

Appendix A

Annotated Bibliography

This appendix lists 153 references including NEPA and related guidance documents and resource-specific guidance documents.

A.1 NEPA AND RELATED

The following references describe NEPA and the regulations and orders established to implement the requirements of NEPA. These regulations and agency orders have been issued by the Council on Environmental Quality (CEQ) and federal agencies, such as the Department of Transportation and the Federal Aviation Administration (FAA). The FAA has also issued Advisory Circulars and Standard Operating Procedures providing non-regulatory guidance on related topics. The FAA administered Airport Improvement Program (AIP) also includes provisions that stipulate airport sponsor responsibilities for some environmental issues. In addition, industry organizations such as the Airports Council International – North America (ACI-NA) and the National Association of State Aviation Officials (NASAO) publish documents that can provide insights into the NEPA process from the airport sponsor's perspective.

A.1.1 NEPA- The National Environmental Policy Act (1969)

http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/Req-NEPA.pdf

The National Environmental Policy Act of 1969. The stated purposes of NEPA is: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

<https://www.epa.gov/nepa/nepassist>

NEPAassist. This tool facilitates the environmental review process and project planning in relation to environmental considerations. The web-based application draws environmental data dynamically from EPA Geographic Information System databases and web services and provides immediate screening of environmental assessment indicators for a user-defined area of interest.

A.1.2 CEQ Regulations

<https://ceq.doe.gov/nepa/regs/ceq/1500.htm#1500.5>

Part 1500 – Purpose, Policy, and Mandate. The contents of this part discuss purpose, policy, mandate, reducing paperwork, reducing delay, and agency authority in coordination with NEPA.

<https://ceq.doe.gov/nepa/regs/ceq/1501.htm#1501.1>

Part 1501 – NEPA and Agency Planning. The purposes of this part include integrating the NEPA process into early planning to insure appropriate consideration of NEPA's policies and to eliminate delay, emphasizing cooperative consultation among agencies, and providing for the swift and fair resolution of lead agency disputes.

<https://ceq.doe.gov/nepa/regs/ceq/1506.htm>

Part 1506 – Other Requirements of NEPA. The purposes of this part include limitations on actions during NEPA process, elimination of duplication with State and local procedures, adoption, combining documents, agency responsibility, public involvement, further guidance, proposals for legislation, filing requirements, timing of agency action, emergencies, and effective date.

A.1.3 CEQ NEPA Guidance Memoranda

<https://ceq.doe.gov/nepa/regs/1983/1983guid.htm>

Guidance Regarding NEPA Regulations. The purpose of this document is to provide the Council's guidance on various ways to carry out activities under the NEPA regulations.

https://www.whitehouse.gov/sites/default/files/docs/effective_use_of_programmatic_nepa_reviews_final_dec2014_searchable.pdf

Guidance on Effective Use of Programmatic NEPA Reviews. The guidance explains the requirements of NEPA and the CEQ Regulations when agencies prepare programmatic NEPA reviews.

http://www.spd.usace.army.mil/Portals/13/docs/regulatory/qmsref/eis/CEQ%20Memo_March%202012_Improving%20Process%20for%20Preparing%20Environmental%20Reviews%20under%20NEPA.pdf

Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act. CEQ is issuing this guidance as a tool for Federal departments and agencies to meet the goal of high quality, efficient, and timely environmental reviews under the NEPA.

https://ceq.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf

Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact. The CEQ is issuing this guidance for Federal Departments and agencies on establishing, implementing, and monitoring mitigation commitments identified and analyzed in Environmental Assessments, Environmental Impact Statements, and adopted in the final decision documents.

https://ceq.doe.gov/nepa/regs/Preparing_Focused_Concise_and_Timely_EAs.pdf

Preparing Focused, Concise and Timely Environmental Assessments. This outline addresses the core elements of an EA: (a) the need for the proposal, (b) alternatives as required by NEPA section 102(2)(E), (c) the environmental impacts of your proposed action and the alternatives, and (d) the agencies and persons consulted. 40 CFR 1508.9.

<https://ceq.doe.gov/nepa/regs/40/40P1.HTM>

Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations. The CEQ, as part of its oversight of implementation of the NEPA, held meetings in the ten Federal regions with Federal, State, and local officials to discuss

administration of the implementing regulations. The forty most asked questions were compiled in a memorandum to agencies for the information of relevant officials.

A.1.4 FAA Environmental Orders

<http://www.faa.gov/documentLibrary/media/Order/ND/1050.19B.pdf>

1050.19B – Environmental Due Diligence Audits in the Conduct of FAA Real Property Transactions. This order establishes the FAA policy, procedures and responsibilities and implementation guidelines for performing Environmental Due Diligence Audits (EDDAs) in order to identify and minimize potential environmental liabilities related to real property transactions.

https://www.faa.gov/airports/resources/publications/orders/environmental_5050_4/media/5050-4B_complete.pdf

National Environmental Policy Act Implementing Instructions for Airport Actions Order 5050.4B. This Order provides information to ARP personnel and others interested in fulfilling NEPA requirements for airport actions under FAA's authority. This Order is part of FAA's effort to ensure its personnel have clear instructions to address potential environmental effects resulting from major airport actions.

