

FEDERAL AVIATION ADMINISTRATION

RECORD OF APPROVAL  
14 CFR PART 150  
NOISE COMPATIBILITY PROGRAM

Martin County Airport / Witham Field  
Stuart, Florida

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CONCUR      NONCONCUR  
11<sup>th</sup> June 2014  
Date

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APPROVED      DISAPPROVED  
June 11, 2014  
Date

**RECORD OF APPROVAL**  
**Martin County Airport / Witham Field**  
**Stuart, Florida**

The Martin County Airport / Witham Field (SUA), Stuart, Florida is owned and operated by Martin County, Florida (County or Sponsor). The County developed a Noise Compatibility Program (NCP) that describes current and future land uses around the Airport based on the parameters established in Title 14 Code of Federal Regulations (CFR) Part 150, Airport Noise Compatibility Planning. The NCP contains the County's recommendations to implement 17 program measures, including nine (9) Operational measures and eight (8) Land Use measures<sup>1</sup>. All 17 of these measures were previously approved, in whole or in part, by the Federal Aviation Administration (FAA) in a 2004 Record of Approval (2004 ROA) as part of an earlier noise program submitted by the Sponsor.

This updated NCP was submitted to FAA subsequent to a determination by the FAA that the associated Noise Exposure Maps (NEMs), submitted by the County in September 2010, were in compliance with applicable requirements of 14 CFR Part 150 in effect on December 6, 2011, the date the FAA's determination was published in the Federal Register. The updated NCP was prepared by the County to "address the continued implementation of the noise compatibility operational and land use compatibility planning measures approved by the FAA in the 2004 ROA, based on the changes in noise exposure documented in the 2010 NEM document."<sup>2</sup>

The mitigation measures listed herein are those for which the Sponsor has requested FAA approval. FAA approval indicates only that the actions would, if implemented, be consistent with the purposes of 14 CFR Part 150. The FAA has provided technical advice and assistance to the Airport to ensure that the operational elements are feasible (see 14 CFR §150.23(c)). Nevertheless, approval of a measure does not constitute a FAA funding commitment or decision to implement that measure. The FAA will make funding eligibility determinations as funds are requested by the County. Later decisions concerning possible implementation of measures approved in this ROA will be subject to all applicable environmental compliance and other procedures and requirements including, but not limited to, the National Environmental Policy Act and Section 106 of the National Historic Preservation Act.

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<sup>1</sup> The NCP, like the ROA below, identifies 12 Operational measures and 9 Land Use measures. However, three of the Operational measures (OPS2, 10 & 12) and one of the Land Use measures (LU2) were not recommended by the Sponsor, and no FAA action is requested.

<sup>2</sup> NCP at 7.

The FAA's approval or disapproval of each specific measure proposed by an airport sponsor in an ROA is determined by applying approval criteria prescribed in 14 CFR §150.35(b). Only measures that meet the approval criteria can be approved and considered for Federal funding eligibility. When an ROA measure is disapproved by the FAA, airport sponsors are not precluded from and are encouraged to work with the FAA and their communities outside of the rigors of the Part 150 process to implement initiatives that provide noise benefits to the community.

There follows a summary of the proposed Operational and Land Use measures proposed by the County in the NCP. As previously stated, no new measures have been added to the NCP that were not already included in the 2004 NCP. The summaries include a description of the efforts undertaken by the Sponsor to implement the measures since the issuance of the FAA's 2004 ROA. The summaries are derived from the County's NCP and do not represent the opinions or decisions of the FAA.

It is important to note that Martin County has adopted the DNL 60 dBA noise contour as its local standard for land use compatibility planning purposes. This is lower than the FAA's standard of DNL 65 dBA. Although it has been proposed over the course of the last few years, the City of Stuart has not adopted a lower local standard for land use compatibility planning purposes. Therefore the FAA's standard land use compatibility guidelines as contained in 14 CFR Part 150, Appendix "A", Table 1, apply to land uses within the jurisdiction of the City.

## **OPERATIONAL MEASURES**

### **OPS1 – Preferential Runway Use**

**Purpose:** To promote the use of Runway 12 during calm wind conditions (0 to 5 Knots).

**Description:** This measure promotes the use of Runway 12 to optimize runway utilization under calm wind conditions (0 to 5 knots). These conditions occur approximately 10% of the time.

**2004 FAA Record of Approval: FAA Action:** *"Disapproved for purposes of Part 150. This measure does not satisfy FAR Part 150 approval criteria because it does not provide an overall reduction in numbers of noise impacted population."*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** Preferential runway use is promoted on a voluntary basis through pilot information materials which include posters, pilot brochures, and signage.

**Sponsor's Recommendation for this NCP:** Continue as a voluntary measure.

**FAA Action for this NCP:** Disapproved for purposes of 14 CFR Part 150. This measure does not satisfy 14 CFR Part 150 approval criteria because the analysis in the NCP does not demonstrate the measure's noise benefits on the DNL 60+ dBA noise contour in Martin County or the DNL 65+ dBA noise contour in the City of Stuart. However, the Sponsor may continue implementing preferential runway use as a voluntary measure.

