

APPENDIX F

NEM REVIEW AND ACCEPTANCE DOCUMENTATION

F.1 INTRODUCTION

14 CFR § 150.21 (a) states, “Each airport operator may after completion of the consultations and public procedure specified under paragraph (b) of this section submit to the Regional Airports Division Manager five copies of the noise exposure map (or revised map) which identifies each noncompatible land use in each area depicted on the map, as of the date of submission...”

14 CFR § 150.21 (b) states, “The airport operator shall certify that it has afforded interested persons adequate opportunity to submit their views, data, and comments concerning the correctness and adequacy of the draft noise exposure map and descriptions of forecast aircraft operations.”

14 CFR § 150.21 (c) states, “The Regional Airports Division Manager acknowledges receipt of noise exposure maps and descriptions and indicates whether they are in compliance with the applicable requirements. The Regional Airports Division Manager publishes in the FEDERAL REGISTER a notice of compliance for each such noise exposure map and description, identifying the airport involved.”

14 CFR § 150.21 (f)(1) states, “Title 49, section 47506 provides that no person who acquires property or an interest therein after the date of enactment of the Act in an area surrounding an airport with respect to which a noise exposure map has been submitted under section 47503 of the Act shall be entitled to recover damages with respect to the noise attributable to such airport if such person had actual or constructive knowledge of the existence of such noise exposure map unless, in addition to any other elements for recovery of damages, such person can show that—

- (i) A significant change in the type or frequency of aircraft operations at the airport; or
- (ii) A significant change in the airport layout; or
- (iii) A significant change in the flight patterns; or
- (iv) A significant increase in nighttime operations; occurred after the date of the acquisition of such property or interest therein and that the damages for which recovery is sought have resulted from any such change or increase.”

14 CFR § 150.21 (f)(2) states, “Title 49 section 47506(b) further provides: That for this purpose, ‘constructive knowledge’ shall be imputed, at a minimum, to any person who acquires property or an interest therein in an area surrounding an airport after the date of enactment of the Act if—

- (i) Prior to the date of such acquisition, notice of the existence of a noise exposure map for such area was published at least three times in a newspaper of general circulation in the county in which such property is located; or
- (ii) A copy of such noise exposure map is furnished to such person at the time of such acquisition.”

14 CFR § 150.21 (g) states, “For this purpose, the term *significant* in paragraph (f) of this section means that change or increase in one or more of the four factors which results in a “substantial new noncompatible

use” as defined in § 150.21 (d), affecting the property in issue. Responsibility for applying or interpreting this provision with respect to specific properties rests with local government.”

Pursuant to 14 CFR § 150.21 (a) and (b), the following documentation is included in this appendix:

- Airport Owner/Operator’s Transmittal Letter to the FAA
- Airport Owner/Operator’s Certification

Pursuant to 14 CFR § 150.21 (c), (f)(1) and (f)(2), the following documentation will be included in this appendix (as appropriate):

- FAA’s NEM Compliance Determination
- Federal Register Noise Exposure Map Notice
- Proof of Publication for NEM Compliance Legal Notice (to serve as ‘constructive knowledge’)

F.2 REFERENCES

Airport Noise Compatibility Planning, 14 C.F.R. §150 (1984). <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-I/part-150>

49 U.S.C. § 47503 (2011). <https://www.govinfo.gov/content/pkg/USCODE-2011-title49/pdf/USCODE-2011-title49-subtitleVII-partB-chap475-subchapl-sec47503.pdf>

49 U.S.C. § 47506 (2020). <https://www.govinfo.gov/content/pkg/USCODE-2020-title49/pdf/USCODE-2020-title49-subtitleVII-partB-chap475-subchapl-sec47506.pdf>



Key West
International Airport

February 17, 2023

Mr. Peter M. Green
Environmental Specialist
Federal Aviation Administration
Orlando Airports District Office
8427 Southpark Circle, Suite 400
Orlando, Florida 32819

**RE: 14 CFR PART 150 NOISE EXPOSURE MAPS
SUBMITTAL FOR FAA COMPLIANCE DETERMINATION**

Dear Mr. Green:

Enclosed is one (1) electronic copy of Key West International Airport's 14 CFR Part 150 Noise Exposure Maps (NEMs) and supporting documentation. These NEMs and supporting documentation are submitted under the provisions of Title 49 United States Code, Chapter 475 and 14 CFR part 150. Monroe County, as owner and operator of Key West International Airport, is submitting these NEMs and supporting documentation for appropriate Federal Aviation Administration (FAA) determination.

Should you have any questions regarding the enclosed document, please do not hesitate to contact me at 305.393.7742. We appreciate your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Strickland". The signature is fluid and cursive.

Richard Strickland
Senior Director of Airports
Monroe County

Enclosures



AIRPORT OPERATOR'S CERTIFICATION

The Noise Exposure Maps (NEMs) for Key West International Airport, hereby submitted in accordance with title 14 CFR part 150, were prepared with the best available information and are certified as true and complete to the best of the Airport Operator's knowledge and belief. Each map and related documentation were developed and prepared in accordance with Appendix A of 14 CFR part 150.

The assumptions and activity levels used to develop the 2022 Existing Condition NEM are based on data from October 1, 2020, through September 30, 2021 (FFY 2021). Because the data used to develop the existing condition noise contours does not match the year on the airport operator's planned NEM submittal letter to the FAA (2022), the airport operator has verified that data in the documentation are representative of the existing condition as of the date of submission. Data for the most recent 12-month period of operations at EYW were examined and support the airport operator's certification that the FFY 2021 data is representative of the year on the airport operator's NEM submittal letter (2022). The analysis of recent data shows there has not been a substantial change in aircraft activity. The yearly day-night average sound level contours depicted on the 2022 NEM accurately represent the cumulative noise exposure resulting from the operation of EYW as of the airport operator's NEM submittal letter (2022).

The assumptions and activity levels used to develop the Future Condition NEM are based on reasonable forecasts and other planning assumptions. The Future Condition NEM is based on data generated for a timeframe at least five years in the future from the year of submission (2022). The Future Condition NEM developed for 2028 accurately represents the FAA's forecast for 2028. The noise contours representing the future condition are identified as the 2028 Future Condition Noise Exposure Map.

The NEMs were prepared in consultation with state, and public agencies and planning agencies whose area, or any portion of whose area, of jurisdiction is within the DNL 65 dB contour depicted on the NEMs. The consultation also included federal officials having local responsibility and regular aeronautical users of the airport. It is further certified that adequate opportunity has been afforded interested persons to submit their views, data, and comments concerning the correctness and adequacy of the Noise Exposure Maps and the supporting documentation and forecasts.

February 17, 2023

Date of Signature

A handwritten signature in blue ink, appearing to read "Richard Strickland", written over a horizontal line.

Richard Strickland
Senior Director of Airports
Monroe County