Appendix B. ALP Approval Letters

B.3. Example 1: Conditional ALP Approval

The conditions and exceptions in each letter are highlighted in yellow and bolded.

(Date)

(Airport Sponsor and address)

Dear \_\_\_\_:

The \_\_\_\_ Airport Layout Plan (ALP), prepared by \_\_\_\_, and bearing your signature, is approved and the master plan is accepted. A signed copy of the approved ALP is enclosed.

An aeronautical study (no. \_\_\_\_-NRA) was conducted on the proposed development. This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.

In making this determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA), and known natural objects within the affected area would have on the airport proposal.

The FAA has only limited means to prevent the construction of structures near an airport. The airport sponsor has the primary responsibility to protect the airport environs through such means as local zoning ordinances, property acquisition, avigation easements, letters of agreement or other means.

**This ALP approval is conditioned on acknowledgement that any development on airport property requiring Federal environmental approval must receive such written approval from FAA prior to commencement of the subject development. This ALP approval is also conditioned on acceptance of the plan under local land use laws. We encourage appropriate agencies to adopt land use and height restrictive zoning based on the plan.**

Approval of the plan does not indicate that the United States will participate in the cost of any development proposed. AIP funding requires evidence of eligibility and justification at the time a funding request is ripe for consideration. When construction of any proposed structure or development indicated on the plan is undertaken, such construction requires normal 45-day advance notification to FAA for review in accordance with applicable Federal Aviation Regulations (i.e., Parts 77, 157, 152, etc.). More notice is generally beneficial to ensure that all statutory, regulatory, technical and operational issues can be addressed in a timely manner.

Please attach this letter to the Airport Layout Plan and retain it in the airport. We wish you great success in your plans for the development of the airport.

Sincerely,

(Authorized signature, ADO or Airports Regional Office)

Enclosure

cc: (Consultants), (State Aeronautics), (Other FAA LOBs), (etc.)

B.4. Example 2: Conditional ALP Approval with Stipulation

The conditions and exceptions in each letter are highlighted in yellow and bolded.

(Date)

(Airport Sponsor and address)

Dear \_\_\_\_:

We have completed our review of the updated Airport Layout Plan (ALP) for the \_\_\_\_ Airport, \_\_\_\_, (state), and find it acceptable from a planning standpoint. **The ALP** was reviewed by FAA (airspace study \_\_\_\_-NRA) and **is conditionally approved.** This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.

In making this determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA), and known natural objects within the affected area would have on the airport proposal.

The FAA has only limited means to prevent the construction of structures near an airport. The airport sponsor has the primary responsibility to protect the airport environs through such means as local zoning ordinances, property acquisition, avigation easements, letters of agreement or other means.

The approval, indicated by my signature, is **given subject to the condition that the depicted lengthening and strengthening of Runway \_\_\_\_ may not be undertaken without environmental approval by the Federal Aviation Administration.**

**Notwithstanding, all items of development shall comply with the requirements of the National Environmental Policies Act of 1969 (P.L. 91-190).** Approval of the plan does not indicate that the United States will participate in the cost of any development proposed. AIP funding requires evidence of eligibility and justification at the time a funding request is ripe for consideration.

When construction of any proposed structure or development indicated on the plan is undertaken, such construction requires normal 45-day advance notification to FAA for review in accordance with applicable Federal Aviation Regulations (i.e., Parts 77, 157, 152, etc.). More notice is generally beneficial to ensure that all statutory, regulatory, technical and operational issues can be addressed in a timely manner.

We are enclosing a copy of the approved ALP drawing set for your records. If you have any questions, please contact me at our office at (tel. no).

Sincerely,

(Authorized signature, ADO or Airports Regional Office)

Enclosure

cc: (Consultants), (State Aeronautics), (Other FAA LOBs), (etc.)

B.5. Example 3: “Mixed” ALP Approval with Specifically Approved Items

The conditions and exceptions in each letter are highlighted in yellow and bolded.

(Date)

(Airport Sponsor and address)

Dear \_\_\_\_:

\_\_\_\_ Airport

Airport Layout Plan Update

Airspace Case No. \_\_\_\_-NRA

The \_\_\_\_ Airports District Office has completed the review of the Airport Layout Plan (ALP) update for the \_\_\_\_ Airport and we have found it acceptable from a planning standpoint, as detailed below. Please find enclosed a signed copy of the updated ALP, with a revision date of \_\_\_\_.

This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.

In making this determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA), and known natural objects within the affected area would have on the airport proposal.

The FAA has only limited means to prevent the construction of structures near an airport. The airport sponsor has the primary responsibility to protect the airport environs through such means as local zoning ordinances, property acquisition, avigation easements, letters of agreement or other means. We encourage the appropriate local agencies to adopt land use and height restrictive zoning based on the revised plan.

Approval of the plan does not indicate that the United States will participate in the cost of any development proposed. AIP funding requires evidence of eligibility and justification at the time a funding request is ripe for consideration. When construction of any proposed structure or development indicated on the plan is undertaken, such construction requires normal 45-day advance notification to FAA for review in accordance with applicable Federal Aviation Regulations (i.e., Parts 77, 157, 152, etc.). More notice is generally beneficial to ensure that all statutory, regulatory, technical and operational issues can be addressed in a timely manner.