### **OPS2 – Ban Stage 1 Aircraft**

**Purpose:** To study and analyze the future ban of Stage 1 aircraft at SUA.

**Description:** The 2002 NEM Study reviewed historical airport operational data to identify the types of aircraft that frequently utilize the Martin County Airport. The historic data shows a small number of Stage 1 aircraft occasionally utilize the airport (approximately 0.14% of total operations).

**2004 FAA Record of Approval: FAA Action:** *“Disapproved for purposes of Part 150. The analysis contained in the NCP states that implementing a ban on Stage 1 aircraft would not impact the noise contour used for comparison in this study (2007, with and without program measures). Also, the FAA notes that Measure LU1, may allow construction of new residences within the DNL contour selected by the airport sponsor as locally significant (i.e., DNL 60-65 dB). Local actions to permit new incompatible construction in a DNL contour selected by the airport sponsor as locally significant would not be reasonably consistent with achieving the goal of reducing noncompatible uses (49 U.S.C. section 47504 (b)(1)(B), and Part 150 section 150.35(b)(1)). Also, to approve a measure under Part 150, it must not be unjustly discriminatory (section 150.35(b)(1)).”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** This measure was not formally implemented.

**Sponsor’s Recommendation for this NCP:** Not recommended for implementation

**FAA Action for this NCP:** no FAA Action required.

### **OPS3 - Voluntary Night Time Curfew**

**Purpose:** To strongly discourage aircraft operations during voluntary nighttime curfew hours of 11 p.m. through 7 a.m. daily.

**Description:** This measure discourages aircraft operations (landings and takeoffs) during voluntary nighttime curfew hours of 11 p.m. through 7 a.m. daily.

**2004 FAA Record of Approval: FAA Action:** *“Approved as a voluntary measure. The NCP analysis assumes high rate of compliance with this measure based on current compliance rates. This measure is proposed to be accomplished with continued pilot education. There will be no mandatory enforcement.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:**

To track voluntary compliance with this measure, Airport staff has maintained operations logs during hours when the tower was closed. Letters and pilot education materials are sent to curfew operators. The Airport Noise Advisory Committee (ANAC) reviews monthly Curfew Reports with particular emphasis on jet operations due to the high level of community annoyance associated with nighttime jet operations. The installation of the Noise Operations Monitoring System (NOMS) recommended as OPS8 in the 2004 NCP has simplified monitoring and reporting of curfew operations. This measure has been implemented through the Pilot Information Programs (OPS9).

**Sponsor’s Recommendation for this NCP:** Continue as a voluntary measure.

**FAA Action for this NCP:** **Approved as a voluntary measure. The updated NCP analysis assumes a high rate of measure implementation based on the frequency of past use. This measure is proposed to be accomplished with continued pilot education (OPS9). There will be no mandatory enforcement of a nighttime curfew of operations.**

**OPS4 - Voluntary Touch-and-Go Limits**

**Purpose:** To discourage touch-and-go operations Monday-Saturday before 8 a.m. and 2 hours after sunset and 24 hours on Sunday, Thanksgiving, Christmas, and New Year’s Day.

**Description:** This measure assumes continued implementation of the existing voluntary program, which calls for no touch-and-goes at night Monday thru Saturday, and adds the voluntary limitations to touch-and-goes on Sundays, New Year’s Day, Thanksgiving Day, and Christmas Day.

**2004 FAA Record of Approval: FAA Action:** *“Approved as a voluntary measure. The NCP analysis assumes 100% compliance based on current compliance rates. This measure will be accomplished with continued pilot education and will not include mandatory enforcement.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:**

Airport staff monitors aircraft operations that occur when the tower is closed. This measure has been implemented through the Pilot Information Program (OPS9).

**Sponsor's Recommendation for this NCP:** Continue as a voluntary measure.

**FAA Action for this NCP:** Approved as a voluntary measure. The updated NCP analysis assumes 100% participation based on past participation rates. This measure will be accomplished with continued pilot education (OPS9) and will not include mandatory enforcement.

### **OPS5 - Runway 12 Voluntary Noise Abatement Departure Flight Track**

**Purpose:** To encourage use of the straight-out departure track for Instrument Flight Rules (IFR) takeoffs on Runway 12.

**Description:** This measure called for the development of a standard departure procedure (DP) for use by pilots operating under IFR on Runway 12. The procedure guides pilots electronically along a flight path that is straight out and centered over the St. Lucie Inlet to avoid residential areas prior to turning on course.

**2004 FAA Record of Approval: FAA Action:** *“Approved as voluntary when a pilot requests to proceed to the ocean before making a turn, when traffic, weather, and airspace safety and efficiency conditions permit ATC to approve the request. This measure assumes and [sic] average of 1% per day will utilize this voluntary measure. While this measure does increase by a small number the residents in the 65-70 DNL contour, it reduces the population included in the 60-65 DNL contour, providing a net decrease in people exposed to noise. Current airspace constraints to the north and south of Martin County significantly curtail the use of this procedure. As airspace allocations are adjusted by Air Traffic, the NCP may be updated to analyze additional compliance with this measure.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** The Departure Profile was published in August 2009 and became effective and available for pilot use December 17, 2009. Voluntary compliance is encouraged through on-airport signage, FBO posters, and publication in pilot information materials, pilot websites, and information in manuals.

