CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, California 92660
949 644-3004 | 949 644-3039 FAX
newportbeachca.gov

August 4, 2025

Filed Electronically through Federal Comment Portal
(www.Regulations.gov)

Docket Operations Office
U.S. Department of Transportation (DOT)
1200 New Jersey Avenue SE
West Building Room W12-140
Washington, DC 20590

Subject: Notice of Rescission of FAA Order 1050.1F and Availability of FAA Order 1050.1G (Docket ID: FAA-2025-1571) - **Comments on Proposed eVTOL Integration and Environmental Review Process**

The City of Newport Beach, California (City) has read the Federal Aviation Administration's (FAA) Notice of Rescission of FAA Order 1050.1F, Availability of FAA Order 1050.1G, Request for Comments published in the Federal Register on July 3, 2025.[1] The City understands that through this notice, the FAA is rescinding its current National Environmental Policy Act (NEPA) guidelines outlined in FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, and replacing it with FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures*. The updated Order reflects the FAA's intent to address emerging aviation technologies (e.g., eVTOLs) by integrating them into its environmental review framework.

The City appreciates the FAA's solicitation for public input on this important subject and has drafted this letter in response to the proposed changes identified in the Notice. The City is adjacent to Orange County's John Wayne Airport (SNA or the Airport) and, as such, nearly all of the Airport's commercial and general aviation jet operations depart directly over a large portion of our community, Newport Bay, and the 500-acre Upper Newport Bay Ecological Preserve. Given these facts, we are deeply concerned not only about the potential environmental impacts of introducing manned and unmanned electric vertical takeoff and landing (eVTOL) aircraft, but also about their compatibility with existing land use in our community. We also wish to emphasize the importance of robust public engagement throughout the NEPA review process to ensure that community voices are adequately heard and considered.

[1] Federal Register: Notice of Rescission of FAA Order 1050.1F, Availability of FAA Order 1050.1G, Request for Comments

Emerging Technology and Associated Unknowns

The introduction of eVTOL technology presents an opportunity to revolutionize the way people and cargo are locally and regionally transported. The use of electric aircraft could, among several social and economic benefits, help reduce roadway congestion and improve air quality. However, eVTOL remains an emerging technology, with many unanswered questions surrounding its deployment. The City's key concerns relate to electric aircraft safety and potential impacts to the local human and natural environment. In addition, there are many unknowns regarding operations of this type of emerging technology such as aircraft speeds, flight altitudes and integration into the airspace with other aircraft including helicopters, drones, small propeller general aviation and commercial aviation, operational capabilities under varying weather conditions and times of day, adequate electricity to fuel the use, and noise levels. Moreover, there is limited data on how eVTOL operations may interact with wildlife and affect the surrounding natural environment. These uncertainties underscore the need for a cautious, well-informed approach and thorough public engagement as the technology evolves.

The FAA's integration of unmanned aerial systems (UAS) for commercial package delivery offers a precedent that should be applied to eVTOL projects. To demonstrate, when the first Operations Specifications under Part 135 were considered in 2021, there was limited understanding about potential UAS impacts to wildlife, historic sites, recreational areas, and community noise exposure. The FAA took a cautious approach, and through the NEPA Environmental Assessment (EA) review process, these concerns were examined using a combination of technical analyses and engagement with local communities, scientists, and local, state, and federal regulators. While some environmentally related concerns persist, the EA review process was instrumental to the FAA's and the public's understanding of the type and magnitude of impacts caused by UAS operations. These early studies helped inform the FAA's current effort to integrate commercial UAS operations at a national programmatic level. Similarly, eVTOL's impacts on wildlife, historic sites, recreational areas, and community noise exposure, along with natural resources and energy supply given eVTOL's heavy reliance on electricity should be evaluated through the appropriate NEPA review process.

