Editor's note: A copy of the FAA letter is attached. Additional information on FAR Part 150 procedures is available on the Airport page of the City's website at www.cityofnsb.com.

News media contact:

Rhonda Walker, airport manager 386.424.2199

January 15, 2013

NEWS FOR IMMEDIATE RELEASE

FAA: Less planes means less aviation noise

When the Federal Aviation Administration (FAA) reviewed traffic counts last year at the New Smyrna Beach Airport, the agency found a decrease in traffic counts compared to those initially forecast in the Airport's proposed noise study project. The lower than projected levels are one of the reasons the FAA does not feel approving the facility's plan will improve the already low noise levels at the municipal facility, according to Rhonda Walker, New Smyrna Beach airport manager.

"The FAA's letter basically says you did a great job analyzing your facility," Walker said. "But we can't approve your plan because we don't see a potential noise problem based on your actual or projected traffic counts. In other words, less planes means less noise."

Without an FAA-approved plan, the airport cannot seek to make its voluntary procedures mandatory, Walker said.

In 2008, 179,396 takeoffs and landings were recorded at the facility. In 2011, the count decreased to 128,795. Walker attributes the lower counts to a decrease in flight training traffic.

The FAA defines a noise "problem" as above 65 decibels. Anything less than that is termed a "nuisance" and does not warrant a mandated noise abatement plan.

"The Airport understands the concerns residents may have about aviation noise," Walker said. "That's why we carefully analyzed aspects that affect noise levels and implemented voluntary noise abatement procedures, which also were recommended and sent to the FAA for their review potentially to make them mandatory."

In 2008, the City began evaluating various factors to formulate the voluntary project, called a Federal Aviation Regulation Part 150 Study, Walker said. An FAR Part 150 provides rules and guidelines for airports to follow to develop a cost-effective and balanced noise reduction plan for current and future airport operations. An airport with an FAA-approved plan is eligible for funding assistance to implement the plan's measures.

Even with the higher counts projected in the City's plan, the FAA did not feel traffic would create a noise problem for surrounding residents, Walker said. The decrease in flight training traffic further reduced aviation noise, which caused the plan to miss projections.

"After its preliminary review of our plan, the FAA commended the Airport on its comprehensive analysis and our proposed initiatives to reduce noise levels," Walker said. "However, the agency recommends the City not submit the plan for official review since aviation noise already is at low levels and revising the projected numbers will not change that outcome."

The City will follow the FAA recommendation and not submit its plan for official review. However, the plan will continue to serve as a noise-management and land-use planning tool, Walker said.

To develop its Part 150 Noise Study, the City spent four years gathering data on noise levels and air traffic and hosting multiple public workshops before submitting the document for preliminary review, Walker said.

"Even though the FAA won't mandate noise abatement procedures, we will continue to remind our pilots of the Airport's voluntary noise abatement procedures," Walker added. "It's the first and possibly 'key' step to reducing aviation noise."

In 1947, the New Smyrna Beach Airport is a general aviation transport airport on 770 acres of land on the City's northern end.
-30-



January 8, 2013

Rhonda Walker Airport Manager City of New Smyrna Beach 602 Skyline Drive New Smyrna Beach, FL 32168

Re: FAA Determination on the Noise Compatibility Program (NCP) for the New Smyrna Beach Airport

Dear Ms. Walker,

The City of New Smyrna Beach recently completed a voluntary noise project called a Federal Aviation Regulation (FAR) Part 150 Study. This study consisted of two components, the Noise Exposure Maps (NEM's) and the Noise Compatibility Program (NCP).

The effective date of the Federal Aviation Administration's (FAA's) acceptance of the City's NEM document was July 8, 2010. A notice of the FAA's acceptance of the 2009 and 2014 NEM's was advertised in the Federal Register on July 16, 2010.

On June 27, 2012, the FAA received a draft of the City's NCP document. This document was thoroughly reviewed by the FAA's Orlando Airports District Office (ADO) as well as our Regional Office in Atlanta, Georgia. Our comments on the NCP document were sent to the Airport Sponsor and the consulting firm assisting the City in the preparation of the Part 150 documentation soon thereafter.

The FAA commends the City on the NCP's comprehensive analysis of potential operational, land use and program management measures to try to improve the noise environment in the communities surrounding the airport. The FAA believes that the City's NCP document is very thorough and will be a valuable local airport planning and noise management tool.