http://www.faa.gov/documentLibrary/media/order/faa_order_1050_1f.pdf

FAA Order 1050.1F Environmental Impacts: Policies and Procedures. This order provides a clear, concise, and up-to-date discussion of the FAA's requirements for implementing NEPA; and clarifies requirements in order to facilitate timely, effective, and efficient environmental reviews of FAA actions, including NextGen improvements.

https://www.faa.gov/about/office_org/headquarters_offices/apl/enviro_policy_guidance/policy/faq_nepa_order/desk_ref/media/desk-ref.pdf

FAA Office of Environment and Energy – 1050.1F Desk Reference. This Desk Reference provides explanatory guidance for environmental impact analysis performed to comply with CEQ Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (CEQ Regulations) (40 Code of Federal Regulations (CFR) parts 1500-1508), U.S. Department of Transportation (DOT) Order 5610.1C, Procedures for Considering Environmental Impacts, and Federal Aviation Administration (FAA) Order 1050.1F Environmental Impacts: Policies and Procedures.

https://www.faa.gov/about/office_org/headquarters_offices/apl/enviro_policy_guidance/policy/faq_nepa_order/media/FAA_Guidance_Memo_on_CATEX2.pdf

FAA Order 1050.1, Guidance Memorandum for Implementation of the Categorical Exclusion in Section 213(c)(2) of the FAA Modernization and Reform Act of 2012.

http://www.faa.gov/airports/resources/publications/orders/media/environmental_5100_37b.pdf

5100.37B – Land Acquisition and Relocation Assistance for Airport Projects.

http://www.faa.gov/documentLibrary/media/Order/FAA_Order_1050.10D.pdf

Environmental Pollution Control and Abatement at FAA Facilities.

A.1.5 FAA Advisory Circulars

http://www.faa.gov/documentLibrary/media/advisory_circular/150-5050-8/150_5050_8.pdf

Advisory Circular 150/5050-8 – Environmental Management Systems for Airport Sponsors. This Advisory Circular provides guidance to airport sponsors that develop Environmental Management Systems (EMS). It provides guidance to airport sponsors on the needed parts of an EMS. An EMS must satisfy one of the recognized standards if an airport sponsor is seeking Federal financial support for its development.

http://www.faa.gov/documentLibrary/media/advisory_circular/150-5100-17/150_5100_17_chg6.pdf

Advisory Circular 150/5100-17 – Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects. This advisory circular provides guidance to sponsors of Airport Improvement Program assisted projects to develop their land acquisition and relocation assistance procedures in conformance to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

http://www.faa.gov/documentLibrary/media/Advisory_Circular/150_5000_9a_withReport.pdf

Advisory Circular 150/5000-9A – Announcement of Availability Report No. DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations.

http://www.faa.gov/documentLibrary/media/advisory_circular/150-5020-1/150_5020_1.pdf

Advisory Circular 150/5020-1 – Noise Control and Compatibility Planning for Airports. Provides general guidance for noise control and compatibility planning for airports as well as specific guidance for preparation of airport noise exposure maps and airport noise compatibility programs by airport operators for submission under Title 14, Code of Federal Regulations, Part 150, and the Aviation Safety and Noise Abatement Act of 1979. Contains an expanded Table of Land Uses Normally Compatible with Various Levels of Noise.

http://www.faa.gov/documentLibrary/media/Advisory_Circular/150_5050_4.pdf

Advisory Circular 150/5050-4 – Citizen Participation in Airport Planning. Provides guidance for citizen involvement in airport planning. Although not mandatory for airport grant programs, it explains the need for early citizen participation.

A.1.6 FAA Standard Operating Procedure

<http://www.faa.gov/airports/resources/sops/media/arp-SOP-500-catex.pdf>

Standard Operating Procedure (SOP) CATEx Determinations.

A.1.7 FAA Grant Assurances

http://www.faa.gov/airports/aip/grant_assurances/media/airport-sponsor-assurances-aip.pdf

FAA Airport Sponsor Assurances. These assurances shall be compiled within the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.

http://www.faa.gov/airports/aip/grant_assurances/media/non-airport-sponsor-assurances-aip.pdf

FAA Non-Airport Sponsor Assurances Undertaking Noise Compatibility Program Projects. These assurances shall be compiled within the performance of grant agreements for noise compatibility projects undertaken by sponsors who are not proprietors of the airport which is the subject of the noise compatibility program.

A.1.8 ACI-NA Publications

http://aci-na.org/sites/default/files/integrating_nepa_and_planning_document_5.13.13.pdf

Integrating Planning and NEPA Processes for Airport Development Projects. This document was developed by a volunteer Task Force of Airports Council International-North America (ACI-NA) member airport staff and consultants. The Task Force was formed to identify ways for airport sponsors, FAA, and others to improve the airport project delivery process.

A.1.9 NASAO Publications

<https://www.faa.gov/airports/resources/publications/reports/environmental/media/eis-faa-nasao-report.pdf>

FAA & NASAO Federal and State Coordination of Environmental Reviews for Airport Improvement Projects.

A.2 RESOURCE-SPECIFIC REFERENCES

The following references provide more detailed information for the individual resources that fall under the NEPA “umbrella.” To comply with NEPA, federal agencies and project proponents such as airport sponsors that require federal approvals, must also comply with a wide range of laws and regulations protecting specific natural and cultural resources. The following sections include resource-specific regulations and resource agency guidelines that, depending on the nature of the project and its setting, may require consideration in a NEPA process.

