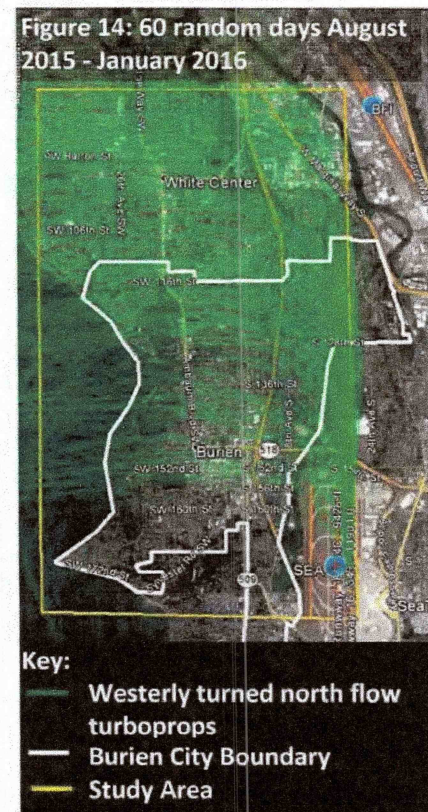
4.2 Preferred Alternative

The Preferred Alternative is the same as the Proposed Action, except that automatic westerly turns would be suspended and ATC would revert to coordinating turns between SEA and S46 between 10 pm and 6 am. FAA made this change in response to comments from the City of Burien and other comments. Suspending the automatic westerly turn is consistent with procedures currently in place to avoid flight noise over sensitive areas after 10 pm during north flow. FAA can accommodate the request to suspend automatic westerly turns after 10 pm because there are fewer departures.

4.3 No Action

During north-flow, SEA ATCT will continue to coordinate with S46 to get clearance to turn southbound turboprops to a westerly heading. This coordination results in multiple westerly headings being utilized, and the planes receiving instructions to turn westerly at different points immediately after takeoff. This coordination commonly results in a 250° heading, but other headings may be issued if conditions warrant to maintain safe aircraft separation.

Figure 14 shows the flight tracks of westerly turned southbound turboprops in north-flow from 60 random days between August 2015 and January 2016. Note the variety of locations where the westerly turn was initiated, as well as the variety of headings.



4.4 Alternatives Considered but Eliminated

A number of alternatives were analyzed and the results of the analysis are summarized below:

1. Change the Heading of the Turboprop Automatic Turn or the Missed Approach Procedure.

Multiple potential new turboprop automatic headings were suggested during the comment period by members of the public and by the City of Burien. Since the turboprop departure heading and missed approach procedure each have design criteria that require minimum separation distances and they are in close proximity, they need to be evaluated together. The Missed Approach Heading Range evaluation, as shown in Table 1 below, is based on protecting the entire heading range. This means that when a conflict exists which affects only part of the Missed Approach Heading range, the entirety of the Missed Approach heading range is rendered unusable. Various headings for the southbound turboprops and the missed approach range of headings were evaluated, as listed per letters A through H.

“Request for Comment: CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ’s NEPA regulations and their justifications.”

NEPA Process	ACI-NA Response
<p>1. <i>Should CEQ’s NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?</i></p> <p><i>Other agencies are also subject to time constraint processes that can create time constraints. Must limit responses to 30 days & limit their ability to respond.</i></p>	<p>The language in the statutes/guidance is not deficient.</p> <p>Where there have been time lags is usually where there is the need to coordinate with agencies that have special jurisdiction over an environmental resource or because the agency is short staffed. FAA will allow airport sponsors to fund agency staff positions, but the timeline needed to create the funding agreements and then retain staff is a minimum of 6 months.</p> <p>Outside reviewing agencies often either do not comment or request an extension to the standard comment periods, also likely due to short-staffing. The federal dashboard will not solve this problem as many delays arise due to issues under special purpose laws (e.g., Clean Water Act, Endangered Species Act), not NEPA or CEQ regulations. The problem would be solved by having lead agencies identify key coordinating agencies, where project effects could be material, and requiring those agencies to respond within 30 days to feedback requests. If an agency providing input is unable to meet the 30-day timeline, they should not be allowed to delay, but rather refer the project to CEQ to address the issue. CEQ was designed to be the ultimate arbiter of such issues but has not functioned as such. Project proponents, lead agencies and reviewing agencies may be motivated to complete their reviews in a more timely manner to avoid a referral to CEQ.</p> <p>Additional ways to improve the process include allowing project sponsors to rely on prior studies and analyses, provided that the sponsors are required to either (a) provide evidence that the prior study is still representative of current conditions, or (b) if something has changed, update only that portion of the analysis/study that has changed.</p> <p>Federal agencies should be required to maintain on-line libraries of all NEPA documents. At a minimum, the libraries should contain the decision documents, but preferably all EAs and EISs,</p>