**Sponsor's Recommendation for this NCP:** Continue as a voluntary measure.

**FAA Action for this NCP:** Approved as voluntary when a pilot requests to proceed to the Atlantic Ocean before making a turn, when traffic, weather, and airspace safety and efficiency conditions permit Air Traffic Control (ATC) to approve the request. This measure assumes an average of 1% of the operations per day will utilize this voluntary measure. While this measure does increase by a small amount the number of residents in the DNL 65-70 dBA contour, it reduces the

population within the DNL 60-65 dBA contour, providing a net decrease in the number of people exposed to significant levels of aircraft-related noise. FAA notes that current airspace constraints to the north and south of Martin County significantly curtail the use of this procedure. However, as airspace allocations are adjusted by local and regional ATC, additional analysis by the Sponsor may enable a higher degree of measure use.

### **OPS6 - Runway 30 Voluntary Noise Abatement Departure Flight Track**

**Purpose:** To encourage a left turn to 285 degrees for IFR aircraft departing Runway 30.

**Description:** Like OPS5, this measure contemplated the development of a procedure for use by pilots operating under IFR conditions on Runway 30. The procedure established a departure track at 285 degrees, which avoids more densely populated residential areas.

**2004 FAA Record of Approval: FAA Action:** *“Approved as voluntary when a pilot requests the turn, when traffic, weather, and airspace safety efficiency conditions permit ATC to approve the request. Current airspace constraints to the north and south of Martin County significantly curtail the use of this procedure. As airspace allocations are adjusted by Air Traffic, the NCP may be updated to analyze additional compliance with this measure.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** The Departure Profile was published in August 2009 and became effective and available for pilot use December 17, 2009. Voluntary compliance is encouraged through on-airport signage, FBO posters, and publication in pilot information materials, pilot websites, and information in manuals.

**Sponsor’s Recommendation for this NCP:** Continue as a voluntary measure.

**FAA Action for this NCP:** **Approved as voluntary when a pilot requests the turn, when traffic, weather, and airspace safety and efficiency conditions permit ATC to approve the request. Current airspace constraints to the north and south of Martin County significantly curtail the use of this procedure. However, as airspace allocations are adjusted by local and regional ATC, additional analysis by the Sponsor may enable a higher percentage of measure use.**

## **OPS7 - Voluntary Takeoff and Landing Procedures**

**Purpose:** Encourages the use of National Business Aviation Association (NBAA) close-in noise abatement departure profile (NADP), Aircraft Owners and Pilots Assoc. (AOPA) and/or manufacturer noise abatement takeoff and landing procedures.

**Description:** This measure recommends that pilots utilize takeoff and landing procedures for noise abatement purposes.

**2004 FAA Record of Approval: FAA Action:** *“Disapproved pending submission of additional information to make an informed analysis. This measure relates to flight procedures under 49 U.S.C. 47504(b). Information required to complete FAA action on this measure includes calculating the estimated benefits to noise-sensitive land uses near the airport. This information can be provided using either DNL noise contour or using supplemental metrics such as describing the benefits with versus without the measure, on a single event basis.*

*The effectiveness of noise abatement procedures will vary on an airport-by-airport basis. There are three basic profiles – near, distant, and standard. Given variations in aircraft performance, it is possible for one aircraft type to use one type of procedure and another aircraft to use a different procedure to achieve noise reduction over the same community. The techniques used to determine the noise benefits of changes in approach setting are still under study in the U.S.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** Additional data and information demonstrating a benefit within the DNL 65 dBA noise contour was provided to the FAA and subsequently the measure was approved. The data demonstrated that the NBAA Close-In Departure Profile provided a benefit to residents closer-in to the airport, reducing single event takeoff noise levels between 5 and 7 decibels (dB). (updated NCP, pages 26 and 27).

**Sponsor’s Recommendation for this NCP:** Continue as a voluntary measure.

**FAA Action for this NCP:** Approved as a voluntary measure.

## **OPS8 - Install Flight Tracking System (NOMS)**

**Purpose:** Record flight tracks and operations to help monitor the effectiveness of voluntary noise compatibility operational measures and to assist Martin County in the determination of the future need to update the noise exposure maps.

**Description:** Install a flight tracking system to assist airport staff in the collection of aircraft operations data to monitor the effectiveness of NCP operational measures.

**2004 FAA Record of Approval: FAA Action:** *“Approved. The flight tracking system must technically be able to interface with the FAA equipment and operations, and must comply with FAA data download requirements. Eligibility for Federal funding and the scope of the proposed project will be determined at the time of application.*

*For purposes 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 and shall not be used for mandatory enforcement of any voluntary measure.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** FAA approved this measure and the Florida Department of Transportation (FDOT) provided an 80% grant for the procurement of the system. Installation began in 2011 and final acceptance was completed in November 2012. (updated NCP, page 27)

**Sponsor’s Recommendation for this NCP:** This measure has been implemented. Future upgrades are anticipated as technology advances. The effectiveness of this measure through the 2017 planning period will depend upon Martin County’s ability to upgrade the existing systems as these advancements come on-line. (updated NCP, page 27).

