

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RECORD OF APPROVAL
14 CFR PART 150
NOISE COMPATIBILITY PROGRAM**



**FRESNO YOSEMITE INTERNATIONAL AIRPORT
FRESNO, CALIFORNIA**

Naomi Landa
Regional Counsel, AWP-7

7/28/08
Date

✓
CONCUR

NONCONCUR

M. J. [Signature]
Manager, Airports Division, AWP-600

7/28/08
Date

✓
APPROVED

DISAPPROVED

**Record of Approval
Fresno Yosemite International Airport
Noise Compatibility Program**

INTRODUCTION

The Fresno Yosemite International Airport Noise Compatibility Program (NCP) describes the current and future noncompatible land uses based on the parameters as established in Title 14, Code of Federal Regulations, Part 150, *Airport Noise Compatibility Planning*. The noise compatibility program includes two recommended noise abatement measures, 14 land use measures, and nine program management elements. These measures are described in Chapters 5 and 6 (pages 91-139) and Tables 13, 14, and 15 of the NCP. FAA notes the City of Fresno includes a number of noise abatement measures that were approved in the previous Noise Compatibility Program, however, the City of Fresno is not seeking FAA approval for these measures.

The approvals listed herein include approval of actions that the airport recommends be taken by the Federal Aviation Administration (FAA). It should be noted that these approvals indicate only that the actions would, if implemented, be consistent with the purposes of Title 14 Code of Federal Regulations (CFR) Part 150. *The approvals do not constitute decisions to implement the proposed actions or a commitment by the FAA to provide federal financial assistance for these actions.* Later decisions concerning possible implementation of these actions may be subject to applicable environmental or other procedures or requirements. FAA is providing its approvals on only those measures the City of Fresno has identified in the NCP for which they are seeking FAA approval. This Record of Approval does not address existing measures, for which the City does not seek FAA approval.

The recommendations below summarize, as closely as possible, the airport operator's recommendations in the noise compatibility program and are cross-referenced to the program. The statements contained within the summarized recommendations and before the indicated FAA approval, disapproval or other determination do not represent the opinions or decisions of the FAA.

NOISE ABATEMENT MEASURES

1. NA-3 - Maintain CANG Noise Abatement Departure Track Procedures.

Description: *Current departure procedures for California Air National Guard (CANG) aircraft on Runway 29 require the aircraft to maintain runway heading until reaching 10 miles out, safety permitting. This straight-out departure procedure provides for maximum climb while using minimum thrust in order to reduce the overall land area exposed to departure noise from CANG aircraft. As originally approved, this measure calls for the aircraft to climb straight-out when departing Runway 29R until clearing 4,000 feet MSL. The approved 4,000-foot altitude is predicated on the Fresno Class-C airspace configuration that has an upper limit of 4,400 feet. The straight out climb to 10,000 feet is specified for CANG fighters more familiar with local airspace and local air traffic control procedures. Transient military aircraft are to depart Runway 29 on runway heading and climb to 4,000 feet MSL until 10 miles out (Instrument Flight Rule [IFR] or Visual Flight Rule [VFR]) safety permitting. The established departure procedure for Runway 11 for both transient and local military/CANG aircraft is to climb to 10,000 feet MSL until 5 miles out (IFR or VFR) safety permitting. This measure is an updated to Measure III(1)(a) from the 1988 NCP and is also described in FAA Tower Order FATZ 7110.8D (September 3, 2006). (NCP Pages 31, 94 and 95, Table 13, Appendix F).*

FAA Action: Approved as voluntary subject to safety, weather and operational efficiency.

2. NA-9 – Continued Use of Minimum Altitudes Before Departure Turns Off Runways 29L and 29R

Description: This existing measure establishes minimum altitudes to be attained prior to turns from runway heading when departing Runway 29L and 29R. As approved in the 1990 [FAA] Record of Approval (ROA), the minimum altitude for single- and multi-engine aircraft under 12,500 pounds gross takeoff weight (GTOW) was 1,000 feet MSL and 2,000 feet MSL for piston-engine and turbine-powered aircraft over 12,500 pounds GTOW. This noise abatement procedure is incorporated into in FAA Tower Order FATZ 7110.8D. This noise abatement element is a continuation Approved Measure III(1)(b) in the 1988 NCP. (NCP Pages 39, 94 and Table 13).

