

Mitchell International Airport, effective March 22, 1995.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program that sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

- a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;
- b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;
- c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and
- d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by

itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Minneapolis-Airports District Office in Minneapolis, Minnesota.

Milwaukee County submitted to the FAA on December 2, 1993 the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from September 1989 through December 1993. The General Mitchell International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on September 23, 1994. Notice of this determination was published in the Federal Register on October 13, 1994.

The General Mitchell International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 2000. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on September 23, 1994 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained thirty-two (32) proposed actions for noise mitigation on and off the Airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator for Airports effective March 22, 1995.

Outright approval was granted for twenty-seven (27) of the specific program elements. The five (5) out of nine (9) noise abatement measures approved included new departure

procedures and purchase of an engine runup noise suppresser. The fifteen (15) out of sixteen (16) land use measures approved included amendments to zoning regulations, amendments to subdivision regulations, amendments to building codes, amendments to land use plans, preparation of economic development/redevelopment plans, land acquisition, sound insulation of homes, schools, churches and a nursing home, easement acquisitions and a sales assistance program. All seven (7) of the continuing program measures were approved. They included publication of noise abatement procedures, a noise complaint response system, monitoring of aircraft activity and fleet conversion, development of a flight tracking and noise monitoring system, evaluating and updating the NCP and establishment of a noise abatement and mitigation staff.

The one (1) land use measure that was partially approved included acquisition of scattered homes within runway protection zones and DNL 70 contour. The portion removed from approval was the acquisition of vacant lots, pending demonstration at time of acquisition, the property is still within the DNL 65 and has either been or is in imminent danger of being developed incompatibly.

The four (4) noise abatement measures that were disapproved included revision of the informal runway use program and noise abatement departure procedures. The revised informal runway use program resulted in an overall net increase of persons affected by significant noise. The departure procedure encouraging continued use of engine thrust-back techniques was disapproved pending receipt of additional information on the specific proposed procedure for each runway as described in Advisory Circular 91-53A and the resulting noise benefits. The departure procedures from runway 19R using installation of a DME and VOR to define left turns at 2 DME (a point over the departure end of 19R) onto a noise abatement flight track until 4 DME was disapproved as an unsafe operation because it required a turn in close proximity to the ground.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on March 22, 1995. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the airport administrative offices of Milwaukee County.