

## Part 150: Records of Approval

### Waimea-Kohala Airport, Kamuela, Hawaii

Approved on 8/9/00

#### INTRODUCTION

The Waimea-Kohala Airport (MUE) Noise Compatibility Program (NCP) describes the current and future noncompatible land uses based upon the parameters as established in Federal Aviation Regulation (FAR) Part 150, *Airport Noise Compatibility Planning*. The program recommends a total of seven measures to prevent the introduction of additional noncompatible land uses and to reduce the effect of the noise generated at the airport. The recommendations include one noise abatement measure and six noise mitigation measures. These measures are summarized on Pages 7-2 through 7-5 of the NCP.

The approvals listed herein include approvals of actions that may lead to subsequent requests for changes in air traffic control operations. It should be noted that these approvals indicate only that the actions would, if implemented, be consistent with the purposes of the Part 150. These approvals do not constitute decisions to implement the actions. Later decisions concerning possible implementation of the actions may be subject to applicable

environmental or other procedures or requirements.

The recommendations below summarize as closely as possible the airport operator's recommendations in the NCP 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.

#### **1 - NOISE ABATEMENT ELEMENTS:**

##### **1. Voluntary noise abatement measure. (Page 7-2, Sec. 7.2.1)**

**Description of element:** The State of Hawaii, Department of Transportation, Airports Division (DOTA) should remind pilots of the existing noise sensitive areas within the Airport environs and that the overflight of these areas should be avoided. Changing the aircraft flight patterns would significantly reduce single event noise exposure, especially if routed over areas that are less sensitive to noise or if the amount of time an aircraft flies at low altitudes over noise-sensitive areas is reduced. Other factors, such as airport congestion, induced delay, flight route, and safety, must be considered in determining the feasibility of changing the flight patterns.

**FAA Action: Approved as a voluntary measure.** Approval of language or inclusion of any inserts to FAA tower procedures is subject to separate FAA Air Traffic approval and is not approved in this Record of Approval. Signs and other publications must not construe the procedure as mandatory. The procedure does not supersede the discretion of the FAA and the pilot in command to deviate when appropriate due to safety concerns or wind and weather conditions. The changes are approved only for purposes of Part 150. The actual air traffic changes will not be implemented by the Part 150 record of approval.

## 2 - NOISE MITIGATION ELEMENTS:

### 1. Comprehensive Planning and Zoning. (Page 7-2, Sec. 7.2.2)

**Description of element:** Use comprehensive planning and zoning to maintain compatible land use. Prohibit zoning changes which will change a compatible land use into an incompatible land use. However, if the community determines that there is a need for new housing in an area exposed to noise levels of 60 to 65 DNL, then the County of Hawaii, and the State of Hawaii-Land Use Commission, should require an avigation easement to DOTA and acoustical treatment to maintain an interior value of 45 DNL. DOTA should request that new residential developments have lesser densities (i.e. larger size lots), since visual flight rules (VFR) aircraft flight tracks can vary greatly and overflights may be more common. In addition, the DOTA should pursue an "Airport zone" within the airport environs to address height restrictions, noise and other DOTA and FAA concerns.

**FAA Action: APPROVED:** This measure is considered to be within the authority of the state of Hawaii and the county of Hawaii. FAA prefers that no noncompatible development take place within the noise exposure map contours. Remedial noise mitigation for new construction that takes place after

October 1, 1998, would not be approved under Part 150.

### 2. Avigation Easements. (Page 7-3, Sec. 7.2.2)

**Description of element:** Acquiring avigation easements from landowners that presently have compatible land but may become incompatible due to future development. The acquisition of avigation easements will maintain the operational characteristics of the Airport. The key areas are those lands directly under the aircraft flight tracks.

**FAA Action: APPROVED.** This approval does not constitute a commitment by the FAA to provide federal financial assistance for this project. FAA prefers that no noncompatible development take place within the noise exposure map contours.

### 3. Development Rights. (Page 7-3, Sec. 7.2.2)

**Description of element:** Acquiring development rights from landowners which presently own land that has a compatible land use. Acquisition of the development rights by the Airport operator will ensure that the land will be developed in accordance to the airport operator's FAR Part 150 Noise Compatibility Program. The key areas are those lands directly under the aircraft flight tracks.

**FAA Action: APPROVED.** FAA prefers that no noncompatible development take place within the noise exposure map contours. This approval does not constitute a commitment by the FAA to provide federal financial assistance for this project.

### 4. Land Banking. (Page 7-4, Sec. 7.2.2)

**Description of element:** Land banking will allow DOTA to purchase, in fee, existing compatible properties to ensure that these properties would remain compatible land uses. The DOTA could lease these properties to lessees who would use the properties for compatible land uses. The key areas are usually those directly under the aircraft flight tracks.

**FAA Action: DISAPPROVED pending submission of additional information.** The NCP does not identify the property to be acquired, does the NCP identify the property's relationship to the noise exposure map contours, nor show that the property is in danger of imminent noncompatible development. Additional information is required by the FAA to make an informed decision regarding this measure's effectiveness in meeting the goals of FAR Part 150 to reduce incompatible land use and prevent the introduction of new noncompatible land uses, including the establishment of compatible land use buffer zones.

#### **5. Subdivision Regulations. (Page 7-4, Sec. 7.2.2)**

**Description of element:** Review and modification of Subdivision Regulations. If a new subdivision is proposed, the subdivision regulations should be reviewed. If necessary, the DOTA should recommend that the subdivisions require the granting of aviation easements for the new development within the airport environs. Also, the lot sizes for the new residential development should be larger (i.e. lesser population density) to decrease the potential impact of aircraft overflights, as the aircraft flight tracks using the Waimea-Kohala Airport are widely dispersed. These modifications to the subdivision regulations would be pursued on a case-by-case basis and within the legal authority of the respective agencies.

**FAA Action: APPROVED.** FAA prefers that no noncompatible development take place within the noise exposure map contours. This measure is considered to be within the authority of the state of Hawaii and the county of Hawaii.

#### **6. Tax Incentives. (Page 7-5, Sec. 7.2.2)**

**Description of element:** The use of tax incentives to maintain compatible land use would require modification of the current tax policy that would discourage the conversion of facilities, such as golf courses, to more intensive uses by offering preferential tax treatment for compatible land uses. Although this is probably more favorable than outright acquisition through land banking, it would require working with the county of Hawaii to modify the property tax schedule.

**FAA Action: APPROVED.** This measure is considered to be within the authority of the state of Hawaii and the county of Hawaii.