A.2.1 Air Quality

<http://www.epw.senate.gov/envlaws/cleanair.pdf>

The Clean Air Act [As Amended Through P.L. 108-201, February 24, 2004]. The Clean Air Act is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health, public welfare, and to regulate emissions of hazardous air pollutants.

<https://www.epa.gov/sites/production/files/2013-09/documents/cmsspolicy.pdf>

Clean Air Act Stationary Source Compliance Monitoring Strategy. This compliance monitoring strategy provides national consistency in developing stationary source air compliance monitoring programs, while at the same time provide states/locals with flexibility to address local air pollution and compliance concerns; improves communication between states/locals and regions on stationary source air compliance monitoring programs, and enhance EPA oversight of these programs; provides a framework for developing stationary source air compliance monitoring programs that focuses on achieving measurable environmental results; provides a mechanism for recognizing and utilizing the wide range of tools available for evaluating and determining compliance.

<http://taf.faa.gov/>

Federal Aviation Administration – Terminal Area Forecast (TAF). This reference is important in defining the forecasts used in the NEPA process.

<https://www3.epa.gov/airquality/greenbook/index.html>

EPA Greenbook Nonattainment Areas. The EPA Green Book provides detailed information about NAAQS designations, classifications, and nonattainment status.

A.2.2 Archaeological Resources (see also Cultural Resources)

A.2.2 Code of Federal Regulations (CFR)

http://www.gsa.gov/portal/mediaId/223379/fileName/43CFR7_ProtectionArchaeologicalResources.action

43 CFR 7 Protection of Archaeological Resources. The regulations in this part implement provisions of the Archaeological Resources Protection Act of 1979, by establishing the uniform definitions, standards, and procedures to be followed by all Federal land managers in providing protection for archaeological resources, located on public lands and Indian lands of the United States.

A.2.2 Federal Statutes

https://www.nps.gov/history/local-law/FHPL_ArchRsrcsProt.pdf

Archaeological Resources Protection Act. Prohibits unauthorized excavation of archaeological resources on Federal or Indian lands, and establishes standards for permissible excavation by permit. Requires Federal agencies to identify archaeological sites on Federal lands.

http://www.gsa.gov/portal/mediaId/223387/fileName/Native_American_Graves_Protection_Repatriation_Act.action

Archaeological Resources Protection Act, as amended by the Native American Graves Protection and Repatriation Act of 1990. Section 4 of the statute and Sections 16.5-16.12 of the uniform regulations describe the requirements that must be met before Federal authorities can issue a permit to excavate or remove any archeological resource on

Federal or Indian lands. These regulations, which affect all federally owned or administered archeological collections, were issued in 1990 as 36 CFR 79.

<http://www.gsa.gov/portal/mediaId/223383/fileName/ArchaeologicalDataPreservationAct.action>

Archaeological Data Preservation Act. Preservation of historical and archeological data threatened by dam construction or alterations of terrain.

A.2.2 Implementation Guidelines

<http://www.gsa.gov/portal/directive/d0/content/521082>

ADM 1020.2 Procedures for Historic Properties. This Order transmits procedures for complying with Federal regulations for the use, protection and enhancement of historic and cultural properties.

<http://www.achp.gov/106q%26a.html>

Advisory Council on Historic Preservation's "Section 106, Section-by-Section Questions and Answers". These questions and answers have been prepared by ACHP to provide users of the Section 106 process with further guidance on interpreting the provisions of the new regulations.

<http://www.gsa.gov/portal/directive/d0/content/518906>

PBS P 4000.1 Excess and Surplus Real Property: PBS Order on the environmental, historic, and coastal zone management considerations in the property disposal process. This chapter covers federal environmental requirements related to the real property disposal program.

A.2.3 Biological Resources

A.2.3 Federal Statutes

<https://www.law.cornell.edu/uscode/text/16/chapter-35>

Endangered Species Act. Signed on December 28, 1973, the ESA provides for the conservation of species that are endangered or threatened throughout all or a significant portion of their range, and the conservation of the ecosystems on which they depend.

<https://www.law.cornell.edu/uscode/text/16/chapter-31>

Marine Mammal Protection Act. Protects all marine mammals and prohibits, with certain exceptions, the take of marine mammals in U.S. waters and by U.S. citizens on the high seas.

<https://www.fws.gov/midwest/MidwestBird/eaglepermits/bagepa.html>

Bald and Golden Eagle Protection Act. Protects bald and golden eagles from the unauthorized capture, purchase, or transportation of the birds, their nests, or their eggs.

<https://www.fws.gov/laws/lawsdigest/fwcoord.html>

Fish and Wildlife Coordination Act. Requires that Federal agencies consult with the USFWS, NMFS (in some instances), and appropriate state fish and wildlife agencies

regarding the conservation of wildlife resources when proposed Federal projects may result in control or modification of the water of any stream or other water body.

<http://www.nmfs.noaa.gov/sfa/magact/>

Magnuson-Stevens Fishery Conservation and Management Act. Governs the conservation and management of ocean fishing, including essential fish habitat.

<https://www.fws.gov/laws/lawsdigest/migtrea.html>

Migratory Bird Treaty Act. Protects migratory birds by prohibiting private parties (and Federal agencies in certain judicial circuits) from intentionally taking, selling, or conducting other activities that would harm migratory birds, their eggs, or nests (such as removal of an active nest or nest tree), unless the Secretary of the Interior authorizes such activities under a special permit.