While eVTOL technology holds significant promise, it remains in an early-developmental stage – similar to where commercial UAS technology stood in 2021. Currently, there is limited data on key performance metrics such as speed, altitude, and certified noise levels, all of which are essential for evaluating environmental impacts. The noise profile of eVTOL aircraft, particularly during vertical takeoff, landing, and transitional phases, remains largely unknown.

Operational constraints will likely be necessary to maintain airspace safety and efficiency, potentially limiting where and how eVTOLs can fly. These constraints could result in concentrated flight paths over noise-sensitive

areas, intensifying impacts on communities and the environment. For instance, eVTOLs may need to avoid certain airspace near commercial airports like SNA or be routed around existing traffic corridors – both scenarios that could lead to concentrated operations and localized disturbances.

Community Engagement, Public Participation and NEPA Integrity

For more than 35 years, the City has worked with aviation-focused community groups and the County of Orange, the Airport's owner, to successfully address a wide range of aviation-related concerns. Through this process, our community has come to expect that we will collaboratively seek to better understand the challenges we may face and how we can solve them in a manner that most effectively minimizes impacts on the human and natural environments. To ensure this level of mutual cooperation and benefits continue into the future, we would like to emphasize the critical importance of robust engagement with citizens, communities, industry representatives, and local, state, and federal regulators during the NEPA review process.

As with the deployment of UAS, integrating eVTOL technology will require collaboration with a wide range of stakeholders, each with distinct concerns. Local communities may raise issues related to safety, privacy, and noise; state agencies may focus on visual and auditory impacts to historic and recreational sites; federal agencies may be concerned with effects on protected species; and tribal governments may seek to protect culturally significant lands and ceremonies from overflight disturbances. Meaningful stakeholder engagement is essential for successful integration and aligns with the core principles of NEPA.

We urge the FAA to prioritize transparent and inclusive engagement with affected communities. Congress recognized this need in the FAA Reauthorization Act of 2024 (H.R. 3935), which mandates the creation of a Community Collaboration Program. This initiative aims to ensure consistent, transparent, and inclusive outreach across FAA activities, reflecting growing public concern over the environmental and quality-of-life impacts of emerging aviation technologies. The program is designed to build public trust, coordinate outreach, and ensure community voices are meaningfully considered in decision-making.

It is worth noting that commercial UAS operations generally originate and terminate at previously constructed facilities. For eVTOL operations, entirely new facilities may be needed to accommodate the special nature of the aircraft and operational flight profiles (e.g., built off-Airport in appropriately zoned areas). While Engineering Brief No. 105A, *Vertiport Design, Supplemental Guidance to Advisory Circular 150/5390-2D, Heliport Design*, provides design insight, construction of these facilities may be considered a connected action, thereby complicating the NEPA review and FAA approval of the federal action. In such instances, public engagement during the NEPA review will be tantamount.

In its updated Order 1050.1G, the FAA has inappropriately added eVTOL flight procedures to a categorical exclusion (CATEX) originally intended for helicopters. This premature move overlooks the unique characteristics of eVTOLs – novel aircraft, unfamiliar noise profiles, and evolving regulations – that are not adequately addressed by existing CATEX criteria. Applying the most lenient environmental review to early eVTOL deployments risks ignoring serious community impacts. Moreover, the revised CATEX allows low-altitude eVTOL operations without thorough environmental analysis or public engagement.

City Expectations for Environmental Review and Engagement

The City urges the FAA to adopt a meaningful community engagement approach for eVTOL operations that fully reflects the concerns outlined in this letter. It is essential that eVTOL technology be implemented safely and securely for all residents. The City also calls for a more robust environmental review process – guided by community input – to identify, mitigate, and prevent potential adverse impacts while providing a meaningful platform for public feedback.

The City of Newport Beach appreciates the opportunity to provide input, and we look forward to collaborating with the FAA on this important topic in the future.

Sincerely,

Joe Stapleton
Mayor

cc: Newport Beach City Council