

***APPENDIX A  
FAA PROCEDURES FOR PROCESSING AIRSPACE  
CHANGES***

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U.S. Department  
of Transportation

**Federal Aviation  
Administration**

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***Order JO 7400.2G***  
***Procedures for Handling  
Airspace Matters***

***April 10, 2008***

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An electronic version of this publication is on the internet at  
<http://www.faa.gov/atpubs>

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**Distribution: ZAT-740 (ALL)**

**Initiated By: AJR-0**  
**Vice President, System Operations Services**

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# Part 1. General Procedures for Airspace Management

## Chapter 1. Basic

### Section 1. Introduction

#### 1-1-1. PURPOSE

a. This order prescribes policy, criteria, guidelines, and procedures applicable to the System Operations Services, System Operations Airspace and AIM; Technical Operations ATC Spectrum Engineering Services; the Office of Airport Planning and Programming, APP; the Office of Airport Safety and Standards, AAS; Technical Operations Aviation System Standards; and the Flight Standards Service, AFS.

b. This order also applies to all regional, service area, and field organizational elements involved in rulemaking and nonrulemaking actions associated with airspace allocation and utilization, obstruction evaluation, obstruction marking and lighting, airport airspace analysis, and the management of air navigation aids.

c. While this order provides procedures for handling airspace matters, additional procedures and criteria to supplement those contained herein may be set forth in other directives and should be consulted.

#### 1-1-2. DISTRIBUTION

This order is distributed to select offices in Washingtonheadquarters; the Office of Commercial Space Transportation; regional Flight Standards; Airports Divisions; service area offices; the William J. Hughes Technical Center; the Mike Monroney Aeronautical Center; Technical Operations Aviation

System Standards; all field facilities; international aviation field offices; and interested aviation public.

#### 1-1-3. CANCELLATION

This order cancels Federal Aviation Administration Order (FAAO) 7400.2F, Procedures for Handling Airspace Matters, dated February 16, 2005.

#### 1-1-4. EFFECTIVE DATE

This order is effective on April 10, 2008.

#### 1-1-5. EXPLANATION OF CHANGES

a. This order has been revised to incorporate changes due to the new Air Traffic Organization and previously issued Policy Memorandums. Further, several editorial changes have been made to reflect organizational, policy, and procedural changes.

b. If further information is desired, please direct questions through the appropriate facility/service area/regional office to the headquarters office of primary responsibility.

#### 1-1-6. CHANGE AUTHORITY

The Director of System Operations Airspace and AIM will issue changes to this directive after obtaining concurrence from the affected Headquarters offices/services/service units listed in the foreword.

## Section 2. Authority and Order Use

### 1-2-1. POLICY

The navigable airspace is a limited national resource that Congress has charged the Federal Aviation Administration (FAA) to administer in the public interest as necessary to ensure the safety of aircraft and its efficient use. Although the FAA must protect the public's right of freedom of transit through the airspace, full consideration shall be given to all airspace users, to include national defense; commercial and general aviation; and space operations. Accordingly, while a sincere effort shall be made to negotiate equitable solutions to conflicts over the use of the airspace for nonaviation purposes, preservation of the navigable airspace for aviation shall be the primary emphasis.

### 1-2-2. AUTHORITY AND APPLICABILITY

The authority for the procedures and associated rules and regulations addressed in this order are provided in 49 U.S.C. Subtitle VII, Aviation Programs, Part A - Air Commerce and Safety, and Part B - Airport Development and Noise:

- a. Section 40101, Policy.
- b. Section 40102, Definitions.
- c. Section 40103, Sovereignty and Use of Airspace, and the Public Right of Transit.
- d. Section 40106(a), Deviations From Regulations.
- e. Section 40109, Authority to Exempt.
- f. Section 40113, Administrative.
- g. Section 44501(a), Long Range Plans and Policy Requirements.
- h. Section 44502, General Facilities and Personnel Authority.
- i. Section 44502(c), Military Construction, Rockets, and Missiles.
- j. Section 44718, Structures Interfering with Air Commerce.
- k. Section 44719, Standards for Navigational Aids.
- l. Section 44720, Meteorological Services.
- m. Section 44721, Aeronautical Maps and Charts.

n. Section 46104(e), Designating Employees to Conduct Hearings.

o. Section 46301, Civil Penalties.

p. Section 46308, Interference with Air Navigation.

q. Chapter 471, Airport Development - All of Subchapters I and II.

r. Chapter 475, Noise - All of Subchapters I and II.

### 1-2-3. TITLE 14 CODE OF FEDERAL REGULATIONS (CFR) REFERENCES

- a. Part 11, General Rulemaking Procedures.
- b. Part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points.
- c. Part 73, Special Use Airspace.
- d. Part 77, Objects Affecting Navigable Airspace.
- e. Part 91, General Operating and Flight Rules.
- f. Part 93, Special Air Traffic Rules.
- g. Part 95, IFR Altitudes.
- h. Part 97, Standard Instrument Approach Procedures.
- i. Part 101, Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons.
- j. Part 152, Airport Aid Program.
- k. Part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports.
- l. Chapter III, Commercial Space Transportation.
- m. Chapter V, National Aeronautics and Space Administration.

### 1-2-4. FUNCTIONAL RESPONSIBILITIES

Functional responsibilities of headquarters and regional/service area organizations referred to in this order are detailed in Order 1100.1, FAA Organization - Policies and Standards; Order 1100.2, Organization - FAA Headquarters; and Order 1100.5, FAA Organization - Field.

### 1-2-5. WORD USAGE

The concept of word usage and intended meaning as used in this order is set forth below:

- a. “Shall” or a command verb is used when application is mandatory.
- b. “Shall not” is used when an action is prohibited.
- c. “Should” is used when application is recommended.
- d. “May” and “need not” are used when application is optional.
- e. “Will” is used only to indicate futurity, never to indicate any degree of requirement for application of a procedure.
- f. “Navigable airspace” is airspace at or above the minimum altitudes of flight prescribed by the Code of Federal Regulations, and shall include airspace needed to ensure safety in the takeoff and landing of aircraft. By policy, the term “airspace above minimum altitudes of flight” is interpreted to mean “airspace at or above minimum flight altitudes.”
- g. “Controlled airspace” is a generic term used to describe Class A, Class B, Class C, Class D, and Class E airspace.

**1-2-6. ABBREVIATIONS**

As used in this manual, TBL 1-2-1 contains abbreviations found in this order and their meanings.

**1-2-7. ORDER CHANGES**

- a. This order will be updated semiannually.
- b. The responsibility associated with processing and coordinating revisions to this order is delegated to the Manager, Airspace and Rules.
- c. Proposed changes or recommended revisions must be submitted, in writing, to Airspace and Rules. The proposal should include a description of the proposal, and the language to be inserted in the order.
- d. When appropriate, Airspace and Rules may convene a workgroup for the purpose of reviewing, clarifying, editing, or revising recommendations received to revise this order. Composition of the workgroup will be determined by the subject matter, and the expertise required. Airspace and Rules is responsible for the selection of the members of the workgroup, and for appointing the chairperson of the group.
- e. The workgroup shall study the proposal, and, when appropriate, provide their recommendation to

the Obstruction Evaluation (OE) Executive Council no later than 90 days after the workgroup adjourns. The Executive Council shall consist of the directors of the service units and the service managers/directors of the lines of business within the FAA who have responsibility for administering the obstruction evaluation program.

f. The Executive Council shall approve, reject, revise, or return the recommendation to the workgroup for further study. If approved by the Executive Council, the recommendation shall be published and effective in the next revision of this order.

g. When revised, reprinted, or additional pages are issued, they will be marked as follows:

1. Each revised or added page will show the change number and effective date of the change.
2. Bold vertical lines in the margin of the text will mark the location of substantive procedural, operational, or policy changes (e.g., when material that affects the performance of duty is added, revised, or deleted).

*TBL 1-2-1*

**FAA Order Abbreviations**

A/FD	Airport/Facility Directory
AAS	Office of Airport Safety and Standards
ADO	Airport District Office
AE	Airport Elevation
AFS	Flight Standards Service
AFSS	Automated Flight Service Station
AGC	Office of the Chief Counsel
AGL	Above Ground Level
AIM	Aeronautical Information Management
ALP	Airport Layout Plan
APO	Office of Aviation Policy and Plans
APP	Office of Airport Planning and Programming
ARP	Airport Reference Point
ARSR	Air Route Surveillance Radar
ARTCC	Air Route Traffic Control Center
ARU	Airborne Radar Unit
ASR	Spectrum Policy and Management

AST	Office of Commercial Space Transportation
ATC	Air Traffic Control
ATCAA	Air Traffic Control Assigned Airspace
ATCRBS	Air Traffic Control Radar Beacon System
ATCSCC	David J. Hurley Air Traffic Control System Command Center
ATCT	Airport Traffic Control Tower
ATO	Air Traffic Organization
ATREP	Air Traffic Representative
CARF	Central Altitude Reservation Function
CDRH	Center for Devices and Radiological Health
CFA	Controlled Firing Area
CFZ	Critical Flight Zone
CFR	Code of Federal Regulations
CP	Construction Permit
DF	Directional Finder
DME	Distance Measuring Equipment
DMS	Docket Management System
DNE	Does Not Exceed
DNH	Determination of No Hazard
DOD	Department of Defense
DOH	Determination of Hazard
EBO	Exceeds But Okay
EMI	Electromagnetic Interference
ERP	Effective Radiated Power
FAAO	Federal Aviation Administration Order
FACSFAC	Fleet Area Control and Surveillance Facility
FCC	Federal Communications Commission
FDA	Food and Drug Administration
FL	Flight Level
FPO	Flight Procedures Office
FSDO	Flight Standards District Office
FSS	Flight Service Station
GAO	Government Accountability Office

HIL	High Intensity Light
IAP	Instrument Approach Procedure
ICAO	International Civil Aviation Organization
IFR	Instrument Flight Rules
ILS	Instrument Landing System
IR	IFR Military Training Route
IRAC	Interdepartmental Radio Advisory Committee
J	Joule
L/MF	Low/Medium Frequency
LFZ	Laser Free Zone
LLWG	Local Laser Working Group
LMM	Middle Compass Locator
LOA	Letter of Agreement
LOD	Letter of Determination
LOM	Outer Compass Locator
LSO	Laser Safety Officer
MAJCOM	Military Major Command
MCA	Minimum Crossing Altitude
MCP	Minimum Crossing Point
MEA	Minimum En Route Altitude
MHA	Minimum Holding Altitude
MIA	Minimum IFR Altitude
MLS	Microwave Landing System
MOA	Military Operations Area
MOCA	Minimum Obstruction Clearance Altitude
MPE	Maximum Permissible Exposure
MRAD	Milliradian
MRU	Military Radar Unit
MSA	Minimum Safe Altitude
MSL	Mean Sea Level
MTR	Military Training Route
MVA	Minimum Vectoring Altitude
NACO	National Aeronautical Charting Group
NAD	North American Datum
NAS	National Airspace System

NASA	National Aeronautics and Space Administration
NAVAID	Navigational Aid
NDB	Nondirectional Radio Beacon
NEPA	National Environmental Policy Act
NFDD	National Flight Data Digest
NFZ	Normal Flight Zone
NM	Nautical Mile
NPH	Notice of Presumed Hazard
NOHD	Nominal Ocular Hazard Distance
NOTAM	Notice to Airmen
NPIAS	National Plan of Integrated Airport Systems
NPRM	Notice of Proposed Rulemaking
NR	Nonrulemaking
NRA	Nonrulemaking Airport
NSA	National Security Area
NWS	National Weather Service
OE	Obstruction Evaluation
OE/AAA	Obstruction Evaluation/Airport Airspace Analysis
OFZ	Obstacle Free Zone
PAPI	Precision Approach Path Indicator
PFC	Passenger Facility Charge
PL	Public Law
PSR	Project Status Request
RBS	Radar Bomb Site
REIL	Runway End Identifier Lights

RNAV	Area Navigation
ROFA	Runway Object Free Area
RPZ	Runway Protection Zone
RVR	Runway Visual Range
RVV	Runway Visibility Value
SFZ	Sensitive Flight Zone
SIAP	Standard Instrument Approach Procedure
SMO	System Maintenance and Operations
SR	Scientific/Research Lasers
STAR	Standard Terminal Arrival Route
SUA	Special Use Airspace
TERABA	Termination/Abandoned Letter
TEREXP	Termination/Expired Letter
TERPS	United States Standard for Terminal Instrument Procedures
TERPSR	Termination Project Status Letter
TOFA	Taxiway Object Free Area
USC	United States Code
UTC	Coordinated Universal Time
VASI	Visual Approach Slope Indicator
VFR	Visual Flight Rule
VGSI	Visual Glide Slope Indicator
VOR	Very High Frequency Omnidirectional Range
VORTAC	Very High Frequency Omni-Directional Radio Range and Tactical Air Navigation Aid
VR	VFR Military Training Route

## Chapter 2. Rulemaking/Nonrulemaking Airspace Cases

### Section 1. Ex Parte Communications

#### 2-1-1. DEFINITION

An ex parte contact is any communication between the FAA and a party outside the government related to a specific rulemaking proceeding, before that particular proceeding is finalized. A rulemaking proceeding does not close until all received comments have been addressed, and a final rule is published. “Ex parte” is a Latin term that is interpreted to mean “one sided,” and indicates that not all parties to an issue were present when it was discussed. Because some interested persons, including the general public, are excluded from an ex parte communication, such a contact may give rise to the appearance of impropriety.

**NOTE-**

*Written comments submitted to the docket are not considered ex parte contacts because they are available for inspection by all members of the public.*

#### 2-1-2. SCOPE

Whether ex parte contacts are initiated by the FAA or by a member of the public (including affected industry), they are improper if they affect the basic openness and fairness of the decision making process. Because of this possibility and because of the possible appearance of impropriety, the FAA’s policy on ex parte contacts is very strict. This policy, however, does not significantly restrict the gathering of information needed to make an intelligent decision.

#### 2-1-3. POLICY

The FAA encourages full public participation in rulemaking actions. This policy allows for appropriate ex parte contacts when necessary to ensure adequate public comment. Persons directly responsible for the rulemaking/nonrulemaking action should, in addition to providing the public the opportunity to respond in writing to proposed actions and/or to appear and be heard at a hearing, undertake such contacts with the public as will be helpful in resolving questions of substance and justification.

Responsible persons should be receptive to proper contacts from members of the public who are affected by, or interested in, the proposed action. Contacts with the public to obtain up-to-date information needed for the rulemaking action or to clarify written comments, are also permissible.

#### 2-1-4. DISCLOSURE

While this policy recognizes the importance of ex parte contacts, it also contains a strict mandate to disclose these contacts. Specifically, the FAA has an obligation to conduct its rulemaking activities in a public manner, whereby interested members of the public are afforded adequate knowledge of such contacts. This is necessary to ensure all interested members of the public are afforded the opportunity to make their views known to the FAA. Without such disclosure, other interested members of the public and the FAA may be deprived of informed and valuable comments.

#### 2-1-5. PERMITTED CONTACT

The kind of ex parte contacts permitted and the procedures to be followed depend on when the contact occurs. Any questions regarding the following authorized contacts should be addressed by the Office of the Chief Counsel.

**a.** Before the issuance of any rulemaking and/or nonrulemaking action, ex parte contacts are authorized when needed to obtain technical and economic information. Each contact that influenced the specific effort shall be included in a report discussing each contact or group of related contacts. This report shall be placed in the project’s docket/case file.

**b.** During the comment period, ex parte contacts are strongly discouraged, since requests for information can be submitted in writing or at a public meeting. The only information that should be released is that contained in the proposed rule and any other information made generally available during a public meeting. Information, such as facts not presented in the rulemaking/nonrulemaking

notification or at a public meeting, or the agency's preliminary thinking on the final rule, should not be discussed. Persons who contact the agency by telephone or in person seeking to discuss the proposal should be advised that the proper avenue of communication during the comment period is by written comment submitted to the docket. When the agency determines that it would be helpful to meet with a person or group during the comment period, the meeting must be announced in the Federal Register and all interested persons must be invited.

**c.** In a formal public hearing, the testimony is usually recorded and the transcript added to the docket. Summaries of all substantive oral communications and copies of materials provided that could affect the agency position must be placed in the docket. Individuals who have made oral comments at meetings should be encouraged to also submit those comments to the docket in writing.

**d.** Persons who contact the agency simply to obtain information regarding the proposal may be provided with information that has already been made available to the general public. No record of such a contact is required.

**e.** Once the comment period has closed, subsequently received written communications should also be placed in the docket. Inform those who wish to submit such "late filed" comments (in accordance with Part 11), their comments will be given consideration to the extent that they cause no undue expense or delay.

**f.** If the agency determines that it would be helpful to meet with a person or group after the close of the comment period, the meeting must be announced in the Federal Register. Moreover, consideration should be given to reopening the comment period. Substantive oral communications other than formal meetings are discouraged. If it is discovered that such a contact has occurred, a summary of the contact must be placed in the docket if it could be perceived as influencing the rulemaking process. Such a summary must be accompanied by copies of any material distributed during meetings between the FAA and interested parties.

**g.** Contacts after the close of the comment period should be avoided. However, if an ex parte communication occurs that could substantially influence the rulemaking after the comment period

has closed, it is the FAA's policy to consider reopening the comment period. Important information should not be disregarded simply because it was late. However, because contacts after the close of the comment period may result in reopening the comment period, they should be avoided. Written comments received after the closing date do not require reopening the comment period unless the agency is substantially and specifically influenced by the comment.

## **2-1-6. RECORDING CONTACTS**

A record of a contact or series of contacts need only be made when it is determined that the contact influenced the agency's action. The record of a contact or series of contacts may be made at any time after the contact, but must be made before issuance of the final action. The record of ex parte contacts need not be a verbatim transcript of the communication. However, a mere recitation that on a stated day a meeting or telephone conversation was held with listed persons to discuss a named general subject is inadequate. The report of the meeting or contact should contain at a minimum:

- a.** The date and time of the meeting or conversation.
- b.** A list of the participants.
- c.** A summary of the discussion (more than a simple list of the subjects discussed).
- d.** A specific statement of any commitments made by any FAA personnel. A copy of any documents discussed should be attached to the record. Any questions on the preparation of the record should be directed to the Office of the Chief Counsel.

## **2-1-7. ADVICE FROM COUNSEL**

Questions concerning the propriety of ex parte contacts, or the actions to be taken after such contacts, should be directed to the Office of the Chief Counsel. Ex parte contacts must be handled correctly to prevent unwarranted delay and legal challenge.

## **2-1-8. RELEASE OF RULEMAKING AND/OR NONRULEMAKING TEXTS**

The agency policy is to not provide outside parties the texts of rulemaking/nonrulemaking documents before official release. Such disclosures may give the

appearance that the agency is seeking outside party approval and may give an advantage to some parties over other members of the public. There is one exception to this policy. It may be necessary to discuss possible specific regulatory provisions under consideration to obtain information on technical, operational, and economic impacts needed for

agency deliberations. Avoid discussion of specific language unless needed information cannot be obtained without discussion of the precise technical language to be used. When necessary, limit discussion and disclosure to the minimum amount of rule text necessary to accomplish the task. Preamble text is not to be distributed before publication.

## Section 2. Executive Order 10854

### 2-2-1. SCOPE

a. Executive Order 10854 extends the application of 49 U.S.C. Section 40103 to the overlying airspace of those areas of land or water outside the United States beyond the 12-mile offshore limit in which the United States, under international treaty agreement or other lawful arrangements, has appropriate jurisdiction or control.

b. Under the provisions of Executive Order 10854, airspace actions must be consistent with the requirements of national defense, international treaties or agreements made by the United States, or

the successful conduct of the foreign relations of the United States.

**NOTE-**

*The full text of Executive Order 10854 is detailed in FIG 2-2-1.*

### 2-2-2. POLICY

Any rulemaking or nonrulemaking actions that encompass airspace outside of the United States sovereign airspace (e.g., beyond 12-miles from the United States coast line) require coordination with the Departments of Defense and State. All Executive Order 10854 coordination shall be conducted at the FAA headquarters level by Airspace and Rules.

*FIG 2-2-1*

#### Executive Order 10854

#### **EXECUTIVE ORDER 10854**

#### **EXTENSION OF THE APPLICATION OF THE FEDERAL AVIATION ACT OF 1958**

By virtue of the authority vested in me by section 1110 of the Federal Aviation Act of 1958 (72 Stat. 800: 49 U.S.C. 1510), and as President of the United States, and having determined that such action would be in the national interest, I hereby order as follows:

The application of the Federal Aviation Act of 1958 (72 Stat. 731; 49 U.S.C. 1301 et seq.), to the extent necessary to permit the Secretary of Transportation to accomplish the purposes and objectives of Titles III and XII thereof (49 U.S.C. 1341-1355 and 1521-1523), is hereby extended to those areas of land or water outside the United States and the overlying airspace thereof over or in which the Federal Government of the United States, under international treaty, agreement or other lawful arrangement, has appropriate jurisdiction or control: Provided, that the Secretary of Transportation, prior to taking any action under the authority hereby conferred, shall first consult with the Secretary of State on matters affecting foreign relations, and with the Secretary of Defense on matters affecting national-defense interests, and shall not take any action which the Secretary of State determines to be in conflict with any international treaty or agreement to which the United States is a party, or to be inconsistent with the successful conduct of the foreign relations of the United States, or which the Secretary of Defense determines to be inconsistent with the requirements of national defense.

Dwight D. Eisenhower

The White House, November 27, 1959

## Section 3. Airspace Planning and Analysis

### 2-3-1. BACKGROUND

a. Airspace management functions historically have been widely dispersed. Responsibility for airspace management has resided with the regions/ service area offices, while airspace changes for operational considerations have been handled by field facilities. The focus on airspace change and redesign has been local in scope and centered, for the most part, on single areas. It is apparent that changes in airspace configuration, architecture, or structure have national implications for air traffic control, for traffic flow management, and for the user community. Therefore, changes in the use or allocation of the airspace need to be coordinated at the national level.

b. The details involved in airspace design must be centrally located. It is essential that efforts expended on airspace studies and proposed airspace changes be coordinated at the national level. This coordination will ensure that resources are effectively prioritized

and optimized for the efficient use of the nation's airspace.

### 2-3-2. POLICY

The air traffic planning and analysis policy uses an interdisciplinary approach to ensure the effective management of national airspace changes. This policy requires national implementation strategies, especially for changes designed to enhance user operations, maintain the highest standards of safety, generate new efficiencies, and effectively use our resources. With this policy in mind, Airspace and Rules is designated as the air traffic office that will provide national oversight for:

- a. Formulating airspace efficiency policy.
- b. Establishing guidelines for airspace architecture and structural changes.
- c. Analyzing current and proposed operations for efficiency.

## Section 4. Processing Rulemaking Airspace Actions

### 2-4-1. PURPOSE

This section prescribes procedures to be followed when taking rulemaking actions to establish, modify, or revoke regulatory airspace.

### 2-4-2. RESPONSIBILITY

a. Airspace and Rules is responsible for processing the following actions: Class A, B, and C airspace areas; special use airspace; offshore airspace areas; airways; jet routes; and those Class D and E airspace areas that overlie U.S. territories and possessions.

b. The Operations and Air Traffic Law Branch, AGC-220, is responsible for ensuring that the airspace cases listed in paragraph a, above, meet the requirements of the Administrative Procedures Act.

c. Service area offices are responsible for processing all Class D and E airspace area cases.

d. The Assistant Chief Counsel for each region is responsible for ensuring that all regional airspace cases meet the requirements of the Administrative Procedures Act.

### 2-4-3. DOCKETS

#### a. Docket Location.

1. The official docket for both Headquarters' and regional/service area office rulemaking cases shall be maintained at the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001.

2. The Docket Management System (DMS) can also be accessed on the internet at <http://dms.dot.gov>.

#### b. Docket Identification.

1. Rulemaking cases shall be identified by two docket numbers. The first, an FAA docket number, includes the acronym FAA; the current year; and a consecutively assigned number (e.g., FAA-2003-14010). The second, an airspace docket number, includes the last two digits of the calendar year; the abbreviation of the originating office; and a consecutively assigned number (e.g., 00-ASW-46).

2. Numbers shall run consecutively within each calendar year.

c. Docket Content. The official docket shall include all petitions, notices, rules, comments, correspondence, and related material concerning the case (other than working files).

### 2-4-4. FLIGHT PROCEDURAL DATA

a. If an airspace docket requires a procedure change and/or flight inspection, service area office shall coordinate the proposed effective date with the regional Flight Procedures Office, (FPO). The proposed effective date must consider the time needed to process procedural changes and allow ample time for flight inspection, if required. The FPO shall notify the service area office of any problems that could affect the proposed effective date. See Order 8260.26, Establishing and Scheduling Standard Instrument Procedure Effective Dates, for scheduled processing and publication dates.

b. If a rule without notice is to be issued and flight check data is required, the service area office shall inform the responsible FPO of the action and specific data requested.

### 2-4-5. SUBMISSION OF AIRSPACE CASES TO HEADQUARTERS

a. The service area office shall review the action proposed and submit a complete technical description of the proposed airspace (e.g., establishment, modification, or revocation) package to Airspace and Rules.

b. All background information including charts, proper justification and appropriate recommendations shall be submitted.

c. If an airspace action needs to be completed by a specific date, the service area office shall coordinate with the FPO and any other FAA offices as necessary to ensure that sufficient lead-time exists for meeting normal airspace procedural processing and charting requirements, and instrument approach procedure development.

d. The service area office shall submit to Airspace and Rules written comments received in response to the proposed action, analysis of the comment(s), and

any recommendations within 30 days after the comment closing date. If applicable, a statement concerning the status of the flight procedures data (e.g., Minimum En Route Altitude, MEA; or Change Over Point, COP) for en route cases shall be included.

#### **2-4-6. EFFECTIVE DATE OF FINAL RULES**

a. Amendments to parts 71 and 73 shall be made effective at 0901 Coordinated Universal Time (UTC) and shall coincide with en route charting dates as furnished by Airspace and Rules. Exceptions are as follows:

1. Safety or national interest actions that require an earlier effective time or date.
2. Editorial changes.
3. 700-foot floor Class E airspace areas that underlie existing 1,200-foot Class E airspace areas.
4. Actions that lessen the burden on the public (e.g., revocation of restricted areas).

5. Class B and C airspace areas shall be made effective on days that coincide with the appropriate sectional aeronautical charting dates.

b. Cutoff dates are established to allow sufficient time for charting and chart distribution purposes. Rules should be signed on or before the applicable cutoff date.

#### **2-4-7. PUBLICATION IN FEDERAL REGISTER**

An original Notice of Proposed Rulemaking (NPRM) and three copies, or an original final rule and seven copies shall be forwarded to AGC-200 for publication in the Federal Register.

#### **2-4-8. DISTRIBUTION**

Distribution of airspace dockets (NPRMs and final rules) shall be consistent with the procedures set forth in Order 1720.18, FAA Distribution System.

## Section 5. Processing Nonrulemaking Airspace Actions

### 2-5-1. PURPOSE

This section prescribes procedures to be followed when establishing, modifying, or revoking nonrulemaking airspace (e.g., Military Operations Area, warning areas, etc.).

### 2-5-2. IDENTIFICATION

Identify nonrulemaking cases by a study number that includes the last two digits of the calendar year, the abbreviation of the appropriate regional or airports district office, a consecutively assigned number within each calendar year, and “NR” (nonrulemaking), “NRA” (nonrulemaking airport), or “OE” (obstruction evaluation) as appropriate.