A.2.3 Code of Federal Regulations (CFR)

<https://www.gpo.gov/fdsys/pkg/CFR-1998-title50-vol1/content-detail.html>

50 CFR 15 – Endangered and Threatened Wildlife and Plants.

A.2.3 Executive Orders

<https://www.invasivespeciesinfo.gov/laws/execorder.shtml>

Executive Order 13112, Invasive Species, 64 Federal Register 6183. Federal agencies whose actions may affect the status of invasive species are directed to use relevant programs and authorities, to the extent practicable and subject to available resources, to prevent the introduction of invasive species, and to provide for the restoration of native species and habitat conditions in ecosystems that have been invaded. Agencies are directed not to carry out actions that they believe are likely to cause or promote the introduction or spread of invasive species unless the benefits of such actions clearly outweigh the potential harm, and all feasible and prudent measures to minimize risk of harm are taken.

http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/Req-EO13186migratorybirds.pdf

Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds. Directs Federal agencies to take action to further implement the Migratory Bird Treaty Act.

A.2.3 Implementation Guidelines

http://www.gsa.gov/graphics/pbs/SOW_BiologicalAssessments.pdf

Sample Statement of Work (SOW) – Biological Assessment. The contractor shall furnish the necessary personnel, materials, services, equipment, facilities, and otherwise do all things necessary for and incident to the performance of the work specified in the SOW in a manner consistent with accepted professional standards and procedures found at 50 CFR Part 402.12 of the ESA of 1973, as amended.

<https://www.fws.gov/endangered>

U.S. Fish and Wildlife Service Endangered Species Information.

<https://ecos.fws.gov/ipac/gettingStarted/index>

U.S. Fish & Wildlife Service - Information for Planning and Conservation.

http://www.gsa.gov/portal/mediald/223391/fileName/PBS_P40001_Excess_and_Surplus_Real_Property.action

PBS P 4000.1 Excess and Surplus Real Property: PBS Order on the environmental, historic, and coastal zone management considerations in the property disposal process.

https://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=14393

Fact Sheet – The Federal Aviation Administration’s Wildlife Hazard Mitigation Program.

http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-BiodiversityConsiderations.pdf

CEQ Guidance on Incorporating Biodiversity Considerations Into Environmental Impact Analysis Under the National Environmental Policy Act (January 1993). In accordance with 40 CFR Sections 1507.2(e), 1508.8(b), and 1508.27, this guidance directs Federal agencies to consider the effects of Federal actions on biodiversity to the extent that is possible to both anticipate and evaluate those effects. The guidance outlines the general principles and discusses the importance of context – that is, examining the direct, indirect, and cumulative impacts of a specific project in the regional or ecosystem context.

<https://www.environment.fhwa.dot.gov/guidebook/vol1/doc17b.pdf>

Memorandum of Understanding to Foster the Ecosystem Approach (December 1995). The MOU emphasizes consideration of all relevant and identifiable ecological and economic consequences both long term and short term; coordination among Federal agencies; partnership; communication with the public; efficient and cost-effective implementation; use of best available science; improved data and information management, and responsiveness to changing circumstances.

A.2.4 Coastal Resources

A.2.4 Federal Statutes

<https://www.fws.gov/ecological-services/habitat-conservation/cbra/Docs/CoastalBarrierResourcesAct1982.pdf>

Coastal Barrier Resources Act. Prohibits, with some exceptions, Federal financial assistance for development within the Coastal Barrier Resources System that contains undeveloped coastal barriers along the Atlantic and Gulf coasts and Great Lakes.

https://coast.noaa.gov/czm/media/CZMA_10_11_06.pdf

Coastal Zone Management Act. Provides for management of the nation’s coastal resources, including the Great Lakes.

<http://sanctuaries.noaa.gov/library/national/nmsa.pdf>

National Marine Sanctuaries Act. Protects areas of the marine environment with special national significance, and requires Federal agencies whose actions could impact sanctuary resources to consult with the program before taking action.

A.2.4 Executive Orders

<https://www.gpo.gov/fdsys/pkg/FR-1998-06-16/pdf/98-16161.pdf>

Executive Order 13089, Coral Reef Protection. Requires Federal agencies to identify any actions that might affect coral reef ecosystems, protect and enhance the conditions of these ecosystems, and ensure that, to the extent permitted by law, the actions carried out, authorized, or funded by Federal agencies will not negatively impact or degrade coral reef ecosystems.

<https://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>

Executive Order 13547, Stewardship of the Ocean, Our Coasts, and the Great Lakes. Establishes the National Ocean Council, and development of a National Ocean Policy Implementation

A.2.5 Climate

A.2.5 Code of Federal Regulations (CFR)

<http://www.epw.senate.gov/envlaws/cleanair.pdf>

The Clean Air Act [As Amended Through P.L. 108-201, February 24, 2004]. The Clean Air Act is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health, public welfare, and to regulate emissions of hazardous air pollutants.

A.2.5 Executive Orders

https://www.whitehouse.gov/assets/documents/2009fedleader_eo_rel.pdf

Executive Order 13514 Federal Leadership in Environmental Energy and Economic Performance. Makes it the policy of the United States that Federal agencies measure, report, and reduce their GHG emissions from direct and indirect activities. Provides for development of the Technical Support Document that establishes reporting criteria for GHGs.