Using archived data that they are doing their own work ignores the ever changing landscape on ~~time~~ technology & active surroundings noise + emissions

	<p>and any reconsiderations, re-evaluations or supplemental documentation. Ensuring availability of these documents will not only improve efficiency by making these prior environmental analyses available for reference, but it would hopefully improve consistency within an agency as well.</p>
<p>2. <i>Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?</i></p>	<p>Individual agencies interpret the CEQ regulations differently. For example, CEQ indicates that a NEPA document has a shelf life of 5 years before a new NEPA document or a re-evaluation is needed. FAA guidance, however, indicates that the project has to be substantially underway in 3 years. Resolving such inconsistencies between the CEQA regulations and aligning guidance prepared by federal agencies (in this case matching the 5 year shelf life) would be useful.</p> <p>One of the most significant things that could be done is to be more creative in the implementing guidance. For example, the CEQ 40 Most Frequently Asked Questions is a tremendous resource that is frequently used. CEQ should update these questions and add examples from completed projects. In addition, agencies should be required to submit projects to be used as examples that assist in illustrating the guidance for responding to certain questions.</p>
<p>3. <i>Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?</i></p>	<p>The CEQ regulations are clear and all parties involved in NEPA documentation strive for optimal coordination. However, to the degree that interagency coordination has not been optimal, this is primarily due to the implementation of special purpose laws. As mentioned previously, the lack of a consistent federal voice and agreed-upon importance of projects can impede cooperation between federal agencies when more than one agency is involved in a NEPA process or special purpose law review.</p>
<p>4. <i>Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?</i></p>	<p>It is important to note that the problem is not necessarily with CEQ's NEPA regulations. Rather, some of the more onerous issues encountered by airports relate to the special purpose laws, which must be considered under NEPA. Thus, the responses below capture both the CEQ regulations as well as places where the interpretation of some special purpose laws could be improved.</p> <p>Format and page length do not seem to be a particular issue for Airports, other than the lack of FAA staff, which results in a longer time to complete document reviews. It is important to note that the format of NEPA documents does differ slightly from region to region (within FAA).</p>

	<p>Page limits could be feasible for the basic project information. However, appendices, attachments, and documentation of comments will still be substantial to meet the requirements of the process.</p>
<p>5. <i>Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decision-makers and the public, and if so, how?</i></p>	<p>The CEQ regulations do promote the concept that NEPA documentation needs to focus on the relevant topics and common sense (i.e., not requiring review of coastal zones issues for a project in Iowa).</p> <p>See earlier comments about the <i>40 Most Frequently Asked Questions</i>. Special purpose laws for airports include (among others) provisions of DOT Section 4(f), Section 106 of the National Historic Preservation Act, Endangered Species Act, and Clean Water Act. Compliance with these special purpose laws can result in problems with development on airport property. For example, airport sponsors often attempt to be a good neighbor when communities need recreational resources and an airport has unused land. Airport sponsors regularly lease or designate land for activities such as baseball fields, golf courses, bike paths, etc., subject to the airport's right to reclaim the parcel when needed for an airport purpose. However, those recreational uses are then subject to DOT Section 4(f) (recodified as 303c of the Department of Transportation Act). This provision states that the Secretary of Transportation "shall not approve" a project that affects DOT 4(f) resources if there are other prudent and feasible alternatives, slowing the approval process and in some cases requiring changes in the project.</p> <p>Successfully focusing on the significant issues will help reduce the length of the NEPA documentation (see question 4).</p> <p>CEQ should encourage agencies not to adopt procedures or policies requiring them to "approve" extraneous activities (unrelated to the agency's core mission) of regulated parties, where such approval may be considered a "major federal action" that implicates NEPA, when no federal involvement was necessary in the first place. Where federal agencies have already unduly expanded the scope of their NEPA-triggering activities, they should roll them back to reflect only their core mission.</p> <p>As an example, FAA should have no role in approving non-aeronautical development/leasing of</p>

