

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



**DULUTH INTERNATIONAL AIRPORT
ST. LOUIS COUNTY, MINNESOTA**

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10/4/22
Date

X
CONCUR

NONCONCUR

**SUSAN KAY
MOWERY-SCHALK**

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Director, Office of Airports, AGL-600

Date

APPROVED DISAPPROVED

Record of Approval Duluth International Airport Noise Compatibility Program

INTRODUCTION

The Duluth International Airport (DLH) Noise Compatibility Program (NCP) Update describes the current and future noncompatible land uses based on the parameters as established in Title 14, Code of Federal Regulations (CFR), Part 150, *Airport Noise Compatibility Planning*.

The FAA accepted the Noise Exposure Maps (NEM) on April 11, 2022. FAA received certification, in accordance with 14 CFR § 150.21, that the DLH NEMs are representative of conditions for the existing and forecast timeframes as of the date of December 13, 2021. The public comment period originally ended June 10, 2022, but was reopened due to requested Duluth Airport Authority (DAA) amendments and ran from August 1, 2022 to September 29, 2022. The FAA received no comments during the NCP public review - comment period.

The DAA submitted this Part 150 NCP Update on December 13, 2021. Preparation of this Part 150 NCP Update, updates the approved February 1997 NCP. The below information summarizes the measures from the 1997 NCP that are considered complete and identifies the implementation status of each measure. The measures below are not included as recommended measures in the current DLH NCP.

Summary of Implemented 1997 Noise Compatibility Plan and Land Use Compatibility Measures

- 5.1.1.1 An individual within Air Traffic Control (ATC) Tower documents and responds to all noise complaints.
- 5.1.2.2. ATC personnel continue to disburse traffic to various areas to keep up to date on possible new areas of noise sensitivity.
- 5.2.2 The Airport Zoning Board developed a comprehensive compatible land use plan or Airport Noise Overlay Zone.

Summary of Non-Implemented 1997 Noise Compatibility Plan and Land Use Compatibility Measures

- 5.1.1.2 The airport did not develop a contingency plan for the rapid creation of a Community Noise Abatement Committee.
- 5.1.2.1 It is unknown if overflights of Pike Lake was ever included in a Letter of Agreement between ATC and Minnesota Air National Guard (MnANG).
- 5.1.2.2 An Environmental Assessment was not undertaken to explore the feasibility of extending Runway 3/21 to a length adequate to accommodate F-16 operations.
- 5.2.1.1 A voluntary land acquisition/relocation program was not implemented within the 75 DNL, 70 DNL, and 65 DNL with emphasis placed upon undeveloped parcels.

This Part 150 Study update reviewed the previous 1997 NCP noise abatement measures and determined the currently implemented measures reduce noise to the fullest extent possible and that no new or modified noise abatement measures are recommended.

This Record of Approval (ROA) updates and recommends the February 1997 NCP to include nine (9) mitigation measures and three (3) program management measures for inclusion in the DLH 2021 NCP.

The approvals listed herein include FAA approval of actions that DLH recommends be taken. It should be noted that these approvals indicate only that the actions would, if implemented, be consistent with the purposes of 14 CFR Part 150. The approvals do not constitute decisions to implement the proposed actions. The approvals do not constitute a commitment by the FAA to provide Federal financial assistance for these elements. Subsequent decisions concerning possible implementation of these elements may be subject to the applicable environmental and/or aeronautical requirements. FAA is providing its approvals on only those elements that DLH has identified in the 2021 NCP for which they are seeking FAA approval.

The recommendations below summarize, as closely as possible, DLH's updates to 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.

LAND USE MANAGEMENT MEASURES

Measure M-A: Offer Residential Sound-insulation Treatment to Single- and Multi-Family Homes (47 units) within the 65+ DNL Noise Contours. Offer Residential Sound-insulation treatment to Single- Family Homes (17 units) within the Block Rounding Area outside the 65 DNL Noise Contour. Page 4-13 in the NCP.

Description: This measure involves development and implementation of a sound insulation program (SIP) to offer sound insulation treatment for eligible single- and multifamily residences within the Noise Mitigation Program Area (NMPA) #1 and #2 (included in Section 4.2.1 of the NCP). NMPA #1 and #2 were established as part of the 2021 NCP. The NMPA #1 will include 47 single- and multi-family units located within the 65+ DNL. NMPA #2 will include 17 single-family properties located within the block rounding area outside of the 65 DNL, as defined in the NCP. The NMPAs were designed based on the Future (2026) NEM/NCP noise exposure contour developed for this 2021 Part 150 Study update and local geographical features such as property boundaries, jurisdictional boundaries and roadways (see NCP Section 4.2.1 and Exhibit 4-2).