**FAA Action for this NCP: Approved. Any flight tracking system updates must be able to interface with the FAA equipment and operations, and must comply with FAA data download requirements. Eligibility for Federal funding and the scope of the proposed updates to the system will be determined at the time of application. For purposes of aviation safety, this approval does not extend to the use of monitoring equipment for enforcement purposes by in-situ measurement of any preset noise thresholds and shall not be used for mandatory enforcement of any voluntary operational measure.**

#### **OPS9 - Pilot Information Program**

**Purpose:** Educate and inform pilots about the Airport’s noise abatement program procedures.

**Description:** This measure called for the development of a program designed to inform pilots of noise sensitive areas around the Airport and to encourage pilot participation in the Noise Abatement Program. (updated NCP, page 28).

**2004 FAA Record of Approval: FAA Action:** *“Approved in Concept. The methods to publicize this noise compatibility program are approved. Prior to release, each publicity measure must be approved for wording and content by the appropriate FAA office, and should clearly state that the noise abatement measures are voluntary, and that pilots,*

*while encouraged to request the noise abatement departure heading, are always required to follow the directions provided by air traffic control.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:**

The ANAC and Airport staff have designed and distributed pilot brochures, posters, signage, and Jeppesen inserts describing the Martin County program. SUA noise abatement materials have been distributed to all based aviation businesses and to all U.S. fractional ownership companies. Information is also posted on the AOPA website and recorded on the Automated Weather Observation System (AWOS). Notification letters are mailed to those who operate during voluntary curfew hours.

**Sponsor’s Recommendation for this NCP:** Continue the Pilot Information Program.

**FAA Action for this NCP:** Approved. The methods to continue to publicize the Noise Compatibility Program are approved. However, prior to release, each publicity measure must be approved for wording and content by the appropriate FAA office and should clearly state that the noise abatement measures are voluntary and that pilots, while encouraged to request the noise abatement departure heading, are always required to follow the directions provided by ATC.

**OPS10 - Monitor Air Traffic Control Frequencies**

**Purpose:** To record and review ATC/pilot radio communications to monitor operations when the Tower is closed.

**Description:** The intent of this measure is to provide a method by which SUA staff can monitor and track airport operations on Universal Communications (UNICOM) radio transmissions during voluntary curfew hours.

**2004 FAA Record of Approval: FAA Action:** *“Approved. This measure would involve purchasing over-the-counter radio-receiving equipment that is generally available to the public. The stated purpose is to determine how effective the noise abatement measures are. Information will be used to education the pilots and community about the program, and will be used to assist in addressing citizen complaints. Eligibility for Federal funding and scope of the proposed project will be determined at the time of application. For purposes of aviation safety, this approval does not extend to the use of monitoring equipment for enforcement purposes and shall not be used for mandatory enforcement of any voluntary measure.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:**

This measure was implemented as an added feature to the Noise Operations Monitoring System (OPS8).

**Sponsor's Recommendation for this NCP:** This measure has been implemented and is not recommended for further implementation.

**FAA Action for this NCP:** No FAA Action required.

### **OPS11 - Engine Run-up Procedures and Facilities**

**Purpose:** To provide for set hours (8 a.m. until 6 p.m.) during which engine run-ups can occur and to study a potential new location for the engine run-up pad.

**Description:** This is the continuation of existing procedures for engine maintenance run-ups. The previous measure limited run-up activities during the night hours (10 p.m. to 7 a.m.). The revised measure extended the hours to discourage run-up activities during the hours of (6 p.m. to 8 a.m.). Run-ups are limited to specific maintenance run-up areas and to sites on the airport where existing structures offer shielding.

**2004 FAA Record of Approval: FAA Action:** *“Approved to continue the current procedure as a voluntary measure. Approved for further study of additional run-up locations.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** At the February 2005 Noise Abatement Workshop, information was disseminated concerning the revisions to the voluntary maintenance run-up hours. The voluntary maintenance run-up hours are promoted via the Pilot Information.

**Sponsor's Recommendation for this NCP:** Continue the current procedure as a voluntary measure.

**FAA Action for this NCP:** Approved as a voluntary measure.

### **OPS12 - Noise Barriers:**

**Purpose:** To study the benefits of the construction of noise barriers to reduce the impact of aircraft ground noise.

**Description:** Preliminary locations of noise berms and barriers were discussed following the 2004 FAR Part 150 Noise Study.

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** The ANAC determined that noise barriers would not be effective under current conditions. This measure was not implemented.

**2004 FAA Record of Approval: FAA Action:** *“Approved for further study.”*

**Sponsor's Recommendation for this NCP:** Not recommended for implementation.

**FAA Action for this NCP:** No FAA Action required.

## **LAND USE MEASURES**

The Martin County Airport / Witham Field property lies within the jurisdiction of two entities with land use control authority. Martin County, which is the Airport Sponsor, has jurisdiction over land uses within unincorporated Martin County and jurisdiction over land uses within the airport property. The City of Stuart has jurisdiction over land uses within the City limits but has no authority over land uses within the airport. In general, the southeastern portion of the airport is within the land use jurisdiction of Martin County, and the northwest portion of the airport is within the land use jurisdiction of the City of Stuart.

