

DEPARTMENT OF HOMELAND SECURITY
ENVIRONMENTAL PLANNING AND HISTORIC PRESERVATION PROGRAM

FINAL
FINDING OF NO SIGNIFICANT IMPACT (FONSI)
Nationwide Operation of Small Unmanned Aircraft Systems

PROPOSED ACTION

The ongoing use of small unmanned aircraft system (sUAS) activities nationwide to meet the United States (US) Department of Homeland Security (DHS) mission requirements.

BACKGROUND AND DESCRIPTION OF PROPOSED ACTION

Pursuant to the National Environmental Policy Act (NEPA) of 1969, Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508), and DHS Management Directive 023-01, rev. 01 (Implementation of NEPA), DHS has conducted a nationwide Programmatic Environmental Assessment (PEA) to assess the environmental impacts that may occur as a result of the Proposed Action.

DHS and its Components use sUAS for a variety of purposes to support DHS's varied missions. DHS currently reviews sUAS on a project-specific basis, applying either a Categorical Exclusion or Environmental Assessment to the project as applicable. sUAS projects typically have few, if any, adverse impacts on the natural or cultural environment. While past reviews of sUAS complied with NEPA, DHS prepared a PEA to streamline the process and avoid duplicative, lengthy reviews for repetitive actions that may be broadly analyzed given their similar scopes.

The purpose of the Proposed Action is to provide DHS with the capability to expand visual capability and gather information, surveillance, reconnaissance, and communications by employing remote controlled aerial reconnaissance equipment equipped with cameras, sensors, and other data collecting equipment. The continued use of sUAS would allow access to areas that are otherwise difficult to reach, and would support existing and emerging mission requirements of the various Components within DHS. The Proposed Action is needed to enhance and extend sUAS capability to DHS missions over various geographic areas in order to inform DHS operational and situational decisions, fulfill mission requirements, and ensure the long-term security of the US.

Under the Proposed Action, DHS would continue to conduct sUAS activities nationwide to meet DHS mission requirements. The Proposed Action would allow DHS to continue its current use of sUAS and implement future uses given new technologies and mission requirements that would be situational by Component.

The Proposed Action would only include sUAS. The Federal Aviation Administration (FAA), in 14 CFR Part 107, defines sUAS as small unmanned aircraft (UA) that weigh less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft. Typical sUAS have two primary components: the small UA and the ground-based control station, which is the human interface used by the remote pilot to control the flight path. sUAS activities performed by DHS and its Components may utilize fixed wing, rotary wing, or hybrid model aircraft. sUAS may be launched from the ground, by hand, or by catapult, depending on the system, the size, and the environment in which it is being launched.

sUAS typically include built-in imaging sensors or video cameras, and can carry additional payloads (i.e., detachable components). DHS most commonly requires visual capabilities to capture still photographs, video recordings, or live video feeds. The Proposed Action does not include any sUAS

activities that include deployable modules/systems. The use of additional deployable elements would require supplemental NEPA analysis should they be required in the future.

The utilization of sUAS by DHS support, in part, research and testing, training, marine mammal protection and monitoring, emergency response, security and surveillance, navigational aid, search and rescue missions, law enforcement, disaster assessment and recovery, and facility and site inspections. These operations are not all-encompassing or limited to any Component, but provide a baseline for DHS and Component use of sUAS. Different operations may require the use of different sUAS to complete the mission, and various sUAS types may also be used for similar operations; however, the majority of these operations would require the sUAS to be outfitted with camera, video, or some other sensory or imagery equipment.

ALTERNATIVES

DHS did not identify any reasonable alternatives to the Proposed Action. DHS did consider the No Action Alternative, under which DHS would not continue to use or expand its use of sUAS in the US on a nationwide basis. Under this alternative, the ability of DHS and its Components to carry out mission objectives and requirements would be limited, and DHS would not be able to utilize sUAS for data collection or other mission-critical activities. Thus, the No Action alternative does not meet the purpose and need for the Proposed Action.