<https://www.whitehouse.gov/the-press-office/2013/11/01/executive-order-preparing-united-states-impacts-climate-change>

Executive Order 13653, Preparing the United States for the Impacts of Climate Change. Builds on previously released (and since revoked) *EO 13514 Federal Leadership in Environmental Energy, and Economics Performance* to establish direction for federal agencies on how to improve on climate preparedness and reliance strategies.

<https://www.whitehouse.gov/the-press-office/2015/03/19/executive-order-planning-federal-sustainability-next-decade>

Executive Order 13693, Planning for Federal Sustainability. Reaffirms the policy of the United States that Federal agencies measure, report, and reduce their GHG emissions from direct and indirect activities. Sets sustainability goals for all agencies to promote energy conservation, efficiency, and management while by reducing energy consumption and GHG emissions. Builds on the adaptation and resiliency goals in EO 13693 to ensure agency operations and facilities prepare for impacts of climate change. Revokes EO 13514.

A.2.6 Cultural Resources

A.2.6 Federal Statutes

http://www.gsa.gov/portal/mediaId/225311/fileName/Native_American_Graves_Protection_and_Repatriation_Act.action

Native American Graves Protection and Repatriation Act of 1990: An Act to provide for the protection of Native American graves.

http://www.gsa.gov/portal/mediaId/225315/fileName/Religious_Freedom_Restoration_Act.action

Religious Freedom Restoration Act of 1993: An Act to protect the free exercise of religion.

https://www.nps.gov/history/local-law/fhpl_antiact.pdf

Antiquities Act of 1906. Authorizes the President to declare areas of public lands as national monuments and to reserve or accept private lands for that purpose.

A.2.6 Executive Orders

<http://www.gsa.gov/portal/content/101025>

Executive Order 11593 – Protection and Enhancement of the Cultural Environment. Requires that Federal plans and programs contribute to the preservation and enhancement of sites, structures, and objects of historic, architectural, or archaeological significance.

<http://www.gsa.gov/portal/content/101580>

Executive Order 12072 – Federal Space Management: Procedures for meeting space needs in urban areas shall give serious consideration to the impact site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.

<http://www.gsa.gov/portal/content/100842>

Executive Order 13006 – Locating Federal Facilities on Historic Properties in our Nation's Central Cities: The federal government shall utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central business areas.

A.2.7 Department of Transportation Act, Section 4(f)

https://www.nps.gov/ncrc/programs/lwcf/lwcf_act.pdf

Land and Water Conservation Fund Act of 1965. Section 6(f) provides funds for buying or developing public use recreational lands through grants to local and state governments. Section 6(f)(3) prevents conversion of lands purchased or developed with Land and Water Conservation Fund Act funds to non-recreation uses, unless the Secretary of the DOI, through the NPS, approves the conversion.

https://www.nps.gov/history/local-law/fhpl_dotact.pdf

U.S. Department of Transportation Act – Section 4(f). Protects certain properties from use for DOT projects unless the relevant DOT agency (e.g., the FAA) determines there is no feasible and prudent alternative and a project includes all possible planning to minimize harm.

<https://www.fhwa.dot.gov/safetealu/legis.htm>

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) – Section 6009. Amended Section 4(f) to simplify the process and approval of projects that have only *de minimis* impacts on 4(f) properties.

<http://www.dod.mil/dodgc/olc/docs/1998NDAA.pdf>

U.S. Department of Defense Reauthorization. Exempts military flight operations and designations of airspace for such operations from Section 4(f).

A.2.8 Environmental Justice

A.2.8 Federal Statutes

<https://www.law.cornell.edu/uscode/text/42/chapter-61>

Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970. This Act contains provisions that must be followed if acquisition of real property or displacement of people would occur as a result of implementing the selected alternative.

A.2.8 Executive Orders

<https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>

12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations.

http://www.gsa.gov/portal/mediaId/214287/fileName/MOU_Environmental_Justice.action

Memorandum of Understanding on Environmental Justice and Executive Order 12898.

https://www.faa.gov/about/office_org/headquarters_offices/apl/enviro_policy_guidance/policy/faq_nepa_order/desk_ref/media/guidance_aedt_enviro_justice.pdf

Guidance on Using the Aviation Environmental Design Tool (AEDT) to Screen for Potential Environmental Justice Populations.

<https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

United States Census Bureau – American Fact Finder.

A.2.9 Farmland

A.2.9 Federal Statutes

http://www.nrcs.usda.gov/wps/portal/nrcs/detail/?cid=nrcs143_008275

Farmland Protection Policy Act. Administered by NRCS, the Farmland Protection Policy Act regulates Federal actions with the potential to convert important farmland to nonagricultural uses.

http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-prime_farmland.pdf

CEQ Memorandum on the Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act. Urges Federal agencies to include analysis of the effects of a proposed Federal agency action on prime or unique agricultural lands as an integral part of the NEPA process.

<https://ceq.doe.gov/nepa/regs/exec81180.html>

Agricultural Lands and the National Environmental Policy Act.

A.2.9 Implementation Guidelines

<https://www.farmland.org/farming-on-the-edge-state-maps>

Trust, Farming on the Edge: State Maps.

