

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8000.291

12/10/04

Cancellation
Date: 12/10/05

SUBJ: FLIGHT STANDARDS SERVICE ENVIRONMENTAL RESPONSIBILITIES

1. PURPOSE.

a. This notice emphasizes that the Federal Aviation Administration (FAA) must comply with:

(1) The National Environmental Policy Act of 1969 (NEPA), as amended (codified in Title 42 of the United States Code section 4321).

(2) Executive Order 11991, Protection and Enhancement of Environmental Quality.

(3) Executive Order 12114, Environmental Effects Abroad of Major Federal Actions.

(4) Department of Transportation (DOT) Order 5610.1C.

(5) FAA Order 1050.1E, Environmental Impacts: Policies and Procedures.

b. Additionally, this notice reminds Flight Standards Service (AFS) employees of our environmental responsibilities and informs AFS personnel that new AFS environmental policy and procedures are being developed. This notice discusses only a sampling of the various requirements and is not intended to list all applicable orders, regulations, and requirements.

c. Each line of business must develop its unique policy and procedures to comply with its environmental responsibilities. AFS is currently revising our national environmental policy and guidance material and developing streamlined procedures that will simplify and enhance the decisionmaking process concerning our environmental responsibilities as they apply to formal Federal actions. This new policy information and guidance will be published in AFS handbooks and posted on the AFS home page at www.faa.gov/avr/afs as soon as it becomes available.

d. When AFS publishes its environmental policy and guidance material, regional flight standards division (RFSD) managers and flight standards district office (FSDO) managers will be required to implement and comply with the new environmental policy, guidance, and procedures.

2. DISTRIBUTION. This notice is distributed to the division level in the Flight Standards Service in Washington headquarters; to the branch level in the regional Flight Standards divisions; to the Flight Standards District Offices; and to the Regulatory Standards Division at

the Mike Monroney Aeronautical Center. This notice is also distributed electronically to the division level in the Flight Standards Service in Washington headquarters and to all regional Flight Standards divisions and district offices. This information is also available on the FAA's Web site at: <http://www.faa.gov/avr/afs/notices/8000/N8000-291.doc>.

3. BACKGROUND

a. The National Environmental Policy Act (NEPA) establishes a broad national policy to promote efforts to improve the relationship between humans and the environment. NEPA sets out certain policies and goals concerning the environment and requires that to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

b. Section 102 of NEPA in pertinent part requires all agencies of the Federal Government to "monitor, evaluate and control on a continuous basis their agencies' activities so as to protect and enhance the quality of the environment." NEPA also requires that all agencies of the Federal Government use a systematic, interdisciplinary approach when executing major Federal actions that may have an environmental impact and develop a means by which environmental along with economic and technical amenities and values are considered. NEPA covered actions include:

- (1) Grants.
- (2) Loans.
- (3) Contracts.
- (4) Leases.
- (5) Construction.
- (6) Research activities.
- (7) Rulemaking and regulatory actions.
- (8) Certifications.
- (9) Licensing.
- (10) Permits.
- (11) Plans submitted to the FAA which require approval.
- (12) Legislation proposed by the FAA.

4. DISCUSSION. All formal actions taken by FAA officials are subject to NEPA review except when excluded by Council on Environmental Quality (CEQ) regulations, or where such

compliance would be inconsistent with statutory requirements. The CEQ regulations for implementation of the procedural provisions of NEPA (40 CFR Parts 1500-1508) apply uniformly to and are binding upon all Federal agencies, and direct each agency to adopt implementing procedures which relate the CEQ regulations to the specific needs of that agency's programs and operating procedures.

a. Executive Order 11991, Protection and Enhancement of Environmental Quality.

Executive Order 11991 requires that the Federal Government provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. It also requires that Federal agencies initiate measures needed to direct their policies, plans, and programs so as to meet national environmental goals.

b. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions.

Executive Order 12114 provides pertinent environmental considerations with respect to proposed actions outside the United States, its territories, and possessions.

c. Department of Transportation (DOT) Order 5610.1C, Procedures For Considering Environmental Impacts. This order establishes procedures for consideration of environmental impacts in decisionmaking on proposed Department of Transportation (DOT) actions. The order provides that information on environmental impacts of proposed actions will be made available to public officials and citizens through environmental impact statements, environmental assessments, or findings of no significant impact. These documents serve as the single vehicle for environmental findings and coordination.

d. FAA Order 1050.1E, Environmental Impacts: Policies and Procedures. This order contains agencywide policy and guidance to foster FAA compliance, and broad Regulation and Certification (AVR) responsibilities, with the requirements set forth in NEPA and other applicable laws, regulations, and policies. The order also mandates that the FAA will integrate NEPA, to include other environmental reviews and consultations, into agency planning processes as early as possible. All AVR personnel are responsible for considering the environmental impacts on all actions emerging from its initiatives that require NEPA compliance. Flight Standards personnel will fulfill its environmental responsibilities as delegated to AFS. FAA Order 1050.1E can be found at <http://www.aee.faa.gov/aee-200/1050-1E/1050-1E.htm>

5. DISPOSITION. This notice will not be incorporated into Order 8400.10, Air Transportation Operations Inspector's Handbook. The Air Transportation Division, AFS-200, is developing further detailed guidance regarding AFS's environmental responsibilities, which will be published when available. Questions concerning this notice should be directed to AFS-200 at (202) 267-8166.

/s/ John M. Allen, for
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