ANTICIPATED ENVIRONMENTAL IMPACTS

According to the analysis in the accompanying PEA, referenced herein in its entirety, implementation of the Proposed Action would result in no significant environmental impacts of an adverse nature in any resource category, in particular: airspace and FAA requirements, noise, biological resources, cultural and historic resources, socioeconomics and environmental justice, health and safety, or cumulative impacts. Additionally, the following resources were dismissed from analysis as there would be no potential for impacts under the Proposed Action: air quality and climate change, water resources, infrastructure, solid and hazardous waste, land use, and visual resources and aesthetics.

IMPACT MINIMIZATION MEASURES

To avoid or minimize adverse environmental impacts to the extent practicable, DHS and its Components have identified best management practices (BMPs) in the PEA (see **Table 1**) that would be applied, as applicable, for project-specific activities to ensure the avoidance of significant impacts on resources and alleviate the need for subsequent review. DHS and its Components would adopt these BMPs as standard procedure for its sUAS operations. Should these BMPs not be feasible for future related DHS and Component proposed actions, project-specific tiering of appropriate NEPA documentation would be required. DHS has also prepared an sUAS BMP Implementation Checklist that is attached as an Appendix to the PEA to assist DHS and Component operators with ensuring that they comply with these BMPs during sUAS activities. Elements of this checklist may be updated following publication of the Final PEA and Final FONSI in response to ongoing consultation between DHS and the US Fish and Wildlife Service (USFWS) as part of the informal Section 7 ESA Consultation process. If DHS, in coordination with USFWS, identifies additional standard biological BMPs, DHS would update the standard BMPs for sUAS Operations and the sUAS BMP Implementation Checklist to be included as part of the Final Biological Evaluation. sUAS operators should confirm with the DHS Environmental Planning and Historic Preservation Program the most current version of the sUAS BMP Implementation Checklist is utilized prior to initiating sUAS activities.

Table 1. Standard Best Management Practices for sUAS Operations

Resource	Best Management Practices
<p>Airspace and FAA Requirements</p>	<ul style="list-style-type: none"> • Require all DHS UA pilots to comply with all FAA regulations in 14 CFR Part 107. • Yield the right of way to manned aircraft. • Actively avoid aerial hazards (i.e., other aircraft, birds, vessels). • Adhere to applicable state and local sUAS regulations. • Obtain all applicable permits, permissions, and authorizations from applicable landowners and federal, state, and local regulatory authorities prior to initiating utilization of sUAS. • Unless in an emergency, obtain approvals from FAA for airspace that is designated as Class A, B, C, D, or E.
<p>Noise</p>	<ul style="list-style-type: none"> • To the extent possible, adhere to local noise ordinances.
<p>Biological Resources</p>	<ul style="list-style-type: none"> • Until programmatic informal Section 7 consultation with USFWS has been completed for the Proposed Action Alternative, DHS and Components should ensure compliance with Section 7 on a site- and activity-specific basis. • Minimize disturbances to wildlife unless in an emergency or pursuant to an applicable permit or approval from USFWS or National Oceanic and Atmospheric Administration (NOAA). • Prior to sUAS operations, conduct pre-flight readiness reviews and pre-flight checklists to identify whether airborne wildlife is present or forecasted to be present during sUAS operations. Ensure airspace is clear prior to beginning sUAS operations. • When applicable, coordinate with federal land managers (e.g., for national wildlife refuges and national parks) to identify site-specific wildlife concerns and disturbance minimization measures. • When feasible, utilize lawnmower or s-shaped flight patterns to minimize interactions with airborne wildlife. • To the extent practicable, maintain the highest possible altitude to reduce interactions with species. • Avoid known sensitive wildlife areas (e.g., congregational areas). • Adhere to existing agreements, avoidance measures, or other practices put in place by USFWS, NOAA, or other experts with jurisdiction. • When practicable, conduct sUAS operations outside the nesting and breeding season in areas where there is the potential to affect breeding birds or bats. • Avoid animal-directed movements, vertical approaches, lingering or maneuvering near animals. • Operate sUAS during the daylight hours when possible. • Avoid known occupied maternity roosting trees, caves, and mines to the greatest extent practicable to minimize potential impacts on bat species. • Comply with the National Bald Eagle Management Guidelines. • Actively avoid flying over or within 500 feet of all known haul-out locations and marine mammals at the water's surface unless in the case of an emergency or with prior receipt of an applicable permit or approval from USFWS or NOAA.

