

4. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.

5. Present the recommendation report at the TAE Subcommittee meeting.

#### Participation in the Working Group

The existing FTHGW is comprised of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee. In accordance with the June 18, 2010, memorandum entitled "Lobbyists on Agency Boards and Commissions," members are not federally registered lobbyists, who are subject to the registration and reporting requirements of the Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C. 1603, 1604, and 1605, at the time of appointment or reappointment to an advisory committee, and has not served in such a role for three consecutive quarters prior to appointment. (For further information see the Office of Management and Budget final guidance on appointment of lobbyists to federal boards and commissions (76 FR 61756, October 5, 2011).

All existing FTHWG members who wish to participate in this task must actively participate by attending all meetings, and providing written comments when requested to do so. Each member must devote the resources necessary to support the working group in meeting any assigned deadlines. Each member must keep their management chain, and those they may represent, advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with their sponsoring organization's position when the subject is presented to ARAC for approval. Once the FTHWG has begun deliberations, members will not be added or substituted without the approval of the FAA and the Working Group Chair.

The Secretary of Transportation determined the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, meetings of the FTHWG are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of FTHWG meetings.

Issued in Washington, DC, on April 8, 2014.

**Lirio Liu,**

*Designated Federal Officer, Aviation Rulemaking Advisory Committee.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Approval of Noise Compatibility Program; Southwest Florida International Airport, Fort Myers, FL

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by the Lee County Port Authority under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On January 30, 2013, the FAA determined that the noise exposure maps submitted by the Lee County Port Authority under Part 150 were in compliance with applicable requirements. On April 4, 2014, the FAA approved the Southwest Florida International Airport Noise Compatibility Program. Some of the recommendations of the Program were approved by FAA.

**DATES:** Effective Date: The effective date of the FAA's approval of the Southwest Florida International Airport Noise Compatibility Program is April 4, 2014.

**FOR FURTHER INFORMATION CONTACT:** Allan Nagy, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822, phone number: (407) 812-6331. Documents reflecting this FAA action may be reviewed at this same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for Southwest Florida International Airport, effective April 4, 2014.

Under Section 47504 of the Act, an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and

prevention of additional non-compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with Title 14 Code of Federal Regulations (CFR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport operator with respect to which measure should be recommended for action. The FAA's approval or disapproval of 14 CFR Part 150 Program recommendations is measured according to the standards expressed in 14 CFR Part 150 and the Act, and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of 14 CFR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport Noise Compatibility Program are delineated in 14 CFR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the Program nor a determination that all measures covered by the Program are

eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, FL.

Lee County Port Authority submitted to the FAA on January 30, 2013, the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from May 10, 2012, through March 3, 2014. The Southwest Florida International Airport Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on January 30, 2013. Notice of this determination was published in the **Federal Register** on February 8, 2013.

The Southwest Florida International Airport study contains a proposed Noise Compatibility Program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from April 19, 2014 to the year 2018. It was requested that FAA evaluate and approve this material as a Noise Compatibility Program as described in Section 47504 of the Act. The FAA began its review of the Program on October 21, 2013, and was required by a provisions of the Act to approve or disapprove the program within 180-days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained sixteen (16) proposed actions for noise mitigation on and/or off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and 14 CFR Part 150 have been satisfied. The overall Program, therefore, was approved by the FAA effective April 4, 2014.

Outright approval was granted for five of the specific Program elements. Eleven of the Proposed measures in the NCP were disapproved for purposes of 14 CFR Part 150 because the analysis in the NCP does not demonstrate the measures' noise benefits on the DNL 65 dBA noise contour and they did not result in achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses in the area around the airport. However, these measures can be implemented by the Airport Sponsor on a voluntary basis.

These determinations are set forth in detail in a Record of Approval signed by the FAA on April 4, 2014. The Record

of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of the Lee County Port Authority. The Record of Approval also will be available on-line at: [http://www.faa.gov/airports\\_airtraffic/airports/environmental/airport\\_noise/part\\_150/states/](http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/).

Issued in Orlando, FL, on April 7, 2014.

**Bart Vernace,**

*P.E., Manager, Orlando Airports District Office.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Notice of a Non-Aeronautical Land-Use Change Effecting the Quitclaim Deed and Federal Grant Assurance Obligations at A.B. Won Pat Guam International Airport, Tamuning, Guam**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of a Non-Aeronautical Land-Use Change.

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the application for a non-aeronautical land-use change of approximately 23.06 acres of airport property at A.B. Won Pat Guam International Airport, Tamuning, Guam from the aeronautical use provisions of the Quitclaim Deed and Grant Agreement Assurances since the land is not needed for the purpose for which it was conveyed. The property will be used to grant an easement to the Government of Guam for the construction of a roadway in exchange for which the Airport Authority will be fairly compensated. The project will improve traffic flow and better utilize the airport property to enhance transportation at and around the airport. The use of the land for a roadway represents a compatible land use that will not interfere with the airport or its operation, thereby protecting the interests of civil aviation.

**DATES:** Comments must be received on or before May 12, 2014.

**FOR FURTHER INFORMATION CONTACT:**

Comments on the request may be mailed or delivered to the FAA at the following address. Mr. Gordon Wong, Lead Program Manager, **Federal Register** Comment, Federal Aviation Administration, Honolulu Airports District Office, P.O. Box 50244, Honolulu, HI 96850-0001. In addition,

one copy of the comment submitted to the FAA must be mailed or delivered to Mr. Charles H. Ada II, Executive Director, Federal Register Comment, A. B. Won Pat Guam International Airport Authority, P.O. Box 8770, Tamuning, Guam 96931.

**SUPPLEMENTARY INFORMATION:** In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 10-181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the DOT Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds or grant agreements.

The following is a brief overview of the request:

The Guam International Airport Authority (GIAA) requested a modification of the conditions in the Quitclaim Deed and Grant Agreement Assurances to permit non-aeronautical use of approximately 23.06 acres of land at A.B. Won Pat Guam International Airport, Tamuning, Guam to grant a roadway easement. The property subject to the easement is located northeast of the airfield and extends to the west side of the airport. The Government of Guam will be granted an easement to permit construction of the Tiyan Parkway along airport land that is not presently fully developed using local government and federal highway financing. The first phase of the project will provide an arterial roadway connection between Routes 8 and 10A that will improve airport access, create more efficient surface transportation to and from the airport, and ease traffic congestion around the airport. In addition, it will also permit Central Avenue to be permanently closed to eliminate the street's encroachment into the airport Runway Protection Zone. The second phase of the project will extend the Parkway eastward and occupy both on-airport and off-airport land. Phase 2 will proceed after funding and off-airport land is acquired for the additional right of way. The extended easement will not be granted until Phase 2 is actually begun. The Airport Authority will receive fair compensation for the easement, which will be devoted to airport purposes. Use of the land for the Tiyan Parkway is a compatible land use that will not interfere with or impede the operations and development of the airport. Based on the benefits of fair compensation and improved traffic circulation, the interests of civil aviation will be properly served.