FAA Action: Approved as voluntary subject to safety, weather and operational efficiency.

LAND USE ELEMENTS

1. LU-1 - Land Acquisition of Developed Non-Compatible Property.

Description: The City of Fresno may seek to acquire selected parcels developed with non-compatible land uses inside the Community Noise Equivalent Level (CNEL) 65 decibel (dB) contour of the 2009 Noise Exposure Map (NEM) for the purpose of leasing or converting the properties into compatible uses with deed restrictions and easements. This measure is a modification of Approved Measure V(2)(c). from the 1988 NCP, which provided for the purchase of land developed with non-compatible uses within the CNEL 70 dB or higher to the northwest of FAT. This measure seeks to encompass non-compatible structures built before October 1, 1998 through a voluntary acquisition program for structures that are not determined appropriate for the Sound Mitigation Acoustical Remedy Treatment (SMART) Program. (NCP Page 69, 70, 101, 102 and Table 14)

FAA Action: Approved. The city of Fresno must comply with the requirements of the Uniform Relocation and Real Property Acquisition Act (49 CFR Part 24) when acquiring these properties. The City of Fresno is responsible for ensuring that the re-use of the acquired properties is compatible with airport operations. Properties that are acquired using funds from the Airport Improvement Program by the City of Fresno where the land use is subsequently changed must be disposed of consistent with FAA Order 5100.38C, *Airport Improvement Program Handbook*.

2. LU-2 - Residential Sound Insulation Program.

Description: This measure continues the City of Fresno's Sound Mitigation Acoustical Remedy Treatment (SMART) program to homes within the CNEL 65 dB contour of the 2009 NEM. This is a continuation of approved Measure V(2)(e) of the 1988 NCP. Participation in the SMART program is voluntary. Eligible residential property owners are required to accept an avigation easement in order to participate in the program. The NCP identifies the acoustical treatment as "structural modifications including replacement of exterior windows and doors, additional insulation, baffles, and other sound attenuation measures" [NCP page 70] to reduce interior noise levels. The City is requesting that the FAA approve the eligible FAT program area to treat contiguous areas affected by the CNEL 65 dB contour in a consistent manner and to aid in neighborhood stabilization consistent with Section 810(b)(2) of FAA Order 5100.38C. (NCP Pages 70, 71, 101, 102, Tables 3 and 14 and Figure 11).

FAA Action: Approved. The FAA notes the identification of specific parcels affected by the 65 CNEL noise contour is the responsibility of the airport sponsor. Installing insulation in a reasonable additional number of otherwise ineligible parcels beyond the 65 CNEL contour

contiguous to the project area to achieve equity in the neighborhood is consistent with paragraph 810(b) of FAA Order 5100.38C, *Airport Improvement Program Handbook*.

3. LU-3 - Noise Sensitive Public Building Sound Insulation Program.

Description: This measure addresses noise-sensitive public buildings such as schools and places of worship, medical uses, etc. This measure identified five places structures within the CNEL 65 dB contour that may be eligible for treatment. The City of Fresno will conduct a follow-up study to determine program eligibility and noise reduction requirements set forth in the AIP Handbook. Implementation of the SMART program for residences takes priority over insulation noise sensitive public buildings. This measure is similar to Approved Measure V(2)(b) in the 1988 NCP. (NCP Page 75, 103, 104,105, Tables 4 and 14).

FAA Action: Approved. The City must comply with Airport Sponsor Grant-In-Aid Assurance 5(c) for any noise compatibility program project carried out on a public building that is associated with another unit of local government, such as a school.

4. LU-4 - Purchase of Avigation Easements.

Description: This measure provides for acquiring an avigation easement from the property owner for the existing 950 residential homes inside the 2009 65 CNEL noise contour where the home owner decided not to participate in the residential sound insulation program (SMART). The avigation easement will be recorded to the deed and run in perpetuity with the property. The easement will allow FAT to designate the property as a compatible land use. Homes constructed and first occupied on or after October 1, 1998 are not eligible for this program pursuant to FAA Policy (63 FR 16409). (NCP Pages 75, 76, 105, 106, and Table 14).

FAA Action: Approved.