Martin County has adopted the DNL 60 dBA noise contour as its local standard for land use compatibility planning purposes. This is lower than the FAA's standard of DNL 65 dBA. Although it has been proposed over the course of the last few years, the City of Stuart has not adopted a lower local standard for land use compatibility planning purposes. Therefore the FAA's standard land use compatibility guidelines as contained in 14 CFR Part 150, Appendix "A", Table 1, apply to land uses within the jurisdiction of the City.

Any Land Use measure proposed by the Airport Sponsor in the NCP and approved by the FAA in this ROA that specifically pertain to the DNL 60+ dBA noise contour are only applicable to land uses/areas within the jurisdiction of Martin County. They do not apply to land uses/areas within the jurisdiction of the City of Stuart until such time as the City adopts a lower local land use planning standard that the FAA has reviewed and concurs is adequately enforceable by the City. Measures proposed in the NCP and approved by FAA in this ROA that pertain to the DNL 65+ dBA noise contours are applicable to both Martin County and the City of Stuart.

In terms of noncompatible land uses eligible for consideration of land use mitigation measures approved by the FAA in this ROA, the "phases" of mitigation depicted in NCP Figure 5-1 for land uses within the City of Stuart and in Figure 5-2 for land uses within Martin County are misleading because they are outdated and no longer valid. This is because they are based on the previous (2004) NCP and its associated NEM's. The current (2012) NEM and (2013) NCP update supersedes any previously accepted NEM's and NCP measures. As indicated in the current NEMs, the NCP program has successfully reduced noise around the airport. As is always the case, when FAA funds are requested for mitigation purposes, the FAA will determine eligibility based on the level of noise exposure at the time of the Federal funds request. Future implementation must be in accordance with guidance outlined in FAA Program Guidance Letter (PGL) 12-09, Eligibility and Justification Requirements for Noise Insulation Programs.

## LU1 - Noise Zoning

**Purpose:** To establish airport zoning overlays preventing new noncompatible land uses.

**Description:** This measure promotes land use compatibility through changes to local zoning regulations. The Martin County Board of County Commissioners (BOCC) adopted the 60 dB DNL level as the local standard for land use compatibility planning purposes on September 11, 2012. (updated NCP, page 31 and Appendix "G", and Table 2-1).

**2004 FAA Record of Approval: FAA Action:** *"Approved in part, disapproved in part. This is a preventative land use measure and is within the authority of the local land use planning jurisdictions.*

*The narrative at pages 5-19 and 5-20 describe the zones as follows. Zone A would prohibit new noise sensitive development within the DNL 65 dB and greater noise contour, including residential development. Nonresidential commercial development would require sound attenuation. Zone B would prohibit new schools, child care, and similar noise sensitive uses. Other nonresidential commercial development would require sound attenuation. **These designations are approved.***

*We note that LU7 suggests an intention to limit new land uses in Zone A and B to compatible uses; however, residences are not specifically mentioned in the description of prohibited land uses in Zone B, and are assumed to be permitted in that zones's [sic] DNL 60-65 dB noise contour. **To the extent that Zone B is intended to permit new residential land uses, this aspect of Zone B is disapproved for purposes of Part 150.** It would not be reasonably consistent with achieving the goal of reducing noncompatible land uses and preventing the introduction of additional noncompatible uses (49 U.S.C. section 47504(b)(1)(B)) to allow new residences within the DNL 60-65 dB noise contour since the local government has adopted the DNL 60-65 dB standard as locally significant. Neither would it be consistent with the FAA's land use mitigation policy published in 1998. Further mitigation of any noise-sensitive development that occurs after October 1, 1998, will not be eligible for Part 150 approval under the FAA's 1998 policy. Disapproval under Part 150 does not prevent the local planning jurisdictions from carrying out their own land use plans to meet local needs."*

### **Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:**

Martin County adopted the zoning regulations recommended in LU1 of the 2004 NCP on September 11, 2012. (updated NCP, page 31 and Appendix G). As of the submittal of the updated NCP and the preparation of this ROA, the City of Stuart has not adopted similar regulations. A letter from the City of Stuart outlining its actions with regard to an Interlocal Agreement with Martin County is contained in Appendix G of the NCP. The Interlocal Agreement had not been executed by the City and County as of the publication of this ROA.

**Sponsor's Recommendation for this NCP:** Continue enforcement of the Noise Overlay Zones in areas under the jurisdiction of Martin County through the Martin County Building Department. Enforcement in areas under the jurisdiction of the City of Stuart carried out by the City of Stuart.

**FAA Action for this NCP:** Approved in part, disapproved in part. This is a preventative land use measure and is within the authority of the local land use planning jurisdictions.