	<p>airport land that was obtained without federal assistance. It should simply prohibit development that interferes with safe and efficient aircraft operations. This ensures that FAA’s core mission is carried out (ensuring safe and efficient aircraft operations) without unduly ensnaring airport initiatives in the extensive and expensive NEPA process, which can delay projects or cause developers to build elsewhere.</p>
<p>6. <i>Should the provisions in CEQ’s NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?</i></p>	<p>Public involvement in NEPA has evolved over the last 20 years. However, the current public process is not always used effectively and is more of a procedural step rather than a collaborative process.</p> <p>Requirements for public outreach should be clarified; for instance, on an EA, is a physical public meeting (workshop or a hearing) required? Physical meetings are costly in time and dollars (staffing). We recommend that public outreach be done without physical meetings (using technology to facilitate the sharing of information and receipt of input)</p> <p>Further, current regulations allow broad flexibility as to public involvement methods. Hearings and workshops are the traditional means. However, with technology, virtual meetings may be appropriate for public involvement in some circumstances.</p> <p>Additionally, “inclusive” and “efficient” are somewhat contradictory. Appropriate inclusiveness needs to be identified and improved – project sponsors should have some latitude in identifying stakeholders and getting them involved, which could be documented in an appendix. That will help efficiency.</p> <p>Based on the history of public challenges to the NEPA process for Airport / FAA actions, (specifically, recent examples of communities suing the FAA over airspace procedure changes related to NextGen) airports continue to find proper public involvement to be critical.</p>
<p>7. <i>Should definitions of any key NEPA terms in CEQ’s NEPA regulations, such as those listed below, be revised, and if so, how?</i></p>	<p>See comments on individual key terms below.</p>

a. Major Federal Action;	Greater clarification is needed on whether / when tangential federal actions are not considered to be major Federal actions that trigger NEPA. For example, and as noted earlier, actions that require a change in the ALP (currently construed as a federal action) that do not involve federal funding or other federal actions should not be treated as a Federal Action.
b. Effects;	No comments.
c. Cumulative Impact;	Cumulative impact as a term is well-understood. However, "Cumulative Projects" is a nebulous term, and hard to define. Clarity on what projects should be included as "Cumulative Projects" would be helpful.
d. Significantly;	This is a term of art and FAA has established thresholds of significance. Some of the thresholds are specific and set, whereas others are defined as "things to consider", relative to the CEQ definition of significance (context and intensity). While more specific/numeric thresholds might be useful, the current approach works for most airports.
e. Scope; and	No comments.
f. Other NEPA terms.	No comments.
8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?	See comments on individual items below.
a. Alternatives;	The <i>40 Most Asked Questions</i> provides insight about the No Action Alternative and how that might differ from the existing condition. Further guidance relative to the No Action Alternative and what is reasonably foreseeable would be helpful. FAA often applies very strict requirements to the future No Action Alternative, specifically that an airport needs to have a design and funding plan for projects to be in the No Action Alternative. In comparison to the existing <i>40 Most Frequently Asked Questions</i> , the FAA interpretation seems overly strict and additional clarity here could be helpful.
b. Purpose and Need;	No comments.

