

29a

1

# FINAL ENVIROMENTAL IMPACT STATEMENT

AD-A956 432



γ

PROPOSED

DEPARTMENT OF DEFENSE POLICY

ON

## Air Installations Compatible Use Zones

**S** DTIC  
ELECTE  
AUG 20 1993  
**A** **D**



2

JUNE 1973

This document has been approved  
for public release and sale; its  
distribution is unlimited.

93-19370

3 8 19 080

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

(Installations and Logistics)

PENTAGON BUILDING ROOM 3E763 WASHINGTON, D.C..20301



**Air Force  
Environmental Planning Division  
(HQ USAF/CEVP)**

Room 5B269  
1260 Air Force Pentagon  
Washington, DC 20330-1260

16 JUL 93

*MEMORANDUM FOR DTIC (Acquisition)*

*(ATTN: Pat Mauby)*

*SUBJ: Distribution of USAF Planning  
Documents Forwarded on 1 JULY 93*

*ALL the documents forwarded to  
your organization on the subject  
date should be considered*

*Approved for Public Release, Distribution  
is unlimited (Distribution statement A).*

*Jack Bush, GM-14*  
MR. Jack Bush  
Special Projects and Plans  
703-697-2928  
DSN 227-2928

# DISCLAIMER NOTICE



THIS DOCUMENT IS BEST  
QUALITY AVAILABLE. THE COPY  
FURNISHED TO DTIC CONTAINED  
A SIGNIFICANT NUMBER OF  
PAGES WHICH DO NOT  
REPRODUCE LEGIBLY.

FINAL  
ENVIRONMENTAL IMPACT STATEMENT  
AIR INSTALLATIONS COMPATIBLE USE ZONES

Office of the Deputy Assistant Secretary of Defense  
(Installations and Housing)  
OASD(I&L) ID  
Room 3E763, Pentagon  
Washington, D. C. 20301

June 1973

Accession For	
NTIS CRA&I	<input checked="" type="checkbox"/>
DTIC TAB	<input type="checkbox"/>
Unannounced	<input type="checkbox"/>
Justification .....	
By <i>per ltr.</i>	
Distribution /	
Availability Codes	
Dist	Avail and/or Special
A-1	

UNANNOUNCED

DTIC QUALITY INSPECTED 4

## SUMMARY SHEET

### FINAL ENVIRONMENTAL IMPACT STATEMENT

Office of the Assistant Secretary of Defense (Installations and Logistics), Room 3E763, Pentagon, Washington, D. C.

Description of the Proposal. It is proposed to publish, as an administrative action of the Department of Defense, a policy which recognizes that some possible uses of land in the vicinity of an air installation are incompatible with air installations operations. The necessity to prevent the placement of obstacles in the path of flight, the noise of aircraft engines, even the remote possibility of accident, all indicate the desirability of restricting the use of land in the vicinity of the air installation. The proposed policy defines the methods by which compatible use zones may be determined and delineated. It then requires that the Military Departments develop programs to establish compatible use zones by methods which range from local zoning, through State legislation and acquisition of restrictive easements by the Federal Government, to the acquisition of title by the Federal Government in certain cases.

Environmental Impact. Establishment of compatible use zones would promote the development of land use activities which are compatible with the noise and the accident potential of aircraft operations. These activities range from open spaces or non-spectator type sports through agricultural uses to light industry. Noise sensitive activities, such as residences or non-sound insulated libraries, as an example, would be

discouraged. Existing uses would not be unduly interfered with. Height limitations on objects in the interest of flight safety would not change. Generally, the Federal Government already owns restrictive or "avigation" easements to limit heights of objects in approach/departure zones and similar areas.

Adverse Environmental Effects. There are none foreseen. Generally, attempts to develop these zones for residential and other incompatible uses would be discouraged and development for other uses such as recreation, agriculture or industry would be controlled, thereby contributing to an overall beneficial effect on man's environment.

Alternatives to the Proposed Action.

1. No action.
2. Rely completely on local zoning action.
3. Acquisition by Federal Government of interest up to clear title in all cases.
4. Abandonment of flying activities in any area subject to developmental pressures.
5. Noise suppression techniques.

Comments Requested.

Department of Interior

Department of Housing and Urban Development

Department of Commerce

Department of Health, Education and Welfare

Department of Transportation

Environmental Protection Agency

General Services Administration

State Clearinghouses

Copies of all comments received, together with a discussion, are attached as enclosure 3.

Environmental Statement made available to the Council on Environmental Quality and the Public.