A.2.10 Federal Facilities Planning

A.2.10 Code of Federal Regulations (CFR)

http://www.gsa.gov/graphics/pbs/Coop_Use_Act_of_1976.pdf

Public Building Cooperative Use Act. Encourages the acquisition and use of space in suitable buildings of historic, architectural, or cultural significance.

http://www.gsa.gov/graphics/pbs/FR_Vol_61_No_46.pdf

Federal Regulation Vol 61 No 46 Assignment and Utilization of Space. This interim rule provides guidance concerning the location of federal facilities in urban areas.

http://www.gsa.gov/graphics/pbs/FR_Vol_61_No_131.pdf

Federal Regulation Vol 61 No 131 Locating Federal Facilities on Historic Properties in our Nation's Central Cities. This bulletin announces the policy concerning the location of federal facilities on historic properties in our central cities.

<https://www.law.cornell.edu/uscode/text/44/chapter-29>

Federal Property and Administrative Services Act.

<https://www.law.cornell.edu/cfr/text/41/102-83.50>

Rural Development Act of 1972.

A.2.10 Executive Orders

<http://www.gsa.gov/portal/content/101580>

12072 Locating Federal Facilities – First Considerations to Centralized Community Business Areas. The attachment discusses federal space management involving the planning, acquisition, and management of federal space facilities.

<http://www.gsa.gov/portal/content/100842>

13006 Locating federal Facilities on Historic Properties in our Nation's Central Cities.

A.2.10 Implementation Guidelines

http://www.gsa.gov/graphics/pbs/GSA_Bulletin_FPMR_D-238.pdf

GSA Bulletin FPMR D-238 Public Buildings and Space, "Locating Federal Facilities on Historic Properties in Our Nation's Central Cities". This bulletin announces the policy concerning the location of federal facilities on historic properties in our central cities.

A.2.11 Hazardous Materials, Solid Waste, and Pollution Prevention

A.2.11 Federal Statutes

<https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act>

Comprehensive Environmental Response, Compensation, and Liability Act (Superfund). Establishes joint and several liability for those parties responsible for hazardous substance releases to pay cleanup costs and establishes a trust fund to finance cleanup costs in situations in which no responsible party could be identified. Enables the creation of the NPL, a list of sites with known releases or threatened releases of hazardous substances in the United States and its territories used to guide the EPA in determining which sites warrant further investigation.

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title42/html/USCODE-2011-title42-chap116.htm>

Emergency Planning and Community Right to Know Act. EPCRA requires hazardous chemical emergency planning by Federal, state, and local governments, Indian tribes, and industry. It also requires industry to report on the storage, use, and releases of hazardous chemicals to Federal, state, and local governments.

http://www.labtrain.noaa.gov/ppguide/ffpp_55.htm

Federal Facilities Compliance Act. Waives any immunity otherwise applicable to Federal agencies for substantive or procedural requirement in connection with a Federal, state, interstate, or local solid waste or hazardous waste regulatory program.

<https://www.law.cornell.edu/uscode/text/49/subtitle-III/chapter-51>

Hazardous Materials Transportation Act. Establishes procedures, reporting requirements, and approval processes for the transport of hazardous materials by common, contract, and private carriers and by aircraft, railcar, vessel, and motor vehicle.

<https://www.epa.gov/laws-regulations/summary-oil-pollution-act>

Oil Pollution Act. Requires oil storage facilities and vessels to submit to the EPA plans detailing how the facilities will respond to large oil discharges. EPA has published regulations for above ground storage facilities; the USCG has done so for oil tankers. The Act also requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale.

<https://www.epa.gov/p2/pollution-prevention-act-1990>

Pollution Prevention Act. Requires pollution prevention and source reduction control so that wastes would have less effect on the environment while in use and after disposal.

<https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>

Resource Conservation and Recovery Act. Establishes guidelines for hazardous waste and non-hazardous solid waste management activities in the United States. Regulates the generation, storage, treatment, and disposal of waste.

<https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act>

Toxic Substances Control Act. Provides the EPA with the authority to regulate the production, importation, use, and disposal of chemicals defined as toxic, including lead, radon, asbestos, and PCBs, that have the potential to cause unreasonable risk of injury to public health or the environment.

A.2.11 Executive Orders

<http://www.archives.gov/federal-register/codification/executive-order/12088.html>

Executive Order 12088, Federal Compliance with Pollution Control Standards. Directs Federal agencies to comply with applicable pollution control standards.

<http://www.archives.gov/federal-register/codification/executive-order/12580.html>

Executive Order 12580, Superfund Implementation. Delegates to a number of Federal departments and agencies the authority and responsibility to implement certain provisions of CERCLA.

https://www.whitehouse.gov/sites/default/files/omb/procurement/green/eo13423_instructions.pdf

Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management. Instructs Federal agencies to conduct their respective missions in an environmentally, economically, and fiscally sound, integrated, continuously improving, efficient, and sustainable manner. Sets goals for toxic chemical reduction and waste recycling.

https://www.whitehouse.gov/assets/documents/2009fedleader_eo_rel.pdf

Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance. Requires all Federal agencies to make sustainability a priority in agency operations and covers all aspects of agency operations from the construction or renovation of agency facilities to the conduct of daily business. Calls for specific management strategies to improve sustainability including minimizing the acquisition, use, and disposal of toxic and hazardous materials. It sets a target of achieving a 50 percent or higher diversion rate for non-hazardous solid waste and construction and demolition materials and debris by fiscal year 2015.

http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-PollutionPreventionNEPA.pdf

CEQ Memorandum on Pollution Prevention and the National Environmental Policy Act. This memorandum provides guidance to the Federal agencies on incorporating pollution prevention principles, techniques, and mechanisms into their planning and decision-making processes and evaluating and reporting those efforts in documents prepared pursuant to NEPA.