The narrative summarized at page 31 of the updated NCP describes the overlay zones as follows: Zone A would prohibit new noise sensitive development within the DNL 65 dBA and greater noise contour, including residential development. Nonresidential commercial development would require sound attenuation; Zone B would prohibit new schools, child care, and similar noise sensitive uses. Other nonresidential commercial development would require sound attenuation. *This portion of measure LU1 is approved.*

We note that LU1 suggests an intention to limit new land uses in Zones A and B to compatible uses; however, residences are not specifically mentioned in the description of prohibited land uses in Zone B and are assumed to be permitted in that zone's DNL 60-65 dBA noise contour. *To the extent that Zone B is intended to permit new residential land uses, this aspect of measure LU1 concerning Zone B is disapproved for purposes of 14 CFR Part 150.* The Sponsor may not utilize Federal financial assistance for the acquisition of property within Zone B on which the Sponsor intends to construct, or causes to be constructed, new residential development. Moreover, the FAA does not approve of new residential development on property in Zone B previously acquired with Federal financial assistance regardless of the Sponsor's intent at the time the property was acquired. It would not be reasonably consistent with achieving the 14 CFR Part 150 goal of reducing noncompatible land uses and preventing the introduction of additional noncompatible uses (49 U.S.C. section 47504(b)(1)(B)) to allow new residences within the DNL 60-65 dBA noise contour since Martin County has adopted the DNL 60 dBA standard as locally significant. Neither would it be consistent with the FAA's land use mitigation policy published in 1998. Disapproval under 14 CFR Part 150 does not prevent the local planning jurisdictions from carrying out their own land use plans to meet local needs.

We further note that the Zone A and B designations only apply to land areas to the southeast of the airport within the jurisdiction of Martin County, and not those areas to the northwest of the airport within the jurisdiction of the City of Stuart.

## **LU2 - Real Estate Disclosure**

**Purpose:** To provide a method of disclosure of properties location within the DNL 60 dBA and higher noise contours.

**Description:** This measure requires the development of a method of disclosure to the general public and property owners of the parcels' locations within the 60 dB DNL and higher noise contours and the possibilities of aircraft noise and overflights.

**2004 FAA Record of Approval: FAA Action:** *"Approved."*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** In 2007 the ANAC voted not to support mandatory disclosure, therefore this measure was not implemented.

**Sponsor's Recommendation for this NCP:** Not recommended for future action.

**FAA Action for this NCP:** No FAA action required.

## **LU3 - Site Plan Review**

**Purpose:** To provide a mechanism for the Sponsor to review and comment on proposed development plans for property within the DNL 60 dBA and higher noise contours.

**Description:** This measure consists of the use of the Intergovernmental Coordination Element of the Comprehensive Plan to facilitate site plan review if the property is within the Airports DNL 60 dB and higher noise contour intervals.

**2004 FAA Record of Approval: FAA Action:** *"Approved"*.

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** Airport staff reviews development plans in areas around the airport within the noise overlay zones.

**Sponsor's Recommendation for this NCP:** Continue internal implementation.

**FAA Action for this NCP:** Approved

## **LU4 - Citizen's Noise Committee**

**Purpose:** Continue the Citizen's Noise Committee for the purpose of monitoring the effectiveness and implementation of NCP measures and assisting with community education.

**Description:** This measure established a committee consisting of City and County residents for the purpose of monitoring the effectiveness and implementation of NCP measures.

**2004 FAA Record of Approval: FAA Action:** *“Approved”*.

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** This measure was implemented by the Martin County BOCC under Resolution 03-8.22 which outlines the makeup and membership of the ANAC. (updated NCP, page 32).

**Sponsor’s Recommendation for this NCP:** Maintain the ANAC for the purposes of monitoring the effectiveness and implementation of NCP measures.

**FAA Action for this NCP:** Approved

### **LU5 - Florida Statute 333 Airport Zoning**

**Purpose:** To incorporate provisions consistent with Florida Statute (F.S.), Chapter 333, Airport Zoning.

**Description:** This measure recognizes existing Florida law that refers to land use compatibility, zoning regulations and requirements, as well as airport hazards as they pertain to development of structures exceeding FAA obstruction standards and to airport safety.

**2004 FAA Record of Approval: FAA Action:** *“Approved”*.

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** The overlay zones described in LU1 include the provisions of F.S. Chapter 333.

**Sponsor’s Recommendation for this NCP:** Continue enforcement of the Noise Overlay Zones in areas under the jurisdiction of Martin County through the Martin County Building Department. Enforcement in areas under the jurisdiction of the City of Stuart will be carried out by the City of Stuart.

**FAA Action for this NCP:** Approved. See FAA Action for LU1 regarding Zone B.

### **LU6 - Voluntary Land Acquisition**

**Purpose:** To acquire on a voluntary basis or provide sales assistance to homeowners within the DNL 60 dB and higher noise contour intervals.

**Description:** A voluntary acquisition and relocation program for eligible property owners within the DNL 60 dB and higher noise contours. The program is developed in accordance with procedures outlined in the “Uniform Relocation Assistance and Real Property Acquisition Act of 1970”.