#### **EXAMPLE-**

1. *00-AWP-1-NR for studies involving navigational aids and nonrulemaking Special Use Airspace (SUA) cases (i.e., Alert Areas, Controlled Firing Areas, MOAs, and Warning Areas).*
2. *00-ASO-1-NRA for studies involving airports.*
3. *00-AGL-1-OE for studies involving surface structures.*
4. *00-ORL-1-NRA for studies processed by an airports district office.*

### 2-5-3. CIRCULARIZATION

a. Except for NRA airspace proposals, nonrulemaking airspace proposals shall be circularized by the service area office unless procedures for processing particular types of proposals allow exemptions to circularization. Each notice shall contain a complete, detailed description of the proposal including charts, if appropriate, that will assist interested persons in preparing comments. Circularization lists shall include, but not be limited to, all known aviation interested persons and groups such as the state aviation agencies; regional military representatives; national and local offices of aviation organizations; local flight schools, local airport owners, managers, and fixed base operators; and local air taxi and charter flight offices. Normally, a

45-day comment period should be provided. Other parts in this order contain additional guidance regarding circularization.

b. Identify in the nonrulemaking circular any regulatory changes (e.g., part 71) that will be effected if the nonrulemaking proposal is adopted. Describe the regulatory changes in as much detail as is known at the time (e.g., radials, distances, and coordinates).

c. Regions/service area offices shall coordinate with their respective state aviation representatives to ascertain which nonrulemaking circulars each state is interested in receiving. If various agencies within a state government request copies of particular circulars, the region/service area office may request that one agency be designated to receive and distribute the requested copies.

d. Send one copy of each nonrulemaking circular to Airspace and Rules.

e. Except for Class B and Class C airspace actions, when a nonrulemaking action is ancillary to a rulemaking action, the nonrulemaking proposal may be included in the NPRM. In this instance, a nonrulemaking circularization need not be made. The NPRM will satisfy the circularization requirement and present the full impact of both the rule and nonrule proposal.

### 2-5-4. CIRCULARIZATION DOCUMENTATION

All notices of aeronautical studies, informal airspace meetings, and determinations issued for obstruction evaluation and airport airspace analysis studies require certificates of mailing. The certificate shall be recorded in each case file as follows:

AERONAUTICAL STUDY [NUMBER]

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT A COPY OF THE ATTACHED [notice/determination] WAS MAILED TO EACH OF THE ADDRESSEES LISTED ON THE ATTACHED [mailing list/distribution list number] THIS [date] DAY OF [month/year].

SIGNED: [specialist/mail clerk/etc.]

**2-5-5. EFFECTIVE DATE OF  
NONRULEMAKING ACTIONS**

Nonrulemaking actions shall be made effective at 0901 UTC and shall coincide with en route charting dates as furnished by Airspace and Rules. Exceptions are as follows:

**a.** Safety or national interest actions that require an earlier effective time or date.

**b.** Editorial changes.

**c.** Actions that lessen the burden on the public (e.g., revocation of special use airspace).

**2-5-6. PUBLICATION OF  
NONRULEMAKING ACTIONS**

Nonrulemaking actions are published in the National Flight Data Digest (NFDD) on or before the applicable charting cutoff date.

## Section 6. Informal Airspace Meeting

### 2-6-1. PURPOSE

This section prescribes the procedures to be followed for all notices of informal airspace meetings held in advance of rulemaking/nonrulemaking airspace actions.

### 2-6-2. POLICY

a. It is the policy of the FAA to hold, if at all practicable, informal airspace meetings to inform the affected users of planned airspace changes. The purpose of these meetings is to gather facts and information relevant to the planned rulemaking or nonrulemaking action being studied.

b. Notwithstanding paragraph 2-6-2.a. informal airspace meetings shall be held for any planned changes to Class B and Class C airspace areas prior to issuing an NPRM.

### 2-6-3. CLASS B AND C AIRSPACE AREAS NOTIFICATION PROCEDURES

a. The regional/service area office shall submit a draft notice of informal airspace meetings to Airspace and Rules for processing and publication in the Federal Register. The notice shall describe the proposal in sufficient detail, including charts, if necessary, to enable interested persons to prepare comments prior to the meeting. The notice shall identify the name and address of the office where additional information can be obtained.

b. Airspace and Rules shall process and submit the notice for publication in the Federal Register. For Class B airspace areas, the notice shall be published a maximum of 90 days, and a minimum of 60 days in advance of the meeting.

c. For Class C airspace areas, the notice shall be published a maximum of 60 days, and a minimum of 30 days in advance.

d. In addition to the above, notices of informal airspace meetings shall be sent to all known licensed pilots, state aviation agencies, airport managers/operators, and operators of parachute, sailplane, ultralight, and balloon clubs within a 100-mile radius of the primary airport for Class B airspace actions;

and within a 50-mile radius of the primary airport for Class C airspace actions.

e. Distribution of these notices may be accomplished through the facilities of the Airmen Certification Branch, AFS-760. The regional office should coordinate this distribution with the regional Aviation Safety Program Manager. It should be noted that AFS-760 needs a lead-time of 16 days from the receipt of material until mailing. Sufficient lead-time must be provided to allow processing and distribution in time to meet the above minimum advance notice requirements (e.g., 60/30 days).

f. When known or anticipated controversy warrants, the above procedures may also be used for informal airspace meeting notices concerning obstruction evaluation, airport airspace analysis, special use airspace, and the commissioning/decommissioning of navigational aids.

### 2-6-4. OTHER AIRSPACE ACTIONS

a. Every effort shall be made to notify all aviation organizations and/or persons that may be affected by, or interested in, the planned action. The meeting notice shall explain that the purpose of the meeting is to solicit aeronautical comments on the proposal's effect on the planned action.

b. The notice shall describe the planned action in sufficient detail, including charts if necessary, to enable interested persons to prepare comments prior to the meeting. Notice of the meeting should be distributed at least 30 days prior to the meeting date.

c. Regional/service area offices are also encouraged to make use of electronic media, local newspapers, radio, and television to supplement the dissemination of notices and information.

### 2-6-5. LOCATION

Informal airspace meetings should be held at times and locations that are most conducive for gathering facts relative to the planned or proposed action under study. The chairperson shall represent the Regional Administrator. Each informal airspace meeting should be numbered consecutively and dated (e.g., "Meeting No. 50, February 15, 2000").

## Part 5. Special Use Airspace

### Chapter 21. General

#### Section 1. Policy

##### 21-1-1. PURPOSE

In addition to the policy guidelines and procedures detailed in Part 1. of this order, this part prescribes specific policies and procedures for handling special use airspace (SUA) cases.

##### 21-1-2. SCOPE

The primary purpose of the SUA program is to establish/designate airspace in the interest of National Defense, security and/or welfare. Charted SUA identifies to other airspace users where these activities occur.

##### 21-1-3. DEFINITION AND TYPES

a. SUA is airspace of defined dimensions wherein activities must be confined because of their nature, or wherein limitations may be imposed upon aircraft operations that are not a part of those activities.

b. The types of SUA areas are Prohibited Areas, Restricted Areas, Military Operations Areas (MOA), Warning Areas, Alert Areas, Controlled Firing Areas (CFA), and National Security Areas (NSA).

##### 21-1-4. CATEGORIES

There are two categories of SUA: regulatory (rulemaking) and other than regulatory (nonrulemaking). Prohibited Areas and Restricted Areas are rulemaking actions that are implemented by a formal amendment to part 73. MOAs, Warning Areas, Alert Areas, CFAs, and NSAs are nonrulemaking actions.

##### 21-1-5. SUA APPROVAL AUTHORITY

FAA Headquarters is the final approval authority for all permanent and temporary SUA, except CFA's. CFA approval authority is delegated to the service area office. The service area office shall forward those proposals recommended for approval (except CFA) to FAA Headquarters for a final determination.

##### *NOTE-*

*Final approval of Warning Areas is shared with other agencies per Executive Order 10854. Warning Area proposals, except controlling or using agency changes, must be coordinated with the Department of State and the Department of Defense for concurrence. Airspace and Rules is responsible for accomplishing this coordination.*

##### 21-1-6. MINIMUM NUMBERS AND VOLUME

The dimensions and times of use of SUA shall be the minimum required for containing the proposed activities, including safety zones required by military authority. When it is determined that a specified SUA area is no longer required, the using agency, or the appropriate military authority, shall inform the service area office that action may be initiated to return the airspace to the NAS.

##### 21-1-7. OPTIMUM USE OF AIRSPACE

a. To ensure the optimum use of airspace, using agencies shall, where mission requirements permit, make their assigned SUA available for the activities of other military units on a shared-use basis.

b. SUA should be located to impose minimum impact on nonparticipating aircraft and ATC operations. This should be balanced with consideration of the proponent's requirements. To the extent practical, SUA should be located to avoid airways/jet routes, major terminal areas, and known high volume VFR routes.

c. Consider subdividing large SUA areas, where feasible, in order to facilitate the real-time release of the airspace when activation of the entire area is not required by the user.

##### *NOTE-*

*Policies concerning airspace utilization for military operations are contained in FAAO JO 7610.4, Chapter 9, Military Operations Requirements.*

### 21-1-8. JOINT-USE POLICY

**a.** Under the “joint-use” concept, SUA is released to the controlling agency and becomes available for access by nonparticipating aircraft during periods when the airspace is not needed by the using agency for its designated purpose.

**b.** Restricted areas, warning areas, and MOAs shall be designated as “joint-use” unless it is demonstrated that this would result in derogation to the using agency’s mission. For certain SUA areas, joint use may be impractical because of the area’s small size, geographic location, or high level of use in such areas. In these cases, the airspace proposal package must include specific justification of why joint-use is not appropriate.

**c.** Joint-use does not apply to prohibited areas. Alert areas and CFAs are essentially joint-use because nonparticipating aircraft may transit these areas without limitation.

**d.** Joint-use procedures shall be specified in a joint use “Letter of Procedure” or “Letter of Agreement” between the using agency and the controlling agency. These letters should include provisions for the real-time activation/deactivation of the airspace, where such capabilities exist. They should also provide for the timely notification to the controlling agency when the scheduled activity has changed, been canceled, or was completed for the day.

**e.** Using agencies shall ensure that joint-use SUA is returned to the controlling agency during periods when the airspace is not needed nor being used for its designated purpose.

### 21-1-9. ENVIRONMENTAL ANALYSIS

**a.** SUA actions, except as listed in paragraph b, below, are subject to environmental impact analysis in accordance with the National Environmental Policy Act of 1969 (NEPA). Guidance for the environmental analysis of SUA proposals is contained in FAAO 1050.1, Policies for Considering Environmental Impacts, other relevant FAA directives; the FAA/DOD Memorandum of Understanding Concerning Special Use Airspace Environmental

Assessment; and other applicable regulations and statutes.

**b.** Prohibited area and alert area designations are actions that are neither permissive nor enabling. As such, environmental assessments or statements are not required when designating these areas (see FAAO 1050.1, Environmental Impacts: Policies and Procedures).

### 21-1-10. CONTROLLING AGENCY

The controlling agency is the FAA ATC facility that exercises control of the airspace when an SUA area is not activated. A military ATC facility may be assigned as the controlling agency, subject to the concurrence of the service area office and the concerned ARTCC. A controlling agency shall be designated for each joint-use SUA area.

### 21-1-11. USING AGENCY

**a.** The using agency is the military unit or other organization whose activity established the requirement for the SUA. The using agency is responsible for ensuring that:

1. The airspace is used only for its designated purpose.
2. Proper scheduling procedures are established and utilized.
3. The controlling agency is kept informed of changes in scheduled activity, to include the completion of activities for the day.
4. A point of contact is made available to enable the controlling agency to verify schedules, and coordinate access for emergencies, weather diversions, etc.

#### REFERENCE-

FAAO JO 7610.4, Chapter 9, Military Operations Requirements.

**b.** Restricted area and MOA using agencies are responsible for submitting Restricted Area/MOA Annual Utilization Reports in accordance with Section 7 of this chapter.

**c.** An ATC facility may be designated as the using agency for joint-use areas when that facility has been granted priority for use of the airspace in a joint-use letter of procedure or letter of agreement.

## 21-1-12. WAIVERS

The establishment of SUA does not, in itself, waive compliance with any part of the Code of Federal Regulations. DOD has been granted a number of waivers, exemptions, and authorizations to accomplish specific missions. Information about current waivers, exemptions, and authorizations granted for military operations may be obtained from FAA Headquarters, Airspace and Rules, or the Office of Rulemaking (ARM).

## 21-1-13. PUBLIC NOTICE PROCEDURES

Public notice procedures invite the public to comment on the impact of SUA proposals on the safe and efficient use of the navigable airspace. In addition to the public notice procedures described in chapter 2 of this order, SUA proposals are subject to the following:

a. All nonregulatory SUA proposals shall be circularized, and an NPRM shall be issued for all regulatory SUA proposals, except for those actions that clearly have no impact on aviation and are not controversial. A nonrulemaking circular or NPRM is not normally required for the following types of proposals:

1. Changes to the using or controlling agency.
2. Editorial changes to correct typographical errors.
3. Internal subdivision of an existing area to enhance real-time, joint-use (provided there is no change to the existing external boundaries) times of use, or type/level of activities.
4. Actions that lessen the burden on the flying public by revoking or reducing the size or times of use of SUA.

b. SUA nonrulemaking circulars are prepared and distributed by the service area office. FAA Headquarters prepares SUA NPRMs. Normally, circulars and NPRMs provide a minimum of 45 days for public comment.

c. When comments or coordination show that the proposal may be controversial, or there is a need to obtain additional information relevant to the proposal, an informal airspace meeting may be considered (see Chapter 2 of this order).

## 21-1-14. SUA NONRULEMAKING CIRCULARS

a. Prepare and distribute SUA nonrulemaking circulars as specified in Chapter 2 of this order and the additional requirements in this paragraph. Ensure wide dissemination to the potentially affected aviation user community. Send one copy of each SUA circular to Airspace and Rules and to the appropriate regional military representative(s).

b. CONTENT - Circulars should contain sufficient information to assist interested persons in preparing comments on the aeronautical impact of the proposal. SUA circulars should include:

1. A brief narrative that:

(a) Describes the purpose of the proposed airspace, the types of activities to be conducted, and the expected frequency of those activities. If the proposal modifies existing SUA, describe the changes and explain the desired result. For temporary MOA proposals, include a brief summary of the planned exercise or mission scenario.

(b) Discusses measures planned to minimize impact on nonparticipating aircraft, such as airport exclusions, joint-use procedures, limited activation times, etc. If there are known plans to provide real time area status information and/or traffic advisory services for nonparticipating pilots, include this information in the circular.

2. A complete description of the proposed area consisting of boundaries, altitudes, times of use, controlling agency, and using agency.

3. A copy of a sectional aeronautical chart depicting the boundaries of the proposed area.

4. The name and address (provided by the proponent) of the person to whom comments on the environmental and land-use aspects of the proposal may be submitted.

### **NOTE-**

*Do not include statements in the circular that certify NEPA compliance or state that environmental studies are complete. The proponent and/or FAA must consider environmental issues raised in response to the circular before a final determination is made on the proposal.*

5. The issue date of the circular and the specific date that the comment period ends. Provide at least 45-days for public comment.

**NOTE-**

*When selecting the comment closing date, consider the time needed for the preparation, printing and release of the circular, plus a representative mailing time, in order to afford the public the maximum time to submit comments.*

**c. SPECIAL DISTRIBUTION** – In addition to the distribution requirements in Chapter 2, send copies of SUA nonrulemaking circulars to:

**1.** State transportation, aviation, and environmental departments (or the state clearing house if requested by the state).

**2.** Local government authorities, civic organizations, interest groups, or individuals that may not have an aeronautical interest, but are expected to become involved in a specific proposal.

**3.** Public libraries within the affected area requesting that the circular be displayed for public information.

**4.** Persons or organizations that have requested to be added to the circularization list.

**NOTE-**

**1.** *The service area office determines special distribution requirements in accordance with regional/service area office policies and considering the type of proposal, the potential for controversy, and the extent of possible aeronautical impact.*

**2.** *If the proposed airspace overlaps regional geographical boundaries or airspace jurisdictions, coordinate as required with adjacent regional/service area offices to ensure distribution of circulars to all appropriate parties.*

## **21-1-15. CHARTING AND PUBLICATION REQUIREMENTS**

**a.** All SUA areas except CFAs, temporary MOAs, and temporary restricted areas, shall be depicted on aeronautical charts, and published as required in aeronautical publications.

**b.** Approved SUA actions normally become effective on the U.S. 56-day, en route chart cycle publication dates (see Part 1. of this order).

**EXCEPTION-**

Effective dates for temporary restricted areas, temporary MOAs, and CFAs are determined by mission requirements instead of the 56-day en route, charting date cycle.

**c.** Temporary areas shall be described in part 4, Graphic Notices, of the Notices to Airmen (NOTAM) Publication. Normally, publication of the graphic notice will begin two issues prior to the exercise start date and will continue through completion of the exercise. The notice shall include the area's legal description, effective dates, and a chart depicting the area boundaries. For large exercises, a brief narrative describing the exercise scenario, activities, numbers and types of aircraft involved, and the availability of in-flight activity status information for nonparticipating pilots should be included.

**NOTE-**

*Submit temporary SUA graphic notice information, along with the airspace proposal package, to Airspace and Rules by the cutoff dates specified in the appropriate chapter of this order. All graphics submitted must be of high quality and in camera ready form. Facsimile copies are not suitable. Airspace and Rules will process and coordinate the notice with System Operations Airspace and AIM, Publications, for publication in the NOTAM Publication. Do not submit temporary SUA graphic notices directly to Publications.*

**d.** When a SUA action becomes effective before it appears on the affected sectional chart(s), a description and map of the area will be published in part 4 of the NOTAM Publication. This information will be carried in the NOTAM Publication until the change has appeared on the affected sectional chart(s). Airspace and Rules is responsible for complying with this requirement.

**NOTE-**

**1.** *Minor editorial corrections to a SUA description or changes to the using or controlling agencies, will not be published in the NOTAM Publication.*

**2.** *In addition to the above, SUA designations or amendments that occur after publication of the latest sectional chart(s) will be listed in the "Aeronautical Chart Bulletin" section of the appropriate A/FD. This information will be carried in the A/FD until the change is published on the affected sectional chart(s).*

## **21-1-16. CERTIFICATION OF SUA GEOGRAPHIC POSITIONAL DATA**

**a.** Geographic positional data for all permanent and temporary SUA boundaries (except CFAs) must be certified for accuracy by the NACO before publication and charting. Airspace and Rules shall submit proposed positional data to NACO for certification. Latitude and longitude positions used in

SUA descriptions shall be based on the current North American Datum.

**b.** Airspace and Rules shall forward any corrections or recommended changes made by NACO to the service area office. The service area office will forward the NACO changes to the regional military representative, or civil proponent, for review. The regional military representative/civil proponent will inform the service area office of its concurrence with NACO changes or reason for nonconcurrence. The service area office will advise FAA Headquarters of the proponent's conclusions. A record of this coordination shall be included in the airspace case file.

#### **21-1-17. LEAD REGION**

**a.** The regional office that is responsible for the geographical area containing the affected airspace processes the SUA proposal. When a proposal

overlaps regional office geographical jurisdictions, the concerned service area office shall coordinate to determine which office will serve as the lead region for processing the proposal. Coordination between regions/service area offices is also required when the affected geographical area, and the ATC facility to be designated as controlling agency, are under the jurisdiction of different regional/service area offices.

**b.** Concerned regions shall ensure that:

**1.** All affected ATC facilities review the proposal and provide input to the aeronautical study, as required.

**2.** For nonregulatory proposals, distribution of nonrulemaking circulars includes interested parties in each regional jurisdiction, as necessary.

**c.** The airspace package submitted to headquarters shall include documentation of regional/service area office coordination, affected ATC facility comments and copies of public comments received.

## Section 2. SUA Legal Descriptions

### 21-2-1. GENERAL

**a.** The legal description is the official airspace definition used for NAS database and charting purposes. This section provides guidelines and formats for preparing SUA legal descriptions. See TBL 21-2-1 for examples of regulatory and nonregulatory SUA legal descriptions.

**b.** All bearings and radials used in SUA legal descriptions are true from point of origin.

**c.** Mileage used in the description shall be expressed in nautical miles (NM).

**d.** Descriptions of approved SUA, except temporary areas and CFA's, are compiled and published once a year in FAAO JO 7400.8, Special Use Airspace. Updates to the order are not published between editions and the listings are considered current only as of the date specified in the order. For this reason FAAO JO 7400.8 should be used as a general reference only and should not be relied upon as a sole source when accurate positional data are needed (e.g., video maps, letters of agreement, etc). For up-to-date descriptions of SUA areas, contact Airspace and Rules or AIM.

### 21-2-2. LATERAL BOUNDARIES

**a.** SUA lateral boundaries are normally defined by geographic (latitude/longitude) coordinates. All coordinates shall be expressed in a "degrees, minutes, and seconds" format. Do not round off, or convert seconds to tenths of minutes (enter 00' and 00" to specifically reflect the "zero" minutes and "zero" seconds places respectively). See TBL 21-2-1 for examples.

**b.** Other methods may be used to define boundaries if necessary to simplify the description, such as defining the boundaries by reference to a NAVAID radial/DME. When a NAVAID is used as a reference point, include its geographic location in degrees, minutes, and seconds.

**c.** To aid pilots in area identification, boundaries may be aligned along a prominent terrain feature such as rivers, highways, railroad tracks, etc., provided the feature is clearly discernable from the air.

**d.** Except for temporary SUA areas, boundaries shall not be described as "along the boundary" of another designated airspace area.

**e.** Where feasible, consider subdividing large SUA areas to enhance joint use of the airspace.

### 21-2-3. VERTICAL LIMITS

**a.** For areas that contain aircraft operations exclusively, altitudes at or above 18,000 feet MSL shall be expressed as flight levels (FL).

**b.** For areas that contain other than aircraft operations, altitudes above 18,000 feet MSL shall be expressed in feet above MSL.

**c.** Where terrain considerations or other factors would make the use of an MSL altitude impractical, the floor of the area may be described in feet above ground level (AGL).

**d.** In describing SUA ceilings, unless otherwise specified in the description, the word "to" an altitude or flight level means "to and including" that altitude or flight level. If the upper vertical limit does not include the altitude or flight level, the ceiling shall be stated as "to but not including" the altitude or flight level.

**e.** Do not designate variable altitudes to describe the floor or the ceiling of an SUA area. When there is a requirement for the altitude of the floor or ceiling to change based on time of use, or geographic position within the SUA area, etc.; the differing sections shall be established as separate subdivisions.

#### EXCEPTION-

The floor of an area may be described using a combination of MSL and AGL altitudes if necessary due to terrain or operational considerations. For example, "5,000 feet MSL or 3,000 feet AGL, whichever is higher."

**f.** In limited situations, and provided a specific operational requirement exists, the same altitude may be used to describe both the ceiling of one SUA subdivision and the floor of an overlying subdivision. In this case, the same ATC facility shall be designated as the controlling agency for both subdivisions.

**g.** Where feasible consider stratification of SUA areas to enhance joint-use of the airspace.

## 21-2-4. TIMES OF USE

a. The times of use indicate the period during which the using agency is authorized to schedule and use a SUA area. These times should reflect when normal operations are expected to occur. In determining the times of use, the proponent should select the minimum period needed to meet the using agency's requirements. The goal is to capture the majority of the day-to-day activities. When the using agency has a requirement for intermittent, less frequent use of the airspace (outside the specific published time-period), a provision to activate the airspace by NOTAM may be stated in the SUA legal description.

### NOTE-

*The times of use should be based on the intended typical use of the area. These times are depicted on aeronautical charts to assist other airspace users in determining the most likely periods of area activation.*

b. Times of use are stated using the options, or combination of options, shown below:

1. Specific hours/days. Local time using the 24-hour clock, and days of the week. If the time of use will change significantly on a seasonal basis, or mission requirements call for specific time blocks, variable times of use may be designated.

### EXAMPLE-

1. "0700 - 2200, Monday - Friday."
2. "Sep - Apr, 0800 - 1700, Monday - Friday; an May - Aug, 0600 - 2400 Monday - Friday."
3. "0800 - 0930 and 1300 - 1600, Monday - Friday."
4. "0700 - 1600, daily."

### NOTE-

1. *As used in SUA legal descriptions, the term "daily" means 7 days per week.*
2. *If the SUA area overlaps more than one local time zone, state the predominant time zone in the description, for example: "0700 - 1800 central time; Monday - Friday."*

2. Continuous. Use only when justification exists for utilization 24 hours a day, 365 days a year.

### EXCEPTION-

"Continuous" may also be used when the area will be utilized 24 hours per day over a specific period, such as "Continuous, Monday - Friday;" or "Continuous, April - June."

3. NOTAM activation. Use "By NOTAM" or "Other Times by NOTAM" to indicate when a NOTAM must be issued in order to activate the area. NOTAM options are:

(a) "Other times by NOTAM." Used along with specific times to provide for activation of the area outside the specified times of use that were established according to b.1., above.

### EXAMPLE-

*"0700-1900 local time, Monday - Friday - other times by NOTAM."*

(b) "By NOTAM," along with specific times from b.1., above: Used when issuance of a NOTAM is required prior to activating the area during the specified hours.

### EXAMPLE-

1. "By NOTAM 0700-1800 local time, Monday - Friday."
2. "0700-1800 local time, Monday - Friday, by NOTAM 4 hours in advance."

(c) "By NOTAM" without specific times: Used when anticipated usage times cannot be specifically determined, or when the nature of the user's mission requires infrequent or erratic use.

(d) The NOTAM provision shall apply to the entire area and not only a portion thereof. If times of use will vary from one portion of the area to another, the dissimilar portions should be subdivided or redesignated as separate areas.

(e) NOTAMs should be issued as far in advance as feasible to ensure widest dissemination of the information to airspace users. Normally, the minimum advance notice should be at least 4 hours prior to the activation time.

### NOTE-

*Under no circumstances may SUA be activated by a NOTAM unless the words "By NOTAM" or "other times by NOTAM" are stated in the area's legal description.*

4. Sunrise to sunset. This option should be reserved for cases where seasonal sunrise/sunset time variations make publication of specific clock times impractical.

5. Intermittent. Must include an associated time-period or "by NOTAM" provision. In any case, intermittent shall not be used for restricted areas without a "by NOTAM" provision.

**EXAMPLE-**

1. *“Intermittent, 0700 - 2200, Monday - Friday.”*
2. *“Intermittent by NOTAM at least 4 hours in advance.”*

**21-2-5. CONTROLLING AGENCY**

The ATC facility designated as the controlling agency (see paragraph 21-1-10).

**NOTE-**

*A controlling agency is not designated for prohibited areas, alert areas, or controlled firing areas.*

**21-2-6. USING AGENCY**

The agency, organization, or military command designated as the using agency (see paragraph 21-1-11).

**21-2-7. SUA LEGAL DESCRIPTION AMENDMENTS**

All changes to a published SUA legal description must be made through the appropriate regulatory or non-regulatory procedures described in this order. This includes minor changes, editorial corrections, internal subdivisions of an existing area, changes of the controlling or using agency, or reducing the area's dimensions or times of use.

*TBL 21-2-1***EXAMPLES OF SPECIAL USE AIRSPACE LEGAL DESCRIPTIONS****REGULATORY SUA DESCRIPTION:****R-2305 Gila Bend, AZ**

<b>Boundaries - Beginning</b>	at lat. 32°50'25"N., long. 112°49'03"W.; to lat. 32°50'52"N., long. 112°42'56"W.; to lat. 32°49'00"N., long. 112°39'03"W.; to lat. 32°29'00"N., long. 112°43'03"W.; to lat. 32°29'00"N., long. 112°53'33"W.; to the point of beginning.
<b>Designated altitudes</b>	Surface to FL 240.
<b>Time of designation</b>	0700-2300 local time daily, other times by NOTAM.
<b>Controlling agency</b>	FAA, Albuquerque ARTCC.
<b>Using agency</b>	U.S. Air Force, 58th Fighter Wing, Luke AFB, AZ.

