

-----Original Message-----

From: Bart.Vernace@faa.gov [mailto:Bart.Vernace@faa.gov]

Sent: Friday, May 18, 2012 11:36 AM

To: Sheahan, Brian

Cc: King, Amye; Heath, David; Schneider, Fred; Minkoff, Sandy; Wikstrom, James;

Dean.Stringer@faa.gov; Juan.Brown@faa.gov; Miguel.Martinez@faa.gov;

Rebecca.Henry@faa.gov; ralph.thompson@faa.gov; Amy.Anderson@faa.gov

Subject: Re: Lake County Questions

Importance: High

Dear Mr. Sheahan:

Since the FDOT will be present at the commission meeting on Tuesday, May 22nd, I will also attend the commission meeting. Please let me know the time and location of the meeting.

My responses will correlate with the numbering of your questions below:

Anyone can establish a public use airport by submitting an FAA form 7480 (attached). The agency does an airspace study to determine whether or not the proposed airport has safe and efficient airspace. This means the proposed facility is not in conflict with the airspace of surrounding airports, heliports and seaplane bases. This process does not consider local zoning, environmental requirements, etc. It is simply an "airspace" evaluation. In order for an airport to receive federal funding they must first qualify to be put into the FAA's National Plan of Integrated Airports System (NPIAS). I have attached FAA Order 5090.3C, which is the NPIAS development order. The criteria for a general aviation airport is on page 13. Once the State of Florida determines its role of significance in the State's Airports System Plan, the FAA may consider it if it meets the remaining criteria. If the criteria is met, then the West Orange Airport Authority (WOAA) would prepare an airport master plan/airport layout plan and do an environmental assessment. Establishing an airport in the NPIAS does not guarantee FAA funding. WOAA's projects would have to compete with other projects in Florida. Depending on the dollar amount of projects that are listed for a particular airport in the NPIAS, general aviation airports can receive entitlement funds up to \$150,000 per fiscal year in addition to competing for other discretionary funding for their proposed airfield development.

The 7480 process only grants a proponent the "airspace". All FAA regulations, advisory circulars, guidance and policies are advisory. When the airport is obligated, meaning that it has accepted federal funding, the regulations, advisory circulars, guidance and policies are requirements. FAA would then have jurisdiction over the airport based on the terms and conditions in the grant. Prior to being obligated, the FAA will be in an advisory role to the airport owner observing whether or not they can meet the Federal obligations of accepting an airport improvement grant. This will be a factor in determining whether or not the FAA would issue the airport its first grant.

The FAA does not have jurisdiction over property outside the airport property line. However, any proposed development outside the airport is required to file a FAA form 7460, "Notice of Proposed Construction or Alteration." This would be in accordance with 14 C.F.R. Part 77. Also I understand that Florida Statute 333 also applies. In this process the FAA would conduct an airspace study to determine whether or not the proposed development has an impact on air navigation and can either render a 1) no hazard determination, 2) no hazard determination with comments, or 3) hazard determination. Although these determinations are advisory, local building departments have withheld permits due to hazard determinations. The grant obligations are with the airport owner, and can extend to all property the owner may have control over. See the attached list for the chronology of events you requested. Examples of wildlife mitigation that could be part of an airport's approved wildlife hazard management plan; clearing of vegetation and trees on airport, filling in of wetlands on airport, use of propane cannons or other scare methods to discourage the wildlife from entering the airport proper and its approaches. Noise mitigation that was a result of an environmental assessment or a FAA approved Noise compatibility study could be sound insulation of residences, easement acquisition and acquisition of residences.

If you have any further questions, please don't hesitate to call me.

Regards,

Bart Vernace, P.E.  
Assistant Manager  
Federal Aviation Administration  
Orlando Airports District Office  
(407) 812-6331, ext. 127

(See attached file: faa7480-1.pdf)(See attached file: planning\_5090\_3C.pdf) (See attached file: FAA 7460-1 .pdf)(See attached file: ORLANDO NORTH AIRPARK.pdf)

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|Lake County Questions  
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Mr. Vernace,

Thank you very much for the conference call this afternoon. As discussed, we would greatly appreciate a written response to the following questions to help our board understand the role and processes of the FAA:

- 1) Please describe the process for the creation of a Public Airport, up to and including obtaining status as a federally funded airport.
- 2) When does the FAA obtain jurisdiction over an airport?
- 3) Does the FAA have jurisdiction over property not on the

airport? Specifically, does the FAA have jurisdiction over property adjacent to the airport?

4) Please provide a chronology of the applications pending or approved for the North Orlando Airpark and discussions with the West Orange Airport Authority regarding the future expansion of the airpark including the proposed types of aircraft.

5) Please provide examples of mitigation of impacts (such as noise or wildlife impacts) that have been approved by the FAA as part of an airport mitigation plan.

Thank you again for your assistance.

If you have any questions or require clarification, please do not hesitate to contact me.

Brian T. Sheahan, AICP, Manager  
Division of Planning & Community Design  
Department of Growth Management  
Lake County Board of County Commissioners P.O. Box 7800, 315 West Main Street  
Tavares, FL 32778-7800

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Your e-mail communications may be subject to public disclosure.

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[HowWeHelpBusiness.com](http://HowWeHelpBusiness.com)