Some of the seven homeowners located within the 70+ DNL noise contour being offered acquisition may have an option to select this measure instead. In addition, DAA proposes to seek an aviation easement placed on the property and attached to the deed for those properties undergoing sound-insulation.

This measure is a new measure and was not included in the 1997 NCP.

FAA Action: Approved. This measure would improve land use compatibility near the airport. However, the identification of structures recommended for inclusion in the program and definition of the scope of the program is required prior to approval for federal funding. Specifically, the recommendation for structures to be included in the sound insulation program must address the guidelines for noise level reductions (NLR) per Appendix A of 14 CFR Part 150 (See Table 1). In addition, to be eligible for federal

funding, the project is subject to compliance with FAA Order 5100.38D, *Airport Improvement Program Handbook*. The FAA's policy published in the Federal Register April 3, 1998 (Volume 63, Number 64), states that the FAA will not approve Federal funding to mitigate noise-sensitive land uses constructed after October 1, 1998.

MEASURE M-B (1997 NCP Measure M-1): Offer Land Acquisition Program to Single-Family Homes (7 units) within the 70+DNL Noise Contour. Page 4-14 in the NCP.

Description: This measure has the potential to convert residential housing units into compatible land uses. For example, potentially using acquired properties for future airport development. Property owners would be offered sound-insulation (Measure M-A) first and if they decline, then land acquisition would be offered (Measure M-B). If a property owner declines both land acquisition and sound insulation (Measure M-A), they would be offered an avigation easement that would be placed on the property and attached to the deed (Measure M-D).

This measure was included in the 1997 NCP but only for properties within the 75 DNL. This measure was never implemented and should be modified to include all properties within the 70+ DNL Noise Contour.

FAA Action: Approved. This measure would improve land use compatibility near the airport. A Noise Land Reuse Plan and a Noise Land Inventory, which identify the specific structures recommended for inclusion in the program and planned use of the noise land will be required prior to approval for federal funding. In order to be eligible for federal funding, the project is subject to compliance with FAA Order 5100.38D, *Airport Improvement Program Handbook*.

MEASURE M-C: Offer Land Acquisition to Birchwood Mobile Estates (102 Mobile Homes) within the NMPA #1 boundary and 1 additional mobile home property located to the northwest of the airport within the 65+ DNL noise contour. Page 4-15 in the NCP.

Description: This measure involves offering property acquisition to the owner of the Birchwood Mobile Estates within the boundary of NMPA #1 and one additional mobile home located on Lavaque Bypass Road to the northwest of the airport. It should be noted that 33 of the 102 mobile homes are properties located within the 65 DNL.

This is a new measure and was not included in the 1997 NCP.

FAA Action: Approved. This measure would improve land use compatibility near the airport. A Noise Land Reuse Plan and a Noise Land Inventory, which identify the specific structures recommended for inclusion in the program and planned use of the noise land will be required prior to approval for federal funding. In order to be eligible for federal funding, the project is subject to compliance with FAA Order 5100.38D, *Airport Improvement Program Handbook*.

MEASURE M-D: Offer Avigation Easements to owner-occupied single-family homes within NMPA #1 if acquisition (within 70 DNL noise contour only) and sound-insulation is declined. Page 4-17 of the NCP.

Description: This measure will offer a cash payment to the property owner in exchange for the avigation easement in cases where property owners decline acquisition or sound insulation treatment. The avigation easement would be placed on the property and would be attached to the deed for all future owners. It ultimately deems the property compatible land use.

This is a new measure was not included in the 1997 NCP.

FAA Action: Approved. This measure would improve land use compatibility near the airport. In order to be eligible for federal funding, the project is subject to compliance with FAA Order 5100.38D, *Airport Improvement Program Handbook*.

MEASURE M-E: Offer Avigation Easements to one (1) mobile home within NMPA #1, located along Lavaque Bypass Road, if acquisition is declined. Page 4-18 in the NCP.

Description: This measure will offer a cash payment to the property owner in exchange for the avigation easement if the property owner declines land acquisition. The avigation easement would be placed on the property and would be attached to the deed for all future owners. It ultimately deems the property compatible land use.

This is a new measure and was not included in the 1997 NCP.

FAA Action: Approved. This measure would improve land use compatibility near the airport. In order to be eligible for federal funding, the project is subject to compliance with FAA Order 5100.38D, *Airport Improvement Program Handbook*.

MEASURE M-F: Develop an Airport Land Use Management District (ALUMD). Page 4-19 in the NCP.

Description: This measure would develop a fixed boundary within which land use controls will be recommended. These controls will include updates to subdivision regulations, updates to building codes, and a voluntary fair disclosure program. It is recommended to make the ALUMD a fixed boundary slightly larger than the Future (2026) NEM 60 DNL, so that changes in the noise contours over time do not require revisiting the ALUMD boundary. It is at the discretion of each jurisdiction to implement, as they deem appropriate. The DAA has no control or oversight of land use planning and zoning ordinances in the surrounding communities and jurisdictions.