**NONREGULATORY SUA DESCRIPTION:****Taiban MOA, NM**

<b>Boundaries - Beginning</b>	at lat. 34°34'36"N., long. 104°07'00"W.; to lat. 34°33'00"N., long. 103°55'02"W.; to lat. 34°10'00"N., long. 103°55'02"W.; to lat. 34°10'00"N., long. 104°07'00"W.; to the point of beginning.
<b>Altitudes</b>	500 feet AGL to but not including FL 180.
<b>Times of use</b>	0800-2400 Monday-Friday; other times by NOTAM.
<b>Controlling agency</b>	FAA, Albuquerque ARTCC.
<b>Using agency</b>	U.S. Air Force, Commander, 27th Fighter Wing, Cannon AFB, NM.

**COORDINATE FORMAT** - Do not round off latitude and longitude coordinates. Always use the full format consisting of degrees, minutes, and seconds, as follows:

<b><u>Correct</u></b>	<b><u>Incorrect</u></b>
40°06'00"N.	40°06'N.
104°35'30"W.	104°35.5'W.
39°00'00"N.	39°N.

## Section 3. SUA Proposals

### 21-3-1. GENERAL

This section describes the requirements for SUA proposals submitted to the FAA. SUA proposals must be based on a specific airspace requirement. The need for the proposed airspace must be definitive and sufficient grounds must be provided to justify any resultant imposition on nonparticipating aircraft and/or to afford priority to the SUA user. Before proposing the establishment of new SUA, proponents shall consider the use of existing SUA, or the modification of an existing area, to conduct their mission.

### 21-3-2. CLASSIFIED INFORMATION

Do not include classified information in the proposal package. If any information required by this section is classified, the regional military representative should contact the service area office to discuss the handling of that information.

### 21-3-3. PROPOSAL CONTENT

SUA proposal packages shall contain the following information, as applicable:

**a.** Proponent's Transmittal Letter. Summarize the proposal and provide a point of contact for further information.

**b.** Area Description. Using the guidelines in Section 1 and Section 2 of this chapter, describe the proposed area as follows:

**1.** Title. State type of area (restricted area, warning area, etc.). For MOA proposals, include proposed name of the MOA.

**2.** Boundaries. A description of the proposed area's perimeter and any subdivisions (see paragraph 21-2-2).

**NOTE-**

*All geographic coordinates shall be based on the current North American Datum (see paragraph 21-1-16).*

**3.** Altitudes. State the floor and ceiling of the proposed area (see paragraph 21-2-3).

**4.** Times of use. State the times of use to be published for the area as determined in paragraph 21-2-4. Include an estimate of the expected area

usage in number of hours per day and days per year. In cases where the unit plans to use the airspace during different blocks of time each day, but actual clock times may vary within the charted "times of use," describe those planned operations to provide as accurate a picture as possible of the projected daily use of the airspace.

**5.** Controlling agency. State the FAA or military ATC facility to be assigned as controlling agency for the proposed SUA.

**NOTE-**

*A controlling agency is not designated for prohibited areas, alert areas, or controlled firing areas.*

**6.** Using agency. State the organization to be designated as using agency for the airspace. Specify military service, unit or organization, and location. For non-military using agencies, specify the organization name and location.

**c.** Airspace Statement of Need and Justification.

**1.** Describe the purpose and need for the proposed airspace. Sufficient justification must be provided to support approval of the airspace. Additionally, any known or anticipated aeronautical impact on other airspace users must be addressed, including measures proposed, if any, to lessen the impact.

**(a)** For new SUA areas, explain why the requirement cannot be met by using existing SUA or by modifying an existing area. List SUA areas within a reasonable distance that were considered and explain why each area is not acceptable.

**(b)** For proposals to increase the dimensions or times of use of an existing area, explain the need for the increase.

**2.** State whether the area will be available for joint use. Provide justification for non-joint use areas.

**d.** Air Traffic Control Assigned Airspace (ATCAA). State whether or not an ATCAA will be requested to support the proposed SUA. If yes, describe ATCAA dimensions and times of use.

**NOTE-**

*ATCAA information is requested in the proposal solely to assist the FAA in evaluating the overall aeronautical impact of the SUA proposal. Requests to establish an*

*ATCAA are coordinated directly with the ATC facility having jurisdiction over the airspace and are handled separately from the SUA proposal process.*

**e. Activities.** List all activities to be conducted in the proposed SUA. Include the following information:

**1.** For areas that will contain aircraft operations:

**(a)** The number and types of aircraft that will normally use the area.

**(b)** A listing of the specific activities and the maximum altitudes required for each type of activity planned.

**(c)** State whether supersonic flight will be conducted.

**(d)** A chart depicting the location and the representative pattern of firing and/or ordnance delivery runs and weapons impact areas (if applicable).

**2.** For areas to contain surface-to-surface or surface-to-air weapons firing:

**(a)** Type weapon(s) to be fired.

**(b)** Maximum altitude required for each weapon listed.

**(c)** A chart of the proposed area depicting firing points, impact areas, firing fans and safety buffers for each type weapon used.

**f. Environmental and land use information.**

**1.** Furnish the name, organization, and mailing address of the person to whom comments on environmental and land use aspects of the proposal may be sent.

**2.** Proposals to establish SUA with a floor below 1200 feet AGL where there is underlying private or public use land, must include a statement that the proponent agrees to provide reasonable and timely aerial access to such land. Where applicable, describe provisions to be used to accommodate such access.

**3.** Proposals to designate the surface as the floor of a prohibited or restricted area shall include a statement explaining how the proponent will exercise control of the underlying surface (i.e., by ownership, lease, or agreement with the property owner). Do not

submit a copy of the deed, lease, or control agreement.

**NOTE-**

*Restricted areas that were designated with the surface as the floor prior to December 1, 1967, are exempt from the "own, lease, or control" requirement. The exemption status remains valid until amendment actions are taken which would expand the dimensions or times of use, or change the designated purpose of the area.*

**g. Communications and Radar.**

**1.** If known, state whether radar and/or radio communications will be used to monitor the airspace. Identify the facility or agency that will provide radio and/or radar monitoring, e.g., range control, military radar unit (MRU), airborne radar unit (ARU), Fleet Area Control and Surveillance Facility (FACSFAC).

**2.** If a military ATC facility will be designated as the controlling agency for the airspace, indicate whether area status information and traffic advisories will be provided to nonparticipating pilots. If applicable, provide a VHF frequency to be depicted on aeronautical charts.

**h. Safety Considerations.** Include an explanation of the following items, if applicable:

**1.** Measures taken to ensure containment of the activity within the proposed area.

**2.** Procedures for handling malfunctions.

**3.** Ordnance trajectory envelopes.

**4.** When an aircraft activity could measurably affect the safety of persons or property on the surface, the proponent shall demonstrate that provisions have been made for their protection.

**i. Coordination Summary.** List ATC facilities, military units, and/or other organizations contacted in developing the proposal.

**j. Area Chart.** Submit an original sectional aeronautical chart depicting the boundaries of the proposed area and any subdivisions.

**k. Environmental Documents.** Unless provided separately, submit applicable environmental documents. If the environmental analysis is incomplete, indicate the status and estimated completion date.

**l. Graphic Notice Information.** For temporary MOA or temporary restricted area proposals, include the graphic notice information required by paragraph 21-1-15, above.

**m.** Other. Include any other information that should be considered by the FAA in making its determination on the proposal.

#### **21-3-4. ABBREVIATED PROPOSALS**

**a.** For certain SUA proposals, it is not necessary to include in the proposal package all of the items specified in paragraph 21-3-3, above. Proponents should consult with the service area office to determine if an abbreviated proposal may be submitted. Abbreviated proposals may be considered for:

**1.** Amendments of existing SUA to:

- (a)** Change the controlling or using agency.
- (b)** Reduce the dimensions or times of use.
- (c)** Subdivide or revoke the airspace.
- (d)** Make minor editorial corrections to the legal description.

**2.** Recurring proposals for temporary airspace (e.g., annual exercises such as Quick Force, Pecos Thunder, etc.) provided the location is the same and activities are similar to previous exercises.

**3.** Renewal of an existing CFA.

**b.** The service area office may specify the contents of the abbreviated proposal. Suggested items include, as applicable:

**1.** The type, purpose, and reason(s) for the action.

**2.** The specific changes to be made in the area's legal description.

**3.** For recurring temporary MOAs or CFAs, written confirmation that the activities, times, altitudes, safety precautions, etc., are to be the same as for a previously approved area.

**4.** The proposed effective date.

**5.** A summary of proposal coordination accomplished.

**6.** Environmental documentation, or written re-evaluation/updates of environmental documents used to support a previous temporary MOA.

**7.** For proposals to revoke SUA provide the reason for the action and requested effective date.

## Section 4. Coordination of Proposals

### 21-4-1. POLICY

The regional military representatives are the service area office points of contact for the coordination of the respective military service's SUA proposals at the FAA regional/service area office level. The service area office will handle all coordination of nonmilitary SUA proposals.

### 21-4-2. PROPOSAL PRE-COORDINATION

a. Before submitting a SUA proposal to the FAA service area office, military proponents will coordinate, at a minimum, with locally affected ATC facilities and military units, local FAA representatives or liaison officers (where assigned), and the ARTCC having jurisdiction over the affected airspace.

b. Inquiries received from nonmilitary sources requesting the establishment or amendment of SUA will be referred to the appropriate service area office for assistance.

### 21-4-3. ATC FACILITY COORDINATION

a. The proponent will coordinate with affected ATC facilities as needed to discuss the proposal. Proponents should provide the facility with specific information about the mission requirement, desired airspace parameters, and why existing SUA within a reasonable distance are not suitable to accommodate the requirement (see paragraph 21-3-1).

b. The ATC facility will review the proposal to evaluate its potential impact on aeronautical and facility operations. Following its review, the facility

will inform the proponent whether the proposed airspace is operationally feasible, would adversely impact aeronautical or facility operations, or if the location is not acceptable to the FAA for aeronautical reasons. The facility may suggest alternative locations or negotiate the design of the proposed SUA area to resolve or lessen any adverse impacts.

c. Proponents are cautioned that ATC facility concurrence with the proposal represents just the facility's preliminary assessment of the aeronautical and ATC operational feasibility of the proposal. The proposal will still be subject to the further processing requirements of this order (e.g., aeronautical study, public comment period, and environmental analysis), and the development of a letter of agreement. Therefore, the facility's concurrence shall not be interpreted as the FAA's endorsement or as a final approval of the proposal.

### 21-4-4. SUBMISSION OF PROPOSALS

a. Submit SUA proposals to the appropriate FAA service area office for formal processing. Military SUA proposals shall be submitted to the service area office through the appropriate military representative. Before submitting the proposal to the service area office, the military representative will review the package to determine compliance with the requirements of this order and applicable military service policies.

b. Proponents shall promptly notify the service area office if there is a change in requirements that would alter the requested effective date, or cancel the need for the proposed airspace.

## Section 5. Regional/Service Area Office Actions

### 21-5-1. GENERAL

**a.** SUA proposals should be processed as expeditiously as possible, consistent with thorough analysis, public notice procedures, and environmental requirements. This is necessary to ensure that decisions are based on the most current data, and that limited funding and personnel resources are used efficiently. The proponent should receive a timely determination on the disposition of the proposal in order to conduct its mission or consider alternatives. Lengthy delays in processing the proposal may result in the need for a supplemental public comment period, and/or the revalidation of the aeronautical and environmental studies.

**b.** The service area office will notify the appropriate regional military representative, in writing, if a significant processing delay is anticipated or major problems arise.

### 21-5-2. REGIONAL/SERVICE AREA OFFICE PROCESSING REQUIREMENTS

This paragraph describes the basic SUA processing items accomplished at the regional/service area office level. The service area office may supplement or modify the sequence of these items as needed.

**a.** Assign a rulemaking docket number or nonrulemaking study number, as appropriate (see Chapter 2 of this order).

**NOTE-**

*When amending any part of the legal description of an existing SUA area, a docket number, or study number must be assigned. This includes minor changes, editorial corrections, and the reduction or revocation of the airspace.*

**b.** Review the proposal package for content and compliance with the requirements of this order.

**c.** Task concerned ATC facilities to conduct an aeronautical study of the proposal (see Section 6 of this chapter).

**d.** Determine if other airspace or airport actions are pending or on file at the region/service area office for possible conflict with the proposal.

**e.** Coordinate with other FAA offices (e.g., Airports, FPO, Flight Standards, etc.) as required for assistance in identifying impacts on airport development plans, aviation safety, and IFR/VFR operations.

**f.** Coordinate the proposal with adjacent regional office service area office, if necessary.

**g.** Circularize nonrulemaking proposals as specified in Chapter 2, and Chapter 21, Section 1 of this order. Send an information copy of each circular to Airspace and Rules.

**h.** For restricted area or prohibited area proposals, submit the proposal package to Airspace and Rules to initiate rulemaking action.

**i.** Determine if an informal airspace meeting will be held.

**NOTE-**

*If informal airspace meetings or environmental public meetings are planned, and the schedule is known, include meeting information in the nonrulemaking circular, or in the rulemaking package for publication in the NPRM. Also, see meeting notification requirements in Chapter 2 of this order.*

**j.** Review all public comments received. Evaluate comments with respect to the proposal's effect on the safe and efficient utilization of airspace. All substantive aeronautical comments must be addressed in the final rule or nonrulemaking case file. Where required, consider the proposal's impact on the safety of persons and property on the ground. Provide copies of pertinent public comments to the concerned regional military representative.

**k.** Review aeronautical study results.

**l.** Evaluate aeronautical impacts identified through public comments, aeronautical study, or other sources. Coordinate with the proponent regarding ways to lessen aeronautical impact and/or resolve problem areas. As additional impacts are identified during the processing of the proposal, provide the information to the proponent.

**m.** Review environmental or land-use comments addressed to the FAA, then forward them to the proponent for consideration in appropriate environmental documents.

**n.** If, after the publication of an NPRM or a non-rulemaking circular, the proposal is modified by the proponent or to mitigate aeronautical or environmental impacts, determine if the changes are significant enough to necessitate a supplemental public comment period.

**o.** Coordinate with the service area office Environmental Specialist for review of the proponent's environmental documents (see paragraph 21-5-4, below).

**p.** Determine whether to recommend FAA headquarters approval of the proposal, or disapprove the proposal at the regional/service area office level (see paragraphs 21-5-6 and 21-5-7, below).

### **21-5-3. AERONAUTICAL IMPACT CONSIDERATION**

There is no set formula for balancing the various competing user requirements for the use of airspace. If approval of the SUA proposal would result in an adverse aeronautical impact, every effort shall be made to seek equitable solutions to resolve or minimize the adverse aeronautical effects. If the aeronautical impact cannot be mitigated, the service area office must carefully weigh the extent of that impact against the need and justification provided by the SUA proponent. The region's/service area office's recommendation should include a discussion of how any aeronautical issues were resolved.

### **21-5-4. ENVIRONMENTAL DOCUMENT REVIEW**

In coordination with the service area office Environmental Specialist, the Airspace Specialist will review the proponent's draft and final environmental documents to ensure that the environmental analysis matches the proposed airspace parameters (e.g., time of use, lateral and vertical dimensions, types and numbers of operations, supersonic flight). Any environmental issues identified in this review must be forwarded to the proponent for consideration.

### **21-5-5. REGIONAL/SERVICE AREA OFFICE DETERMINATION**

After considering all pertinent information, the service area office determines whether to recommend approval of the proposal to FAA Headquarters, negotiate changes with the proponent, or disapprove the proposal. If the regional/service area office aeronautical processing is completed before the proponent's environmental documents have been finalized, the proposal may be forwarded to FAA Headquarters for review of the aeronautical portion. In all cases, a final determination on the proposal by FAA Headquarters shall be deferred until applicable NEPA requirements are completed.

#### **NOTE-**

*Supplemental public notice with an additional comment period may be necessary if significant changes are made to the proposal after it was advertised for public comment. If a FAA determination has not been issued within 36 months of the last aeronautical public comment period or, if it is known that the aeronautical conditions in the area have changed significantly from what existed at the time of that last comment period, a supplemental comment period is required. Supplemental comment periods may be reduced to 30 days in length.*

### **21-5-6. DISAPPROVAL OF PROPOSALS**

**a.** The service area office may disapprove any SUA proposal, however, such disapproval should be based on valid aeronautical reasons. The service area office shall notify the proponent, in writing, stating the reasons for disapproval. Reasonable efforts should be made to resolve problem areas before rejecting the proposal. Provide an information copy of the disapproval correspondence to Airspace and Rules.

**b.** If the proponent resubmits the proposal after resolving problem areas, the service area office should determine required actions and resume processing the proposal.

**c.** If the proponent resubmits the proposal without resolving problem areas, the service area office shall forward the case along with the region's recommendation to Airspace and Rules for further action.

## **21-5-7. SUBMISSION OF APPROVAL RECOMMENDATIONS TO FAA HEADQUARTERS**

Submit SUA proposals recommended for approval to Airspace and Rules for final determination and processing. Include the following (as applicable):

**a.** A service area office transmittal memorandum containing a brief overview of the proposal and the region's/service area office's recommendation for headquarters action. Summarize any amendments made to the original proposal in response to public comments, or negotiations to mitigate impacts, etc. If coordination with the designated controlling agency indicates that plans exist to provide nonparticipating pilots with traffic advisories, or real-time area activity status information, provide a VHF frequency and facility identification to be depicted on aeronautical charts.

**b.** A separate attachment that contains the recommended legal description of the area (e.g., boundaries, altitudes, times, controlling agency, and using agency). Use the format shown in TBL 21-2-1.

### **NOTE-**

*If only part of the description of an existing area is being amended, the attachment should show just the changed information rather than the full legal description.*

**c.** A sectional aeronautical chart depicting the final boundaries of the proposed area, including any subdivisions.

**d.** A copy of the proponent's airspace request correspondence and proposal package, to include all applicable items required by Section 3 of this chapter.

**e.** A copy of aeronautical comments received in response to the NPRM or non-rulemaking circular, along with a discussion of how each substantive comment was addressed or resolved.

**f.** A synopsis of FAA environmental issues or concerns which were forwarded to the proponent, if applicable. Identify any modifications made to the proposal to mitigate environmental effects.

**g.** A copy of the aeronautical study.

**h.** A summary of meeting discussions and copies of written comments submitted at the meeting, if an informal airspace meeting was held.

**i.** Copies of pertinent correspondence from other FAA offices (e.g., Flight Standards, Airports, adjacent service area office, affected ATC facilities, etc.).

**j.** Environmental documents (if not submitted separately).

**k.** Any other information that should be considered by FAA Headquarters in making a final determination on the proposal.

## **21-5-8. HANDLING OF PROPOSALS TO REDUCE OR REVOKE SUA**

**a.** Normally, proposals which lessen the burden on the public by reducing the size, or times of use, or by revoking SUA, do not require advance public notice and comment. An abbreviated proposal package may be submitted in accordance with paragraph 21-3-4.

**b.** An environmental analysis of the SUA reduction or revocation action is not normally required. However, if FAA plans to implement new routes or air traffic procedures in the affected airspace, that route or procedural action may require its own environmental analysis.

## **21-5-9. FAA INITIATED SUA PROPOSALS**

**a.** Proposals to establish or modify SUA are normally initiated by a DOD proponent. However, since it is responsible for ensuring the safe and efficient use of the navigable airspace, the FAA may initiate SUA proposals when such actions are necessary to resolve a safety issue, enhance joint use, or enhance the capability of the SUA to accommodate the using agency's mission. Prior to initiating a SUA proposal, the service area office shall exhaust every avenue to resolve the issues by other means. When modification of an existing SUA area is contemplated, full consideration shall be given to providing the affected user with an equivalent capability to perform its mission.

**b.** When initiating a proposal, the service area office will prepare the SUA proposal package and required documentation. The proposal will be coordinated with the affected military units through the appropriate regional military representative. If an environmental analysis is required, the service area office will determine responsibility assignment.

**c.** In developing a proposal, the service area office shall, through the regional military representative, consult with the concerned DOD department to identify and document the impact of the proposed change on affected military units' mission(s).

**d.** If any using agency objects and agreement cannot be reached, but there is strong justification

to proceed with the proposal, the service area office shall send the proposal package to Airspace and Rules for further action. Include with the proposal package, the reason for the proposal, a copy of the objections, a summary of efforts to resolve the objections, and the region's recommendations. Do not initiate public notice procedures for such proposals, without Airspace and Rules concurrence.

## Section 6. Aeronautical Study

### 21-6-1. PURPOSE

An aeronautical study is conducted to identify the impact of the SUA proposal on the safe and efficient use of airspace and ATC procedures.

### 21-6-2. POLICY

**a.** An aeronautical study is required for all prohibited area, restricted area, MOA, and warning area proposals, except those which reduce or revoke SUA, change the controlling or using agency, or make minor corrections to the legal description. The service area office determines whether to require an aeronautical study for alert area or CFA proposals.

**b.** The service area office shall task affected FAA ATC facilities to conduct, or provide input to the aeronautical study. When applicable, coordinate with adjacent regional/service area offices for additional input. FAA ATC facilities shall submit the completed study to the service area office. When input to the study from a military ATC facility is needed, the service area office shall submit a request to the appropriate regional military representative.

**c.** For temporary airspace actions that are recurring, such as periodic military exercises, a previous study may be used provided it has been reviewed for currency and updated as necessary.

**d.** The service area office will review the study to determine if there are any aeronautical impacts to be considered or resolved. The service area office will supplement the study as needed to include regional/service area office perspective, cumulative effect analysis, etc. Coordinate the study findings with the proponent to explore possible options to reduce aeronautical impact.

**e.** A copy of the study shall be included with the SUA proposal package submitted to FAA Headquarters.

### 21-6-3. CONTENT OF STUDY

The service area office may specify the content and format of the study based on the type and extent of the SUA proposal. Suggested items include:

**a. Introduction.** An overview of the existing airspace structure, airports, and types and volume of aeronautical activities currently operating in the airspace affected by the proposal.

**b. Impact on IFR and VFR Terminal Operations.** Consider the proposal's impact on existing and proposed terminal procedure.

**1.** Arrival and departure flows, STARs, and departure procedures.

**2.** Standard instrument approach procedures.

**3.** Airport traffic patterns, Class D, and Class E airspace surface areas.

**c. Impact on public use and chartered private airports (airports with FAA Form 5010 on file).**

**1.** Number and types of aircraft based.

**2.** Amount of operations.

**3.** The proposal's affects on airport access, capacity, and operations.

**d. Impact on IFR En Route Operations.**

**1.** Overall effect on IFR traffic flow.

**2.** Existing airway/Jet Route structure/GPS routes.

**3.** Average daily traffic count on affected airway/route.

**4.** Feasibility of airway/route realignment to accommodate the proposed SUA.

**5.** Direct IFR routings.

**e. Impact on VFR Operations, Routes, and Flyways.** Consider the effect on VFR operations, chartered routes and known, but uncharted, high-volume routes or flyways.

**NOTE-**

*Although VFR pilots are not denied access to MOAs, the potential for aeronautical impact due to VFR pilots electing to deviate around the MOA when active should be evaluated when processing a MOA proposal. Consider the proposed MOA's size and location, and the extent of current non-participating VFR operations in the affected airspace.*

**f.** Impact on other pending proposals. Consider known airport development plans, resectorization, other airspace or airway/route proposals, or instrument procedures, currently being processed or on file.

**g.** Cumulative Aeronautical Impact Assessment. Establishment of the proposed airspace may have broader effects beyond the immediate vicinity of the proposed airspace. Consider the overall impact of the proposal on aviation operations when combined with:

**1.** Existing adjacent airspace such as Class B or C areas, or other SUA.

**2.** Existing geographical features such as large bodies of water, mountainous terrain, or obstructions that could influence the flight paths of nonparticipating aircraft or affect the availability of nonparticipating aircraft to circumnavigate the proposed SUA.

**3.** Aviation safety issues, compression of air traffic, etc.

**NOTE-**

*If the proposed SUA will contain aircraft operations, also consider the impact of routes to be used by the participating aircraft to enter/exit the SUA area.*

**h.** Associated ATCAA. If it is known that an ATCAA will be requested in conjunction with the proposed SUA, determine if use of the ATCAA would result in any additional aeronautical impact that should be considered.

**i.** Alternatives. When adverse aeronautical impacts are identified consider measures or alternatives that could mitigate or lessen the impact.

**j.** ATC Facility Assessment. The ATC facility's assessment of a proposal's impact on aeronautical and facility operations, and the facility's concurrence or nonconcurrence with the proposal.

**k.** ATC services. Indicate whether the controlling agency plans to provide real-time SUA status information, allow transitions through the area by nonparticipating aircraft, or provide traffic advisories to nonparticipating pilots requesting such services. If the controlling agency agrees to advertise such service, provide facility identification and a VHF frequency to be depicted on aeronautical charts.

**l.** Recommendations. Provide a recommendation for FAA action on the proposal.

## Section 7. Restricted Area and MOA Annual Utilization Reports

### 21-7-1. PURPOSE

Annual utilization reports provide the FAA with information regarding the times and altitudes used, and the types of activities conducted in restricted areas and MOAs. These reports assist the FAA in its management of the SUA program.

### 21-7-2. REPORTING REQUIREMENTS

a. Using agencies are required to submit annual reports to the FAA detailing the use of all assigned restricted areas and/or MOAs. Actual utilization data are required. See FIG 21-7-1 for report format. Instructions for preparing the report are contained in FIG 21-7-2.

b. Reports shall cover each fiscal year period (October 1 through September 30). If the area was assigned to the using agency for only part of the fiscal year, report the utilization for that partial period.

c. For areas that are subdivided by legal description, a separate report is required for each officially designated sub-area published in FAAO JO 7400.8, Special Use Airspace.

d. Do not include classified information in the report.

e. Submit reports by January 31 following the end of each fiscal year, to the office of the service area office director having jurisdiction over the airspace being reported.

f. Military using agencies shall submit reports to the FAA through the appropriate regional military representative. The military representative will ensure that an information copy of each report is sent to the Director of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

g. Non-military using agencies shall submit reports directly to the FAA service area office director. The service area office will send an information copy of nonmilitary reports to Airspace and Rules.

### 21-7-3. SUPPLEMENTARY REPORTS

The service area office may request the using agency to submit a supplementary report if it determines that additional information is needed to evaluate the use of a restricted area or MOA. Requests will be submitted through the appropriate regional military representative. Using agencies should provide the requested information within 60 days of receiving the request.

### 21-7-4. UTILIZATION REPORT TERMS

Terms as used in Restricted Area and MOA Annual Utilization Reports are defined as follows:

a. ATCAA. Airspace assigned by ATC to segregate air traffic between the specified activities being conducted within the assigned airspace and other IFR traffic.

b. Activated. The time-period during which the controlling agency has returned the restricted area or MOA to the using agency; regardless of whether any activity is actually occurring.

c. Controlling Agency. The designated ATC facility having jurisdiction over the SUA airspace when it is not in use by the using agency. Also, the facility that authorizes transit through, or flight within, special use airspace, in accordance with joint-use procedures contained in a letter of agreement.

d. Joint Use. A term applied to SUA which is released to the controlling agency for public access during periods when the airspace is not needed by the using agency. It also means airspace wherein access may be granted to non-participating aircraft subject to the joint-use procedures specified in a letter of agreement between the controlling and using agencies.

e. Nonparticipating aircraft. An aircraft, civil or military, which is not a part of the activities being conducted within a SUA area.

f. Scheduled. The using agency's planned time period(s) of intended use of a SUA area as submitted in advance to the controlling agency (for military using agencies, see the scheduling requirements

contained in FAAO JO 7610.4, Chapter 9, Military Operations Requirements).