Resource	Best Management Practices
Cultural and Historic Resources	<ul style="list-style-type: none"> • Avoid flying within 100 feet of known historic properties, National Historic Landmarks, monuments, or cemeteries, unless: <ul style="list-style-type: none"> • Necessitated by an emergency facility inspection or condition assessment; or • Prior notification to the National Park Service (National Historic Landmarks), and appropriate State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) has been completed. • Coordinate with Federally Recognized Tribes to the maximum extent feasible when proposed operations would include flying over or deploying from tribal lands (e.g., to identify appropriate launch sites or sensitive resources to avoid). • When operating in the National Capital Region, coordinate with the National Park Service and National Capital Planning Commission (NCPC) to minimize impacts on the viewscape.
Socioeconomics and Environmental Justice (EJ)	<ul style="list-style-type: none"> • Where possible, sUAS operators would not fly within 200 feet of schools, daycare facilities, or similar locations with high concentrations of children.
Human Health and Safety	<ul style="list-style-type: none"> • Dispose of end-of-life batteries in accordance with all applicable laws and regulations. • Ensure personnel use all required personnel protective equipment based on site- and activity-specific conditions.

STAKEHOLDERS, ELECTED OFFICIALS, AND PUBLIC INVOLVEMENT

The PEA has been coordinated with appropriate stakeholders, including federal agencies and Native American Tribes, having an interest in the Proposed Action during scoping activities initiated on April 14, 2022. Additionally, a Notice of Availability (NOA) was sent to all interested stakeholders on August 11, 2022, including environmental planning, historic preservation, and civil rights and civil liberties contacts that DHS has maintained. A copy of the NOA was also posted on DHS’s website. The NOA announced the availability of the Draft PEA and opportunity to provide input about the Proposed Action during the subsequent comment period. The NOA and a link to access the Draft PEA were also sent to all persons and agencies identified in the PEA and all Federally Recognized Tribes.

The Draft PEA and Draft FONSI were published digitally on the project website at <https://www.dhs.gov/national-environmental-policy-act>. The USFWS Southeast Region provided comments on the Draft PEA which have been addressed and incorporated into the Final PEA as appropriate. No other public comments were received.

FINDING OF NO SIGNIFICANT IMPACT

The PEA for this project was prepared according to the National Environmental Policy Act of 1969 (42 United States Code [U.S.C.] 4321 *et seq.*); the Council on Environmental Quality (CEQ), Regulations Implementing the Procedural Provisions of NEPA (40 CFR §§1500-1508); DHS Directive 023-01 Revision 01, Implementation of the NEPA; and other pertinent environmental statutes, regulations, and compliance requirements. The analyses described in the PEA demonstrate that the Proposed Action would result in no significant impact on the environment. As a result, no additional analysis or documentation (i.e., Environmental Impact Statement) is required under NEPA or CEQ’s Regulations Implementing the Procedural Provisions of NEPA. DHS would continue to utilize all practical means to minimize or avoid the potential for adverse impacts to the human and natural environment.

CONCLUSION

Based on the information presented in the PEA, the undersigned finds that the Proposed Federal Action is consistent with the existing national environmental policies and objectives as set forth in NEPA, and that it will not significantly affect the quality of the human environment.


**ANNA M
COLOM**

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DATE

MS. ANNAMARIA COLOM
DIRECTOR, AVIATION AND MARINE INTEGRATION
U.S. DEPARTMENT OF HOMELAND SECURITY

**TERESA R
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