Draft March 19, 1973

Final 30 JUN 1973

## CONTENTS

	<u>Page</u>
Summary	i
Contents	iv
Description of the Proposal	1
General	1
Background	1
Current Situation	2
Missions/Operations	3
Summary of the Proposal	3
The Concept in Detail	5
Probable Environmental Impact	5
Unavoidable Adverse Environmental Effects	6
Alternatives to the Proposed Action	7
No Action	7
Exclusive Reliance on Local Zoning	8
Exclusive Reliance on Federal Acquisition	9
Abandonment of Flying Activities	9
Exclusive Reliance on Noise Suppression Techniques	9
Short and Long Term Use of the Environment	10
Irreversible or Irretrievable Commitments of Resources	11
Unresolved Controversies	11
The Proposed Policy	Enclosure 1
Computation of Composite Noise Ratings	Enclosure 2
Comments and Discussion	Enclosure 3

I. DESCRIPTION OF THE PROPOSAL

General

The Assistant Secretary of Defense (Installations and Logistics) proposes to publish an Instruction to establish uniform policy and require the Military Departments to develop programs to implement it, defining procedures by which Air Installations Compatible Use Zones (AICUZ) may be defined, delineated, and established at all air installations of the Military Departments located within the United States, its territories and possessions. These zones are the areas in the vicinity of air installations from which it is generally desirable to exclude certain uses -- tall towers should not be in flight paths nor should residences be subject to high intensities of aircraft noise or high accident hazard potential -- as examples. The necessity of further developing such a policy has become clear in recent years as developmental encroachment in areas surrounding previously isolated air installations has led to citizen complaints regarding the noise of aircraft operations and, in some cases, to modification or curtailment of flying operations.

Background

The importance of unobstructed and controlled air space in the proximity of air installations was recognized at an early date and was one of the prime factors that influenced the site selection of new bases over the years, as well as the retention and expansion of existing

installations. The development of high performance aircraft and the increased role of air power in defense made these factors apparent during the 1950's, a period in which the Department of Defense carried out a substantial program of expansion and modernization in both the Air Force and Navy air activities.

During the 1950's, an extensive program of obtaining aviation easements at various installations was undertaken. These easements gave the Government the right to fly in the air space above private property and prevented the construction of facilities that would interfere with or project above the runway approach surface. In later years, the interest acquired was modified to take only the lesser estate of the flight clearance easement. The primary consideration, however, was pilot and aircraft safety rather than noise or external safety. The inventory of jet aircraft was small, and initially the bases conducting full scale jet operations were generally those in the more isolated locations. To a small degree, the goals achieved where aviation easements were obtained tended to satisfy both noise and safety considerations for the aircraft inventory at that time. It was a step in the right direction.

#### Current Situation

Toward the end of the 1950's and extending into the 1960's, the detrimental effects of urban encroachment of air installations became increasingly apparent. In spite of warnings, attempts at zoning, persistent action by the Armed Services to improve air base-community

relations, and the dissemination of a great deal of public information, the hazards and nuisances associated with aircraft operations have often been ignored. This is particularly true with regard to residential development. Since air installations are major growth inducers, real estate and housing development organizations sometimes seize upon the opportunity to utilize the adjacent land areas without sufficient consideration of the health and comfort of the subsequent owners and tenants.

#### Missions/Operations

Incompatible urban development continues unrestricted for the most part, and this phenomenon threatens the operation of many multi-million dollar air installations. At some installations, flying operations have been curtailed, traffic patterns changed, and other operational procedures revised. Mission degradation is often the result of these factors. Encroachment at several installations was the primary cause for installation closure action, and the problem is one of increasing urgency.

#### Summary of the Proposal

The plan is to insure that the use of non-Government land around DoD air installations is compatible with mission accomplishment and protection of the public. This will be achieved through zoning by the local governing body, or possibly through acquisition of land or interests therein by the Federal Government.

The plan will eventually be implemented at each air installation. The area affected will be the land subjected to the greatest aircraft noise and the greatest hazard from potential aircraft accidents. This area is

called the Air Installations Compatible Use Zone (AICUZ) and is basically that land subjected to an intensity and duration of noise such as to place it in Composite Noise Rating Zone 3 (a Noise Exposure Forecast about 40) or, in some cases, Composite Noise Rating Zone 2 (a Noise Exposure Forecast of 30 to 40), and land areas having a high potential for aircraft accident. A brief summary of the methods of determining Composite Noise Rating Zones is attached as enclosure 2. Generally, the following factors influence the size and shape of the zone:

Runway configuration

Local weather patterns and prevailing winds

Type and number of aircraft and flights

Type of operations and time of day they are conducted

Location of engine runup areas

Topography

Flight patterns

It is proposed to publish a Department of Defense Instruction requiring the Armed Services to survey their air installations and to develop programs for establishing compatible use zones where such are indicated. All actions would be reviewed to determine the necessity of individual environmental impact statements and Secretarial approval of the programs, either on individual Service or Secretary of Defense level, would be required depending on the type of action involved. Any action to acquire

interests in or title to land would, of course, be subject to prior authorization and appropriation by the Congress of the United States.