**g.** Using agency – The organization, unit, or military command that the SUA was established; and the agency responsible for compilation and submission of Restricted Area/MOA Annual Utilization Reports.

**h.** Utilized – Amount of time (hours or days) that activities were actually conducted in the SUA area (e.g., when participating aircraft were operating, or other designated activities were conducted, in the airspace).

### **21-7-5. REVIEW REQUIREMENT**

**a.** The service area office shall perform a thorough review of all annual utilization reports for restricted areas and MOAs within its jurisdiction. At a minimum, the following utilization report items should be analyzed:

**1.** Activities. Are the reported activities appropriate for the airspace type and designated purpose?

**2.** Altitudes. Do the reported activities and altitudes reflect a requirement for the altitudes published in the area's legal description?

**3.** Utilization Data. Consider whether actual use supports the published parameters, or if discussions should be held with the user to determine if an airspace amendment action is appropriate. Calculate the following percentages for reference in comparing the published parameters of the area with its reported actual utilization.

**(a)** Hours actually utilized as a percentage of hours activated.

**(b)** Hours scheduled as a percentage of hours published in the area's legal description.

**(c)** Hours activated as a percentage of hours scheduled.

**(d)** Days actually utilized as a percentage of days activated.

**4.** Joint Use Information. Is the airspace being made available for joint use (if applicable)?

**5.** Remarks. Consider any mitigating factors that explain or clarify reported data. Are any other issues identified that require further action?

**b.** If additional information is needed to complete the utilization report review, request the user to submit a supplementary report as described in paragraph 21-7-3.

**c.** As required, initiate discussions to resolve issues or forward recommendations for corrective action, to the regional military representative or responsible official for nonmilitary SUA.

**d.** Refer to Section 8 of this chapter for additional information regarding SUA review procedures and utilization standards.

### **21-7-6. REVIEW SUMMARY**

The service area office shall prepare a summary of the results of its annual utilization report review. The summary should document the findings, recommendations, and actions taken, as appropriate. Submit review summaries to Airspace and Rules by March 31 of each year. It is not necessary to submit copies of the actual utilization reports with the summary.

*FIG 21-7-1*

**RESTRICTED AREA AND MILITARY OPERATIONS AREA  
ANNUAL UTILIZATION REPORT  
(RCS: 1412-DOT-AN)**

- 1. Restricted area number or MOA name:**
- 2. Reporting period dates:**
- 3. Reporting Unit Name and Phone:**
- 4. Associated ATCAA:**
  - (a) ATCAA Name:
  - (b) ATCAA Altitudes:
- 5. Aircraft Activities:**
  - (a) Aircraft types:
  - (b) Types of activities conducted:
  - (c) Altitude/flight levels used for each type of activity:
  - (d) Supersonic flight:
    - (1) Area used for supersonic:
    - (2) Altitudes/flight levels:
- 6. Artillery/Mortar/Missile Activities (Restricted Area only):**
  - (a) Type activities:
  - (b) Maximum altitude used for each activity:
- 7. Other activities not reported in 5 or 6 above:**
  - (a) Type activity:
  - (b) Maximum altitude used for each activity:
- 8. Utilization information:**
  - (a) Total number of aircraft sorties:
  - (b) Total number of days the area was:
    - (1) Scheduled for use:
    - (2) Activated:
    - (3) Actually utilized:
  - (c) Total number of hours the area was:
    - (1) Scheduled for use:
    - (2) Activated:
    - (3) Actually utilized:
- 9. Joint use information:**
  - (a) Total number of hours the area was returned to the controlling agency:
  - (b) Letter of agreement provisions:
- 10. New chart Submitted/No Change:**
- 11. Remarks:**

FIG 21-7-2

## INSTRUCTIONS FOR PREPARING RESTRICTED AREA AND MOA ANNUAL UTILIZATION REPORTS

**GENERAL:** Restricted Area and MOA annual utilization reports provide information needed by FAA airspace managers to confirm airspace requirements and evaluate the efficiency of airspace utilization. It is essential that this report document actual utilization of the airspace as completely and as accurately as possible. The following format is used to report both restricted area and MOA utilization. If an item does not apply, enter "N/A" for that item. A "Remarks" section is provided to document additional pertinent information. Do not include classified information in this report. Refer to FAAO JO 7400.2, Procedures for Handling Airspace Matters, for definitions of terms used in this report, and for additional reporting and submission instructions.

### REPORT FORMAT:

**1. Restricted area number or MOA name:** State the Restricted Area number or MOA name. Report only one area per form. For areas that are officially subdivided by legal description (See FAAO JO 7400.8), prepare a separate report for each subdivision.

**2. Reporting Period Dates:** Enter the fiscal year dates (1 Oct [enter applicable fiscal year] to 30 Sept [enter applicable fiscal year]), or period covered if other than a full fiscal year.

**3. Reporting Unit:** Provide name of organization preparing the report and DSN, commercial and FAX numbers (as available).

### 4. Associated ATCAA:

**(a) ATCAA Name:** Name(s) of ATCAA established for use in conjunction with the area being reported in Item 1. Enter "None" if no ATCAA established.

**(b) ATCAA Altitudes:** State the ATCAA altitudes available.

### 5. Aircraft Activities:

**(a) Aircraft types:** List the specific types of aircraft, which used the area during the reporting period (e.g., F-15, B-1, etc.). Include ROA activities in this section.

**(b) Types of activities conducted:** List each specific type of activity conducted. Do not use general terms such as "air operations," etc.

**(c) Altitudes/flight levels used for each type activity:** State the highest altitude/flight level used for each activity listed in 5.(b), above.

### (d) Supersonic flight:

**(1) Area used for supersonic:** Indicate yes/no.

**(2) Altitudes/Flight levels:** State altitudes/flight levels used for supersonic flight.

### 6. Artillery/Mortar/Missile Activities (Restricted Areas only):

**(a) Type of activities:** Indicate type(s) of weapon(s) fired.

**(b) Maximum altitude used for each activity:** State the highest altitude used for each activity/weapon.

### 7. Other activities not reported in 5 or 6 above:

**(a) Type activity:** List any other activities conducted in the area, but not already covered in other sections of the report.

**(b) Maximum altitude for each activity:** State highest altitude used for each type activity.

### 8. Utilization information:

**(a) Total number of aircraft sorties:** Enter the total number of aircraft sorties that utilized the area during the reporting period.

**(b) Total number of DAYS the area was:** Count a “day” as being scheduled, activated, or utilized, regardless of the amount of time involved on that particular day. The intent of this item is to document the number of different days during the year that the area was needed in order to accomplish the mission, whether it was needed for only 10 minutes or a full 24 hours.

**(1) Scheduled for use:**

**(2) Activated:**

**(3) Actually utilized:**

**(c) Total number of HOURS area was:**

**(1) Scheduled for use:** Hours the area was activated by NOTAM may be included in this item.

**(2) Activated:**

**(3) Actually utilized:** When computing “actually utilized” time, do not provide a cumulative total of individual aircraft hours flown in the area. Hours reported cannot exceed the area’s total available published hours.

#### **9. Joint use information:**

**(a) Total number of hours the area was returned to the controlling agency:** To compute this figure, subtract the hours reported in 8(c)(2) from 8760 hours (use 8784 hours for “leap year” reporting).

**(b) Letter of agreement provisions:** Note whether the letter of agreement between the controlling agency and the using agency includes any joint-use provisions which permit the controlling agency to route nonparticipating aircraft through the airspace.

**10. New chart Submitted/No Change:** Attach a chart of the area depicting, as applicable, aircraft operating areas, flight patterns, ordnance delivery areas, surface firing points, and target, fan, and impact areas. After once submitting an appropriate chart, annual charts are not required unless there is a change in the area, activity, or altitudes used, which would alter the depiction of the activities originally reported. If no change is to be submitted, indicate “No change.”

**11. Remarks:** Include any other information that should be considered by airspace reviewers. Explain reasons for apparent low utilization rates or large differences between “scheduled,” “activated,” and/or “utilized” data (e.g., extensive weather or maintenance cancellations and delays, unit deployments, etc.); or note recurring airspace denials or restrictions on use of the area imposed by the controlling agency.

## Section 8. SUA Review and Analysis

### 21-8-1. GENERAL

Under Title 49 U.S.C. 40101 the FAA is charged with ensuring the safe and efficient use of the nation's airspace. In carrying out this responsibility, the FAA must periodically review existing SUA and take appropriate airspace amendment action, if warranted, based on the findings of its review. The following paragraphs set forth SUA review policy and provide suggested analysis techniques for use by regional and headquarters airspace personnel.

### 21-8-2. POLICY

a. The service area office shall conduct an annual review of restricted areas, MOAs, and warning areas under its jurisdiction. CFAs and Alert Areas may be reviewed as deemed necessary by the service area office. The purpose of the annual review is to:

1. Confirm that the user has a continuing requirement for the airspace.
2. Determine if the airspace is being used for its designated purpose.
3. Determine if actual use supports the designated dimensions and times of use.
4. Determine if joint-use airspace is being released to the controlling agency when not needed for its designated purpose.
5. Determine if any adjustments should be considered to enhance the efficient use or management of the airspace.

b. When the review indicates that airspace amendment or other corrective action should be considered, the service area office shall discuss the findings with the respective regional military representative, or responsible official for non-military SUA, and determine an appropriate course of action.

### 21-8-3. SOURCES OF INFORMATION

There are a variety of sources of information pertinent to SUA utilization. Using agencies are required to submit annual reports on restricted areas and MOA utilization as described in Section 7 of this chapter. Additional information may be obtained through

coordination and research to augment these reports or to compile specific information about SUA areas that are not covered by the annual reporting requirement. Coordination with controlling agencies may be necessary to obtain detailed information regarding real-time use and area scheduling practices, or to identify airspace operational problems. The Special Use Airspace Management System (SAMS) will provide a more centralized and comprehensive source of SUA data for review purposes. As it becomes available, SAMS data should be incorporated into the review process. Additional sources of SUA information include:

- a. Controlling agency or using agency input.
- b. Regional/service area office SUA onsite review team reports.
- c. FAA Air Traffic Representative (ATREP) reports.
- d. SUA Letters of Agreement.
- e. User meeting feedback.
- f. Routine use of restrictions imposed by the controlling agency on the activation of SUA, or frequent denials of using agency activation requests.
- g. Recurring ATC problems, spill outs, or NMAC reports associated with the SUA being reviewed.

### 21-8-4. UTILIZATION STANDARDS

a. The General Accounting Office (GAO) recommended that the FAA establish standards to be used to measure the effectiveness of SUA utilization, and to serve as a starting point for regional/service area office discussions with the user about the possible need for an airspace amendment or revocation action. In fulfillment of the GAO recommendation, this paragraph presents a limited, basic standard to be considered when reviewing SUA utilization data. It applies primarily to the review of restricted area and MOA annual utilization reports, but may be used to evaluate other SUA areas where sufficient utilization data is available.

b. Reviewers are cautioned that many factors affecting SUA use cannot be quantified. Therefore, it is impractical to develop an all-encompassing

standard that would fully measure SUA effectiveness. A thorough evaluation of SUA will require a combination of utilization data analysis, plus a subjective review of each area with consideration given to any unique circumstances.

c. The following standard may be applied in reviewing SUA utilization data:

1. **Activities.** The activities conducted must be appropriate for the type and designated purpose of the SUA.

2. **Times of Use.** Hours actually utilized should equal at least 75 percent of the hours the area was activated, discounted for weather cancellations and delays, or loss of use for reasons beyond the using agency's control (as documented in the utilization report Remarks section).

3. **Designated Altitudes.** Activities conducted/altitudes used indicate a need for retaining the published altitude structure of the SUA area.

## 21-8-5. SUA REVIEW GUIDE

This paragraph may be used as a framework for conducting a review of SUA. It applies primarily to the review of restricted areas and MOAs for which annual reports are submitted. However, it may also be used for reviewing warning areas when sufficient utilization data are available. This should not be considered an all-inclusive list. Reviewers may modify the factors to be examined or the extent of the review based on the availability of information or to fit the specific area/situation under review. The following items should be evaluated:

a. **Activities.** Are the activities conducted appropriate for the type and purpose of the SUA area? If inappropriate activities are conducted, notify the military representative, or responsible official, that the activity must be terminated in that SUA area or an airspace proposal must be submitted to establish the proper category of SUA to accommodate the activity.

b. **Altitudes.** Does the actual use of altitudes support those specified in the descriptions? Are there less frequently used portions that could be subdivided as separate areas to enhance real-time joint use of the airspace? Are any portions of the vertical dimensions no longer required for the mission? If the

answers indicate a need for change, action should be initiated to amend the description.

c. **Times of Use.** Compare scheduled, activated, and actual utilized data. Low usage rates do not necessarily indicate a need to revoke or amend airspace. Consideration must be given to the designated purpose of the area and whether limitations were imposed on its use as a condition for the original establishment of the SUA. SUA may be established to accommodate less frequent activities such as certain research, test, and development profiles. Determining the continued requirement for, or validity of, such areas will require discussions with the user and cannot be determined strictly based on utilization times. Additionally, low or infrequent use may result from factors beyond the using agency's control, such as adverse weather, unit deployments, maintenance delays, ATC-imposed restrictions, etc.

1. Compare time actually utilized to time activated. This is the most important factor in analyzing SUA utilization. Significant disparity between the time activated and actually utilized may indicate inefficient airspace use and the need to improve real-time use procedures so that the airspace is released to the controlling agency for joint use when not needed by the user for its designated purpose. Determine whether the published times of use are valid or should be amended to match current mission requirements. If actual utilization is less than 75 percent of the time activated, coordinate with the regional military representative to determine the reason and whether corrective action is required. If information is available, the impact of weather and/or ATC delays on the actual utilization of the area should be considered when evaluating this item.

2. Compare scheduled use to published times of use. If scheduled use is significantly less than or greater than (e.g., by use of NOTAMs) the published times, discussions should be held with the user to determine if the published times should be amended to reflect current mission requirements.

3. Compare scheduled time to activated time. Is the amount of time the area is being activated consistent with the amount of scheduled use? A significant difference between these times may indicate a need to discuss real-time use or revalidate published times of use with the user. Consideration

should be given to the effects of weather or maintenance cancellations, or other factors limiting the using agency's use of the area.

**4. NOTAM Activation.** If a NOTAM provision is included in the SUA legal description, and activation by NOTAM is extensive or routine, consider whether it would be advantageous to increase the published times of use to include the routine NOTAM period. This action may better inform the flying public of expected area usage periods, and reduce NOTAM system workload.

**5. Intermittent Time of Use.** If regular use of the area occurs during a set time period daily, or if use has become other than sporadic, consider whether specific times of use should be published to better inform the flying public of expected area usage periods and reflect current mission requirements.

**d. Non-utilization of SUA.** A using agency is required to explain in the remarks section of its annual utilization report why it did not use the SUA area during an entire reporting period. If no such explanation is provided, request that the military representative or using agency provide the reasons and the using agency's plans for future use of the airspace.

**1.** If the user responds that the SUA is no longer required, initiate action to revoke the airspace.

**2.** If the user validates a continuing need for the airspace, coordinate with the user to determine if the area's dimensions and/or times of use remain valid or should be amended to reflect current requirements.

**3.** If the airspace remains unused for a second consecutive fiscal year period, inform the military representative of the FAA's intent to revoke the area unless additional justification for retaining the airspace is submitted.

**e. Joint-use and Real-time Use Procedures.** Evaluate the effectiveness of joint-use procedures and real-time activation/deactivation procedures (if applicable). Obtain input from the controlling agency as needed.

**1.** Are procedures for timely release of joint-use airspace contained in a letter of agreement?

**2.** Are real-time activation/deactivation procedures specified and used?

**f. Area Scheduling.** Does the using agency schedule the area in accordance with FAAO JO 7610.4, Special Operations, requirements?

**g. Aeronautical Charts and Publications.** Check the accuracy of SUA information shown on aeronautical charts and contained in applicable publications. Submit required corrections to Airspace and Rules for processing.

**h. Other Issues.** Determine if there are any other issues that require further investigation, such as:

**1.** Adverse impact on NAS operations.

**2.** Recurring spill outs.

**3.** Frequent instances of limitations on the use or activation of the SUA by the controlling agency.

## **21-8-6. SUA REVIEW FOLLOW UP ACTION**

The service area office's annual SUA review forms the basis for further discussions with user representatives to resolve any discrepancies noted or other issues that were identified. Results of the review should be documented and maintained on file in accordance with current administrative guidance. Regional/service area office follow up actions are dependent on the results of the review as follows:

**a.** If it is determined that the existing SUA parameters (times, altitudes, boundaries) are valid, no further action is required other than documentation of the review results.

**b.** If any SUA parameters are found to exceed the user's requirements or if it is determined that the SUA does not accommodate the user's current mission requirements, then the service area office should discuss the finding with the military representative/using agency official. When appropriate, the service area office should request the user to submit an airspace proposal to amend the SUA description.

## Section 9. SUA Review Teams

### 21-9-1. PURPOSE

**a.** A SUA Review Team is one option available to the service area office director for conducting the annual SUA review detailed in paragraph 21-8-2.

**b.** When this option is selected, the SUA Review Team shall:

**1.** Evaluate the need for, or obtain additional information regarding a specific SUA proposal; or

**2.** Develop recommendations for the retention, modification, or revocation of the SUA airspace based on actual utilization or a change in user requirements.

**c.** A team established for this type of review shall be dissolved upon completion of its overall conduct of the review.

### 21-9-2. TEAM COMPOSITION

Review teams shall be composed of at least two FAA members plus the regional military representative. The team membership shall be based on the requirements and purpose of the review. Members may be selected from the reviewing region/service area office, another service area office, concerned ATC facilities, or other FAA Headquarters (e.g., Strategic Operations Security or Safety Evaluations representative), regional, orfield offices, as required (e.g., Flight Standards or FPO).

### 21-9-3. RESPONSIBILITIES

**a.** When the service area office director determines that there is a need for a team to review a SUA, the service area office director shall designate a team chairperson who will be responsible for the overall conduct of the review.

**b.** The team chairperson shall:

**1.** Prepare an agenda and pre-brief team members on the purpose and procedures for the review.

**2.** Begin coordination sufficiently in advance to provide local officials with adequate time to prepare the required information.

**3.** Coordinate visits to military SUA sites through the appropriate regional military representative.

**4.** Determine if an informal airspace meeting should be held to allow users and other interested parties an opportunity to present comments and offer recommendations. If a meeting is planned, follow the informal airspace meeting procedures in Chapter 2 of this order.

**c.** The team shall examine:

**1.** The actual hours, altitudes, and geographical area used, the types of activities conducted, and the impact on other users.

**2.** Review the effectiveness of procedures for real-time, joint-use of the airspace, and identify problem areas or aeronautical impacts.

**3.** Draft recommendations to resolve problems, improve the efficient use of airspace, and/or enhance the service to the using agency.

### 21-9-4. TEAM REPORT

**a.** A report shall be prepared to document the results of the review. The report contents should include at a minimum:

**1.** Copies of notification memoranda.

**2.** A team member list.

**3.** An Executive Summary.

**4.** A description and chart of the SUA reviewed.

**5.** Team Observations and Recommendations.

**6.** An informal airspace meeting summary and copies of written comments submitted at the meeting (if applicable).

**7.** Supporting documents or source information (if applicable).

**(a)** SUA utilization data.

**(b)** Letters of Agreement.

**(c)** Other pertinent documents.

**b.** Within 60 days after completion of the review, the report shall be forwarded through the service area office director to the regional military representative,

or responsible official for nonmilitary SUA. A copy of the report shall be sent to Airspace and Rules and concerned ATC facilities.

#### **21-9-5. FOLLOW UP ACTION**

**a.** The regional military representative, or responsible official for non-military SUA, should respond to the report in writing within 60 days of receipt. If the user concurs with the team's observations and recommendations, the service area office shall coordinate with the user representative to initiate any required airspace action or other recommendations.

**b.** If the user does not agree with the stipulated recommendations, the service area office shall coordinate with the appropriate representative to resolve any issue(s). If agreement cannot be reached, the service area office shall forward its recommendation, along with an explanation of the user's position, to Airspace and Rules for further action. A copy of the region's/service area office's recommendation shall be provided to the appropriate user representative.

**c.** The service area office will monitor the status of open items until all required actions have been addressed.

# Chapter 22. Prohibited Areas

## Section 1. General

### 22-1-1. DEFINITION

A prohibited area is airspace established under 14 CFR part 73 provisions, within which no person may operate an aircraft without permission of the using agency.

### 22-1-2. PURPOSE

Prohibited areas are established when necessary to prohibit flight over an area on the surface in the interest of national security and welfare.

### 22-1-3. IDENTIFICATION

Identify prohibited areas with the prefix letter “P” followed by a dash, a two-digit number, location,

and the two-letter state abbreviation (e.g., “P-47, Amarillo, TX”). Identification numbers are assigned by Airspace and Rules.

### 22-1-4. DESCRIPTION

Prohibited areas normally extend from the surface upward to a specified altitude, with a “continuous” time of designation

### 22-1-5. WAIVERS/AUTHORIZATION

No person may conduct operations within a prohibited area except under a certificate of waiver issued by the Administrator.

## Section 2. Processing

### 22-2-1. SUBMISSION OF PROPOSALS

a. Submit prohibited area proposals to the service area office for processing in accordance with the requirements in Chapter 21 of this order. Although specifying a minimum processing time is impractical, at least 6 months would be needed for a routine, non-controversial proposal.

b. The restrictions imposed by a prohibited area may be highly controversial and require in-depth study as well as strong justification.

### 22-2-2. REGIONAL/SERVICE AREA OFFICE ACTIONS

After completing the requirements of Chapter 21, prohibited area proposals shall be forwarded to Airspace and Rules for final determination.

# Chapter 23. Restricted Areas

## Section 1. General

### 23-1-1. DEFINITION

A restricted area is airspace established under 14 CFR part 73 provisions, within which the flight of aircraft, while not wholly prohibited, is subject to restriction.

### 23-1-2. PURPOSE

Restricted areas are established when determined necessary to confine or segregate activities considered hazardous to nonparticipating aircraft.

### 23-1-3. IDENTIFICATION

Identify restricted areas with the letter “R” prefix followed by a dash, a four-digit number, a location, and the two-letter state abbreviation (e.g., R-2309, Yuma, AZ). A letter suffix is used to indicate area subdivisions. Airspace and Rules assigns identification numbers.

### 23-1-4. RESTRICTED AREA FLOOR

a. The restricted area floor may be established to the surface only when the using agency owns, leases, or by agreement, controls the underlying surface.

#### **NOTE-**

*Existing restricted areas established from the surface before December 1, 1967, are exempt from the “own, lease, or control” requirement. This remains valid until amendment action is taken which would expand the boundaries, altitudes, or times of use, or changes the designated purpose of the area. Nevertheless, using agencies of such restricted areas are encouraged to acquire sufficient control of the property to prevent possible disruption of that agency’s activities.*

b. Provisions must be made for aerial access to private and public use land beneath the restricted area, and to accommodate instrument arrivals/departures at affected airports with minimum delay.

c. The restricted area shall exclude the airspace 1,500 feet AGL and below within a 3 NM radius of airports available for public use. This exclusion may be increased if necessary based on unique circumstances.

### 23-1-5. JOINT USE

a. Restricted areas are established for joint use by assigning an ATC facility as the controlling agency, and by executing a joint use letter of procedure between the controlling and using agencies. The letter of procedure provides for the operation of nonparticipating IFR and/or VFR aircraft within the area. Flight within the restricted area is controlled by the using agency except when the area has been released to the controlling agency. During such periods, the controlling agency may permit nonparticipating aircraft operations in the restricted area.

b. Prepare letters of procedure in accordance with FAAO JO 7210.3, Facility Operation and Administration. The format of the letter may be modified as needed based on local requirements. The joint-use letter shall include procedures for the timely activation, release, or recall of the airspace. The letter may also specify conditions and procedures whereby the controlling agency may route traffic through the area while in use, if approved separation can be maintained between nonparticipating aircraft and the user’s activities.

c. The service area office shall be the approval authority for joint-use letters of procedure. This authority may be delegated to a FAA ATC facility designated as the controlling agency.

d. Requirements for coordination and communications between the controlling and using agencies concerning the activation and release of joint-use restricted areas shall be outlined in the letter of procedure. A record shall be made of all such communications. These records shall be retained in accordance with FAAO JO 7210.3, Facility Operation and Administration.

### 23-1-6. TEMPORARY RESTRICTED AREAS

a. Temporary restricted areas may be designated when necessary to accommodate hazardous activities associated with military exercises, test programs, etc.

**b.** Proponents shall be encouraged to seek permission from using agencies to conduct their activities within existing permanent restricted areas before submitting a request for designation of a temporary restricted area.

**c.** The duration of a temporary restricted area shall be specified in the NPRM/Final Rule.

## Section 2. Processing

### 23-2-1. SUBMISSION OF PROPOSALS

Submit restricted area proposals to the service area office at least 10 months prior to the desired effective date. The following schedule is an estimate of the minimum time needed to process proposals that require only routine coordination.

**NOTE-**

*Proposals that are complex, controversial, or require extensive environmental analysis could need up to 24 months or more additional processing time beyond that shown in TBL 23-2-1.*

*TBL 23-2-1*

Calendar Days	Action
D	Proposal received by FAA regional/service area office.
D+30	Proposal reviewed by region/service area office; aeronautical study initiated. Proposal sent to Airspace and Rules to begin Rulemaking Process.
D+95	Proposal reviewed by Airspace and Rules.
D+105	NPRM published in Federal Register; Public comments directed to appropriate region.
D+150	Public comment period ends.
D+180	Comments reviewed by the region/service area office, and recommendations sent to Airspace and Rules.
D+240	Headquarters review of proposal, comments, and regional/service area office recommendations. Final determination; Rule prepared and submitted to Federal Register.
D+250	Rule published in Federal Register (at least 30 days prior to effective date).
D+250-306	Within this time frame; NACO cutoff date, and Rule effective date.

### 23-2-2. TEMPORARY RESTRICTED AREA PROPOSALS

**a.** Temporary restricted areas are subject to the same rulemaking processing (e.g., NPRM and final rule) and environmental analysis requirements as permanent areas. However, since temporary restricted area effective dates are determined by the exercise or mission requirements rather than the standard 56-day en route chart cycle, a shorter overall processing time is the norm.

**b.** The FAA will attempt to accommodate changes in temporary restricted area requirements. Nonetheless, exercise planners should be aware that the Administrative Procedure Act requires public notice of the proposal and publication of the final rule at least 30 days before the airspace effective date. Moreover, these requirements may not permit late changes to the airspace proposed in the NPRM without causing a delay in the planned exercise start date. Significant changes to the proposal after the NPRM is published could necessitate an additional public comment period, further study of the aeronautical impact, and/or supplemental environmental analysis. Therefore, early planning, careful ground site selection, and close coordination between concerned parties throughout the entire planning process are essential. In selecting the ground site, specific attention must be given to the impact of the proposed temporary restricted area on existing aeronautical operations near the site. In any case, no change should be made within 45 days of the exercise start date unless:

1. It is absolutely essential to the safety and successful conduct of the exercise; or
2. To reduce the amount of airspace to be restricted.