As part of the FAA's responsibilities under FAR Part 150, the agency reviews the Airport Sponsor's NCP document to determine if its content complies with applicable Part 150 requirements. The FAA also conducts an evaluation of each of the Airport Sponsor's recommended NCP measures (Operational, Land Use and Program Management). The FAA either approves or disapproves each of the measures included in the NCP in a document called a Record of Approval (ROA). Part 150 provides four criteria that the FAA must apply to each NCP measure upon which our approval or disapproval must be based. The evaluation of each NCP measure includes a determination on whether they:

- 1. May create an undue burden on interstate or foreign commerce (including unjust discrimination);
- Are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;
- Include the use of new or modified flight procedures to control the operation of aircraft for purposes of noise control, or affect flight procedures in any way;
- 4. Adversely affect the exercise of the authority and responsibilities of the Administrator under the Federal Aviation Act of 1958, as amended.

FAA determined that your recommended NCP measures would not result in undue burden on interstate or foreign commerce (#1 above), nor would they adversely affect the exercise of the authority and responsibilities of the Administrator under the Federal Aviation Act of 1958 (#4 above). Consequently, all of the recommended NCP measures met these two approval criteria

However, upon review, the NEM and the NCP documents demonstrate that there are no current noncompatible land uses within the 2009 NEM nor are there any projected future noncompatible land uses identified in the 2014 NEM. Therefore, none of the NCP measures recommended in the NCP would achieve the primary goal of the Part 150 process (#2 and #3 above), which is to reduce the amount of noncompatible land uses within the noise contours of an airport. In conclusion, after applying the Part 150 approval criteria, the FAA could not approve any of the recommended NCP measures.

The FAA also notes there is a significant discrepancy between the forecasts of aviation activity used to develop the 2009 and 2014 NEM's for the City of New Smyrna Beach Airport and the FAA's most recent Terminal Area Forecast (TAF), dated January, 2012. Specifically, the January 2012 TAF indicates a significant drop in aircraft operations at the airport, which would lead to the noise contours being smaller than those developed and depicted in the NEM and NCP studies. Because of this discrepancy, the Airport Sponsor is not able to certify that the 2009 and 2014 NEM's used in the NCP document are representative of the operational/noise conditions of the year of submission to the FAA for review and approval (2012). This certification is required for the FAA to accept the NCP for official review and ultimate issuance of a Record of Approval.

Based on the findings of FAA's preliminary NCP review, as detailed above, the FAA recommends that the City not submit their NCP to the FAA for official review. This by no means suggests that the FAA feels your NCP is of no value. In fact, the FAA feels quite the contrary. The FAA commends the City on the NCP's comprehensive analysis of potential operational, land use and program management measures to try to improve the noise environment in the communities surrounding the airport. The FAA believes that the City's NCP document is very thorough and provides tremendous value not only as a local airport noise management planning tool but also for informing land use planning around the airport.

If the City decides against the FAA's above noted recommendation and decides to move forward with official submittal of the NCP for FAA review, our policy will require us to publish an ROA disapproving all of the measures in the NCP. The FAA greatly appreciates the time and effort that the City has put into the Part 150 process. However, at this point, the FAA can only offer two options to the City:

1. The City does not submit the NCP document to the FAA for formal review. Under this option, the FAA would not approve any of the measures contained in the NCP because none of them would achieve the Part 150 process goal of reducing noncompatible land uses within the airports noise contours. However, under this option, the City may continue to use any voluntary land use or operational measures that it has developed and implemented as part of local ordinances or other means available to the Airport Sponsor. In addition, the City may use the 2009 and 2014 NEM's in their ongoing and future planning efforts such as a Master Plan Update.

2. If the Airport Sponsor decides to submit the NCP document for formal FAA review, the agency will require that the Airport Sponsor redo the NEM document for new "existing year" and new "5-year" scenarios using more current operational numbers that are in line with the FAA's most recent TAF. The FAA would then re-evaluate the NEM document, and issue a decision to either accept or reject the NEM's. Even if the NEM's were re-done, it is evident that there would still not be any noncompatible land uses within the noise contours for the airport, and the FAA would again not be able to approve any noise abatement measures recommended in a revised NCP. This option would result in considerable cost and take several years to complete, and result in the same conclusion that we are currently faced with.

The FAA believes that the best course of action for the City of New Smyrna Beach would be to not submit the NCP document to the FAA for formal review, and to use the approved NEM's for 2009 and 2014 for planning purposes by both the City and the airport.

Again, the FAA commends the City for undertaking the Part 150 process. This effort confirms the City's commitment to being a good neighbor to the surrounding communities, and to doing all that it can to reduce potential noise impacts from airport operations.

If you have any questions, please feel free to contact me by telephone at (407) 812-6331, extension 130.

Sincerely

Allan M. Nagy,

Environmental Program Specialist, FAA Orlando ADO

Cc: Dana Perkins, Regional Noise Manager, FAA Southern Region Richard Owen, FAA Orlando ADO Program Manager Bart Vernace, P.E., FAA Orlando ADO Manager