A.2.12 Historic Resources

A.2.12 Code of Federal Regulations (CFR)

http://www.gsa.gov/portal/mediaId/225355/fileName/National_Register_of_Historic_Places_Regulations.action

36 CFR 60 National Register of Historic Places Regulations.

<http://www.achp.gov/regs-rev04.pdf>

Revised Section 106 Regulations.

https://www.nps.gov/history/local-law/fhpl_archhistpres.pdf

Archeological and Historic Preservation Act. Provides for the preservation of historical and archeological data which might otherwise be destroyed or irreparably lost due to a Federal action, Federally-licensed action, or Federally-funded action. DOI's Standards and Guidelines for Archeology and Historic Preservation advise Federal agencies on implementation of this law.

A.2.12 Federal Statutes

<https://www.law.cornell.edu/uscode/text/16/chapter-1A>

Historic Sites Act.

<http://www.achp.gov/nhpa.pdf>

National Historic Preservation Act. Establishes the ACHP, an independent agency, and the NRHP within the NPS. Section 106 of the NHPA requires Federal agencies to consider the effects of their undertaking on properties listed on or eligible for listing on the NRHP. Section 110 of the NHPA governs Federal agencies' responsibilities to preserve and use

historic buildings; designate an agency Federal Preservation Officer; and identify, evaluate, and nominate eligible properties under the control or jurisdiction of the agency to the NRHP. Section 112 of the NHPA addresses professional standards. Section 314 discusses confidentiality requirements that may apply to an undertaking.

<https://www.law.cornell.edu/uscode/text/16/469>

Historical & Archaeological Data – Preservation.

A.2.12 Executive Orders

<http://www.gsa.gov/portal/content/100842>

Executive Order 13006: Locating Federal Facilities on Historic Properties in our Nation's Central Cities.

A.2.12 Implementation Guidelines

<http://www.gsa.gov/portal/content/101031>

ADM 1020.2 Procedures for Historic Properties.

<http://www.achp.gov/section110.html>

Advisory Council on Historic Preservation's Section 110 Guidelines for Federal Agencies.

<http://www.achp.gov/106q%26a.html>

Advisory Council on Historic Preservation's Section-by-Section Questions and Answers.

<https://www.nps.gov/nr/publications/>

National Register Bulletins and Guidance.

<http://ncshpo.org/>

National Conference of State Historic Preservation Officers.

http://www.gsa.gov/portal/mediaId/225371/fileName/Historic_Preservation_Programs_Proposed_Revisions.action

Proposed Revisions to the Secretary of the Interiors Standards and Guidelines for Federal Agency Historic Preservation Programs.

A.2.13 Land Use

<https://www.law.cornell.edu/uscode/text/49/47107>

Airport and Airway Improvement Act of 1982, and subsequent amendments. AIP funding for an airport development project may not be approved unless the Secretary of Transportation receives written assurance satisfactory to the Secretary that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the

airport to activities and purposes compatible with normal airport operations, including the landing and takeoff of aircraft.

<https://www.faa.gov/airports/aip/>

Airport Improvement Program. AIP funding for an airport development project may not be approved unless the Secretary of Transportation is satisfied that a project is consistent with plans (existing at the time a project is approved) of public agencies for development of the area in which the airport is located.

A.14 Native Americans

A.14 Federal Statutes

https://www.nps.gov/history/local-law/FHPL_IndianRelFreAct.pdf

American Indian Religious Freedom Act of 1978, as amended.

A.14 Executive Orders

<http://www.gsa.gov/portal/content/101585>

Executive Order 13007: Protection and Accommodation of Access to "Indian Sacred Sites".

http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/Req-EO13175tribgovt.pdf

Executive Order 13175: Consultation and Coordination with Indian Tribal Governments.

A.14 Implementation Guidelines

<https://www.nps.gov/nagpra/>

NAGPRA National Online Databases.

<https://egis.hud.gov/tdat/Tribal.aspx>

U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool.

A.15 Natural Resources and Energy Supply

<https://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>

Energy Independence and Security Act. Requires Federal agencies to take actions to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal government.

http://energy.gov/sites/prod/files/2013/10/f3/epact_2005.pdf

Energy Policy Act. Requires Federal agencies to take actions to ensure jobs for our future with secure, affordable, and reliant energy.

A.16 Noise and Noise-Compatible Land Use

A.16 Federal Statute

[http://www.gsa.gov/portal/mediaId/225343/fileName/Noise Control Act of 1972.action](http://www.gsa.gov/portal/mediaId/225343/fileName/Noise%20Control%20Act%20of%201972.action)

Noise Control Act of 1972.

<https://www.law.cornell.edu/uscode/text/49/44715>

The Control and Abatement of Aircraft Noise and Sonic Boom Act of 1968. Authorizes the FAA to prescribe standards for the measurement of aircraft noise and establish regulations to abate noise.