5. LU-5 - Encourage Comprehensive Planning for Compatible Land Uses and Adoption of NEMs.

Description: This measure encourages the use of aircraft noise compatible land use planning criteria in local comprehensive planning processes for communities inside the 60 CNEL noise contour. The intent of this measure is to facilitate a consistent land use compatibility strategy in the City of Fresno, Fresno County and the City of Clovis to review and amend general, community and specific plans as needed to development of compatible land uses inside the 60 CNEL noise contour. This measure also encourages the City of Fresno, Fresno County and the City of Clovis to adopt the 2009 Noise Exposure Maps into their planning documents to develop a uniform definition of aircraft noise exposure levels for the purpose of aircraft noise and land use compatibility planning. This measure also encourages the Airport Land Use Commission to update the Fresno County Compatible Land Use Plan. (NCP Pages 77, 106, 107, and Table 14).

FAA Action: Approved. The local governments have the authority to implement this measure. The Federal government has no authority to control local land uses.

6. LU-6 - Amend Zoning for Compatible Use.

Description: This measure encourages local jurisdictions to amend existing zoning regulations and maps for areas inside the 2009 Noise Exposure Map in order to promote the development of compatible land uses. This measure promotes no new non-compatible residential land uses within the 65 CNEL noise contour. Noise sensitive uses within the 60-65 contour will be permitted with conditions that they are constructed to achieve an interior noise level of 45 CNEL

or lower and include a dedicated avigation easement to FAT. (NCP Pages 81, 82, 108 and Table 14).

FAA Action: Approved. The local governments have the authority to implement this measure. The Federal government has no authority to control local land uses. This measure will help prevent the introduction of new non-compatible land uses within the 65 CNEL noise contour around the airport.

7. LU-7 - Adopt Airport Noise Overlay Zone.

Description: This measure establishes a uniform Airport Noise Overlay Zone for each jurisdiction within the 60 CNEL noise contour. This Overlay Zone would prohibit the development of new noise-sensitive land uses within the 65 CNEL. The overlay zone will also address beyond the 65 CNEL by permitting new noise sensitive land uses within the 60-65 CNEL only if they are constructed to achieve an interior noise level of 45 CNEL or lower per the Airport Land Use Commission criteria. This measure also includes granting of an avigation easement from the property owner to FAT for development of any noise sensitive land use inside the 60 CNEL contour. (NCP Page 82, 83, 84, 109, 110, Figure 13, and Table 14).

FAA Action: Approved. FAA recommends obtaining avigation easements but notes easements are not required by the Federal government. Implementation of this measure is considered within the authority of the Fresno County and the Cities of Fresno and Clovis.

8. LU-8 - Amend Building Codes to Meet Interior Noise Levels.

Description: This measure encourages local jurisdictions to amend building codes to require residential and non-residential noise-sensitive buildings inside the 60 CNEL noise contour, as well as commercial/office development inside the 65 CNEL contour to be constructed to achieve an interior noise level of 45 CNEL or lower per Airport Land Use Commission criteria. This measure will help reduce interior noise levels for new construction and redevelopment that is not subject to zoning review. This measure also includes a provision to conduct a study to develop appropriate standards for the Fresno area. (NCP Pages 87, 110, and Table 14).

FAA Action: Approved. The local governments have the authority to implement this measure. The Federal government has no authority to control local land uses.

9. LU-9 - Require Avigation Easement with New Construction.

Description: This measure requires provision of an avigation easement to FAT for future residential and non-residential noise sensitive land uses within the 60 CNEL noise contour as a condition for issuing building permits for both new development and substantial additions or renovations to existing structures. The purpose of this measure is to provide an avigation easement to FAT for new construction and redevelopment that is not subject to zoning review. With implementation through the building code, the measure will require avigation easements for new construction and redevelopment that is not subject to zoning review. (NCP Pages 87, 88, 110, 111 and Table 14)

FAA Action: Approved. The local governments have the authority to implement this measure. The Federal government has no authority to control local land uses

10. LU-10 - Support Real Property Noise Disclosure.

Description: This measure proposes to enhance the state of California required disclosure of aircraft noise to potential buyers of real property. Under this measure FAT would prepare specific airport noise information and make it available via pamphlets and online sources. This information includes summarized airport noise exposure levels, the relationship of single event to aircraft noise exposure, aircraft departure and arrival paths, and overall airport operations. This measure only applies to residential properties within the Airport Influence Area/Airport Review Area or within the 60 CNEL noise contour for the year 2009. (NCP Pages 88, 111, 112, and Table 14)

FAA Action: Approved.