This is a new measure and was not included in the 1997 NCP.

FAA Action: Approved. The Federal government has no control over local land use planning. This measure is within the authority of the local planning and land use jurisdictions.

MEASURE M-G: Adopt Updated Subdivision Regulations. Page 4-20 in the NCP.

Description: During the review of the plats for new subdivisions by public entities, the site plans would be reviewed to ensure the design minimizes noise impacts. This could include the use of more open public space or by decreasing the density of development within a subdivision. The intent is to minimize the density of new residential

development within the ALUMD including areas within the 65+ DNL contour and beyond that could be subjected to aircraft noise and to minimize noise complaints against the airport.

This is a new measure and was not included in the 1997 NCP.

FAA Action: Approved. The Federal government has no control over local land use planning. This measure is within the authority of the local planning and land use jurisdictions.

MEASURE M-H: Adopt Improved Building Codes. Page 4-21 in the NCP.

Description: This measure would update the existing building codes to ensure that any new or remodeled residential construction would meet or exceed FAA criteria for sound insulation. The intent is to prevent the construction of incompatible structures within the ALUMD including areas within the 65+ DNL contour and beyond.

This is a new measure and was not included in the 1997 NCP.

FAA Action: Approved. The Federal government has no control over local land use planning. This measure is within the authority of the local planning and land use jurisdictions.

MEASURE M-I: Develop a Voluntary Fair Disclosure Program. Page 4-22 in the NCP.

Description: DAA will work with local jurisdictions to include a disclosure, through regulations on the seller or their representatives at the time of sale, that an existing property or plats of buildable lots in a new subdivision could be subjected to aircraft noise. Potential buyers will be made aware before they purchase the property that it is in an area that has the probability of receiving noise from aircraft.

This is a new measure and was not included in the 1997 NCP.

FAA Action: Approved. The Federal government has no control over local land use planning. This measure is within the authority of the local planning and land use jurisdictions.

PROGRAM MANAGEMENT MEASURES

MEASURE P-A: Continue Logging of Noise Complaints. Page 4-23 in the NCP.

Description: The airport staff should continue to receive noise complaints on an as required basis. Due to the low level of noise complaints, a formal system is not required. However, airport staff should use a more formal system of complaint logging. Data can be categorized, and the information used as a basis for future noise abatement committee meetings. Information and data including but not limited to complaint location, time of day, and information on the flight (arrival, departure, jet, propeller, military) should be gathered and recorded in a database that is maintained by DAA. In addition, DAA can provide a more user-friendly process for accessing

information on filing a noise complaint with the Airport through modifications to the Airport website.

This measure replaces the on-going 1997 NCP measure A-1 with modifications.

FAA Action: Approved. Implementation of this continued measure with modifications is considered to be within the authority of the DAA and MnANG.

MEASURE P-B: Initiate Community Roundtable or Noise Abatement Committee. Page 4-24 in the NCP.

Description: The airport staff should develop a noise abatement committee that brings together airport staff, FAA ATC personal, MnANG staff, airline representatives, FBOs, officials of local governmental entities, and representatives from impacted neighborhoods to review and discuss noise issues on at least a quarterly basis. The noise complaint logging, described in Measure P-A, can be used as a basis for the discussion.

This measure replaces the on-going 1997 NCP measure A-2 with modifications.

FAA Action: Approved. Implementation of this continued measure with modifications is considered to be within the authority of the DAA and MnANG.

MEASURE P-C: Perform Regular Updates to the NEMs and Review of NCP. Page 4-25 in the NCP.

Description: Section 49 U.S.C. 47503(b) requires airport operators with NEMs to submit a revised map if a change, which is not reflected in either the existing conditions map or forecast map currently on file with the FAA, in the operation of the airport:

- establishes a substantial new noncompatible use; or
- would significantly reduce noise over existing noncompatible uses.

The update is required only if the relevant change occurs during:

- the forecast period of the applicable NEM; or
- the implementation period of the airport operator's NCP.

The NCP should be updated to reflect any broader changes in the nature of aircraft noise surrounding the Airport. Should any on-airport development, such as runway extensions or significant modifications to ground facilities, enlarge the area of incompatible use exposed to aircraft noise above 65 Day-Night Average Sound Level (DNL), the NCP should be updated prior to the implementation of those improvements. A full update may not be required, but rather, a targeted assessment of the changes occasioned by specific development projects may suffice to bring the NCP to conformity and to qualify additional areas for NCP programs, if appropriate. This is a new measure and was not included in the 1997 NCP.

FAA Action: Approved. Updates to the NEMs and NCP shall be completed in accordance with 14 CFR Part 150 if federal financial assistance is requested.

END OF RECORD OF APPROVAL