#### The Concept in Detail

The concept is explained in the proposed Instruction, which is enclosure 1, and the reader is referred to it for details of the program development requirements, types of compatible uses, types of Government interests which might be obtained, and other matters of significance.

#### II. THE PROBABLE ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION

The goal of the proposed Instruction is to foster land use planning in the high noise and risk areas surrounding military air installations consistent with the health, safety and comfort of the users of these areas. The end result should be the continued functioning of the essential military air installation in harmony with its neighbors. The net effect on man's relation with his environment is consequently seen as beneficial.

The intent is not to interfere unduly with existing uses, but to assure that future development in these sensitive areas is compatible with the mission of the neighboring installation. Development of the land in these areas will occur in any event to the extent not already occurring. The intent is to assure, through the various means mentioned elsewhere in this paper, that such future development is orderly, with types of uses suitable to the noise levels and safety factors prevailing at each air installation involved. Some land uses especially sensitive to noise

(such as residential, schools and churches) are compatible only with relatively low noise levels. On the other hand, land uses not so sensitive to noise (such as manufacturing and agricultural) are compatible with relatively high noise levels which generally encompass land areas closer to the air installation.

In short, the Instruction, by providing overall guidance and direction to our military installations in the interest of the orderly development of affected land areas, is seen as having a long-range favorable impact upon the environment. Plans accomplished pursuant to the Instruction at particular installations must be examined in the light of their own relevant factors to determine the environmental impact in any particular case, and the Instruction contemplates the preparation of environmental impact statements as appropriate before action is taken to implement those plans, on a case by case basis.

### III. UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS

No overall adverse environmental effects are foreseen from this program. When the plan has been implemented, the environment should be improved as a result of controlling the land use in the AICUZ, in comparison with the uses that otherwise would have developed. For example, additional families will be discouraged from moving into areas where they would be exposed to intense noise and safety hazards of airfield operations. Further, the probable ecological disturbances and environmental degradation resulting from housing developments will be avoided.

Industrial development in a particular area may be seen by some as an adverse effect. However, industrial development does not occur merely because land is zoned industrial -- there are other causitive factors, such as economic need. This proposal offers a further tool by which such development may be controlled and its adverse aspects mitigated.

#### IV. ALTERNATIVES TO THE PROPOSED ACTION

##### The No Action Alternative

If development of the land around our airfields is not controlled, more people will be exposed to the noise and safety hazards associated with jet aircraft operations and the number and intensity of complaints from and the hazards to the surrounding community will continue to increase. The DoD would then be forced to either curtail flying or abandon the base to other missions and move the flying activity elsewhere. This Instruction provides for this as a possible future course of action where dictated by a particular situation. However, closing of a base or a mission change cannot be a general solution, and when taken, such action may simply move the problem to another location. Additionally, location is often a crucial factor in mission assignment and accomplishment. With the continuing growth of aviation in this country and the heavy use of the airways, relocating a military flying mission is becoming increasingly difficult. This airspace problem, coupled with the need for community support and the high cost of developing a new installation, weighs heavily against relocation as a solution. Therefore, the "no action"

alternative is probably the most expensive and most difficult, and would eventually lead to a situation where all flying was strictly curtailed, thereby severely limiting the air power capability of the United States -- a situation which is unacceptable because of the resultant degradation of our capability to provide for the common defense.

The Exclusive Reliance on Local Zoning Alternative

Under this alternative the Federal Government would obtain no interest in land in compatible use zones, but would rely on its powers of suasion to convince local zoning authorities to so zone the land that compatible uses would be encouraged or guaranteed. There is much that is attractive about this alternative since it would remove no land from local tax roles and would minimize the involvement of the Federal Government in local affairs. It is unfortunately not always workable since in many cases its achievement would conflict with land owners development plans or speculative expectations, thus incurring local political opposition. In addition, such a policy would make it impossible to develop an overall integrated program since each air installation would be subject to consideration by different organizations who would adopt various positions not necessarily consistent with the national interest in a viable defense posture. Experience has also proven that developmental pressures and a shifting demography often cause changes in zoning to the detriment of flying activities. Thus, while the proposal strongly recommends zoning

as a desirable method of achieving Air Installations Compatible Use Zones, this method cannot be adopted as the method of choice in all cases.