**NOTE-**

*For processing times, see TBL 23-2-2. See FAAO JO 7610.4, chapter 2, Exercise Planning, for additional details.*

*TBL 23-2-2*

<b>Calendar Days</b>	<b>Action</b>
D	Proposal received by FAA regional/ service area office.
D+30	Proposal reviewed by region/service area office and submitted to Airspace and Rules; aeronautical study initiated as required.
D+95	Proposal received by Airspace and Rules, NACO coordination; NPRM sent to Federal Register. Comments directed to appropriate regional/ service area office.
D+105	NPRM published in Federal Register.
D+150	Public comment period ends.
D+180	Comments reviewed by region/ service area office; recommendation sent to Airspace and Rules.
D+240	Airspace and Rules review of proposal, comments, and regional/ service area office recommendation. Final determination. Rule prepared and sent to Federal Register. Graphic Notice sent to NOTAM Publication.
D+250	Rule published in Federal Register (at least 30 days prior to effective date).

# Chapter 24. Warning Areas

## Section 1. General

### 24-1-1. DEFINITION

A warning area is airspace of defined dimensions, (extending from 3 NM outward from the coast of the United States), designated to contain activity that may be hazardous to nonparticipating aircraft.

### 24-1-2. PURPOSE

The purpose of a warning area is to warn nonparticipating pilots of the potential danger from activities being conducted. A warning area may be located over domestic waters, international waters, or both.

### 24-1-3. IDENTIFICATION

Identify warning areas with the letter “W” prefix followed by a dash; a two- or three-digit number; a

location; and the two-letter state abbreviation (e.g., W-291, San Diego, CA). A letter suffix is used to indicate subdivisions. Identification numbers are assigned by Airspace and Rules.

### 24-1-4. JOINT USE

Warning areas may be considered for joint use if the area can be released to the FAA during periods when it is not required for its designated purpose, and provided the warning area is located in airspace wherein the FAA exercises ATC authority under ICAO agreements. When designating a warning area for joint use, a letter of agreement shall be executed between the controlling and using agencies to define the conditions and procedures under which the controlling agency may authorize nonparticipating aircraft to transit, or operate within the area. Apply the provisions of paragraph 23-1-5, as appropriate.

## Section 2. Processing

### 24-2-1. SUBMISSION OF PROPOSALS

TBL 24-2-1

Submit warning area proposals to the service area office at least 7 months prior to the desired effective date. The following schedule is an estimate of the minimum time needed to process proposals that require only routine coordination.

**NOTE-**

*Proposals that are complex or controversial could require significantly longer processing time than that shown in TBL 24-2-1.*

### 24-2-2. EXECUTIVE ORDER 10854 COORDINATION

In accordance with Executive Order 10854, all warning area proposals must be coordinated with the Departments of State and Defense. This coordination will be accomplished by Airspace and Rules.

Calendar Days	Action
D	Proposal received by FAA regional/service area office.
D+30	Proposal reviewed by region/service area office; aeronautical study initiated, as required Nonrule circular published.
D+75	Public comment period ends. Aeronautical study due.
D+105	Comments reviewed by region/service area office; recommendation sent to Airspace and Rules.
D+150	Executive Order 10854, NACO coordination, and final determination by Airspace and Rules.
D+160	NACO cutoff date. Warning area published in NFDD (on or before cutoff date for next available charting date).
D+240	Warning area effective date.

# Chapter 25. Military Operations Areas

## Section 1. General

### 25-1-1. DEFINITION

A military operations area (MOA) is airspace designated outside of Class A airspace, to separate or segregate certain nonhazardous military activities from IFR traffic and to identify for VFR traffic where these activities are conducted.

### 25-1-2. PURPOSE

MOAs are designated to contain nonhazardous, military flight activities including, but not limited to, air combat maneuvers, air intercepts, low altitude tactics, etc.

### 25-1-3. IDENTIFICATION

Identify a MOA by a name followed by the acronym MOA and the two-letter state abbreviation (e.g., Dome MOA, AZ). MOA subdivisions may be identified by a suffix consisting of a number, letter, cardinal point, or the terms "High" or "Low," (e.g., Moody 1; Gamecock B; Tiger North; Smoky High). Either the proponent or the service area office selects MOA names.

#### **NOTE-**

*Select an easily understood word. Lengthy or composite names are cumbersome and tend to be confusing when communicating and in charting.*

### 25-1-4. MOA FLOOR

MOAs may extend below 1,200 feet AGL if a mission requirement exists and there is minimal adverse aeronautical effect. Provisions must be made to enable aerial access to private and public use land beneath the area, and for terminal VFR and IFR flight operations. Provisions must also be made to accommodate instrument arrivals/departures at affected airports with minimum delay. The MOA shall exclude the airspace 1,500 feet AGL and below within a 3 NM radius of airports available for public use. This exclusion may be increased if necessary based on unique circumstances. If the MOA floor extends below 1,200 feet AGL over a charted private

airport, coordination should be effected with the airport operator to determine whether there would be any conflict between the MOA activity and airport operations.

### 25-1-5. LOCATION

MOAs should be located to create minimum adverse impact on nonparticipating aircraft operations. MOAs shall not be established offshore beyond the United States 12 NM territorial limit. To the extent possible, locate MOAs:

- a. Within 100 miles of the user's base of flight origin.
- b. Outside terminal area airspace, Federal airways, charted terminal VFR routes, and known high volume VFR flyways.
- c. Within radar and communications coverage of an ATC facility or MRU.

#### **NOTE-**

*Do not designate MOAs to overlap existing, charted Terminal Area VFR Routes, or charted VFR Flyways (See FAAO JO 7210.3, chapter 11, National Programs ).*

### 25-1-6. JOINT USE

a. In effect, MOAs are always joint use in that VFR aircraft are not denied access, and IFR aircraft may be routed through the airspace, by agreement between controlling and using agencies, when approved separation can be provided from the MOA activity.

b. Procedures for access to the airspace by nonparticipating IFR traffic shall be specified in a letter of agreement between the controlling and using agencies.

### 25-1-7. TEMPORARY MOAs

a. Temporary MOAs are designated to accommodate the military's need for additional airspace to periodically conduct exercises that supplement routine training. When existing airspace is inadequate to accommodate these short-term military

exercises, temporary MOAs may be established for a period not to exceed 45 days. On a case-by-case basis, Airspace and Rules may approve a longer period if the proponent provides justification for the increase.

**b.** When it is determined that the need for a temporary MOA will occur on a regular and continuing basis, the airspace should be considered for establishment as a permanent MOA with provisions for activation by NOTAM/Special Notice disseminated well in advance of scheduled exercises.

**c.** Once a temporary MOA is approved, the military shall be responsible for publicizing the exercise within 100 miles of the affected airspace. The publicity may be accomplished through the

public media, pilot forums, distribution of information bulletins to known aviation interests, etc.

#### **25-1-8. MOAs IN CLASS G AIRSPACE**

MOAs may be designated in Class G airspace. Using agencies and pilots operating in such MOAs should be aware that nonparticipating aircraft may legally operate IFR or VFR without an ATC clearance in these MOAs. Pilots of nonparticipating aircraft may operate VFR in Class G airspace in conditions as low as 1 statute mile flight visibility and clear of clouds (see Section 91.155 for complete Class G airspace VFR minima). Any special procedures regarding operations within MOAs that encompass Class G airspace should be included in a letter of agreement between the controlling and using agencies.

## Section 2. Processing

### 25-2-1. SUBMISSION OF PROPOSALS

Submit MOA proposals, other than temporary MOAs, to the service area office at least 8 months prior to the desired effective date (see paragraph 25-2-2 for temporary MOA proposals). The following schedule is an estimate of the minimum time needed to process proposals that are non-controversial, without significant aeronautical impact, and require only routine coordination.

**NOTE-**

*Proposals that are complex, controversial, or require extensive environmental analysis could need up to 24 months or more additional processing time beyond that shown in TBL 25-2-1.*

*TBL 25-2-1*

Calendar Days	Action
D	Proposal received by FAA regional/service area office.
D+30	Proposal reviewed by region/service area office. Nonrule circular published. Aeronautical study initiated, as required.
D+75	Public comment period ends. Aeronautical study due.
D+105	Comments reviewed by region and recommendation sent to Airspace and Rules.
D+165	Proposal, comments, and recommendation reviewed by Airspace and Rules. NACO coordination and final determination.
D+175	NACO cutoff date. MOA published in NFDD on or before this date.
D+231	MOA effective date and/or 56-day airspace effective date.

### 25-2-2. TEMPORARY MOA PROCESSING

**a.** Submit temporary MOA proposals to the service area office at least 4 months prior to desired

effective date (See TBL 25-2-2). When there is a known requirement for multiple activations of the same temporary MOA over a specific time period, proponents are encouraged to combine the requests into a single proposal covering the entire period. This will provide notice to the public that is more effective and reduce administrative processing workload.

**b.** Temporary MOA effective dates are determined by the exercise requirements rather than the 56-day en route chart cycle used for permanent SUA. Consequently, a shorter overall processing time is required.

**c.** See paragraph 21-1-15 of this order for graphic notice and narrative description information to be submitted with the proposal package.

**d.** For recurring temporary MOAs, an abbreviated proposal package may be submitted at the discretion of the service area office. See paragraph 21-3-4 of this order for details.

*TBL 25-2-2*

Calendar Days	Action
D	Proposal received by FAA regional/service area office.
D+30	Proposal reviewed by region/service area office; Nonrule circular published; aeronautical study initiated.
D+75	Public comment period ends. Aeronautical study due.
D+105	Comments reviewed by region/service area office. Recommendation sent to Airspace and Rules.
D+135	Proposal, comments, and recommendation reviewed by Airspace and Rules. NACO coordination and final determination. Graphic Notice sent to NOTAM Publication.

# Chapter 26. Alert Areas

## Section 1. General

### 26-1-1. DEFINITION

An alert area is airspace wherein a high volume of pilot training or an unusual type of aeronautical activity is conducted.

### 26-1-2. PURPOSE

Alert areas are designated to inform nonparticipating pilots of areas that contain a high volume of pilot training operations, or an unusual type of aeronautical activity, that they might not otherwise expect to encounter. Pilots are advised to be particularly alert when flying in these areas.

### 26-1-3. LOCATION

Alert areas shall not extend into Class A, B, C, and D airspace, or Class E airport surface areas. To the extent possible, alert areas should avoid Federal airways, major terminal areas, and high volume VFR routes. Once an alert area is designated, the establishment of Federal airways through such areas should be kept to a minimum.

### 26-1-4. ACTIVITIES

a. Only those activities that do not pose a hazard to other aircraft may be conducted in an alert area.

b. All alert area activities shall be conducted in accordance with visual flight rules, and in compliance with applicable Sections of 14 CFR.

c. Automated Flight Service Stations/Flight Service Stations may broadcast information regarding alert area activities as circumstances dictate.

### 26-1-5. IDENTIFICATION

Alert areas shall be identified by the letter "A" prefix followed by a dash, a two or three digit number, a location, and the two-letter state abbreviation (e.g., A-292, Pensacola, FL). A letter suffix is used to indicate subdivisions. Identification numbers are assigned by Airspace and Rules. Aeronautical charts shall be annotated to reflect the type of activity conducted in the alert area.

## Section 2. Criteria

### 26-2-1. GENERAL

**a.** Alert areas should be designated only at those locations where it is determined that either the volume of training operations, or the unusual aeronautical activity, is so unique that dissemination of the information would be of operational value to the flying public, and would significantly enhance aviation safety.

**NOTE-**

*Before proposing an alert area, consider whether the publication of an advisory note on aeronautical charts near the affected location would provide satisfactory notice of the activity to nonparticipating pilots.*

**b.** Alert areas may be designated for either military or civil aviation activities.

**c.** Since pilots should normally expect to encounter concentrated air traffic near major military and civil airports, the establishment of alert areas at such locations is not recommended in order to avoid diminishing the effectiveness of the alert area designation.

**d.** Alert areas should not be designated for activities where other approved charting symbology is more appropriate (e.g., Parachute Jumping Areas, Glider Operating Areas).

**e.** Establishment of an alert area is not a prerequisite to conduct any type of flight activity.

**f.** Other than the basic requirement to comply with applicable sections of 14 CFR, alert areas

do not impose any flight restrictions or communications or ATC clearance requirements on pilots either operating within, or transiting the area.

### 26-2-2. TYPES OF OPERATIONS

Limit the establishment of alert areas to the following types of operations:

**a.** Concentrated Student Training.

**1.** A high volume of flight training operations at one or more airports in a given area. The volume of activity should exceed 250,000 local operations (as defined in FAAO JO 7210.3, chapter 12, Facility Statistical Data, Reports, and Forms) annually and be generated primarily by student training in fixed-wing and/or rotary-wing aircraft.

**2.** A pilot training area beyond a 20 NM radius of the airport that contains unusually intensive training operations.

**b.** Unusual Aeronautical Activity. There are no specific criteria established for this category. Each proposal will be evaluated on a case-by-case basis to determine its significance to the flying public and aviation safety.

**NOTE-**

*One example of an alert area fitting this category is A-381, designated to identify the unusual concentration and volume of aviation activity in the U.S. Gulf Coast/Gulf of Mexico area.*

## Section 3. Processing

### 26-3-1. ALERT AREA PROPOSALS

*TBL 26-3-1*

Alert area proposals shall contain all applicable items listed in chapter 21, section 3 of this Order; except that designation of a controlling agency, completion of an aeronautical study, and FAA environmental analysis are not required.

### 26-3-2. SUBMISSION OF PROPOSALS

Submit alert area proposals to the service area office at least 6 months prior to the desired effective date. The following schedule is an estimate of the minimum time needed to process proposals that require only routine coordination.

**NOTE-**

*Controversial proposals may require significantly greater processing time than that shown in TBL 26-3-1.*

Calendar Days	Action
D	Proposal received by FAA regional/service area office.
D+30	Proposal reviewed by region/service area office. Nonrule circular published.
D+75	Public comment period ends.
D+105	Comments reviewed; recommendation sent to Airspace and Rules
D+135	NACO coordination; proposal, comments and recommendation reviewed by Airspace and Rules. Final determination.
D+145	Alert Area cutoff date and effective date published in NFDD.
D+145-201	Within this time frame; NACO cutoff date and Alert Area effective date.

# Chapter 27. Controlled Firing Areas

## Section 1. General

### 27-1-1. DEFINITION

A controlled firing area (CFA) is airspace designated to contain activities that if not conducted in a controlled environment would be hazardous to nonparticipating aircraft.

### 27-1-2. PURPOSE

CFAs provide a means to accommodate, without impact to aviation, certain hazardous activities that can be immediately suspended if a nonparticipating aircraft approaches the area.

### 27-1-3. CRITERIA

a. CFAs should be considered only when necessary to accommodate activities that are capable of being immediately suspended, and it has been specifically determined that designation of a restricted area is not warranted.

b. The distinguishing feature of a CFA, compared to other SUA, is that CFA activities shall be suspended immediately when a nonparticipating aircraft approaches the area. The responsibility lies totally with the CFA user to terminate activities so that there is no impact on aviation. There is no requirement for nonparticipating aircraft to avoid the airspace, nor are any communications or ATC separation requirements imposed.

### 27-1-4. CHARTING

CFAs are not depicted on aeronautical charts because the user terminates the activities when required to prevent endangering nonparticipating aircraft.

### 27-1-5. DIMENSIONS

Although there are no set limits to the dimensions of a CFA, the size of the area must be reasonable

considering the types of activities conducted, and surveillance, communications, and activity termination capabilities.

### 27-1-6. ACTIVITIES

a. Only those activities that can be immediately suspended on notice that a nonparticipating aircraft is approaching are appropriate for a CFA. Examples of such activities include:

1. Ordnance disposal.
2. Blasting.
3. Static testing of large rocket motors.

b. CFAs are not intended to contain aircraft ordnance delivery activities. Operation of observer or surveillance aircraft is permitted.

c. Other activities (e.g., artillery, etc.) may be considered provided they can meet the criteria and comply with the safety precautions prescribed in this chapter.

d. CFAs may be designated for either military or civil activities.

### 27-1-7. APPROVAL

The service area office is the approval authority for CFAs. For other than one-time events, CFAs should be approved for a specific period as determined by the service area office. An expiration date shall be assigned for each CFA.

### 27-1-8. SUSPENSION OR REVOCATION

The service area office may suspend or revoke a CFA if a question arises about the safety of the operation, compliance with safety precautions or conditions of approval, or if unforeseen impact on aeronautical operations occurs.

## Section 2. Processing

### 27-2-1. SUBMISSION REQUIREMENTS

Submit CFA proposals to the appropriate service area office at least 4 months prior to the desired effective date.

### 27-2-2. CFA PROPOSALS

CFA proposals shall include the applicable items from Chapter 21, Section 3. In addition, provide the following information:

- a. Justification for establishing a CFA instead of a restricted area.
- b. Surveillance and safety procedures to be applied.

### 27-2-3. REGIONAL/SERVICE AREA OFFICE ACTION

Upon receipt of a CFA proposal, the service area office shall:

- a. Assign a nonrulemaking study number.
- b. Determine if circularization of the proposal is required.
- c. Review the proposal for justification and compliance with CFA criteria.
- d. Determine if the proposed CFA would conflict with the requirements of other airspace users. Consider proximity of Federal airways, VFR flyways, etc.
- e. Evaluate the adequacy of surveillance and safety procedures.

f. Determine limitations, safety precautions, or other requirements to be observed as conditions of approval.

g. If the operation also requires a waiver to part 101, process that waiver and complete FAA Form 7711-1, Certificate of Waiver or Authorization.

h. Issue an approval letter to the proponent (see paragraph 27-2-4), or inform the proponent in writing if the CFA is disapproved.

### 27-2-4. APPROVAL LETTER

Inform the proponent in writing of the approval or renewal of the CFA. Include the following information as required:

- a. CFA description (boundaries, altitudes, and times of use).
- b. Activity for which the CFA is approved.
- c. Using agency name.
- d. Effective/expiration date(s).
- e. Conditions, operating limitations, and/or safety precautions to be observed (see Section 3 of this chapter).
- f. Additional provisions, if needed.
- g. Instructions for the user to notify the operators of airports in the vicinity of the CFA of the activities to be conducted, if required.
- h. If applicable, attach FAA Form 7711-1.
- i. Instructions and suspense date for submitting a CFA renewal request, if applicable.

## Section 3. Safety Precautions

### 27-3-1. USER RESPONSIBILITIES

The CFA user shall:

- a. Ensure that the activity is confined within the CFA.
- b. Cease hazardous activity immediately upon observation or notification that a nonparticipating aircraft is approaching the area. Resume the activity only after the aircraft is clear of the CFA.
- c. Make provisions to ensure the safety of persons or property on the surface, if applicable.
- d. Retain full legal responsibility in event of any incident resulting from the activity conducted in the CFA.

### 27-3-2. PRECAUTIONARY MEASURES

a. The service area office must be satisfied that adequate safety precautions are in place for each CFA. Specific precautionary measures established to protect nonparticipating aircraft and persons and property on the surface will depend on various factors such as the type of activity, terrain, CFA dimensions, etc. The following measures are considered the minimum required and are mandatory for all CFAs:

- 1. The user shall appoint a safety officer to ensure that operations are conducted according to the requirements of this Order, and the CFA approval letter.
- 2. The base of the clouds shall be at least 1,000 feet above the highest altitude affected by the hazardous activity.

3. Visibility shall be sufficient to allow visual surveillance of the entire CFA, plus a distance of 5 miles beyond the CFA boundary in all directions.

4. The CFA shall be clear of nonparticipating aircraft or personnel before starting, and while conducting hazardous activities.

5. Projectiles shall not enter any cloud formation.

b. The service area office may establish other ceiling and visibility requirements, or additional precautionary measures, as required by the specific case.

**NOTE-**

*CFA activities are terminated to avoid conflict with nonparticipating aircraft, therefore, there is no requirement for the issuance of a NOTAM.*

### 27-3-3. AREA SURVEILLANCE

a. Surveillance shall be continuously maintained immediately prior to and during the time that hazardous activity is in progress.

b. Surveillance may be accomplished by trained ground observers, aircraft, surface vessels, or a combination of methods. Radar may be used to supplement visual surveillance of the area.

c. A sufficient number of trained observers shall be used to ensure adequate coverage of the required area.

d. Observers shall be provided with continuous, effective communications with all firing points. If at any time communication is lost, hazardous activity shall cease until reliable communication is reestablished.

# Chapter 28. National Security Areas

## Section 1. General

### 28-1-1. DEFINITION

A National Security Area (NSA) consists of airspace of defined vertical and lateral dimensions established at locations where there is a requirement for increased security of ground facilities. Pilots are requested to voluntarily avoid flying through an NSA. When it is necessary to provide a greater level of security, flight in an NSA may be temporarily prohibited pursuant to the provisions of 14 CFR 99.7, Special Security Instructions. Where there is a need to restrict flight operations in an NSA, the required restriction will be issued by Airspace and Rules and disseminated via NOTAM.

### 28-1-2. PURPOSE

An NSA is designated to enhance national security and protect national assets.

### 28-1-3. CRITERIA

An NSA should be considered when a need to protect national assets or a need to protect an area in the interest of national security is identified.

### 28-1-4. DIMENSIONS

There are no standard dimensions for an NSA. The dimensions should be the minimum to promote the protection of the national asset or area identified.

### 28-1-5. CHARTING

NSAs shall be depicted on aeronautical charts to inform users of the NAS regarding their vertical and lateral dimensions. Additionally, a note shall be depicted on the chart adjacent to the NSA stating the requested avoidance altitude.

### 28-1-6. EXPIRATION, SUSPENSION, OR REVOCATION

An NSA does not expire. However, an NSA may be suspended or revoked at the discretion of Airspace and Rules.

## Section 2. Processing

### 28-2-1. NSA PROPOSALS

NSA proposals shall contain all applicable items listed in Chapter 21, Section 3, of this order. References to environmental analysis, ATCAAs, controlling agency, using agency, and times of use are not required.

### 28-2-2. SUBMISSION OF PROPOSALS

a. An NSA proposal may be initiated by any agency of the Federal government. Send any NSA proposal to the service area office at least 6 months prior to the desired effective date. Such requests shall include sufficient justification for the requested action.

b. Requests should be sent to the service area office responsible for the affected area.

### 28-2-3. REGIONAL/SERVICE AREA OFFICE PROCESSING

The service area office shall evaluate the effect of

proposals on aircraft operations in the NAS as specified in Chapter 21. The service area office shall then forward their recommendation and justification to Airspace and Rules for processing.

### 28-2-4. AIRSPACE AND RULES PROCESSING

Upon receipt of an NSA proposal, Airspace and Rules shall:

a. Review the proposal for justification and impact on aircraft operations in the NAS.

b. Coordinate the request as appropriate.

c. Approve or disapprove the request.

d. Forward the approved request to Aeronautical Information Management for charting.

e. Take action to suspend or revoke the NSA when it is no longer justified.

f. Take appropriate action to inform users of the designation, suspension, or revocation of the NSA.

**2-6-6. AGENDA ITEMS**

Agenda items may be included in the notice of informal airspace meeting or distributed separately. Agendas may also include airspace matters of a rulemaking and/or nonrulemaking nature. When not included in the notice of informal airspace meeting, they should be distributed at least 15 days before the meeting. Agendas involving Class B airspace proposals, shall be distributed at least 30 days prior to the meeting. Items concerning aeronautical studies not on the agenda should not be discussed except when the chairperson considers them appropriate.

**2-6-7. RECORD OF MEETINGS**

**a.** Official transcripts or minutes of informal airspace meetings shall not be taken or prepared. However, the chairperson shall prepare a memorandum for each of the discussed aeronautical study files listing attendees and a digest of the discussions held.

**b.** Written statements received from attendees during and after the informal airspace meeting shall also be included in the study files.

**c.** Forward one copy of the memorandum to Airspace and Rules.

# Chapter 32. Environmental Matters

## Section 1. General Information

### 32-1-1. PURPOSE

This section provides guidance and establishes policy and procedures to assist air traffic personnel in applying the requirements of FAAO 1050.1E, Environmental Impacts: Policies and Procedures, to proposed air traffic actions. The guidance in this chapter will assist air traffic personnel in determining the level of environmental study appropriate for a proposed action and in preparing the required environmental documentation.

The policies and procedures set forth in this chapter are intended to supplement the requirements of FAAO 1050.1E and other Department of Transportation and FAA directives.

Further, this chapter outlines the approach for considering environmental issues and helps reduce the complexity of the review process, while ensuring that the environmental process associated with proposed air traffic actions is thoroughly and properly documented.

### 32-1-2. POLICY

It is air traffic policy to use an interdisciplinary approach to assure compliance with all environmental laws and regulations. This policy requires that all projects be reviewed as early as possible to determine if there is the potential for impact to the quality of the human environment. All units of the Air Traffic Terminal, En Route and Oceanic, and System Operations Service Units shall adhere to the requirements in FAAO 1050.1E.

In addition, all units shall comply with the guidelines and directions detailed in this chapter whenever reviewing regulatory and nonregulatory airspace actions.

### 32-1-3. BACKGROUND

a. FAAO 1050.1E establishes policies and procedures and assigns responsibility for assuring FAA compliance with the National Environmental

Policy Act of 1969, as amended (NEPA), the implementing regulations issued by the Council on Environmental Quality (CEQ) (40 CFR parts 1500-1508), the Department of Transportation (DOT) Order 5610.1, FAAO 1050.1E, and other related statutes and directives.

b. The complexity of environmental issues associated with some air traffic activities necessitates a systematic and uniform approach to the environmental review process. This process must assess all impacts, as well as provide the data for preparing the necessary documentation.

c. FAAO 1050.1E provides the overall procedures and guidance for the FAA's environmental responsibilities. It is the intent of this chapter to complement, and not repeat in its entirety, what is already contained in FAAO 1050.1E. However, there are issues addressed in FAAO 1050.1E that require further detail for air traffic or additional emphasis to ensure they are properly addressed.

This chapter is designed to address these unique actions (i.e., special use airspace proposals) and provide the additional detail necessary for air traffic to conduct an adequate environmental review.

### 32-1-4. DELEGATION OF AUTHORITY

The Approving Official for Environmental Assessments (EAs), Findings of No Significant Impact (FONSIs) and Environmental Impact Statements (EISs) is the FAA official with signature authority for these documents. The FAA official with signature authority to approve a Record of Decision (ROD) is the decision-maker (see Order 1100.154A, Delegation of Authority).

a. The air traffic Facility Manager has signature authority for memoranda related to administrative actions listed in FAAO 1050.1E, paragraph 200e(4) and advisory actions discussed in FAAO 1050.1E, paragraphs 200e(1) and 301.

b. The Air Traffic Organization Terminal and En Route and Oceanic Operations Service Area

Directors have signature authority for Categorical Exclusions (CATEXs), EAs, FONSI, EISs, and RODs which are exclusively within the scope of a single Service Area, and may delegate this authority to a Manager within that Service Area. For Special Use Airspace (SUA) actions that require approval at the Headquarters level, the associated environmental document also requires approval and signature at the Headquarters level.

The Terminal Service Area is responsible for air traffic NEPA compliance for proposed actions within the jurisdiction of a terminal Air Traffic Control (ATC) facility.

The En Route and Oceanic Service Area is responsible for air traffic NEPA compliance for proposed actions not associated with an ATC terminal facility. Additionally, the En Route and Oceanic Service Area will be designated as the point of contact for the establishment or modification of SUA or Military Training Routes (MTRs) when requested by another Federal agency.

When a proposed action requires involvement by both the Terminal and En Route and Oceanic Service Area, the Terminal Service Area will be the lead entity for NEPA compliance.

c. The Terminal and/or En Route and Oceanic Service Unit Vice Presidents have signature authority to sign EAs, FONSI, EISs, and RODs that are beyond the scope of authority of a single Service Area.

d. The System Operations Airspace and AIM, Environmental Programs Group is responsible for coordinating environmental processes that cross Service Area boundaries.