**The approval indicated by my signature is given subject to the condition that the proposed airport development requiring environmental processing shall not be undertaken without the FAA’s prior, written approval. The following proposed airport development reflected on the ALP has received the required environmental processing and is hereby unconditionally approved:**

* **Widen and extend \_\_\_\_**
* **Extend Taxiway \_\_\_\_**
* **Construct Runway \_\_\_\_ and a parallel taxiway**
* **Widen Runway \_\_\_\_ and construct parallel taxiways**
* **Expand commercial apron**

The Capital Improvement Plan (CIP) shown in the updated master plan indicates the year in which the airport sponsor plans to initiate these development projects. While the \_\_\_\_ ADO will consider this CIP to develop and amend the FAA’s ACIP for the airport, please note that the FAA will periodically review and revise its ACIP for the \_\_\_\_ Airport and it may vary from the CIP proposed in the updated master plan.

If you have questions regarding this ALP approval, please contact \_\_\_\_, \_\_\_\_ Program Manager, at \_\_\_\_ (tel. no.).

Sincerely,

(Authorized signature, ADO or Airports Regional Office)

Enclosure

cc: (Consultants), (State Aeronautics), (Other FAA LOBs), (etc.)

B.6. Example 4: Conditional ALP Approval with Exception

The conditions and exceptions in each letter are highlighted in yellow and bolded.

(Date)

(Airport Sponsor and address)

Dear \_\_\_\_:

**The \_\_\_\_ Airport Layout Plan (ALP),** prepared by \_\_\_\_, and bearing your signature, **is approved, with exception as noted.** A signed copy of the approved ALP is enclosed.

An aeronautical study (\_\_\_\_-NRA) was conducted on the ALPs proposed development. This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.

In making this determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA), and known natural objects within the affected area would have on the airport proposal.

The FAA has only limited means to prevent the construction of structures near an airport. The airport sponsor has the primary responsibility to protect the airport environs through such means as local zoning ordinances, property acquisition, avigation easements, letters of agreement or other means.

The FAA \_\_\_\_ Flight Standards District Office (FSDO) correctly noted that the ALP’s proposed location of future baseball fields would not have an adverse effect on aeronautical operations. That is not the issue, however, as it would be the aeronautical operations which would have an adverse effect on parents and children using the baseball fields, as they would be highly sensitive to low-flying aircraft conducting normal operations in the airport traffic pattern. Further, as evidenced by two recent aircraft accidents in playgrounds near the \_\_\_\_ Airport, there is an increased safety risk to persons and property on the ground in the final approach/departure areas to runways. The proposed location of the future baseball fields, therefore, is both a perceived and real safety issue and, consequently, an incompatible land use in such close proximity to an airfield. This was noted in \_\_\_\_ review comments letter on the draft ALP. The proposed location is also contrary to the [sponsor’s] own proper designation of this part of the airport as “Aviation Related Use Area”. **For these reasons, the location of future baseball fields as shown on the ALP is not approved.**

On the issue of non-aviation related uses, as you know, the \_\_\_\_ Airport property was originally conveyed from the United States to \_\_\_\_ under the Surplus Property Act of 1944. The Act requires that all non-aviation uses and tenants of the airport’s property pay fair market rental value, i.e., the amount which they would have to pay to rent or lease comparable private property. If such uses do not pay fair market rates, or if the income is not used for airport operations or development, the FAA considers it revenue diversion. The fair market rental value requirement also applies to nonprofit organizations or uses, and would be applicable to the ALPs depicted non-aviation uses of baseball fields, hotel/conference center, recreational vehicle park, and golf course. Finally, even if depicted on the approved ALP, Federal Aviation Regulation (FAR) Part 77 and the [sponsor’s] grant assurance obligations require that all proposed development on airport property be submitted to this office for aeronautical study using FAA Form 7460-1, Notice of Proposed Construction or Alteration.

**This approval is conditioned on acknowledgement that any development on airport property requiring Federal environmental approval must receive such written approval from FAA prior to commencement of the subject development. This ALP approval is also conditioned on acceptance of the plan under local land use laws.** We encourage appropriate agencies to adopt land use and height restrictive zoning based on the plan.

Approval of the plan does not indicate that the United States will participate in the cost of any development proposed. AIP funding requires evidence of eligibility and justification at the time a funding request is ripe for consideration. When construction of any proposed structure or development indicated on the plan is undertaken, such construction requires normal 45-day advance notification to FAA for review in accordance with applicable Federal Aviation Regulations (i.e., Parts 77, 157, 152, etc.). More notice is generally beneficial to ensure that all statutory, regulatory, technical and operational issues can be addressed in a timely manner.

Please attach this letter to the Airport Layout Plan and retain it in the airport files.

Sincerely,

(Authorized signature, ADO or Airports Regional Office)

Enclosure

cc: (Consultants), (State Aeronautics), (Other FAA LOBs), (etc.)