The Exclusive reliance on Federal Acquisition Alternative

This alternative is the simplest as it involves the acquisition of restrictive easements on or title to all land in the AICUZ area through purchase, land exchange, or other methods. It has been rejected as being the best way to proceed in all cases since it can be the most expensive alternative other than that of "do nothing"; since it would unnecessarily remove land from tax roles; since it could tend to restrict development in many situations; and since it involves the Federal Government excessively in local affairs. Therefore, while acquisition of interests by the Federal Government will be indicated in many cases, it cannot be accepted as the only way that compatible use zones may be established.

The Abandonment of Flying Activities Alternative

This alternative is very similiar to the "do nothing" alternative, except that efforts would be made to relocate a flying activity as soon as probable encroachment was perceived to be a problem in lieu of planning to avoid incompatible uses. It is attractive only in that it would permit a more orderly shifting of missions than results from the "do nothing" alternative and would eventually result in the same dilemma -- installations to be moved with no place to move to.

The Exclusive Reliance on Noise Suppression Techniques Alternative

Noise suppression techniques are an attractive method of reducing

noise from ground installations and as such have been in use for many years. Typical are "mufflers" for jet engine test stands which contribute to reduced air pollution as well as to noise reduction. Other techniques in use include remote siting of noisy activities and modification of flight paths and altitudes to avoid residential areas wherever possible. The proposal requires that such actions be taken to the extent feasible before Air Installations Compatible Use Zones are established. While efforts are underway to reduce the noise generating characteristics of aircraft engines, it is unlikely that the problem can be eliminated. Therefore, while noise suppression is required by the proposal, it in itself is considered insufficient to completely control the noise problem and, of course, such measures have no effect on safety considerations.

V. THE RELATIONSHIP BETWEEN LOCAL SHORT TERM USE OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG TERM PRODUCTIVITY

The implementation of this proposal, whether by means of land use zoning, the purchase of restrictive easements, or the acquisition of the land, will probably have a short term adverse effect upon marketability and value of some of the lands involved. This is particularly true in areas where residential development is imminent. In the long run, it is possible -- and more than likely -- that lands within AICUZ will increase in value as demand for land use compatible with airfield operations increases.

Recognizing that areas subject to aircraft noise and hazards are not the most desirable for human habitation, imposition of an AICUZ at each DoD air installation will enhance the quality of the human environment by making these areas unavailable for residential development, but should not otherwise adversely effect the long term productivity of such land.

VI. ANY IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES WHICH WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

No irreversible or irretrievable commitments of resources are involved in this action. In the event an AICUZ was no longer required because of base closure or some advancement in technology reducing the requirement for the zone, the restriction on land use could be removed.

With the possible exception of some uses of the land which might reduce its productivity for agricultural purposes, uses of land for one purpose, even for a prolonged period, will not diminish its utility for any other purpose.

VII. UNRESOLVED CONTROVERSIES

The Department of Defense is not aware of any controversy over the AICUZ principle. Complaints from individual landowners can be expected where they are not permitted by AICUZ restrictions to carry out residential or other development plans. However, by a process of education, they may be brought to see that a restriction on residential

use of the land may result in increased recreational, commercial and industrial use, and a resultant increase in land value. Where it becomes necessary for the Government to acquire land interests to implement the AICUZ concept, constitutional guarantees of "just compensation" are, of course, applicable. In addition, whenever an action taken pursuant to this proposal at a particular installation becomes controversial -- or is significant in its effect on the local environment -- both this proposal and the National Environmental Policy Act (P. L. 91-190) require that an environmental impact statement be prepared and processed for that individual action. The processing of the instant statement in no way removes that requirement. Thus, safeguards are established even beyond those of "just compensation" to assure that all proposals of the Government will fully consider all pertinent matters and result in reasonable courses of action.