### **32-1-5. RESPONSIBILITIES**

The order of delegated authority for air traffic environmental processes is as follows:

a. System Operations Service Unit, System Operations Airspace and AIM, Environmental Programs Group. The Environmental Programs Group has been delegated authority to direct and implement environmental policy and procedures for air traffic actions. It shall design and initiate training programs to educate air traffic personnel in Headquarters, in the Terminal and En Route and

Oceanic Service Areas and in air traffic field facilities on environmental laws, regulations, policies, and processes related to the implementation or revision of air traffic airspace and procedures.

The Environmental Programs Group shall direct and implement training for air traffic Environmental Specialists in the use of noise modeling tools (see subparagraph 32-1-5.b., Terminal and En Route and Oceanic Service Units and Service Areas). Additionally, the Environmental Programs Group shall serve as the air traffic focal point for the Headquarters Environmental Network chaired by the Office of Environment and Energy (AEE).

b. Terminal and En Route and Oceanic Service Units and Areas. The Vice Presidents of the Terminal and En Route and Oceanic Service Units have the final responsibility for ensuring that all appropriate environmental documentation within their area of jurisdiction is prepared accurately and completely.

The Terminal and En Route and Oceanic Service Area Directors shall be responsible for designating at least one person to serve as the Environmental Specialist within their Service Area to address air traffic environmental issues. Funding for training associated with the duties of the Environmental Specialist shall also be the responsibility of the Service Area Director (or the Director's designee).

In addition, the Service Area Director (or their designees) shall appoint a representative to serve as the focal point for their Service Area on the AEE Environmental Network. The representative shall coordinate any environmental activity in their Service Area with the Environmental Programs Group, as appropriate.

The Service Area Directors shall ensure that the Environmental Specialist attends the following training, as soon as practicable after their appointment to the position: 1) FAA Academy Courses #12000, Introduction to NEPA Requirements and Procedures (or an equivalent); 2) FAA Academy Course #50019, Airspace and Procedures (or an equivalent); 3) Community Involvement; 4) Integrated Noise Model (INM); and, 5) Noise Integrated Routing System (NIRS). Recurrent training to supplement these minimums should be provided, as appropriate.

c. Terminal and En Route and Oceanic Service Area Environmental Specialist.

1. The Service Area Environmental Specialist is responsible for reviewing environmental studies and forwarding written concurrence to the air traffic facilities originating any environmental documentation.

2. The Service Area Environmental Specialist shall provide guidance in and oversee the preparation of the air traffic initial environmental reviews (see Appendix 4), CATEXs, EAs, and EISs for air traffic actions.

3. The Service Area Environmental Specialist is responsible for preparation of FONSI and RODs for air traffic actions.

4. The Service Area Environmental Specialist shall coordinate requests for training by personnel within their Service Areas with the Environmental Programs Group.

5. The Service Area Environmental Specialist shall review NEPA documentation initiated by the Technical Service Areas. In addition, the Service Area Environmental Specialist shall cooperate with Airport District Offices or the Airport Division, within their jurisdiction, on the preparation of NEPA documents and Federal Aviation Regulation Part 150 studies undertaken by these offices. Review and comments by the Service Area Environmental Specialist shall be directed to those matters affecting the operation of the air traffic program. Comments shall be forwarded to the appropriate Airports Program office. The Service Area Environmental Specialist may also be requested to attend public meetings or hearings to provide support to the Facility, Service Area, or other lines of business convening the meeting or hearing.

6. The Service Area Environmental Specialist shall act as the FAA environmental point of contact when another Federal agency (e.g., Department of Defense (DOD)) requests FAA participation as a Cooperating Agency on air traffic or airspace actions.

**NOTE-**

*When a request for Cooperating Agency status is received from the DOD related to Special Use Airspace (SUA), a copy of Appendix 2 and Appendix 3, (flow charts for SUA environmental and aeronautical non-rulemaking and rulemaking actions, respectively) along with a copy of Appendix 4 (a summary of FAA procedures for processing DOD SUA actions), will be attached to the response. A copy of the response, which will also identify the Service*

*Area environmental point of contact, will be provided to the appropriate Service Area.*

Additionally, the Service Area Environmental Specialist shall review other agencies' environmental documentation when applicable (e.g., when the FAA is considering adopting the environmental documentation).

7. In the case of SUA actions, the Service Area Environmental Specialist shall review environmental studies in accordance with paragraph 32-2-3.

8. The Service Area Environmental Specialists shall coordinate with each other and with their counterparts in other agencies, as appropriate.

d. Air Route Traffic Control Center (Center), Terminal Radar Approach Control (TRACON), and Air Traffic Control Tower (ATCT) Facility Managers.

1. Center, TRACON, and ATCT Facility Managers shall be responsible for ensuring that all appropriate environmental documentation for proposed air traffic actions within their jurisdiction is prepared accurately and completely. These managers are responsible for recommending to the Service Area Environmental Specialist the appropriate level of environmental study.

For actions other than Advisory or Emergency Actions (as defined in FAAO 1050.1E), the Facility Manager shall ensure that, at a minimum, the Air Traffic Initial Environmental Review (IER) (see Appendix 5) is prepared and submitted to the Terminal or En Route and Oceanic Service Area Environmental Specialist along with the proposed action (see paragraph 32-2-1.a., Determination of Appropriate Environmental Documentation). Under some limited circumstances, the Service Area Environmental Specialist may waive the need for completion of the IER by substituting an appropriate level of documentation (i.e., memorandum to the file).

The ATCT Manager should be involved early in the design phase of a proposal to ensure that a full understanding of tower/airport operations is included in the alternatives development. The ATCT Manager is responsible for ensuring that information provided to the Center, and/or TRACON is complete and accurate.

The Facility Managers shall also be responsible for designating at least one facility staff specialist within their scope of operations to address environmental issues. The facility specialist may be required to perform his/her environmental duties on a full-time or collateral basis. The decision about the need for a full-time Environmental Specialist at a field facility shall be made by the Facility Manager.

The Facility Managers shall ensure that the specialist who performs environmental duties on a full-time basis attends the training specified in paragraph 32-1-5.b., Responsibilities, and numbered 1., 2., and 3., as soon as practicable. The INM and NIRS training are also recommended, but are not mandatory.

In addition, where other facilities have, or are authorized to have, an operations specialist (i.e., Plans and Programs Specialist, Procedure Specialists), to conduct environmental activities as a collateral duty, it is recommended that these specialists attend the above-referenced training.

**2.** The Facility Managers shall ensure that their facility is represented at Airport Program and other line of business NEPA and Airport Program Part 150 process meetings where decisions rendered could affect air traffic operations in their area of responsibility. The Facility Managers shall cooperate fully with operating divisions, airport sponsors, and contract support personnel in the environmental review processes. Additionally, air traffic attendance at these meetings does not necessarily constitute air traffic endorsement or sanction of the proposed action.

NEPA documents and FAR Part 150 studies must receive thorough review at the facility level.

Review and comments on Airport Program documents shall be directed to those matters that affect the operation of the air traffic program. Facility comments must be forwarded to the Service Area Environmental Specialist, not more than 15 days after receipt of the document or study. (Requests for longer periods of review shall be coordinated with the Service Area Environmental Specialist on an as-needed basis.) Prior to a facility submitting comments directly to other operating divisions, or airport sponsors, the facility point of contact shall discuss the issues with the Service Area Environmental Specialist.

Facility Managers (or their designees) shall not make or recommend a proposed flight track, route or air traffic flow as a preferred action for the sole purpose of noise abatement. They may, however, indicate if the proposed action is operationally feasible or safe (within the context of aircraft separation standards). The airport sponsor (operator) is solely responsible for the recommendation of noise abatement procedures.

**3.** The field facility is responsible for preparing the IER and recommending a CATEX, an EA or an EIS for new or revised air traffic procedures, or airspace modifications. After completion of the IER, the originating facility shall forward the recommendation for a CATEX, EA or EIS along with all the supporting documentation to the Service Area Environmental Specialist for review and approval. The Service Area Environmental Specialist shall then prepare the Categorical Exclusion Declaration (if appropriate) for signature by the Service Area Director (or the Director's designee).

## Section 2. Environmental Processing

### 32-2-1. PROCEDURES

The Terminal or En Route & Oceanic Service Area shall conduct the NEPA process for any proposed air traffic action in their area of jurisdiction with the potential to impact the human environment. Examples of air traffic actions include, but are not limited to, procedural changes that create new or alter existing flight tracks over noise sensitive areas or altitudes utilized by aircraft, certain SUA requests or changes, and initiatives effecting operational changes (e.g., changes in runway use percentage or heading). Environmental documentation for such actions must be completed prior to approval and subsequent implementation (see Appendix 1, "Environmental Study Process Flow Chart," for the steps from action concept to implementation).

If the FAA is not the proponent of the proposed action (e.g., the Department of Defense or an Airport Sponsor [the proponent] requests the FAA to take the action) then the proponent is responsible for funding and preparation of environmental documentation associated with the proposed action. FAAO 1050.1E, "Environmental Impact: Policies and Procedures," paragraph 203b and 203c discuss responsibility for preparation of EAs or EISs (respectively) where FAA must approve the project.

The proponent must prepare and submit the associated environmental documentation in conjunction with the proposed air traffic action, as follows:

**a. Determination of Appropriate Environmental Documentation.** The appropriate level of environmental documentation required must be determined after all portions of a proposed action have undergone the Air Traffic Initial Environmental Review (IER) (see Appendix 5). The IER must be used for all projects that will require headquarters-level funding for completion of the environmental process. For those projects not being funded at the headquarters level, completion of the IER is optional. Facility personnel and the Service Area Environmental Specialist must coordinate the IER process.

The completed IER, along with a recommendation as to whether the proposed action warrants no further environmental review, a CATEX, or preparation of an

EA or an EIS must be forwarded to the Service Area Environmental Specialist. Field personnel must consult FAAO 1050.1E before making a recommendation on the appropriate level of environmental review for a proposed action. Following are specific sections of FAAO 1050.1E that must be reviewed.

1. Advisory Actions, paragraph 301. A memorandum to the file may be the only documentation necessary.
2. Emergencies, paragraph 302.
3. Extraordinary Circumstances, paragraph 304.
4. Categorical Exclusion, paragraphs 303 and 307 through 312, and Extraordinary Circumstances, paragraph 304. Only those categorical exclusions listed may be cited.

A review of Paragraph 305 will assist in determining the appropriate level of environmental documentation required for a CATEX (see Appendix 6 for a "Sample Categorical Exclusion Declaration").

5. Chapter 4 of FAAO 1050.1E addresses EAs and FONSI's. A review of this chapter will assist in determining when to prepare these documents. The FAA may adopt, in whole or in part, an EA prepared by another Federal agency. Consult FAAO 1050.1E paragraph 404d to determine if the EA meets the criteria for FAA adoption.

6. Chapter 5 of FAAO 1050.1E addresses EISs and RODs. A review of this chapter will assist in determining when and how to prepare these documents.

7. A review of FAAO 1050.1E, Appendix A, Section 14 will assist in determining whether a noise analysis is warranted and if so, what type of analysis should be conducted. A noise analysis requires several different types of input data including radar data. This data is available to FAA personnel.

However, requests for the FAA to release radar data, to other than FAA personnel, for use in noise studies or NEPA documents should be via FAAO 1200.22C, Use of National Airspace System (NAS) Computer and Radar Data or Equipment by Outside Interests, or the Freedom of Information Act (FOIA) process. It may be simpler and more expedient to utilize the

FOIA process, as FOIA does not require use of the Data Release Review Committee or a Memorandum of Agreement between the FAA Field Facility and an Environmental Contractor. Consultation with the Service Area Environmental Specialist should occur if radar data is needed.

**b. Preparation of Environmental Documents.** Following are the various levels of environmental studies and documentation that may be prepared.

**1. No Further Environmental Action Required.** Following review and consultation, the field Facility Manager and Service Area Environmental Specialist may agree that no additional documentation is required. When this occurs, the originating facility shall prepare a memorandum to the file indicating the basis for this determination (e.g., that the proposed action is administrative or advisory in nature and does not require additional environmental study) and include references to the provisions of FAAO 1050.1E that support the determination.

**2. Actions Not Subject to NEPA Review.** See FAAO 1050.1E, paragraph 200e(4), for a list of actions that require no environmental study.

**3. Categorical Exclusions (CATEXs).** After completion of the IER (when applicable), the originating facility shall forward the IER and any supporting environmental documentation to the Service Area Environmental Specialist for concurrence. The Service Area Environmental Specialist shall then prepare the Categorical Exclusion Declaration (see Appendix 6) for signature by the Service Area Director (or the Director's designee). A CATEX does not apply to a proposal if extraordinary circumstances as described in FAAO 1050.1E, paragraph 304, exist.

**4. Environmental Assessments (EA).** Although the Facility manager shall make a recommendation on the level of environmental review, the Service Area Environmental Specialist shall make the final determination as to whether the proposed action warrants preparation of an EA or an EIS. For proposed actions that warrant an EA, the Service Area Environmental Specialist may need to request additional resources and information to support the proposal.

FAAO 1050.1E, chapter 4 summarizes and supplements requirements of CEQ for EAs. The CEQ regulations do not specify a required format for an

EA, however FAAO 1050.1E, paragraph 405, contains a sample format that will facilitate preparation of an EA, and integrate compliance with other environmental laws, regulations, and Executive Orders with NEPA review.

**5. Findings of No Significant Impact (FONSI).** If an EA reveals that a proposed air traffic action would not cause significant adverse impacts, the Service Area Environmental Specialist shall prepare a FONSI.

FAAO 1050.1E, paragraph 406, summarizes and supplements CEQ requirements for FONSI. The CEQ regulations do not specify a format for FONSI, but FONSI must contain the information discussed in 40 CFR 1508.13. The FONSI may be attached to an EA, may be combined with the EA in a single document, or may be a stand-alone document. Paragraph 406 should be reviewed in detail prior to completion of a FONSI to assist in determining the type of document to prepare. If the FONSI is not combined with or attached to an EA, it must include a summary of the EA and note any other environmental documented related to it. If the FONSI is attached or included with the EA, the FONSI does not need to repeat any of the discussions in the EA but may incorporate them by reference. All documentation relied upon must be made available to the public upon completion of the environmental process.

If mitigation is included as a requirement in the FONSI, appropriate follow-up actions must be taken to ensure that the required mitigation is implemented. The Service Area preparing the FONSI is responsible for ensuring that the required mitigation is implemented.

**6. Environmental Impact Statement (EIS).** If a proposed action requires preparation of an EIS, the Service Area Environmental Specialist shall advise the Area Director when there is a need to seek funding and/or resources for the EIS. Consultation with the Environmental Programs Group regarding projects at this stage is highly recommended. If an independent contractor is to prepare the EIS, the Service Area Environmental Specialist shall oversee the preparation to ensure compliance with FAAO 1050.1E, paragraphs 503 through 511.

**NOTE-**

*The Service Area Environmental Specialist shall ensure that all EAs and any subsequent EISs for proposed air traffic action within their area of jurisdiction meet the requirements of FAAO 1050.1E. The originating facility*

*is responsible for the accuracy of operational data and assumptions contained therein.*

7. Record of Decision (ROD). For all proposed air traffic actions that have been the subject of an EIS, the Service Area Environmental Specialist shall prepare a ROD in accordance with FAAO 1050.1E, paragraph 512. (For proposed air traffic actions for which a FONSI is prepared, the Service Area Environmental Specialist should consider preparing a ROD in accordance with FAAO 1050.1E, paragraph 408.)

If an independent contractor prepares the EIS, that contractor may also support preparation of the ROD. However, the ROD documents the agency's decision on the Federal action and remains the responsibility of the FAA.

### **32-2-2. FAR PART 150 STUDIES**

Airport Sponsors (Operators) may choose to conduct a FAR Part 150 study to analyze the operation of an airport, identify compatible and non-compatible land uses, and assess the costs and benefits of noise mitigation techniques. Noise Compatibility Programs that result from Part 150 studies often recommend modifications to air traffic routes and/or procedures to accomplish noise abatement. The FAA does not normally make changes in air traffic routes and/or procedures solely for the purpose of noise abatement. However, under Part 150, the FAA can approve flight procedures to reduce noise that are recommended in a Noise Compatibility Plan. If modifications to air traffic routes and/or procedures are recommended, air traffic will evaluate those recommendations as to feasibility and provide input to the appropriate Airports Program office.

While preparation of a FAR Part 150 study does not necessarily invoke NEPA, the potential implementation of recommended noise abatement measures, such as alternative air traffic procedures, is subject to the NEPA process by the air traffic program. During the Part 150 process, Facility Managers should keep the Airports Division or Airports District Office representative and the Service Area Environmental Specialist advised of any alternative air traffic control procedures that have the potential to invoke the NEPA process. The Facility Managers are responsible for ensuring that current operational data and assumptions (furnished to the entity completing the Part 150 process) are accurate and that future

operational data and assumptions reflect reasonable conditions. (Operational data in this context relates to flight track and profile data and/or documentation.)

The facility environmental representative and the Service Area Environmental Specialist shall coordinate with the Airports Division or Airports District Office representative throughout the Part 150 process. This coordination should ensure that assumptions and data used are reviewed at each phase and results can be verified early in the process. Early coordination will allow for needed adjustments in any operational assumptions prior to completion of the study.

The Service Area Environmental Specialist shall coordinate with the Airports Division or Airports District Office personnel to furnish any data necessary for use in the FAR Part 150 study. Additionally, air traffic participation in the process does not constitute air traffic approval for a FAR Part 150 action.

During other noise studies conducted by the Airport Sponsor, Facility Managers and Service Area Environmental Specialists shall work with the Airport Sponsor and Airports Program personnel on the exchange of information as described above.

### **32-2-3. SPECIAL USE AIRSPACE (SUA)**

The purpose of this section is to ensure that air traffic personnel and SUA proponents are aware of the need to comply with NEPA and CEQ requirements for evaluating the environmental impacts of proposed SUA actions. (See, e.g., FAAO 1050.1E, paragraph 401p.) This section supplements the airspace processing requirements contained in Part 5. of this document.

Normally, SUA is designated to support DOD requirements. The FAA/DOD Memorandum of Understanding (MOU) provided in Appendix 7, sets forth procedures and responsibilities for the evaluation of the environmental impacts of DOD SUA proposals. It designates when DOD is the lead agency and when FAA is the cooperating agency for NEPA compliance on SUA proposals.

Appendix 8, "FAA Special Use Airspace Environmental Processing Procedures," establishes air traffic environmental processing procedures for proposed SUA actions. In the case of SUA proposals submitted by non-DOD Federal agencies, the responsibility for

preparation of an EA or EIS, if required, rests with the proponent (i.e., the requesting Federal agency). However, the FAA retains responsibility under NEPA to ensure that its SUA actions are supported by adequate environmental documentation.

## **Section 3. Environmental Impact Categories and Other Topics**

Appendix A of FAAO 1050.1E, “Analysis of Environmental Impact Categories” summarizes the requirements and procedures for environmental impact analyses according to the resource impact category. Executive Orders, DOT and FAA Orders, and memoranda and guidance documents described in Appendix C of FAAO 1050.1E may also contain requirements that apply.

Although all resource impact categories may receive the same level of review and analysis, the actual level of detail of review and analysis for a particular resource is dependent upon the potential for impact. The following paragraphs address those impact categories that often do not receive an appropriate level of environmental review for proposed air traffic.

### **32-3-1. DEPARTMENT OF TRANSPORTATION (DOT) ACT SECTION 4(f) (RECODIFIED AS 49 USC SECTION 303(c))**

Air Traffic personnel need to consult with all appropriate Federal, state and local officials having jurisdiction over an affected Section 4(f) resource when determining whether project-related noise impacts would constitute a use of that resource.

FAAO 1050.1E, Appendix A, Section 6, provides guidance on matters relevant to Section 4(f). (See also Appendix 9, “Noise Policy for Management of Airspace Over Federally Managed Lands.”)

### **32-3-2. ENVIRONMENTAL JUSTICE (TITLE VI/NEPA)**

Air Traffic personnel need to know the process and requirements for environmental justice compliance.

DOT Order 5610.2, Environmental Justice, requires analysis of impacts of proposed FAA actions to ensure that minority and low-income population groups are not disproportionately affected. Additionally, FAAO 1050.1E, Appendix A, Section 16, summarizes the requirements and procedures to be used in environmental impact analysis related to environmental justice,

as well as other socioeconomic impacts and children’s environmental health and safety risks.

Facilities should identify who benefits and who is adversely affected by the proposed actions, while noting impacts on specific subgroups.

### **32-3-3. COMMUNITY INVOLVEMENT**

Air Traffic personnel need to ensure that the FAA fulfills the spirit and the letter of NEPA, and that the environmental process is legal and efficient. Community involvement at the earliest possible time in developing alternatives is essential in the preparation of an EIS and, where appropriate, for an EA. The Service Area Directors (or their designee) shall ensure that the community involvement process is coordinated appropriately during the alternatives development process for proposed modification to air traffic airspace and/or procedures (see FAAO 1050.1E, paragraphs 208 and 209, and the FAA’s “Community Involvement Policy” statement in Appendix 10 of this order).

### **32-3-4. CUMULATIVE IMPACTS**

Air Traffic personnel shall ensure that cumulative impacts are appropriately addressed in all EAs and EISs for air traffic actions. Cumulative impacts are those that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal and non-Federal) or person undertakes such other actions. Cumulative impacts may result from individually minor but collectively significant actions taking place over a period of time. (See FAAO 1050.1E, paragraph 405f(1)(c), and also “Considering Cumulative Effects Under the National Environmental Policy Act (1997).”)

### **32-3-5. OTHER CURRENT AIR TRAFFIC ISSUES**

Although there are other actions that may be initiated by Air Traffic to make changes in airspace and/or procedures, the following two categories are currently the largest. They have the potential to affect a number of field facilities and require the

involvement of additional personnel in the environmental review process.

**a. Performance-Based Navigation (RNAV/RNP by GPS/FMS Equipped Aircraft).**

The significant number of changes to airspace, route structures, and instrument approach and departure procedures precipitated by aircraft equipped with Global Positioning System (GPS) and Flight Management System (FMS) capabilities has the potential to cause a significant increase in actions affecting the environment.

Among these navigation systems are several concepts. For brevity, only two of these concepts will be addressed here; Area Navigation (RNAV) and Required Navigation Performance (RNP).

RNAV is a method of navigation that enables aircraft to fly on any desired flight path within the coverage of specific navigational aids (NAVAIDS) or within the capable limits of a self-contained system. RNAV can also be a combination of capabilities from a self-contained system and specific NAVAIDS.

RNP refers to RNAV operations that provide navigation containment and have flight monitoring capabilities.

The added flexibility and proliferation of these navigation systems has the potential to affect the human environment. This is due, in part to the introduction of instrument flight rules procedures not previously applied to low altitude aircraft operations, and the anticipated reduction in separation standards. It is imperative to fully examine and document the environmental impact of each step in the RNAV and RNP development process.

**b. National Airspace Redesign (NAR).**

The NAR is a program developed to review the design of all national airspace resources to ensure effective and efficient management of the national airspace system (NAS). The goals of the NAR are to:

1. Increase system flexibility, predictability, and access;
2. Maintain and improve system safety;
3. Improve efficiency and reduce delays; and
4. Support the evolution of emerging technologies.

Projects related to the NAR generally involve large-scale airspace changes that include multiple airports and terminal radar areas. It is generally the environmental process associated with these larger scale airspace changes that require completion of the Initial Environmental Review and funding at the headquarters level. Periodically there are other airspace changes, which may be related to larger-scale NAR projects but may only involve a single airport.

### **32-3-6. RECORDS RETENTION**

Records retention must be in accordance with the appropriate paragraph(s) in FAAO 1350.15, Records Organization, Transfer, and Destruction Standards.

**NOTE-**

*Although chapter 10 of FAAO 1350.15 contains Air Traffic-specific information, guidance for retention of environmental documentation is contained in that portion of the order specific to the Airports Division.*

Environmental record-keeping should receive special attention at the field facility level. If an action requires preparation of an EA or an EIS, the Service Area Environmental Specialist shall maintain the Administrative Record. The Administrative Record is important in the environmental process because it is a compilation of all the information relied upon by in the FAA decision-making process.

Since some environmental projects may extend over several years, the Administrative Record becomes a history of events. In the event of a legal challenge, the Administrative Record will be reviewed by the U.S. Court of Appeals to determine if the FAA complied with the requirements of NEPA. The data and documentation contained in the record can also be used as the starting point for any follow-on environmental studies.

Field facility personnel shall consult with their Service Area Environmental Specialist to obtain guidance on what should or should not become part of the Administrative Record. Regional counsel or AGC-620, as appropriate, should also be consulted on this. Federal court rules provide that when an FAA action is challenged in court, the agency has 40 days to compile the Administrative Record, make necessary copies, and file an index to the record with the court. Therefore, it is preferable to begin development of the record at an early stage of a project, instead of waiting until a lawsuit is filed.

**32-3-7. APPENDICES**

**a.** Appendix 1. Environmental Study Process Flow Chart.

**b.** Appendix 2. Special Use Airspace Aeronautical Processing Flow Chart

**c.** Appendix 3. Special Use Airspace Environmental Processing Flow Chart

**d.** Appendix 4. FAA Procedures for Processing SUA Actions Summary Table

**e.** Appendix 5. Air Traffic Initial Environmental Review (IER)

**f.** Appendix 6. Sample Categorical Exclusion Declaration.

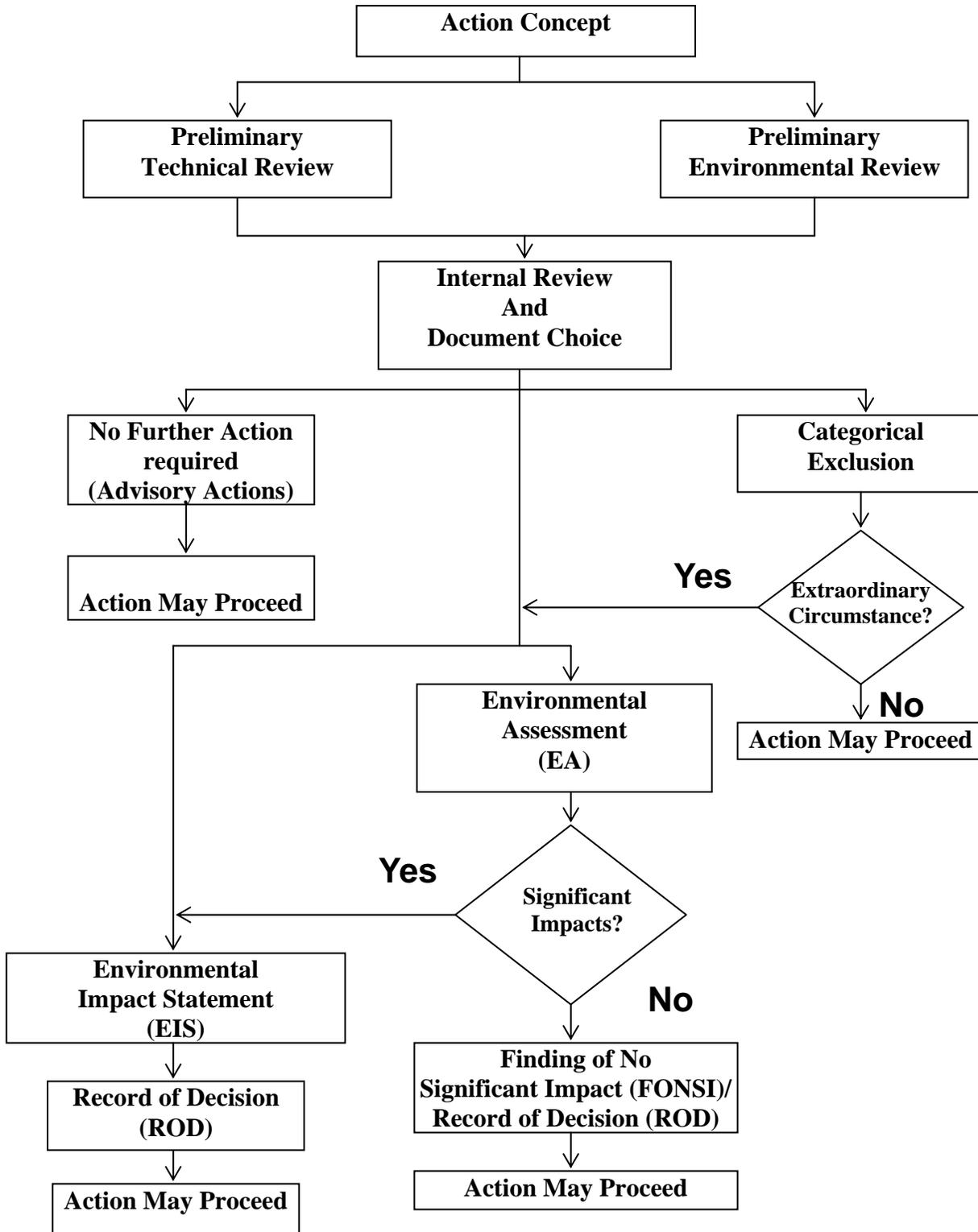
**g.** Appendix 7. FAA/DOD Memorandum of Understanding.