<https://www.govtrack.us/congress/bills/96/hr2440/text>

Aviation Safety and Noise Abatement Act of 1979. Directs the FAA to establish, by regulation, a single system for measuring noise and determining the exposure of people to noise which includes noise intensity, duration, frequency, and time of occurrence; and to identify land uses normally compatible with various noise exposures.

<http://airportnoiselaw.org/anca.html>

Airport Noise and Capacity Act of 1990. Mandated the phase-out of Stage 2 jet aircraft over 75,000 pounds, and establishes requirements regarding airport noise and access restrictions for Stage 2 and 3 aircraft.

<https://www.law.cornell.edu/uscode/text/49/47534>

Prohibition on Operating Certain Aircraft Weighing 75,000 Pounds or Less Not Complying with Stage 3 Noise Levels. After December 31, 2015, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

https://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/policy/faq_nepa_order/desk_ref/media/guidance_aedt_project_use.pdf

Guidance on Aviation Environmental Design Tool (AEDT) version determination for project use.

A.16 Implementation Guidelines

https://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/policy/faq_nepa_order/desk_ref/media/guidance_aedt_nepa.pdf

Guidance on Using the Aviation Environmental Design Tool (AEDT) to Conduct Environmental Modeling for FAA Actions Subject to NEPA.

A.17 Water Resources – Floodplains

A.17 Federal Statutes

<https://www.law.cornell.edu/uscode/text/33/chapter-26>

The Clean Water Act.

https://www.fema.gov/media-library-data/20130726-1545-20490-9247/frm_acts.pdf

National Flood Insurance Act. Established the NFIP, a voluntary floodplain management program for communities (cities, towns, or counties), and implemented by FEMA. Any action within a FEMA-mapped floodplain in a participating community must follow the community's FEMA-approved floodplain management regulations.

<http://www.fhwa.dot.gov/engineering/hydraulics/policymemo/order56502.pdf>

DOT Order 5650.2, Floodplain Management and Protection. Implements the guidelines set forth in Executive Order 11988, *Floodplain Management*, 42 *Federal Register* 26951. States that DOT agencies should ensure that proper consideration is given to avoid and mitigate adverse floodplain impacts in agency actions, planning programs, and budget requests. sur

A.17 Executive Orders

<http://www.gsa.gov/portal/content/101578>

11988 Floodplain Management as amended.

<https://ceq.doe.gov/nepa/regs/exec32178.html>

CEQ Memorandum for Heads of Agencies: Implementation of Executive Order 11988 on Floodplain Management and Executive Order 11990 on Protection of Wetlands.

A.17 Implementation Guidelines

http://www.gsa.gov/portal/mediaId/223419/fileName/Advice_EO11988.action

Interagency Task Force on Floodplain Management – “Further Advice on Executive Order 11988”.

http://www.gsa.gov/portal/mediaId/223411/fileName/PBS_Floodplain_Management_DeskGuide.action

PBS Floodplains Management Desk Guide.

A.17 Water Resources – Surface Waters

<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2734&context=dlj>

Rivers and Harbors Act. Established to protect the navigability of waters used for commerce in the United States.

<http://www.epw.senate.gov/sdwa.pdf>

Safe Drinking Water Act. Prohibits Federal agencies from funding actions that would contaminate an EPA-designated sole source aquifer or its recharge area.

A.18 Water Resources – Wetlands

A.18 Code of Federal Regulation (CFR)

[http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/CFR References 2012/33 CFR 320 332 CorpsRegs.pdf](http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/CFR%20References%202012/33%20CFR%20320%20332%20CorpsRegs.pdf)

33 CFR Parts 320-330 U.S. Army Corps of Engineers Regulatory Program.

<https://ceq.doe.gov/nepa/regs/cwa404rguidance.pdf>

Guidance on Applying Section 404(r) of the Clean Water Act to Federal Projects Which Involve the Discharge of Dredged or Fill Materials into Waters of the U.S., Including Wetlands.

A.18 Federal Statutes

<https://www.law.cornell.edu/uscode/text/33/chapter-26>

The Clean Water Act.

<http://www.gsa.gov/portal/mediaId/223399/fileName/CoastalZoneManagementAct.action>

Coastal Zone Management Act.

<https://www.law.cornell.edu/uscode/text/16/chapter-59>

Emergency Wetlands Resources Act of 1986.

A.18 Executive Orders

<http://www.gsa.gov/portal/content/101579>

11990 Wetlands Protection.

A.18 Implementation Guidelines

<http://www.gsa.gov/portal/mediaId/223407/fileName/ADM10955.action>

GSA ADM 1095.5 "Consideration of Wetlands in Decision-making".

<https://www.fws.gov/wetlands/>

National Wetlands Inventory.

<http://www.gsa.gov/portal/mediaId/223403/fileName/PBSWetlandsImpactManagementDeskGuide.action>

PBS Wetlands Impact Management Desk Guide.

A.19 Water Resources – Wild and Scenic Rivers

[https://ceq.doe.gov/nepa/regs/guidances/Memo Interagency Consultation on Rivers 081008.pdf](https://ceq.doe.gov/nepa/regs/guidances/Memo_Interagency_Consultation_on_Rivers_081008.pdf)

Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory.

<https://ceq.doe.gov/nepa/regs/scenicrivers.html>

Memorandum for the Heads of Departments and Agencies: Wild and Scenic Rivers and National Trails.