11. LU-11 - Transfer of Development Rights.

Description: This measure proposes to create a voluntary program to transfer residential development rights from areas inside the Noise Exposure Maps to areas outside the NEMs. Landowners in the "sending" zone will sell for monetary compensation the development rights to their property, they will also agree to place a permanent deed restriction on their land that will prohibit future non-compatible development. Landowners in the receiving zones will be eligible to purchase development rights from the sending zone and thereby develop their properties at a higher density than would otherwise be permitted. (NCP Pages 88, 89, 112, 113, Figure 13 and Table 14).

FAA Action: Approved. The local governments have the authority to implement this measure. The Federal government has no authority to control local land uses

12. LU-12 - Purchase of Development Rights.

Description: This measure proposes that FAT acquire residential development rights from areas inside the Noise Exposure Maps to areas outside the NEMs. This measure is similar to Measure LU-11, however, FAT would acquire the development rights at an anticipated lower cost than fee simple purchase. Under this measure after purchase FAT would extinguish the development rights, thereby precluding new non-compatible development. The NCP provides an example controlling the land use by owning the development rights. (NCP Pages 89, 113, 114, 115, Figure 13 and Table 14)

FAA Action: Approved. The local governments have the authority to implement this measure. The Federal government has no authority to control local land uses

13. LU-13 - Purchase of Vacant Land That May Be Developed Into Non-Compatible Use.

Description: This measure proposes that FAT acquire vacant land that can be developed into non-compatible land uses inside the 65 CNEL noise contour for the 2009 NEM. This measure is similar to Measure LU-1, however, the intent of this measure is to acquire undeveloped real property, where under Measure LU-1, FAT would acquire already developed non-compatible real property. The purpose of this measure is to maintain the land as vacant or sell the land for development into compatible land uses with deed restrictions, or develop the property for a compatible public use. (NCP Pages 89, 90 and 115, Table 14).

FAA Action: Approved. FAA notes the city of Fresno must comply with the requirements of the Uniform Relocation and Real Property Acquisition Act (49 CFR Part 24) when acquiring these properties. The City of Fresno is responsible for ensuring that the re-use of the acquired properties is compatible with airport operations. Properties that are acquired using funds from Airport Improvement Program by the City of Fresno where the land use is subsequently changed must be disposed of consistent with FAA Order 5100.38C, *Airport Improvement Program Handbook*.

14. LU-14 – Encourage the Local Jurisdictions to Develop Compatible Land Uses in the Airport Environs.

Description: This measure proposes that FAT has a voice in local land use planning and decision making. This includes continued active involvement in the Fresno County Airport Land Use Commission [ALUC] so that FAT, as a department of the City of Fresno, has the opportunity to review and comment on local jurisdiction's land use plans and actions to make sure they are compatible with the ALUC recommendations and the overall goal of improved aircraft noise and land use compatibility. This measure also includes FAT seeking a role in land use decision making that occur below [actions not reviewed by the ALUC] typical actions reviewed by the ALUC. (NCP Pages 116, 117 and Table 14).

FAA Action: Approved.

PROGRAM MANAGEMENT ELEMENTS

1. PM-1 - Monitor Airport Operations to Determine Need for NEM and/or NCP Updates.

Description: Under this measure the airport will monitor airport flight operations and fleet mix to determine if and when airport activity changes occur that would cause a 1.5 dB change in CNEL inside the 65 CNEL contour or if activity creates areas of new non-compatible land use. Appendix L, as part of PM-1, provides a tool for estimating the changes in noise exposure that may result due to changes in fleet mix and numbers of operations. Changes of or approaching plus or minus 1.5 dB in total exposure, total departure exposure, or total arrival exposure from the year of submission will receive closer examination that may indicate a need to update the NEM. An NCP update will be considered when made necessary by revision of the NEM per 14 CFR 150.31(e)(9) or the airport determines element(s) of the approved NCP are no longer effective or determines element(s) need to be added or changed to benefit their noise program at FAT. (NCP Pages 122, 123 and Table 15).

FAA Action: Approved.