NUMBER 4165.57  
DATE 30 JUL 1971

ASD(I&L)

## Department of Defense Instruction

SUBJECT

Air Installations Compatible Use Zones

- Refs:
- (a) DoD Directive 4165.6, "Real Property, Acquisition, Management and Disposal," September 15, 1955
  - (b) Army-Navy-Air Force Tri-Service Manual (AFM 86-5, TM 5-365, NavFac P-98), "Land Use Planning With Respect to Aircraft Noise," October 1, 1964 (See Section III of this Instruction for approval of amendments)
  - (c) Department of the Air Force Manual 86-8, "Airfield and Airspace Criteria," November 10, 1964 (See Section IV. C of this Instruction for approval of amendments)
  - (d) Department of the Navy Publication, NavFac P-272, "Definitive Designs for Naval Shore Facilities," July 1962 (See Section IV. C. of this Instruction for approval of amendments)
  - (e) Department of the Army Technical Manual, TM 5-803-4, "Planning of Army Aviation Facilities," March 1970 (See Section IV. C. of this Instruction for approval of amendments)
  - (f) DoD Directive 6050.1, "Environmental Considerations in DoD Actions," August 9, 1971
  - (g) Office of Management and Budget Circular A-2, August 30, 1971, "Utilization, Disposition and Acquisition of Federal Real Property"
  - (h) Office of Management and Budget Circular A-95, February 9, 1971, "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects"
  - (i) Office of Management and Budget Circular A-103, May 1, 1972, "Guidance for Agency Implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," which implemented P. L. 91-646 of January 2, 1971
  - (j) DoD Manual 4145.27M, "DoD Ammunition and Explosives Safety Standards," March 1969 (Soon to be republished as DoD Standard 5154.4S)

### I. PURPOSE

This Instruction defines (a) required restrictions on the uses and heights of natural and man-made objects in the vicinity of air installations and in the immediate vicinity of runways to provide

ENCLOSURE 1

for safety of flight and to assure that people and facilities are not concentrated in an area which is susceptible to aircraft accidents, and (b) desirable restrictions on land use to assure its compatibility with the characteristics, including noise, of air installations operations. It describes the procedures by which Air Installations Compatible Use Zones (AICUZ) may be defined, and provides policy on the extent of Government interest in real property within these zones which may be retained or acquired to protect the operational capability of the DoD active military airfields (subject in each case to the availability of required authorizations and appropriations).

## II. APPLICABILITY

This Instruction applies to air installations of the Military Departments located within the United States, its territories, trusts, and possessions.

## III. CRITERIA

A. Current airfield and airspace clearances may not provide sufficient space around air installations to assure that all possible uses of land in the vicinity of the air installation are compatible with aircraft operations. In attempting to define compatible use, the safety and noise of aircraft operations are prime considerations. Establishment of criteria for acceptable degrees of noise is a complex task. The Army-Navy-Air Force Tri-Service Manual (AFM 86-5, TM 5-365, NavFac P-98), "Land Use Planning With Respect to Aircraft Noise," (reference (b)), is a basis for establishment of such criteria. Proposed changes in this Manual will be coordinated with the Assistant Secretary of Defense (Installations and Logistics) prior to publication. This Manual includes considerations of total noise intensity, frequency of exposure, length of the individual exposure, type of noise, and time of day the noise is produced, among other factors. It provides for development of three Composite Noise Rating (CNR) zones around an airfield. CNR Zone 3 is the smallest and loudest, and is that area in which the frequency of exposure and intensity of noise is such as to almost certainly produce difficulties in relation to some other possible uses of the area, particularly where the use or proposed use may be residential. CNR Zone 2 is a larger area in which similar

problems with regard to other uses may occur. CNR Zone 1 is all land outside CNR Zone 2 -- an area in which essentially no such difficulties may be expected. 1/

- B. The CNR zones vary extensively with the type of aircraft used. CNR Zone 3 could extend several miles beyond the end of a runway for frequent heavy bomber night flights, but less than one mile for moderate light aircraft use. Lateral distances from runways can vary from about 1,000 feet up to maximums of about one mile for CNR Zone 3, and 2-1/2 miles for CNR Zone 2. Topography, flight patterns, length and configuration of the runway system, local climatic conditions and engine maintenance power check operations will also affect the size and shape of the zones. Therefore, while map studies using the procedures of the Tri-Service Manual will provide a useful indication of the outlines of the zones at a site, precise determination must be based upon a detailed study of current and possible future flight operations at the site and may require an actual noise survey.

#### IV. POLICY

##### A. General

The Secretaries of the Military Departments will develop guidance for use by air installations under their jurisdiction which is consistent with the following:

1. As a first priority step, all reasonable, economical, and practical measures will be taken to reduce and/or control the generation of noise from flying and flying related activities (see V.C.2, below). Typical measures normally include siting of engine test and runup facilities in remote areas if practical, provision of sound suppression equipment where necessary, and may include additional measures such as adjustment of traffic patterns to avoid built up areas where such can be accomplished with safety and without significant impairment of operational effectiveness.