**2004 FAA Record of Approval: FAA Action:** *“Approved. The specific identification of structures recommended for inclusion in the program and specific definition of the scope of the program will be required prior to approval for Federal funding.*

*The FAA Federal guidelines state that impacts at noise levels of DNL 65 dB and greater are “significant” and lesser noise levels of DNL 55 to 64 dB are “moderately” impacted, (see compatible land use guidelines in Table 1 of Part 150). Properties located at levels less than the Federal “significant” criterion, such as the DNL 60 dB identified as locally significant by the airport sponsor, will receive a much lower priority for Federal financial assistance.*

*The airport operator has adopted a local deviation from the Federal land use compatibility guidelines published in FAR Part 150, Table 1 (see revised 2004 NCP Chapter 5, Table LU.1). The FAA notes that the adopted guidelines allow construction of non-compatible uses within those noise levels defines as “significant” by the airport operator. The FAA will not approve mitigation of noise-sensitive structures built after October 1, 1998.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** Phase 1 of the home acquisition program (HAP) is completed. Phase 2 of the HAP is underway. (updated NCP, page 33, Figures 5-1 and 5-2).

**Sponsor’s Recommendation for this NCP:** Continue implementation of the voluntary land acquisition program. Future implementation will be in accordance with guidance outlined in FAA’s PGL 12-09, Eligibility and Justification Requirements for Noise Insulation Programs.

**FAA Action for this NCP:** **Approved.** This measure is approved for areas within the 2017 NEM DNL 60+ dBA noise contour of Martin County since the County has adopted a more stringent local noise criterion than the Federal “significance” guidance contained in 14 CFR Part 150, Appendix “A”, Table 1. The specific identification of structures recommended for inclusion in the program and specific definition of the scope of the program will be required prior to approval for Federal funding. Future implementation must be in accordance with guidance outlined in FAA’s PGL 12-09, Eligibility and Justification Requirements for Noise Insulation Programs.

**The FAA Federal guidelines state that impacts at noise levels of DNL 65 dBA and greater are “significant” and lesser noise levels of DNL 55 to 64 dBA are “moderately” impacted, (see land use compatibility guidelines in 14 CFR Part 150, Appendix “A”, Table 1). Properties located at levels less than the Federal “significance” criterion, such as the DNL 60 dBA identified as locally significant by an airport sponsor, will receive a much lower priority for Federal financial assistance.**

As discussed above in connection with LU1, the County's adopted guidelines allows construction of noncompatible uses within those noise levels defined as "significant" by the County (Zone B – DNL 60 to 64 dBA noise contours). The Sponsor may not utilize Federal financial assistance for the acquisition of property within Zone B on which the Sponsor intends to construct, or cause to be constructed, new residential development. Moreover, the FAA does not approve of new residential development on property within Martin County's Zone B previously acquired with Federal financial assistance regardless of the Sponsor's intent at the time the property was acquired. The FAA will not approve mitigation of noise-sensitive structures built after October 1, 1998.

FAA notes that this measure is not applicable to land uses in the DNL 60 to 64 dBA noise contours within the jurisdiction of the City of Stuart. No Federal financial assistance will be provided for voluntary land acquisition within the DNL 60 to 64 dBA noise contours within the jurisdiction of the City of Stuart until such time that the City adopts a lower local standard that is more stringent than the noise compatibility guidelines provided in 14 CFR Part 150, Appendix "A", Table 1.

#### **LU7 - Redevelopment Program**

**Purpose:** To encourage compatible redevelopment within the DNL 65-70 and 60-65 dB noise contours.

**Description:** This measure encourages compatible redevelopment of acquired property within the DNL 65-70 and 60-65 dBA noise contour intervals.

**2004 FAA Record of Approval: FAA Action:** *"Approved to prepare a redevelopment plan for property acquired as part of this Record of Approval."*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** The Noise Land Inventory and Reuse Plan for the Phase 1 project area is complete and was approved by the FAA on June 17, 2010. The Noise Land Inventory and Reuse Plan for the Phase 2 project area is underway. (updated NCP, page 35 and 38).

**Sponsor's Recommendation for this NCP:** Continue implementation of the Redevelopment Program in qualifying areas within the five-year forecast (2017) DNL 65-70 and 60-65 dB noise contour intervals. The reuse plan will be updated by Martin County to reflect future acquisitions resulting from the updated NEM's and NCP. Future implementation will be in accordance with guidance outlined in PGL 12-09, Eligibility and Justification Requirements for Noise Insulation Programs.

**FAA Action for this NCP:** Approved. This measure is approved for Martin County to prepare a redevelopment plan for property acquired within the 2017 NEM DNL 60+ dBA noise contour within the land use jurisdiction of Martin County.

**FAA notes that this measure is not applicable to noncompatible land uses in the DNL 60 to 64 dBA noise contours within the land use jurisdiction of the City of Stuart. No Federal financial assistance will be provided for a redevelopment plan within the DNL 60 to 64 dBA noise contours within the jurisdiction of the City of Stuart until such time that the City adopts a lower local standard that is more stringent than the noise compatibility guidelines provided in 14 CFR Part 150, Appendix "A", Table 1.**

### **LU8 - Voluntary Sound Insulation Program**

**Purpose:** To provide residential sound insulation treatment to qualifying homes located within the five-year forecast (2017) DNL 65-70 dB and 60-65 dB noise contour intervals.

**Description:** This measure consists of the application of acoustical treatment standards through renovation of existing structures, i.e. noise level reduction (NLR) 30 dB within the five-year forecast 65 to 70 dB DNL contour and NLR 25 dB within the five-year forecast 60 to 65 dB DNL noise contour. The program is voluntary and subject to funding availability.