2. PM-2 - Acquire a Flight Tracking System and/or Noise and Operations Monitoring System (NOMS)

Description: Under this measure, FAT may pursue acquisition of an integrated NOMS in the event there is uncertainty about changes in the community noise exposure and the need for an NEM update or compliance with flight track and runway use elements of the NCP or if other issues arise that require more detailed analysis of aircraft operations, noise exposure levels and community complaints. (NCP Pages 132, 133 and Table 15)

FAA Action: Approved. Note, for the purpose of aviation safety, this approval does not extend to the use of monitoring equipment for enforcement purposes by in-situ measurement of any pre-set noise thresholds.

3. PM-3 - Monitor Aircraft Engine Run-ups and Complaints as a Trigger for a Future Ground Run-up Enclosure (GRE) Replacement Needs Analysis Study.

Description: This measure proposes FAT staff monitor run-up activity and keep a log of run-up activity and usage of the existing run-up enclosure. The purpose of this measure is to evaluate compliance with aircraft engine run-up rules. This measure indicates that continual monitoring of noise complaints will determine if run-ups become a significant source of community annoyance and the logs will determine if significant changes in demand for run-ups occurs. Analysis of information contained in the logs will also provide information required to evaluate the need for changes in currently established run-up policies, areas and facilities. (NCP Pages 126, 127 and Table 15)

FAA Action: Approved.

4. PM-4 – Establish Staff Position to Monitor and Coordinate Implementation of the NCP Measures.

Description: This measure expands the role of the FAT Acoustical Program Office into one of an overall Airport Noise Programs Office that will provide a central point of contact at FAT for all issues related to noise abatement. This measure would expand the job description for the identified staff and include required training in such areas as airport noise control practices and noise modeling. (NCP Page 127, Table 15)

FAA Action: Approved. Implementation of this measure is within the authority of the city of Fresno, as the sponsor for FAT.

5. PM-5 - Increase Community Outreach.

Description: This measure provides for the FAT Acoustic Program Coordinator to meet with outside groups, as invited, to present information on Part 150 to ensure the understanding of the purpose of Part 150, history, elements, successes, challenges, and opportunities for outside parties to participate. The purpose of this measure is to help various groups understand the efforts, challenges, and possibilities of the Airports Noise Compatibility Program in building trust and cooperation among various entities. (NCP Page 128 and Table 15)

FAA Action: Approved.

6. PM-6 - Expand Airport Noise Section on the FAT Website.

Description: This measure proposes that FAT host a website currently hosted by the City of Fresno's Part 150 consultant that contains the Part 150 Update. This measure also includes a provision to augment the website with maps and information on the City's SMART Program, a history of noise abatement efforts at FAT and information related to the Airport Noise Advisory Committee. (NCP Page 128 and Table 15)

FAA Action: Approved.

7. PM-7 - Develop Standardize Complaint Collection, Response, and Recording Procedures.

Description: This measure proposes that FAT develop standardized noise complaint collection, response and recording procedures. This information would be collected and be integrated into a Noise Operations Monitoring System (NOMS), if acquired by FAT as described in Measure PM-2. This measure includes possible designation of a specific noise comment telephone line. (NCP Pages 130 and Table 15).

FAA Action: Approved. Implementation of this measure is considered to be within the authority of the City of Fresno. It is intended to continue to provide a means for community outreach and education regarding airport procedures for noise abatement.

8. PM-8 - Establish an Airport Noise Advisory Committee.

Description: This measure proposes FAT would facilitate the formation of an Airport Noise Advisory Committee (ANAC) comprised of community members, airport staff, and airport users to discuss issues for noise abatement policy. The ANAC would provide a forum for continued dialog on current and emerging airport noise issues and to help ensure that the Airport and ANAC member groups are responsive to community concerns. (NCP Pages 129, 130, Table 15)

FAA Action: Approved. Implementation of this measure is considered to be within the authority of the City of Fresno. It is intended to provide a means for community outreach and education regarding airport procedures for noise abatement.

9. PM-9 - Develop and Distribute Pilot Handouts.

Description: This measure proposes that FAT will develop and distribute handouts to pilots to identify noise sensitive communities surrounding FAT on three sides and noise abatement elements for consideration when operating aircraft at FAT. (NCP Page 138, Table 15)

FAA Action: Approved. Implementation of this measure is considered to be within the authority of the City of Fresno. It is intended to provide a means for community outreach and education regarding airport procedures for noise abatement. Language of the Pilot Handout is subject to FAA approval.

END OF RECORD OF APPROVAL