1/ Equivalent Noise Exposure Forecast (NEF) values, computed by established techniques and considering similar factors, are acceptable and may be used interchangeably with CNR zones for the purposes of this Instruction. NEF values above 40 will be considered to be in CNR Zone 3; values of 30 through 40, in CNR Zone 2; and values below 30, in CNR Zone 1.

After all reasonable noise source control measures have been taken, there will usually remain significant land areas wherein the total noise exposure is such as to be incompatible with certain uses.

**B. Compatible Use Land**

To maximize compatible uses in the AICUZ, it is desirable to acquire interests in land within CNR Zone 3 and areas of high accident potential, or by some other means to establish controls over this land which would allow the prohibition of some uses of the land and permit others subject to certain restrictions. Similar interests in portions or all of CNR Zone 2 may be desirable depending on local circumstances.

1. Where practical and advisable, necessary rights (see paragraph C, below) in land within the AICUZ will be obtained through land exchange, purchase, donation or other methods, or retained for the protection of the operational capability of air installations under the AICUZ program. However, the cost of acquisition of such rights may approach the cost of fee title. Therefore, whenever possible and within the framework of OMB Circular A-95 (reference (h)), attempts should be made to work with local governing bodies, planning commissions (regional and local), zoning boards, and similar bodies to alleviate the problems through means other than acquisition.
  - a. Local zoning regulations are, in many ways, the most desirable methods of controlling land use since they do not remove land from tax rolls and can achieve orderly development of land within minimum Federal involvement. Nevertheless, zoning regulations are not under the authority of the Federal Government and are subject to nearly constant pressures for change as population centers and economic factors change. Therefore, whenever zoning is selected as the method of land use control, responsible installation commanders must assure that constant attention is given to the actions of local zoning authorities. In addition, where zoning is the method of choice, positive and continuous programs must be established and maintained to provide information to local governing bodies, civic associations and similar groups regarding the requirements of the flying activity, the noise problems,

CNR and NEF data, what is being done to reduce the problems, and similar material in order that the citizenry may be fully informed and advised whenever matters affecting the air installations are under consideration. Local ordinances requiring that persons contemplating purchase, rent, or lease in high noise areas be fully informed of such noise, are very desirable.

- b. Agreements with local governing bodies affording the Federal Government the opportunity to meet with them and to present the circumstances existing with respect to the AICUZ and the AICUZ program whenever any proposed actions affecting land within the AICUZ are under consideration, are also desirable and should be sought. Testimony should be presented in open hearings and emphasis should be placed on compatible uses. Where statutes allow, comprehensive plans developed by local planning/zoning officials and with the co-operation of the Federal Government would be very desirable.
  - c. State legislation providing for necessary controls of land use is a possibility that could prove to be more permanent than the action of local zoning authorities and, if obtainable, would be highly desirable.
2. In situations where compatible use zones involve areas of high intensity land use, acquisition of necessary interests to protect the operational capability of the airfield may appear uneconomical. In such cases, a complete economic analysis and assessment of the future of the installation must be made.
- a. Costs of establishing and maintaining compatible use zones must be weighed against other available options, such as changing the installation's mission and relocating the flying activities, closing the installation, or such other course of action as may be available. In performing analyses of this type, exceptional care must be exercised to assure that a decision to change or relocate a mission is fully justified and that all aspects of the situation have been thoroughly considered.
  - b. When, as a result of such analysis, it is determined that relocation or abandonment of a mission will be required (see paragraph V, below), then no new construction shall be undertaken in support of such activities except as is absolutely necessary to maintain safety and readiness pending accomplishment of the changes required. Necessary

changes should be accomplished as soon as budgetary considerations will permit.

3. Nothing in this criteria shall be used to justify solely for the AICUZ program either the acquisition of interests beyond the minimum required to protect the Government, or the retention of owned interests beyond the minimum required.
  - a. Where the cost of acquisition of required interests approaches closely the cost of fee title, consideration should be given to whether fee title would be to the advantage of the Government.
  - b. If fee title is currently held or subsequently acquired to an area where compatible non-Government uses could be developed and no requirement for interest in the land exists, save to prevent incompatible use, then disposal actions will be instituted retaining only those rights and interests necessary to establish and maintain compatible uses.
  - c. Any land acquisitions or dispositions will be carried out in accordance with the provisions of OMB Circulars A-2 and A-103 (references (g) and (i)).
  - d. In general, the safety and noise restrictions which are necessary in clear zones and in approach/departure zones (as defined in references (c), (d) and (e), see paragraph C, below) for a distance of 2,500 to 3,000 feet beyond the ends of runways, are so severe as to require ownership in fee of these areas, and fee title to these areas will normally be acquired and/or retained. Normally, fee title to the areas comprising the minimum lateral runway clearances prescribed in references (c), (d) and (e) will also be acquired and or retained.