**h.** Appendix 8. FAA Special Use Airspace Environmental Processing Procedures.

**i.** Appendix 9. Noise Policy for Management of Airspace Over Federally Managed Lands.

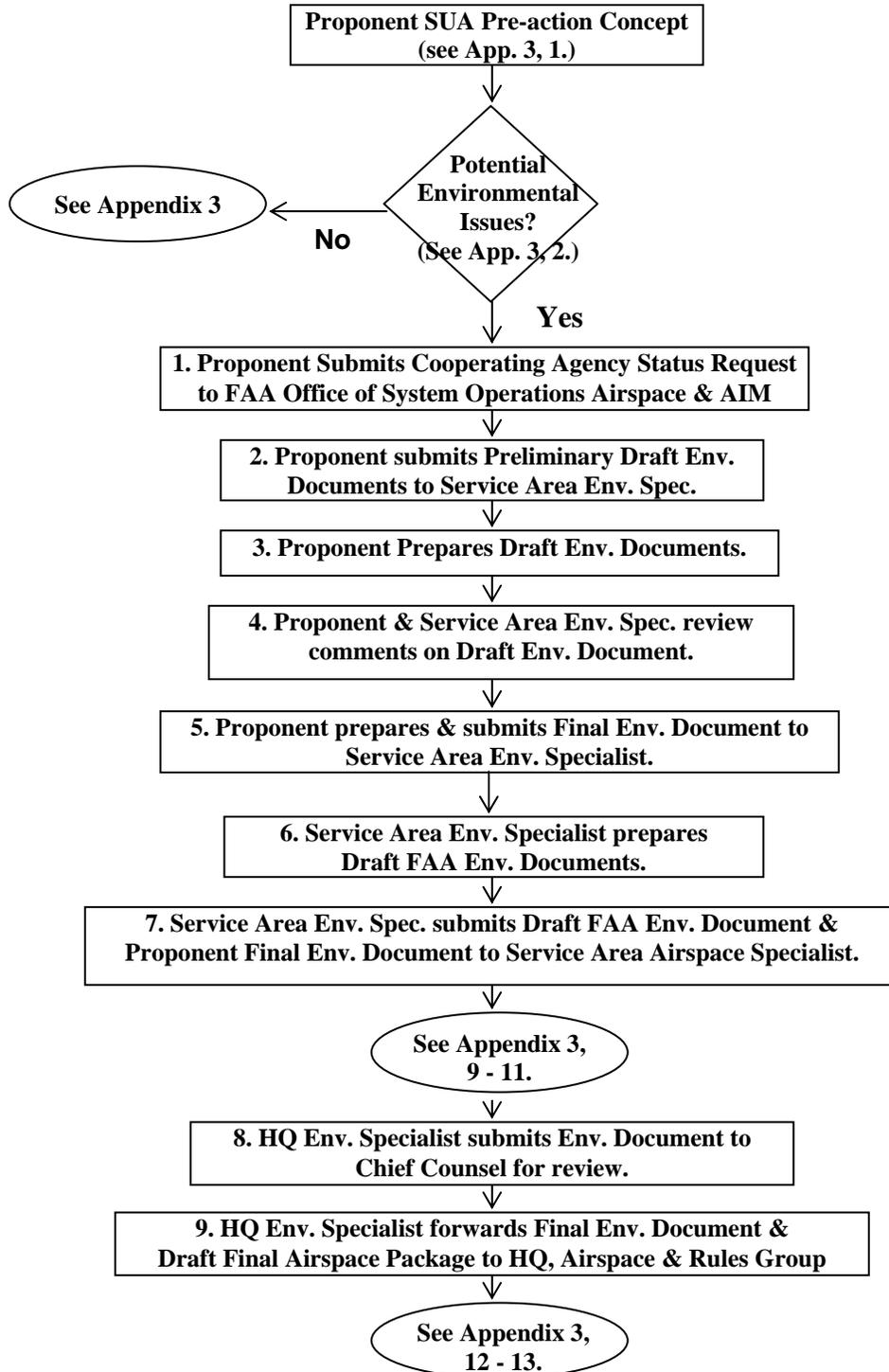
**j.** Appendix 10. Community Involvement Policy.

## Appendix 1. Environmental Study Process Flow Chart



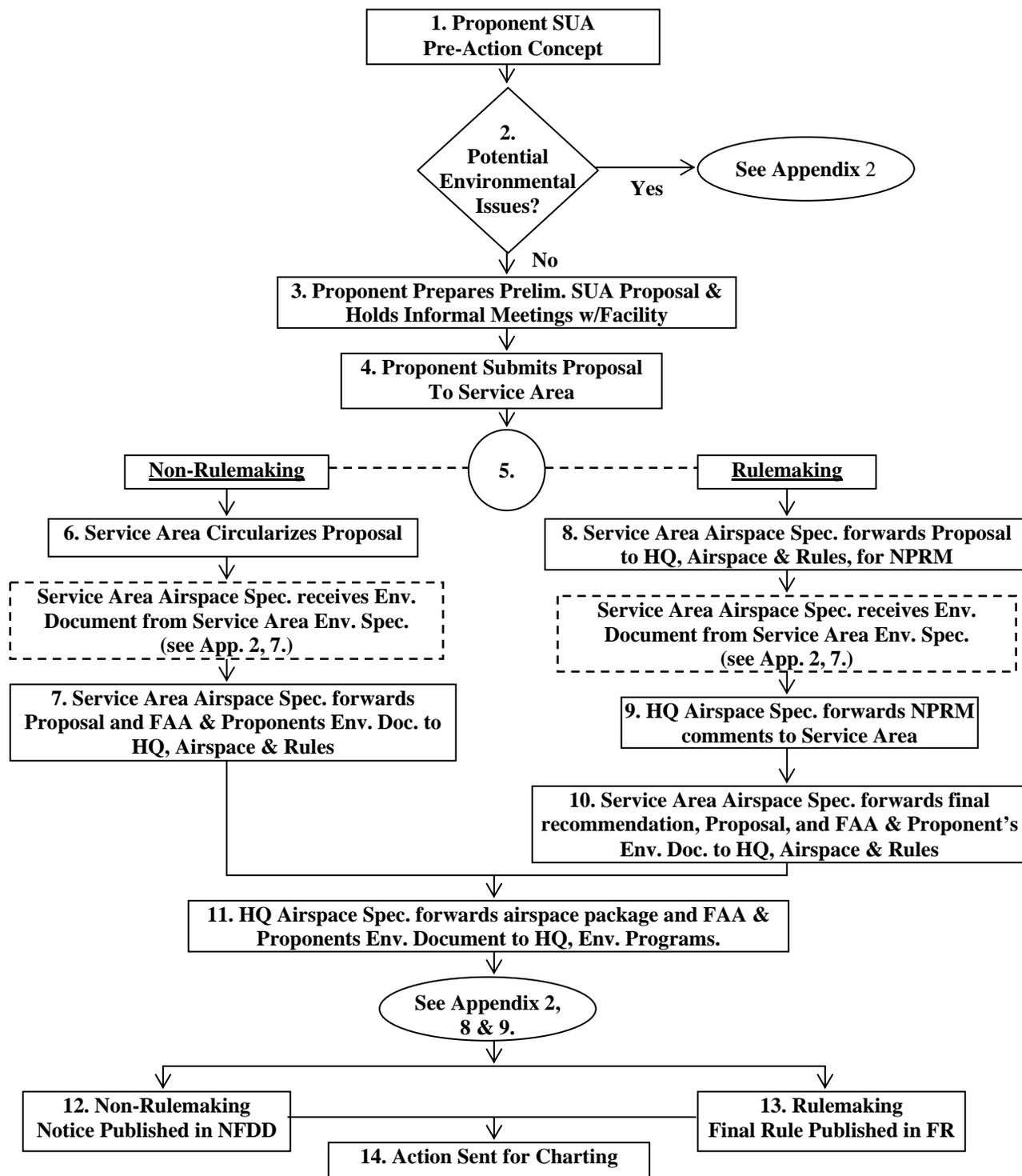
## Appendix 2. Procedures For Processing SUA Actions Environmental Process Flow Chart

(This Chart is for use with Appendix 4 and the numbers correlate to the numbers in the Environmental column of that table.)



## Appendix 3. Procedures For Processing SUA Actions Aeronautical Process Flow Chart

(This Appendix is for use with Appendix 4 and the numbers correlate to the numbers in the Aeronautical column of that table.)



## Appendix 4. FAA Procedures for Processing SUA Actions Aeronautical and Environmental Summary Table

(The aeronautical and environmental processes may not always occur in parallel.)

(This Appendix is for use with Appendix 2 and Appendix 3, and the numbers correlate to numbers on those charts.)

(See note below.)

<b>AERONAUTICAL</b>	<b>ENVIRONMENTAL</b>
<p>1. Proponent shall present to the Facility a Pre-draft concept (i.e., new/ revisions to SUA needed or required).</p>	<p>1. Proponent shall discuss with the Service Area, at the earliest time, the potential for environmental impacts associated with the proposal.</p>
	<p>2. If there is the potential for environmental impacts, Proponent shall make a request to the FAA for a Cooperating Agency (CA) status when Proponent decides to initiate the environmental process. Proponent shall forward the request to the Director of the System Operations Airspace and AIM. The Director will transmit the request to the Environmental Programs Group who prepares and forwards the response to Proponent. The Environmental Programs Group will send a courtesy copy of the response to the responsible Service Area. The Service Area environmental specialist works as the FAA point of contact throughout the process in development of any required environmental documentation.</p>
	<p>3. Proponent submits a Preliminary Draft EA or EIS to the Service Area environmental specialist.</p> <p>The Service Area environmental specialist shall provide comments, in consultation with the airspace specialist and the Environmental Programs Group, back to Proponent.</p>

<p>2. Proponent forwards the aeronautical proposal to the FAA Service Area for review and processing by the airspace specialist.</p>	<p>4. Proponent prepares a Draft EA or EIS with a 45-day public comment period. As the FAA CA point of contact, the Service Area environmental specialist reviews the associated draft environmental documentation to ensure that the Proponent addressed adequately all environmental concerns submitted on the Preliminary Draft. If required, the Service Area environmental specialist forwards the draft environmental documentation to the Environmental Programs Group for review and comment by the headquarters environmental specialist and the Office of Chief Counsel.</p>
<p>3. The Service Area airspace specialist, in accordance with this order, determines the type of airspace action(s) necessary, either Non-Rulemaking or Rulemaking. FAA Service Area and Proponent determine if informal Airspace Meetings are required.</p>	
<p><b>For Non-Rulemaking:</b></p>	
<p>4. The Service Area airspace specialist sends out a circularization with a 45-day public comment period. The Service Area airspace specialist reviews and prepares, in consultation with the Proponent, responses to the aeronautical comments from the study and circularization in accordance with Chapter 21 of this order.</p>	<p>5. The Proponent reviews comments received on their Draft EA/FONSI or EIS and prepares their responses to the comments, in consultation with the FAA and other cooperating agencies, if necessary, and in accordance with Chapter 32 of this order.</p>
	<p>6. Proponent prepares and submits their Final EA/FONSI or EIS/ROD to the Service Area environmental specialist.</p>
	<p>7. The Service Area environmental specialist prepares a Draft FAA FONSI/ROD or Draft FAA Adoption Document/ROD.</p>
	<p>8. The Service Area environmental specialist submits the Draft FAA FONSI/ROD or Draft FAA Adoption Document/ROD and the Proponent's Final EA/FONSI or EIS/ROD to the Service Area airspace specialist for inclusion with the airspace proposal package.</p>
<p>5. The Service Area airspace specialist then sends the completed package containing the aeronautical proposal, response to comments, Proponent's Final EA/FONSI, and the Draft FAA FONSI/ROD to the Headquarters Airspace and Rules Group with their recommendation.</p>	

<b>For Rulemaking:</b>	
<p>6. The Service Area airspace specialist sends the proposal to the Airspace and Rules Group who prepares a Notice of Proposed Rulemaking (NPRM). The Headquarters Airspace and Rules Group submits the NPRM for publication in the Federal Register with a 45-day comment period in accordance with Chapter 2 of this order.</p>	
<p>7. The Headquarters airspace specialist sends comments received on the NPRM to the Service Area airspace specialist for resolution.</p>	
<p>8. The Service Area airspace specialist then sends the completed package containing the response to comments, final service area recommendation, the proposal, Proponent’s Final EA/FONSI or EIS/ROD, and the Draft FAA FONSI/ROD or Draft FAA Adoption Document/ROD to the Headquarters Airspace and Rules Group for preparation of the Final Rule.</p>	
<p>9. The Headquarters airspace specialist forwards the draft final rule package or draft non-rulemaking case summary (NRCS) with all supporting documentation to the Headquarters Environmental Programs Group for review (after all aeronautical comments have been resolved).</p>	<p>9. The Headquarters environmental specialist reviews the package for environmental technical accuracy; then submits the environmental documentation to the Office of the Chief Counsel, Airports and Environmental Law Division, for legal sufficiency review (having collaborated throughout the process).</p>
	<p>10. The Chief Counsel’s environmental attorney’s comments are incorporated into the final FAA environmental decision and signed by Headquarters Environmental Programs Group Manager.</p> <p>The package is then returned to the Headquarters Airspace and Rules Group.</p>
<p>10. For Non-rulemaking: The non-rulemaking action is published in the National Flight Data Digest.</p> <p>11. For Rulemaking: The Final Rule is published in the Federal Register. The Final Rule will contain a reference to the decision rendered and location of documentation for the associated environmental process.</p>	

Consult the following documents throughout the process for further information:

- Council on Environmental Quality Regulations for Implementing the National Environmental Policy Act (NEPA), 40 CFR Parts 1500-1508
- FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures”
- FAA Order 7400.2, “Procedures for Handling Airspace Matters,” Part 5
- FAA Order 7400.2, Chapter 32, “Environmental Matters” and the associated appendixes (for specific SUA environmental direction)

**NOTE:** The time periods below are for a non-controversial aeronautical proposal and its associated environmental process. The time periods are for FAA review/processing only. Times for proponent and/or environmental contract support processing must be added.

**ENVIRONMENTAL:** The estimated time of completion for EA processing is 12 to 18 months or, for EIS processing, 18 to 36 months.

**AERONAUTICAL (Non-Rulemaking):** A minimum 4 months is required from submission of the Formal Airspace Proposal by the Proponent to the Service Area through completion of the circularization process. Additionally, a minimum of 6 months is required from submission of the Formal Airspace Proposal by the Service Area to Headquarters through completion of the charting process.

**AERONAUTICAL (Rulemaking):** A minimum 6 weeks for Service Area processing, and a minimum of 9 months to complete rulemaking once the formal package is received at Headquarters.

# Appendix 5. Air Traffic Initial Environmental Review

Facility/Office: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

(Also see Section X for the complete listing of preparers.)

=====
This initial environmental review should provide some basic information about the proposed project to better assist in preparing for the environmental analysis phase. Although it requests information in several categories, not all the data may be available initially. However, it does represent information, in accordance with FAAO 1050.1E, "Environmental Impacts: Policies and Procedures," which ultimately will be needed for preparation of the environmental document.

### Project Description

A. Attach copy of the most recent Project Status Report.

B. Has airspace modeling been conducted using SDAT, TAAM, TARGETS, or other airspace/air traffic design tool? [ ] Yes Model: \_\_\_\_\_ [ ] No

If yes, provide a summary of the output from the modeling.

C. Describe the present (no action alternative) procedure in full detail. Provide the necessary chart(s) depicting the current procedure. Describe the typical fleet mix, quantifying (if possible) the number of aircraft on the route and depict their altitude(s) along the route.

D. Describe the proposed project, providing the necessary chart(s) depicting changes. Describe changes to the fleet mix, numbers of aircraft on the new route, and their altitude(s), if any.

1. Will there be actions affecting changes in aircraft flights between the hours of 10 p.m. - 7 a.m. local? Yes [ ] No

2. Is a preferential runway use program presently in effect for the affected airport(s), formal or informal? [ ] Yes [ ] No

3. Will airport preferential runway configuration use change as a result of the proposed project? [ ] Yes [ ] No

4. Is the proposed project primarily designed for Visual Flight Rules (VFR), Instrument Flight Rules (IFR) operations, or both? [ ] VFR [ ] IFR [ ] Both

If this specifically involves a charted visual approach (CVA) procedure, provide a detailed local map indicating the route of the CVA, along with a discussion of the rationale for how the route was chosen.

5. Will there be a change in takeoff power requirements?  Yes  No

If so, what types of aircraft are involved, i.e., general aviation propeller-driven versus large air carrier jets?

6. Will all changes occur above 3,000 feet above ground level (AGL)?  Yes  No

What is the lowest altitude change on newly proposed routes or on existing routes that will receive an increase in operations?

7. Will there be actions involving civil jet aircraft (heavier than 75,000 pounds gross weight) arrival procedures between 3,000–7,000 feet AGL or departures between 3,000–10,000 feet AGL? Attach a copy of the completed Air Traffic Noise Screening (ATNS) Model report.

8. If noise analysis was already performed using the FAA's Integrated Noise Model (INM) or Noise Integrated Routing System (NIRS), provide a summary of the results.

### Purpose and Need

A. Describe the purpose and need for the proposed project. If detailed background information is available, summarize here and provide a copy as an attachment to this review.

B. What operational/economic/environmental benefits will result if this project is implemented?

1. If a delay reduction is anticipated, can the reduction be quantified?  Yes  No  N/A

2. Can reduced fuel costs/natural energy consumption be quantified?  Yes  No  N/A

If not quantifiable, describe the approximate anticipated benefits in lay terms.

C. Is the proposed project the result of a user or community request or regulatory mandate?

Community Request  Regulatory Mandate

If not, what necessitates this action?

### Describe the Affected Environment

A. Provide a description of the existing land use in the vicinity of the proposed project.

B. Will the proposed project introduce air traffic over noise sensitive areas not now affected?

Yes  No

Will they be affected to a  greater or  lesser extent?

**Note:** An area is noise sensitive if aircraft noise may interfere with the normal activities associated with the use of the land. See FAAO 1050.1E for full definition of noise sensitive areas.

C. Are wildlife refuge/management areas within the affected area of the proposed project?

Yes  No

If so, has there been any communication with the appropriate wildlife management regulatory (federal or state) agencies to determine if endangered or protected species inhabit the area?  Yes  No

1. At what altitude would aircraft overfly these habitats?

2. During what times of the day would operations be more/less frequent?

D. Are there cultural or scenic resources, of national, state, or local significance, such as national parks, outdoor amphitheatres, or stadiums in the affected area?  Yes  No

If so, during what time(s) of the day would operations occur that may impact these areas?

E. Has there been communication with air quality regulatory agencies to determine if the affected area is a non-attainment area (an area which exceeds the National Ambient Air Quality Standards for ozone, carbon monoxide, lead, particulate matter, sulfur dioxide, or nitrogen dioxide) or maintenance area (an area which was in non-attainment but subsequently upgraded to an attainment area) concerning air quality?

Yes  No

If yes, please explain:

F. Are there reservoirs or other public water supply systems in the affected area?

Yes  No

**Community Involvement**

Formal community involvement or public meetings/hearings may be required for the proposed project. Make a determination if the proposed project has the potential to become highly controversial. The effects of an action are considered highly controversial when reasonable disagreement exists over the project's risks of causing environmental harm. Opposition on environmental grounds by a Federal, State or local government agency or by a Tribe, or by a substantial number of the person affected by the action should be considered in determining whether reasonable disagreement regarding the effects of a proposed action exists (see FAAO1050.1E, paragraph 304i).

A. Have persons/officials who might have some need to know about the proposed project due to their location or by their function in the community been notified, consulted, or otherwise informed of this project?

Yes  No

1. Are local citizens and community leaders aware of the proposed project?

Yes  No

2. Are any  opposed to or  supporting it? If so, identify the parties and indicate the level of opposition and/or support.

a. If they are opposed, what is the basis of their opposition?

b. Has the FAA received one or more comments objecting to the proposed project on environmental grounds from local citizens or elected officials?  Yes  No

Has the FAA received one or more comments objecting to the proposed project on environmental grounds from local citizens or elected officials?  Yes  No

If so, state the nature of the comment and how the FAA was notified (e.g. resolution, Congressional, Public meeting/workshop, etc.).

1. Are the airport proprietor and users providing general support for the proposed project?

Yes  No

2. Is the proposed project consistent with local plans and development efforts?

Yes  No

3. Has there been any previous aircraft-related environmental or noise analysis, including
  - a. FAR Part 150 Studies, conducted at this location?  Yes  No
  - b. If so, was the study reviewed as a part of this initial review?  Yes  No  N/A

### Extraordinary Circumstances

The determination of whether a proposed action may have a significant environmental effect is made by considering any requirements applicable to the specific resource (see FAAO 1050.1E, Appendix A).

A. Will implementation of the proposed project result in any of the following? As stated in 1050.1E, paragraph 304, extraordinary circumstances exist when a proposed action involves any of the following circumstances AND may have a significant effect (40 CFR 1508.4).

1. An adverse effect on cultural resources protected under the National Historic Preservation Act of 1966, as amended (see FAAO 1050.1E, paragraph 304a).  Yes  No  Possibly

Comment:

2. An impact on properties protected under section 4(f) of the Department of Transportation Act (see paragraph 304b).  Yes  No  Possibly

Comment:

3. An impact on natural, ecological (e.g. invasive species) or scenic resources of Federal, Tribal, State, or local significance (for example, Federally listed or proposed endangered, threatened, or candidate species or proposed or designated critical habitat under the Endangered Species Act); resources protected by the Fish and Wildlife Coordination Act; wetlands; floodplains; prime, unique, State, or locally important farmlands; energy supply and natural resources; wild and scenic rivers, including study or eligible river segments; and solid waste management. (See paragraph 304c.)  Yes  No  Possibly

Comment:

4. A division or disruption of an established community; a disruption of orderly, planned development; or an inconsistency with plans or goals that have been adopted by the community in which the project is located (see paragraph 304d).  Yes  No  Possibly

Comment:

5. An increase in congestion from surface transportation, by causing a decrease in the Level of Service below the acceptable level determined by the appropriate transportation agency (i.e., a highway agency).

(See paragraph 304e.)  Yes  No  Possibly

Comment:

6. An impact on noise levels of noise-sensitive areas (see paragraph 304f).  Yes  No

Possibly

Comment:

7. An impact on air quality or a violation of local, State, Tribal, or Federal air quality standards under the Clean Air Act amendments of 1990 (see paragraph 304g).  Yes  No  Possibly

Comment:

8. An impact on water quality, sole source aquifers, a public water supply system, or State or Tribal water quality standards established under the Clean Water Act and the Safe Drinking Water Act (see paragraph 304h).  Yes  No  Possibly

Comment:

9. Effects on the quality of the human environment that are likely to be highly controversial on environmental grounds (see paragraph 304i).  Yes  No  Possibly

Comment:

10. Likelihood of an inconsistency with any Federal, State, Tribal, or local law relating to the environmental aspects of the proposed action (see paragraph 304j).  Yes  No  Possibly

Comment:

11. Likelihood of directly, indirectly, or cumulatively, creating a significant impact on the human environment (see paragraph 304k).  Yes  No  Possibly

Comment:

**Alternatives**

A. Are there alternatives to the proposed project?  Yes  No

If yes, describe any alternatives to the proposed action.

B. Please provide a summary description of alternatives eliminated and why.

**Mitigation**

Are there measures, which can be implemented that might mitigate any of the potential impacts, i.e., GPS/FMS plans, NAVAIDS, etc.?  Yes  No  N/A

**Cumulative Impacts**

What other projects (FAA, non-FAA, or non-aviation) are known to be planned, have been previously implemented, or are ongoing in the affected area that would contribute to the proposed project’s environmental impact?

**References/Correspondence**

Attach written correspondence, summarized phone contacts using Memorandums for the File, etc.

**Additional Preparers**

The person(s) listed below, in addition to the preparer indicated on page 1, are responsible for all or part of the information and representations contained herein:

- A. Name
- B. Title
- C. Facility/Agency/Company
- D. Telephone Number
- E. Specific area of Responsibility

**Facility/Service Area Conclusions**

This initial review and analysis indicates that extraordinary circumstances or other reasons exist that would cause the responsible federal official to believe that the proposed project might have the potential for causing significant environmental impacts.

The undersigned have determined that the proposed project may not qualify as a categorically excluded action in accordance with FAAO 1050.1E, and on this basis, recommend that further environmental review be conducted before the proposed project is implemented.

The undersigned recommend that the proposed project be submitted for environmental funding for preparation of an  EA  EIS  Not sure  more analysis is needed.

**Facility Manager Review/Concurrence**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Service Area Environmental Specialist Review/Concurrence**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Service Area Director Review/Concurrence, if necessary**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_



## Appendix 7. FAA/DOD Memorandum of Understanding

### MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL AVIATION ADMINISTRATION AND THE DEPARTMENT OF DEFENSE Concerning Environmental Review of Special Use Airspace Actions

#### I. Purpose and Scope.

The purpose of this Memorandum of Understanding (MOU) is to describe the guidelines for compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321) and the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508) without unnecessary duplication of effort by the Federal Aviation Administration (FAA) and the Department of Defense (DOD). This MOU promotes early coordination between FAA and DOD during the environmental review process associated with the establishment, designation, and modification of Special Use Airspace (SUA); permits the application of “lead agency“ and “cooperating agency” procedures to environmental assessments (EA) and findings of no significant impact as well as to environmental impact statements (EIS); and provides for the issuance of environmental documents for the development, designation, modification, and use of SUA.

#### II. Definitions.

The definitions contained in the CEQ Regulations (40 CFR Parts 1500-1508), FAA Orders, and relevant DOD and/or Service guidance are applicable to this MOU.

