

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, DIVISION OF AVIATION (NCDOA) STANDARD
OPERATING PROCEDURE FOR PREPARATION AND PUBLIC AVAILABILITY OF FINDINGS OF NO
SIGNIFICANT IMPACT**

NOVEMBER 2020

When preparing Work Authorizations and Scopes of Work for Environmental Assessments, sponsors/consultants should include as tasks the preparation of a Finding of No Significant Impact (FONSI), and all necessary actions to make that FONSI available to interested or affected persons or agencies.

The FONSI documents the basis for the FAA's determination that the proposed action would not have significant environmental impacts. Following preparation of the FONSI, the NCDOA Planning and Environmental Manager, acting as the FAA approving official under terms of the State Block Grant Program Agreement, reviews and signs the FONSI.

FORMAT

There is no specified format for FONSI, but guidance on the form and content of the document may be found in FAA Order 1050.1F, Chapter 6.

(https://www.faa.gov/documentLibrary/media/Order/FAA_Order_1050_1F.pdf). Secondary guidance may also be found in FAA Order 5050.4B, Chapter 8, although FAA Order 1050.1F is the controlling document.

The FONSI should be attached to an EA, or the EA and FONSI may be combined into a single document. If the FONSI is attached or combined with the EA, it need not repeat the discussion in the EA. The FONSI must:

- (1) Briefly describe the proposed action, the purpose and need, and the alternatives considered (including the no action alternative); and assess and document all relevant matters necessary to support the conclusion that the proposed action would not significantly affect the quality of the human environment;
- (2) Determine the proposed action's consistency or inconsistency with community planning, and document the basis for the determination;
- (3) Present any mitigation measures that are a condition of project approval. The FONSI should also reflect coordination of mitigation commitments (including any applicable monitoring program) with, and consent and commitment from, those entities with the authority to implement specific mitigation measures committed to in the FONSI; and
- (4) Reflect compliance with all applicable environmental requirements, including interagency and intergovernmental coordination and consultation, public involvement, and documentation requirements. Findings and determinations required under special purpose laws and requirements, regulations, and orders, if not made in the EA, must be included in the FONSI.

APPROVAL

All FONSI must include the following approval statement: After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with

existing national environmental policies and objectives as set forth in Section 101 of NEPA and other applicable environmental requirements and will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of NEPA. APPROVED: _____ DATE: _____

PUBLIC AVAILABILITY

FONSIs and associated EAs must be made available to interested or affected persons or agencies (see 40 CFR § 1506.6(b), CEQ Regulations). Methods of providing notice of the availability of a FONSI, such as publication in a local newspaper or notice through local media, are also described in 40 CFR § 1506.6(b), CEQ Regulations. The notice will indicate locations where the FONSI and its associated EA are available. The airport sponsor or NCDOA will provide copies of FONSIs and associated EAs on request, free of charge or at a fee commensurate with the cost of reproduction.

In limited circumstances that are identified in FAA Order 1050.1F, Paragraph 6-3 (d), the EA and FONSI must be made available for public review for 30 days before the final determination is made whether or not to prepare an EIS and before the action may begin (see 40 CFR § 1501.4(e)(2), CEQ Regulations).

DISTRIBUTION

A copy of the FONSI and EA must be sent to reviewing agencies and organizations or individuals who made substantive comments or specifically requested copies. When a project involves a resource protected under a special purpose law or requirement, or administrative directive (see Paragraph 6-2.2.j of FAA Order 1050.1F), the sponsor/consultant, acting on behalf of NCDOA, should send a signed copy of the FONSI and the EA supporting it to the agency(ies) with whom the preparer of the EA consulted to comply with the applicable law or directive and to any party requesting copies of those documents.

FONSI/ROD

At the discretion of the NCDOA Planning and Environmental Manager, A combined FONSI/Record of Decision (FONSI/ROD) may be prepared for:

- (1) Actions that have been redefined to include mitigation measures necessary to reduce potentially significant impacts below significant levels (see Paragraph 6-2.3.a, Mitigated FONSIs), of FAA Order 1050.1F;
- (2) Actions that are highly controversial;
- (3) Actions that are, or are closely similar to, those normally addressed in an EIS (see Paragraph 6-3.d.(1)(a)); or
- (4) Actions that have no precedent (see Paragraph 6-3.d.(1)(b)) of FAA Order 1050.1F.

The FAA FONSI/ROD has the same general content and format as a ROD that would be prepared following an EIS, as described in Paragraphs 7-2.1 and 7-2.2 of FAA Order 1050.1F, while also describing the FAA's FONSI and its required contents. It also includes a paragraph that identifies the document as a decision or order that is, in most cases, subject to exclusive judicial review in the U.S. Courts of Appeals pursuant to 49 U.S.C. § 46110. The FONSI and other findings must be supported by documentation in the project file.