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RE-VALUATING, SUPPLEMENTING, AND TIERING NEPA DOCUMENTS,  
AND ADDRESSING EMERGENCIES**

**1400. GENERAL.** This chapter discusses NEPA document longevity, the need to re-evaluate those documents, and the need to supplement them. The chapter also provides information about when tiering is appropriate and the NEPA process for emergency situations. The responsible FAA official should inform the airport sponsor when addressing the issues this chapter discusses. The official does so to keep the sponsor informed about the status of NEPA documents supporting airport development projects that the sponsor has not begun.

**1401. TIME LIMITS FOR EAs AND EISs AND THE NEED FOR WRITTEN RE-EVALUATIONS.**

**a. General.** After FAA approves an environmental document but before major steps toward implementing the proposed action have begun (see paragraph 1401.c(1)), significant project design changes, environmental conditions in a project area, or legal requirements pertaining to a project may change. Therefore, the responsible FAA official has the discretion to determine if a written re-evaluation of a NEPA document is needed.<sup>1</sup>

(1) Re-evaluations ensure the draft or final EIS continues to provide accurate, applicable, and valid information for pending agency actions since environmental or legal conditions may change over time.

(2) Re-evaluations ensure approving FAA officials base their decisions regarding agency actions on EAs and EISs that accurately reflect existing environmental conditions and legal requirements.

(3) When determining the need for a re-evaluation, the responsible FAA official should use the information in paragraphs 1401.b and 1401.c.

**b. Draft EAs and draft EISs.** FAA considers draft EAs and draft EISs to remain valid for a 3-year period (FAA Order 1050.1E, paragraphs 402a and 514a).

(1) For EAs, that period begins when the responsible FAA official completes FAA's review of the draft EA. Draft EIS time begins on the date the approving FAA official signs the document's "Notice of Availability."

(2) If the final EA or EIS is not completed within 3 years from the applicable dates noted in paragraph 1401.b(1), the responsible FAA official must determine if a written re-evaluation is needed.

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<sup>1</sup> CEQ regulations include no specific requirement to apply time limits to, or prepare supplements for EAs, but it is FAA policy to apply the same requirements to EAs (Order 1050.1E, paragraph 402).





































**CHART 3.  
CONTINUED**

**STEP 8:** APP-400 FORWARDS COMMENTS FROM FAA HQ TO RESPONSIBLE FAA OFFICIAL

**STEP 9:** FAA PREPARES FINAL EIS (FEIS) BY: REVIEWING COMMENTS ON THE DEIS AND PUBLIC HEARING; REVISING EIS AS NEEDED; AND PREPARING RESPONSES TO PUBLIC COMMENTS ON THE DEIS.

**STEP 10:** RESPONSIBLE FAA OFFICE SENDS FEIS TO APP-400 FOR REVIEW.

**STEP 11:** APP-400 REVIEWS FEIS. APP-400 RECOMMENDS THAT ARP-1 APPROVE FEIS OR INFORMS ARP-1 THAT EIS APPROVAL IS ALREADY DELEGATED TO THE REGION RESPONSIBLE FOR THE PROPOSED ACTION.

**STEP 12:** EITHER ARP-1 OR THE APPROVING FAA OFFICIAL APPROVES FEIS. RESPONSIBLE FAA OFFICIAL DISTRIBUTES FEIS.

**STEP 13:** EPA PUBLISHES "NOTICE OF AVAILABILITY OF THE FEIS" IN *FEDERAL REGISTER*. 30-DAY "WAIT PERIOD" BEGINS.

**STEP 14:** DURING 30-DAY PERIOD, FAA PREPARES RECORD OF DECISION (ROD). REGIONAL FAA APPROVING OFFICIAL OR ARP-1 WILL SIGN ROD, DEPENDING UPON DELEGATION DECISION IN STEP 11.

**STEP 15:** REGIONAL APPROVING FAA OFFICIAL OR ARP-1 UNCONDITIONALLY APPROVES ACTION, DEPENDING ON DELEGATION DECISION.

**STEP 16:** SPONSOR TAKES ACTION.