#### III. Designation of Lead and Cooperating Agency.

A. Introduction: The actions taken by DOD and FAA in the establishment, designation, or modification of SUA are subject to environmental impact evaluation pursuant to NEPA, as implemented by the CEQ regulations. The CEQ regulations encourage a lead agency be designated where related actions by several Federal agencies are involved.

The lead agency, in such instances, is responsible for consultation with other agencies, for coordination of appropriate environmental studies and evaluations, and for preparation of any NEPA-related determinations or documents in cooperation with other Federal agencies. Each agency recognizes the need to eliminate duplication. The cooperating agency assumes responsibility to independently review the environmental documents prepared by the lead agency and to assess whether the environmental documents meet the standards for adequacy under NEPA.

The DOD and the FAA will ensure appropriate consideration of all actions and impacts, including cumulative impacts. The resultant environmental documents of the lead agency are accepted and used in decisions and planning by all agencies involved with the proposed action.

B. Designation of lead agency. When the DOD proposes that the FAA establish, designate, or modify SUA, the DOD shall serve as the lead agency for the evaluation of environmental impacts and the preparation and

processing of environmental documents. However, when the FAA proposes the establishment, designation, or modification of SUA affecting DOD, the FAA shall serve as the lead agency for the evaluation of environmental impacts and the preparation and processing of environmental documents.

C. Designation of cooperating agency. When the DOD proposes that the FAA establish, designate, or modify SUA, the FAA shall act as a cooperating agency for the evaluation of environmental impacts. However, when the FAA proposes the establishment, designation, or modification of SUA affecting DOD, the DOD shall act as a cooperating agency for the evaluation of environmental impacts.

IV. Level of Environmental Documentation

A. General. Environmental documentation will be processed in accordance with applicable FAA Orders, and DOD and/or Service directives.

B. Categorical Exclusions. Where the actions of one agency are subject to a categorical exclusion (CATEX), and the actions of the other agency, with respect to the same SUA request, require an EA, the agency requiring the EA will prepare the appropriate environmental documentation. The applicability of a CATEX to parts of the actions of one of the agencies will be noted in the environmental document. The background information in support of CATEXs, identified by either DOD or FAA, shall be forwarded to the agency requiring preparation of the EA and may be used by either agency, as allowed by their respective regulations/directives. When the categorical exclusion of the proponent is not listed in FAAO 1050.1E, Chapter 3, which would require FAA to prepare the environmental documentation; FAA budget constraints may delay processing and implementation of a proponent’s proposal.

V. General Guidance

A. Scheduling. Whenever an action under this MOU requires cooperation or coordination between the FAA and DOD, the two agencies shall agree on a schedule to ensure that required actions are taken on a timely basis. Each agency will notify the other of any difficulty with meeting scheduled deadlines or any need to revise the schedule.

B. Resolution of disagreements. If the FAA and DOD fail to reach agreement at the normal working level on any issue relating to environmental processing of SUA proposals, the matter will be referred, in ascending order, as outlined in the table below. At any time, the FAA’s Office of the Chief Counsel and the Office of the General Counsel of the Service Department involved shall be consulted for assistance with legal issues.

Equivalent Levels of Responsibility for Resolution of Disagreements	
FAA Administrator	Service Secretary
Vice President, System Operations Services	Policy Board on Federal Aviation (PBFA) Principal Member
Director, System Operations & Safety	PBFA Alternate Principal Member
Manager, System Operations & Safety, Environmental Programs	PBFA Working Group Member

VI. Effective Date. This MOU shall become effective on the last signature date below and shall remain in effect until otherwise rescinded or modified by both signatory parties. If either party determines that it is necessary to amend this MOU, the other party shall be notified in writing of the specific change(s) desired, with proposed language and the reason(s) for the amendment. The proposed amendment shall become effective upon written agreement of both parties.

SIGNED:

DATE: October 4, 2005

Carl P. McCullough  
Department of Defense

Michael A. Cirillo  
Federal Aviation Administration

## Appendix 8. FAA Special Use Airspace Environmental Processing Procedures

### 1. GENERAL.

This appendix provides guidance for FAA participation in the environmental review of proposed special use airspace (SUA) actions. The requirements in this appendix are in addition to the airspace proposal processing procedures contained in this order. The aeronautical and environmental processes for SUA proposals involve some overlap and the actions taken, or modifications made, to the proposal in one process may affect the actions required and/or the outcome of the other process.

### 2. BACKGROUND.

a. The SUA program is designed to accommodate national security requirements and military training activities wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations.

b. SUA proposals are subject to both NEPA and aeronautical processing requirements. Since the FAA is the approval authority for SUA actions, the agency cannot make a final decision on any particular SUA proposal prior to the completion of the NEPA and aeronautical processing phases.

### 3. POLICIES.

The following policies apply to the processing of SUA proposals:

a. In addition to responsibilities of a cooperating agency as defined in 40 CFR Parts 1500–1508, FAA shall:

1. Provide to DOD information and technical expertise within the special expertise and jurisdiction of the FAA as it relates to the proposed action.
2. Resolve or respond to environmental issues raised during the NEPA process relating to aeronautical issues.
3. If an EA or EIS is required, identify and evaluate the environmental impacts relating to the proposal.
4. Furnish to DOD the names of organizations, agencies, or other parties the FAA believes may be interested in the DOD proposal.
5. Notify and coordinate FAA proposed airspace actions with DOD components that may be affected.

b. FAA Participation in NEPA Meetings. The FAA shall participate in scoping, interagency, and public NEPA meetings conducted by the proponent. The Air Traffic Service Area Director (or the Director's Designee) with responsibility for Cooperating Agency participation will determine FAA representation in the meetings. When FAA personnel participate in such meetings:

1. The audience shall be informed that FAA participation is to provide aeronautical technical expertise and is not to be construed as FAA endorsement or support of any SUA proposal, and that no decisions concerning the proposal will be made at the meeting.
2. If requested, the FAA will provide an overview of the procedures followed by the FAA for processing SUA proposals.
3. The FAA will advise the audience of the Service Area handling the processing of the aeronautical proposal. Additionally, the audience should be advised that written comments on the aeronautical aspects of the proposal should be submitted during the public comment period associated with the aeronautical circularization.

c. FAA NEPA Compliance Options. In accordance with CEQ regulations, the FAA shall participate in the NEPA process as a cooperating agency. The FAA may adopt an EA or EIS prepared by DOD if the FAA independently evaluates the information in the document and takes full responsibility for the scope and content that addresses FAA actions. Where the proponent's NEPA documentation is insufficient, additional NEPA documentation will be required before the FAA can make a final decision. The FAA may ask the applicant to correct any deficiencies and re-submit the assessment if the FAA is not satisfied (see FAAO 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 203b). The FAA must issue its own FONSI and/or ROD. See FAAO 1050.1E, paragraphs 404d and 518h.

d. Time Limits for Final Environmental Impact Statements (EISs). If three years have expired following the approval of a final EIS, and major steps towards implementation have not commenced, a written reevaluation of the adequacy, accuracy, and validity of the final EIS shall be prepared by the proponent. Written reevaluations must comply with the requirements set forth in FAAO 1050.1E, paragraph 515. The proponent may also elect to prepare new documentation if circumstances dictate.

#### 4. LEAD AND COOPERATING AGENCIES.

The FAA/DOD MOU provides for the application of "lead agency" and "cooperating agency" responsibilities in the SUA environmental process. When the DOD is the proponent, the DOD will serve as lead agency for the evaluation of SUA environmental impacts and the preparation and processing of environmental documents.

a. The DOD, as lead agency, will determine whether an SUA proposal:

1. Is a major action significantly affecting the quality of the human environment requiring an environmental impact statement (EIS);

2. Requires an environmental assessment (EA); or,

3. Is categorically excluded in accordance with FAAO 1050.1E, paragraphs 307 through 311.

These determinations shall be coordinated with the FAA at the earliest possible time to prevent delay in preparation of any required NEPA documentation.

b. The appropriate FAA Service Area, as identified in response to a request to participate, will act as the point of contact for Cooperating Agency status during the evaluation of the proposal's environmental study. FAA may use documents prepared by the proponent in its environmental process, provided the FAA has independently reviewed the scope and content of the documentation and assumes responsibility as described in subparagraph 3c, above. (See FAAO 1050.1E, paragraphs 404d and 518.)

c. Where the actions of one agency are subject to a categorical exclusion and the actions of the other agency with respect to the same SUA is not subject to a categorical exclusion, then the other agency will prepare the appropriate environmental documentation. The applicability of a categorical exclusion to parts of the action will be noted in the environmental document. FAA budget constraints may delay processing and implementation of a proponent's proposal when the categorical exclusion of the proponent is not listed in FAAO 1050.1E, Chapter 3.

#### 5. SUA ENVIRONMENTAL CONCERNS.

In addition to other environmental considerations required under NEPA, CEQ regulations, and FAAO 1050.1E, the following are items the FAA expects to be considered, if applicable, in SUA environmental documents. This list should not be considered all-inclusive:

a. Other Times by NOTAM. When specified in the proposal, this provision permits access to the SUA area 24 hours per day. The environmental document must address the potential impact for use of the SUA during the "other times by NOTAM" period.

b. Flares and Chaff. Address the potential impact of flare and/or chaff use when this activity is specified in the SUA proposal.

c. "No Action Alternative." Include discussion of this alternative.

- d. Coastal Zone Consistency Determination. Include if applicable.
- e. Proposed Airspace Parameters. The environmental analysis in the EA or EIS for the SUA proposal must match the airspace parameters contained in the SUA proposal (i.e., boundaries, altitudes, times of use, and type and extent of activities).
- f. Non-participating Aircraft. Include a discussion of the effect of the SUA proposed action on non-participating aircraft, if applicable.
- g. Mitigation. As defined in CEQ regulations, mitigation includes:
  - 1. Avoiding the impact altogether by not taking a certain action or parts of an action;
  - 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
  - 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
  - 5. Compensating for the impact by replacing or providing substitute resources or environments.
- h. Cumulative Impacts. Cumulative impacts on the environment are those that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal and Non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.
- i. Consultation. Consultation shall be conducted in accordance with the National Historic Preservation Act, Section 106; the Endangered Species Act, Section 7; FAAO 1210.20 “American Indian and Alaska Native Tribal Consultation Policy and Procedures,” and other applicable laws, regulations, and Department of Transportation and FAA Orders.

## 6. INTERAGENCY SUA ENVIRONMENTAL PLANNING MEETING.

To facilitate early coordination between the FAA and the DOD proponent, the DOD proponent shall make a request to the FAA for Cooperating Agency status as soon as the proponent decides to initiate the environmental process.

When the FAA is invited to participate as a cooperating agency, it is suggested that a planning meeting be held as soon as practical. The agenda of the meeting should be based on the type of SUA proposal, the extent of the planned environmental analysis.

- a. The appropriate Regional Military Representative (Milrep) will coordinate the proponent’s request for a planning meeting with the appropriate Service Area Director (or their designee). Representatives of the FAA, the proponent, and the proponent’s NEPA consultant, if any, should be invited to participate by the military representative.
- b. The meeting should include discussion of pertinent issues, including but not limited to:
  - 1. The type of SUA proposal to be submitted,
  - 2. Identification of points-of-contact and establishment of liaison between concerned parties,
  - 3. Determination of the appropriate type of environmental documentation,
  - 4. The appropriate extent of FAA participation,
  - 5. Identification of potentially significant impacts,
  - 6. Consideration of the need for scoping, interagency, and/or other public meetings,
  - 7. Setting processing milestones,
  - 8. Clarifying any questions the proponent may have regarding the FAA’s requirements for the environmental analysis and documentation; and,
  - 9. Exchange of information on any environmental and/or aeronautical concerns in the area of potential effect.
- c. At the meeting, the Service Area airspace representative should:

1. Brief attendees on the airspace processing procedures in Part 5. of this order that will apply to the SUA proposal.

2. Encourage the proponent to work proactively with aviation user groups and individuals to address aeronautical issues as they arise. This should ensure early consideration of aeronautical mitigation.

- d. At the meeting, the Service Area environmental representative should:

1. Brief attendees on the environmental processing procedures in FAAO 1050.1E and Chapter 32 of this order that apply to the SUA proposal.

2. Encourage the proponent to work proactively with other Federal, State, and Local agencies; Tribal Governments; and the public on environmental concerns as they arise. This will ensure that mitigation to address environmental concerns is considered early in the process.

3. Advise attendees that the FAA cannot render a final determination on the environmental effects of the SUA proposal until after completion of the proponent's environmental process, the FAA's aeronautical process, the FAA's independent review of the proponent's environmental documentation, and any additional environmental analyses conducted by the FAA.

- e. The meeting format may be tailored to the needs of the specific proposal. It may be conducted by a teleconference, if permitted by the scope of the proposal or if necessary due to funding or other constraints.

- f. Additional meetings should be scheduled as needed to discuss changes, revise milestones, share updated environmental and/or aeronautical impact data or public comments, discuss alteration of the proposal in order to mitigate valid aeronautical objections, incorporate agreements by the proponent to mitigate environmental impacts, or discuss other matters.

## 7. RELATIONSHIPS AND TIMING OF ENVIRONMENTAL AND AERONAUTICAL PROCESSES.

- a. SUA proposals are subject to both environmental and aeronautical processing requirements. These processes are separate but closely related. Any actions by a proponent to mitigate environmental impacts, and/or changes to the proposal to address valid aeronautical objections, may alter the type and extent of environmental analysis required.

- b. Normally, the SUA proponent will initiate the environmental process well in advance of submitting an actual SUA proposal to the FAA for review. The appropriate Milrep should inform the appropriate Service Area as soon as possible after receiving notice that a DOD proponent plans to initiate the environmental study process. A letter requesting FAA participation in the environmental study process as a Cooperating Agency should be forwarded to the Director of the Office of System Operations Airspace and Aeronautical Information Management (AIM), at FAA Headquarters.

- c. Proponents should submit SUA proposals to the FAA Service Area prior to completion of the NEPA process. This will enable the FAA to initiate the aeronautical processing phase prior to completion of any required NEPA documents, which will facilitate the earlier consideration of aeronautical factors that may result in modification of the proposal and may affect the environmental analysis. In all cases, the FAA will defer a final decision on the proposal until the required NEPA process is completed.

- d. During the aeronautical processing of a proposal with alternatives, only the alternative submitted to the FAA in accordance with Part 5. of this order will be subjected to the aeronautical process described in this order (i.e., non-rulemaking circularization or Notice of Proposed Rulemaking (NPRM)) by the FAA. However, all reasonable alternatives, including the alternative of no action, must be evaluated in the environmental document.

## 8. SERVICE AREA PROCEDURES.

a. Normally, FAA participation in the SUA environmental process will begin at the headquarters level with a request by the proponent of an SUA proposal for the FAA to participate in the process as a Cooperating Agency. However, the FAA point of contact will generally be a representative from the Air Traffic Organization at the Service Area level. Close coordination is required between the Service Area Airspace Specialist and Environmental Specialist throughout the process. This will ensure that FAA concerns are provided to the proponent for consideration, and that NEPA and DOT/FAA environmental requirements are met.

b. Once notified of the initiation of the environmental process by the SUA proponent, the Service Area environmental specialist should request that the proponent provide a minimum of five copies of all preliminary, draft, and final environmental documents for FAA review. The Service Area environmental specialist will forward three copies of the documents to FAA Headquarters (System Operations Airspace and AIM, Airspace and Rules or Environmental Programs Groups).

c. To the extent practicable, the Service Area should provide FAA representation at pre-scoping, scoping, and/or other NEPA public meetings concerning the SUA proposal. If requested by the Service Area, representation from the headquarters Airspace and Rules and/or Environmental Programs Groups will be provided.

d. Service Area Airspace Specialist Responsibilities:

1. Coordinate requests from the Milrep to schedule an interagency SUA environmental planning meeting with the Service Area Director (or the Director's designee) and the environmental specialist.

2. Participate in interagency SUA environmental planning meetings as directed, by the Service Area Director (or the Director's designee). (See paragraph 6, above.)

3. Participate in pre-scoping, scoping and/or other public meetings as directed.

4. Provide information and assistance as required to the proponent regarding the aeronautical aspects of the proposal and processing procedures under Part 5. of this order.

5. Coordinate with and assist the environmental specialist in the review of environmental documents to ensure consideration of pertinent aeronautical issues. Compare the SUA proposal parameters with the analysis in the environmental document to ensure that the analysis is consistent with the proponent's airspace request. Provide corrections and/or comments to the environmental specialist for transmittal to the proponent.

6. Maintain liaison with the proponent's environmental team to determine if any comments received pertain to aeronautical issues; provide information regarding the aeronautical aspects of alternatives developed by the proponent.

7. Provide to the proponent aeronautical impact information obtained from the formal aeronautical study conducted in accordance with Chapter 21 of this order and during the aeronautical public comment period. As required, negotiate with the proponent to modify the proposal to mitigate valid aeronautical objections or adverse aeronautical impact.

8. Upon receipt of the SUA proposal, initiate processing in accordance with Part 5. of this order.

(a). Determine if an Informal Airspace Meeting will be held in accordance with the procedures in Part 5. of this order. If a meeting is planned, request participation by the proponent to explain and answer questions about the proposal.

**Note:**

Informal Airspace Meetings are optional for SUA proposals. Normally, they are held only if the Service Area determines that there is a need to obtain additional aeronautical facts and information relevant to the SUA proposal under study. Informal airspace meetings may also be held based on known or anticipated controversy of the proposal.

(b). Complete the appropriate rulemaking or non-rulemaking processing requirements as defined in Part 5. of this order.

9. In consultation with the Service Area environmental specialist and the Regional Counsel, review the proponent's decision document to ensure that it is consistent with any modifications made to the SUA proposal, if applicable, and that any agreed upon aeronautical mitigation measures are included.

10. If the Service Area airspace specialist recommends approval of the SUA proposal, submit the completed proposal package to the Airspace and Rules Group for final review and determination. The Environmental Programs Group will receive the SUA package from the Airspace and Rules Group for review of any environmental documentation.

e. Service Area Environmental Specialist Responsibilities.

1. Coordinate as required with the Service Area Airspace Specialist regarding SUA matters.

2. Notify the Environmental Programs Group when informed of scheduled interagency SUA environmental planning meetings. Participate in such meetings as directed by the Service Area Director (or the Director's designee) (see paragraph 6 above).

3. Provide information as required to the SUA proponent regarding FAA environmental requirements and concerns.

4. In coordination with the Service Area Airspace Specialist, review the SUA proponent's environmental documents to ensure that applicable impact categories and any specific FAA environmental concerns are considered. After each review, forward any corrections and FAA comments to the proponent.

5. Review the proponent's final document to assess whether it meets the standards for an adequate document under NEPA, the CEQ regulations, DOT Order 5610.1C, and FAAO 1050.1E. Following consultation with the Regional Counsel, determine if the FAA considers the document adequate for adoption. Provide documentation of the results of this review and a recommendation regarding FAA adoption to the Environmental Programs Group.

6. If the proponent takes the position that a categorical exclusion (CATEX) applies to an SUA proposal:

(a). Determine if FAA Order 1050.1E, Chapter 3, Advisory and Emergency Actions and Categorical Exclusions, lists the CATEX. Verify that no extraordinary circumstances exist that would preclude use of the CATEX for the SUA proposal. Determine what additional environmental analysis would be required if the CATEX is not listed.

(b). Document the results of the review in subparagraphs (a) and (b) above, and submit the findings to the Environmental Programs Group.

7. Retain the administrative record in accordance with FAA retention guidelines. If DOD is the lead agency for the proposed project, a copy of relevant documents in its administrative record should be obtained and included in the FAA record.

9. SYSTEM OPERATIONS AIRSPACE and AIM, ENVIRONMENTAL PROGRAMS GROUP PROCEDURES:

a. Review the proponent's environmental document(s) to verify that the analysis matches the parameters specified in the SUA aeronautical proposal and that any required environmental issues are considered. Conduct this review simultaneously with the Service Area's review as described in paragraph 8. Provide corrections and identify deficiencies to the Service Area Airspace and/or Environmental Specialist for transmittal to the proponent.

b. The Environmental Programs Group shall review the proponent's environmental documents for content and compliance with NEPA, CEQ regulations, and applicable DOT and FAA Orders. Coordinate with the Airspace and Rules Group as needed, regarding concerns, corrections, or other comments on aeronautical

impacts. Provide FAA Headquarters comments to the Service Area Environmental Specialist for transmittal to the proponent.

c. Provide concurrent assistance and policy guidance regarding SUA environmental processing to the Service Area environmental specialist upon request.

d. Coordinate with the Airspace and Rules Group as needed for additional information concerning the SUA proposal and aeronautical impact matters.

e. Review the proponent's Final EIS or EA/Finding of No Significant Impact (FONSI), and the Service Area environmental specialists' comments regarding compliance with NEPA, CEQ, and applicable DOT and FAA requirements. Determine if the document is suitable for adoption by the FAA. Prepare FAA adoption memorandum and provide a copy to the Airspace and Rules Group for inclusion in the airspace docket or case file.

f. Review the proponent's and Service Area environmental specialist's comments regarding applicability of a categorical exclusion. If the categorical exclusion does not apply, determine if additional environmental analysis is required. Consider if categorical exclusion documentation is required in accordance with FAAO 1050.1E, Paragraph 305. Provide a copy of the determination to Airspace and Rules Group for inclusion in the airspace docket or case file.

g. As appropriate, coordinate with the FAA Office of the Chief Counsel, Airports and Environmental Law Division. See, e.g. FAAO 1050.1E paragraphs 214d, 304i, 404e, 508a, and 509a.

h. Prepare a separate FAA FONSI and/or Record of Decision (ROD) if circumstances dictate. Provide a copy to the Airspace and Rules Group for inclusion in the airspace docket or case file.

i. In the case of rulemaking SUA actions, assist the Airspace and Rules Group by preparing the statement to be included in the ENVIRONMENTAL REVIEW sections of the NPRM and the Final Rule. In the case of non-rulemaking SUA actions, prepare the FONSI/ROD for the airspace case file for the non-rulemaking documentation and notify the public in accordance with FAA Order 1050.1E, Paragraph 512e.

#### 10. SYSTEM OPERATIONS AIRSPACE and AIM, AIRSPACE AND RULES GROUP PROCEDURES:

a. Upon receipt at headquarters, review the proponent's environmental document(s) from an airspace/aeronautical impact perspective to verify that the environmental analysis matches the parameters specified in the SUA proposal and that any required aeronautical issues are considered. Conduct this review simultaneously with the Service Area aeronautical review as described in paragraph 8, above.

b. Ensure that the Service Area airspace specialist provided a copy of the proposal, including any environmental documentation, to the Service Area environmental specialist.

c. Coordinate with the Environmental Programs Group, as required, to discuss the environmental analysis of the proposal.

d. Submit all SUA NPRMs, final rules, and non-rulemaking airspace determinations to the Environmental Programs Group for coordination prior to issuance.

e. Insert the following statement in the environmental review section of SUA NPRMs:

“This proposal will be subject to appropriate environmental impact analysis by the FAA prior to any final FAA regulatory action.”

f. Consult with the Environmental Programs Group to draft the text for the ENVIRONMENTAL REVIEW section for SUA final rules. In the case of rulemaking SUA actions, assist the Airspace and Rules Group by preparing the statement to be included in the ENVIRONMENTAL REVIEW sections of the NPRM and the Final Rule. In the case of non-rulemaking SUA actions, prepare the FONSI/ROD for the airspace case file for the non-rulemaking documentation and notify the public in accordance with FAAO 1050.1E, Paragraph 512e.

**Note:**

For “Direct-to-Final-Rule” actions which are categorically excluded under FAAO 1050.1E, the following statement may be inserted in the environmental review section of the Final Rule:

“This action is categorically excluded under FAAO 1050.1E, “Environmental Impacts: Policies and Procedures,” Paragraph (insert Paragraph Number). Therefore, this action is not subject to environmental review.”

g. Coordinate with the Environmental Programs Group to determine the status of FAA adoption of the proponent’s environmental document(s). Obtain a copy of FAA adoption documentation for inclusion in the rulemaking docket file or non-rulemaking airspace case file.

h. Complete final airspace processing requirements in accordance with Part 5. of this order, including the final determination on the airspace request. In all cases the FAA must not issue a final decision until after the NEPA process is completed; the FAA has adopted the proponent’s EIS or EA, as applicable; and any additional FAA environmental requirements are satisfied.

## **Appendix 9. Noise Policy for Management of Airspace Over Federally Managed Lands**

### **NOISE POLICY FOR MANAGEMENT OF AIRSPACE OVER FEDERALLY MANAGED LANDS**

The FAA shares the national concern for the preservation of the natural environment. A critical objective in the FAA Strategic Plan is to provide leadership in mitigating the environmental impact of aviation. It is the policy of the FAA in its management of the navigable airspace over locations in national parks and other federally managed areas with unique noise-sensitive values to exercise leadership in achieving an appropriate balance between efficiency, technological practicability, and environmental concerns, while maintaining the highest level of safety. This policy envisions joint efforts between the FAA and the Federal agencies managing these locations to enhance the compatibility between management of the airspace and the management goals of these agencies.

The National Park System and other natural resource management areas under Federal jurisdiction include many locations with unique values which merit special environmental protection. Some areas provide opportunities for solitude and natural quiet and allow visitors to experience nature unaffected by civilization. Some provide opportunities for people to visit historically authentic settings, as they existed before the introduction of mechanized power. Others contain designated wilderness, critical habitat for endangered species, or solemnity of purpose, which would be diminished by the intrusion of noise. While aircraft noise is not the only noise or environmental impact that may be incompatible with areas having such unique values, this is the area of FAA's special expertise and jurisdiction.

In order to carry out the policy effectively, FAA staff and management will-

- Promote public participation to increase understanding and gain the cooperation of concerned parties when assessing noise impacts on designated locations in federally managed areas. An appropriate public process will be designated for each assessment to identify the stakeholders and provide for their effective participation.
- Communicate this policy to all stakeholders clearly. Educational information will be developed and disseminated to airspace users and other stakeholders, and appropriate advisories will be issued to minimize overflight activity and noise over particularly sensitive locations. A measured and balanced approach to the need for protective measures over specific unique locations will be taken in consultation with Federal agencies administering these areas.
- Consult actively with other Federal agencies to identify and mitigate appropriately aircraft noise levels that are not compatible with designated locations in federally managed areas. Such consultation will ensure that any resulting mitigation strategies will not transfer impacts to other noise-sensitive locations within or beyond the federally managed area. The FAA will evaluate appropriate airspace management options in consultation with the Federal agencies administering these resources to identify particular locations of concern on a priority basis. Such evaluation of alternatives will ensure that safety is not derogated and that technological and economic factors are weighed consistent with the FAA's responsibilities under 49 USC §§40101-46507 (former Federal Aviation Act).
- Develop or refine on a continuing basis methods and criteria to assess aircraft noise on designated locations in federally managed areas, in conjunction with the Federal Interagency Committee on

Aviation Noise (FICAN). Recognizing the lack of complete information and agreement on noise methodology, metrics, noise effects on animals, and appropriate land use compatibility criteria for uniquely quiet areas, the FAA in conjunction with the FICAN will continue to develop, refine, and reach more effectively aircraft noise impacts on unique national land and water resources.

- Train FAA airspace management personnel on effective airspace design techniques for mitigation of adverse aviation impacts on designated locations in federally managed areas.

This policy statement and the underlying actions are consistent with the goals of environmental responsibility and communication in the FAA's Strategic Plan, which state that FAA will:

- Provide strong leadership regarding the environmental impacts of aviation and commercial space transportation.
- Establish and maintain lines of communication with the public and with employees to promote understanding, awareness, and cooperation and to serve the interests of the traveling public.

Signed by

David Hinson

Administrator

Dated November 8, 1996