**2004 FAA Record of Approval: FAA Action:** *"Approved. The specific identification of structures recommended for inclusion in the program and specific definition of the scope of the program will be required prior to approval for Federal funding.*

*The FAA Federal guidelines state that impacts at noise levels of DNL 65 dB and greater are "significant" and lesser noise levels of DNL 55 to 64 dB are "moderately" impacted, (see compatible land use guidelines in Table 1 of Part 150). Properties located at levels less than the Federal "significant" criterion, such as the DNL 60 dB identified as locally significant by the airport sponsor, will receive a much lower priority for Federal financial assistance.*

*The airport operator has adopted a local deviation from the Federal land use compatibility guidelines published in FAR Part 150, Table 1 (see revised 2004 NCP Chapter 5, Table LU.1). The FAA notes that the adopted guidelines allow construction of non-compatible uses within those noise levels defined as "significant" by the airport operator. The FAA will not approve mitigation of noise-sensitive structures built after October 1, 1998."*

### **Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:**

This measure has been implemented and is currently ongoing. (updated NCP, page 35, 38, Figure 5-1, Figure 5-2, and Appendix I)

**Sponsor's Recommendation for this NCP:** Continue implementation of the Voluntary Sound Insulation Program for qualifying properties within the 2017 contour DNL 65-70 and 60-65 dBA noise contour intervals. Future implementation will be in accordance

with guidance outlined in FAA's PGL 12-09, Eligibility and justification Requirements for Noise Insulation Programs.

**FAA Action for this NCP: Approved.** This measure is approved for noncompatible land uses within the 2017 NEM DNL 60+ dBA noise contours within the jurisdiction of Martin County. The specific identification of structures recommended for inclusion in the voluntary sound insulation program and specific definition of the scope of the program will be required prior to approval for Federal funding. Future implementation of this measure must be in accordance with the guidance outlined in FAA's PGL 12-09, Eligibility and Justification Requirements for Noise Insulation Programs.

The FAA Federal guidelines state that impacts at noise levels of DNL 65 dBA and greater are "significant" and lesser noise levels of DNL 55 to 64 dBA are "moderately" impacted, (see compatible land use guidelines in 14 CFR Part 150, Appendix "A", Table 1). Properties located at levels less than the Federal "significance" criterion, such as the DNL 60 dBA noise contour identified as locally significant by the airport sponsor will receive a much lower priority for Federal financial assistance.

The Sponsor has adopted a local deviation from the Federal land use compatibility guidelines published in 14 CFR Part 150, Appendix "A", Table 1 (see updated NCP, page 13, Table 2-1). The FAA notes that the adopted guidelines allows construction of noncompatible land uses within those noise levels defined as "significant" by the airport operator (Zone B). The FAA will not approve mitigation of noise-sensitive structures built after October 1, 1998.

FAA notes that this measure is not applicable to land uses in the DNL 60 to 64 dBA noise contours within the jurisdiction of the City of Stuart. No Federal financial assistance will be provided for a voluntary sound insulation program within the DNL 60 to 64 dBA noise contours within the jurisdiction of the City of Stuart until such time that the City adopts a lower local standard that is more stringent than the noise compatibility guidelines provided in 14 CFR Part 150, Appendix "A", Table 1.

### **LU9 - Voluntary Avigation Easement Acquisition Program**

**Purpose:** To purchase avigation easements over residential properties within the 2017 DNL 65-70 and 60-65 dBA noise contours.

**Description:** Avigation Easements are obtained for homes participating in the Voluntary Sound Insulation Program and they may be purchased from property owners who are eligible for, but choose not to participate in, a future voluntary home acquisition or sound insulation program. Easements are also obtained for properties that have been acquired, sound insulated, and re-sold.

**2004 FAA Record of Approval: FAA Action:** *“Approved. The specific identification of structures recommended for inclusion in the program and specific definition of the scope of the program will be required prior to approval for Federal funding.”*

**Implementation Actions by the Airport Sponsor Since 2004 Record of Approval:** This measure has been implemented as part of the ongoing Voluntary Sound Insulation Program.

**Sponsor’s Recommendation for this NCP:** Continue implementation for qualified property owners who are eligible for, but choose not to participate in, a future voluntary home acquisition or sound insulation program. Continue to obtain easements for properties that have been acquired, sound insulated, and re-sold.

**FAA Action for this NCP:** *Approved. This measure is approved for eligible land uses within the 2017 NEM DNL 60+ dBA noise contours in Martin County. The specific identification of structures in Martin County within the 2017 NEM DNL 60+ dBA noise contours recommended for inclusion in the program and specific definition of the scope of the program will be required prior to approval for Federal funding.*

FAA notes that this measure is not applicable to land uses in the DNL 60 to 64 dBA noise contours within the jurisdiction of the City of Stuart. No Federal financial assistance will be provided for a voluntary aviation easement program within the DNL 60 to 64 dBA noise contours within the jurisdiction of the City of Stuart until such time that the City adopts a lower local standard that is more stringent than the noise compatibility guidelines provided in 14 CFR Part 150, Appendix “A”, Table 1.