c. Reasonably Foreseeable;	See Alternatives, above. Also, in NEPA documents the FAA considers two or three analysis timeframes: 1) the existing condition; 2) year of project completion; and 3) 5 years after project completion. Sometimes these timelines dovetail with other regional planning efforts and other times they do not. Consistency would be helpful and clarity as to CEQ requirements would be helpful.
d. Trivial Violation; and	No comments.
e. Other NEPA terms.	No comments.
9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?	See comments on individual items below.
a. Notice of Intent;	No comments.
b. Categorical Exclusions Documentation;	Agencies should be required to revisit their list of actions / categories of actions that are eligible for categorical exclusions at a minimum of every 5 years.
c. Environmental Assessments;	No comments.
d. Findings of No Significant Impact;	No comments.
e. Environmental Impact Statements;	No comments.
f. Records of Decision; and	No comments.
g. Supplements.	No comments.
10. Should the provisions in CEQ's NEPA regulations	Timing is already addressed in CEQ regulations. Timelines regarding agency review/response should be more specific to provide reasonable expectations for completion of NEPA documents.

<p>relating to the timing of agency action be revised, and if so, how?</p>	<p>Timelines will vary from project to project, depending on the complexity of a project and should be set reflecting reasonable expectations for a given project (see following comments regarding resources, and particularly the need for more resources on EIS projects)</p>
<p>11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?</p>	<p>FAA presently is very strict about EISs being prepared only by the federal agency or its selected independent consultant. CEQ should explore ways to relax this requirement, and consider enabling airport sponsors to prepare EISs, which are then reviewed and signed by the FAA, similar to how EAs are delegated. This would still enable the federal oversight required by CEQ and could result in material savings (time and dollars) to Airports.</p>
<p>12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?</p>	<p>The regulations should require agencies to develop guidance, regulations, or orders that set forth a procedure (or standards) for determining (at the level of the NEPA process) the level of environmental review for projects that intend to "tier up" or are "programmatic" EA or EIS. More certainty about the level of review for projects that will "tier up" to a programmatic EA or EIS could result in more usage of the programmatic approach, which in turn could result in increased efficiency and time savings.</p>
<p>13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?</p>	<p>See comment about No Action under 8.a (above). For actions that do not involve impacts to protected resources, CEQ guidance should specifically state that it is appropriate to consider only the No Action Alternative and the Proposed Action.</p> <p>In addition, CEQ states that alternatives that do not meet the purpose and need can be eliminated. The standard practice of identifying the range of alternatives and providing the reasons for elimination of any alternatives that were not carried forward is well established and should continue. This approach demonstrates that a complete range of alternatives was considered.</p>
<p>14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.</p>	<p>There are no CEQ regulations that are "obsolete".</p> <p>Given changing requirements for specific environmental disciplines (e.g., Climate), the CEQ regulations should give generic guidance on when and how to address new and emerging topics or whether they are to be addressed.</p>

<p>15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?</p>	<p>The regulations should be updated to reflect new technologies for information sharing via the Internet. For example, coordination among agencies and the issuance of comments in electronic form would be helpful. Using technology to collect comments in scoping and public outreach would be helpful. Some existing approaches to getting input on NEPA documents are outdated and onerous (e.g. requiring comments via U.S. mail and not accepting comments on a website). Standardization and technology should be encouraged for the preparation of responses.</p>
<p>16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?</p>	<p>Each federal agency often has a separate federal action that requires their consideration of NEPA. It is probably unrealistic to have CEQ guidance clarify this.</p> <p>CEQ itself could play a greater role in ensuring coordination among agencies, and consistency of NEPA implementation within an agency.</p>
<p>17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?</p>	<p>See previous responses.</p>
<p>18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?</p>	<p>No comment.</p>
<p>19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible and if so, how?</p>	<p>See previous comments.</p>

20. Are there additional ways
CEQs NEPA regulations
related to mitigation should be
revised, and if so, how?

CEQ guidance should note the importance of sustainable practices and recognize those actions,
often taken either as part of the project or in advance, as mitigation.