#### **C. RIGHTS AND INTERESTS WHICH MAY BE OBTAINED**

1. The height of structures and safety clearances around runways and airfields should generally be as presently described in Air Force Manual 86-8, "Airfield and Airspace Criteria (reference (c)), and the Navy's "Definitive Designs for Naval Shore Facilities" (NavFac P-272) (reference (d)). Proposed changes to these Manuals will be coordinated with the Assistant Secretary of Defense (Installations and Logistics) prior to publication. For

flammable, explosive or other hazardous material siting restrictions, see DoD Ammunition and Explosives Safety Standards, DoD 4145.27M (soon to be republished as DoD 5154.4S), (reference (j)).

2. For Army airfields to which are assigned only light aircraft or helicopters, the clearances and heights may be somewhat less stringent and are described in Department of the Army TM 5-803-4, "Planning of Army Aviation Facilities," (reference (e)). These requirements should not be adopted without full consideration of the possibility of heavier aircraft having to operate from the installation at some future time. Proposed changes to the above Manual will be coordinated with the Assistant Secretary of Defense (Installations and Logistics) prior to publication.
3. For noise problems, the rights to or interests in land located in CNR Zone 3 (and possibly in CNR Zone 2, as well as high accident potential areas) may be as follows depending on the circumstances. The right to:
  - a. Restrict the use of the area for human habitation and construction of dwellings, except as to pre-existing dwellings.
  - b. Restrict uses other than agriculture and nonspectator recreation use, mining, quarrying, and oil and gas production, manufacturing, warehousing, and wholesale merchandising, outside storage; scrap and wrecking yards, transportation terminals, maintenance, repair and overhaul facilities; except that uses not specifically identified may be approved subject to proper design, sound attenuation, and evaluation of the proposed use, and except that uses in conflict with local zoning ordinances should not be permitted.
  - c. Make low and frequent flights over such land.
  - d. Subject such land to the noise generated by aircraft, whether in flight or operating on the ground, and by aircraft engines, whether in or out of aircraft.
  - e. Be apprised of, to have access to, and to review specifications and drawings for construction of facilities proposed to be built upon such land, whether or not specifically permitted, and to prohibit the construction of facilities not having proper design features for insulation against sound or otherwise incompatible with use of the area.

4. In addition to the above, each individual case should be examined for the feasibility of extending certain safety of flight restrictions. This would include the right to prohibit the following:
  - a. Release into the air of any substance which would impair visibility, such as steam, dust, and smoke -- except smoke from existing heating plants, incinerators and fireplaces.
  - b. Light emissions which might interfere with or impair pilot vision.
  - c. Electrical emissions that interfere with aircraft communication systems or navigational equipment.
  - d. Dumping of garbage, maintenance of feeding stations or facilities attractive to birds.
  - e. The erection of permanent structures unless they comply with the clearance, smoke, light and electronic emission requirements and are for uses compatible with airfield operations.

**D. ENVIRONMENTAL IMPACT STATEMENTS**

1. Any actions taken with respect to safety of flight, accident hazard, or noise which involve acquisition of interests in land must be examined to determine the necessity of preparing an environmental impact statement in accordance with DoD Directive 6050.1, "Environmental Considerations in DoD Actions," (reference (f)).
2. All such environmental impact statements must be forwarded to appropriate Federal and local agencies for review in accordance with reference (f).
3. Coordination with local agencies will be in accordance with OMB Circular A-95 (reference (h)).

**V. THE AIR INSTALLATIONS COMPATIBLE USE PROGRAM**

- A. The Secretaries of the Military Departments will develop and implement a plan to investigate and study all air installations in

necessary order of priority to develop an Air Installations Compatible Use Zone (AICUZ) program for each air installation. The plan will be designed to:

1. Determine by detailed study of flight operations, actual noise surveys if necessary, and best available projections of future flying activities, the limits of CNR Zones 3 and 2, and any areas of high accident potential lying inside or outside of these zones.
  2. Realistically appraise land values and probable development in the near future and for the long term.
  3. Review the installation master plans to ensure that existing and future facilities siting is consistent with the policies contained in this Instruction and other pertinent documents.
  4. Give full consideration to joint use of air installations by activities of separate Military Departments and military/civilian joint use whenever such use will result in maintaining operational capabilities while reducing noise, real estate and construction requirements.
  5. Include recommendations for necessary minimum programs of acquisition, relocation, work with local zoning boards, or such other actions as are indicated by the results of their study.
- B. Based on the results of the above studies and within 15 months of the date of this Instruction, each Military Department will prepare recommendations for individual installations on AICUZ programs for approval as follows:
1. The Secretaries of the Military Departments or their designated representatives will review and approve the above indicated studies establishing the individual air installation AICUZ program.
  2. When relocation or abandonment of a mission or an installation is apparently required, the Secretaries of the Military Departments will submit the proposed plan for the installation, with appropriate recommendations, to the Secretary of Defense for approval.
  3. A time-phased fiscal year plan for implementation of the AICUZ

program in priority order, consistent with budgetary considerations, will be developed for approval by the Secretaries of the Military Departments, or their designated representatives. These plans will serve as the basis for all AICUZ actions at the individual installations.

- C. The Secretaries of the Military Departments will also take action to assure:
1. Development, or continuation with renewed emphasis of programs to inform local governments, citizens groups, and the general public of the requirements of flying activities, the reasons therefor, CNR and NEF data where available, the efforts which may have been made or may be taken to reduce noise exposure, and similar matters which will tend to develop a public awareness of the complexities of air installation operations, the problems associated therewith, and the willingness of this Department to take all measures necessary to alleviate undesirable external effects. Particular emphasis shall be placed on programs of co-operation with local authority in the case of joint military/civilian use air installations.
  2. That as the first priority action in developing an AICUZ program, full attention is given to noise problems in all planning, acquisition and siting of noise generating items, such as engine test stands, and that full advantage is taken of available alleviating measures such as remote sites or sound suppression equipment, and that the noise exposure of on-base facilities and personnel are considered together with off-base problems.
- D. Responsibilities for the acquisition, management, and disposal of real property are defined in DoD Directive 4165.5 (reference (a)).
- E. The Deputy Assistant Secretary of Defense (Installations and Housing), Office of the Assistant Secretary of Defense (Installations and Logistics), will examine the program developed pursuant to this Instruction, and from time to time review the progress thereunder to assure conformance with policy.

VI. IMPLEMENTATION

This Instruction is effective immediately. Copies of documents promulgating the policy set forth and establishing the programs required herein will be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within 90 days from the date of this Instruction.

Simplified Computations of Composite Noise Ratings

Composite Noise Ratings (CNR) result from a combination of total noise intensity, duration of the noise, its frequency spectrum, repetition of occurrences, and the time of day it occurs, among other factors. Jet aircraft noise has been correlated with human annoyances to produce the simplified method of computing CNR for military aircraft takeoffs.

1. Select the aircraft of interest from attachment 1 and note this flight profile to be used (2A, 2B, 2C or 2D) with corrections specified (+5, -5, etc.).

2. Next, consider the number of operations from the runway of interest and apply the following corrections, selecting the worst case:

<u>Number of takeoffs per period</u>		<u>Correction</u>
<u>Day (0700 - 2200)</u>	<u>Night (2200 - 0700)</u>	
Less than 3	Less than 2	-10
3 - 9	2 - 5	- 5
10 - 30	6 - 15	0
31 - 100	16 - 50	+ 5
More than 100	More than 50	+10

As an example, consider a base with F-4 aircraft flying from one runway, all takeoffs in the same direction - approximately 25 during the day and 20 at night with takeoffs with after burner.

Attachment 1 informs us that for F-4 aircraft we should use flight profile A of contour set 2 with no correction. The table above indicates

no correction for the day flights but a plus 5 correction because of the numerous night flights.

To determine the area of CNR Zone 3, we use the 110 line on flight profile A. 110 plus the correction of +5 is equivalent to 115. The definition of CNR Zone 3 is that area within the corrected PNdb (perceived noise level) contour of 115.

CNR Zone 2 is that area between the PNdb contours of 100 and 115. In this case, because of the +5 correction, between the 95 and 110 contours.

The contours determined from flight profile A, contour set 2, must then be transferred to a map of the installation and its environs taking appropriate notice of scale. The contours are set up for straight flight and, if local flight rules require a turn within the distance involved, appropriate bending of the contours must be accomplished.

Since engine settings during landing are quite different from those used for takeoffs, different contour sets must be used when considering landings. Others are used for ground runups of engines. Many complicating factors may arise such as local topography or a mix of aircraft with different noise characteristics.

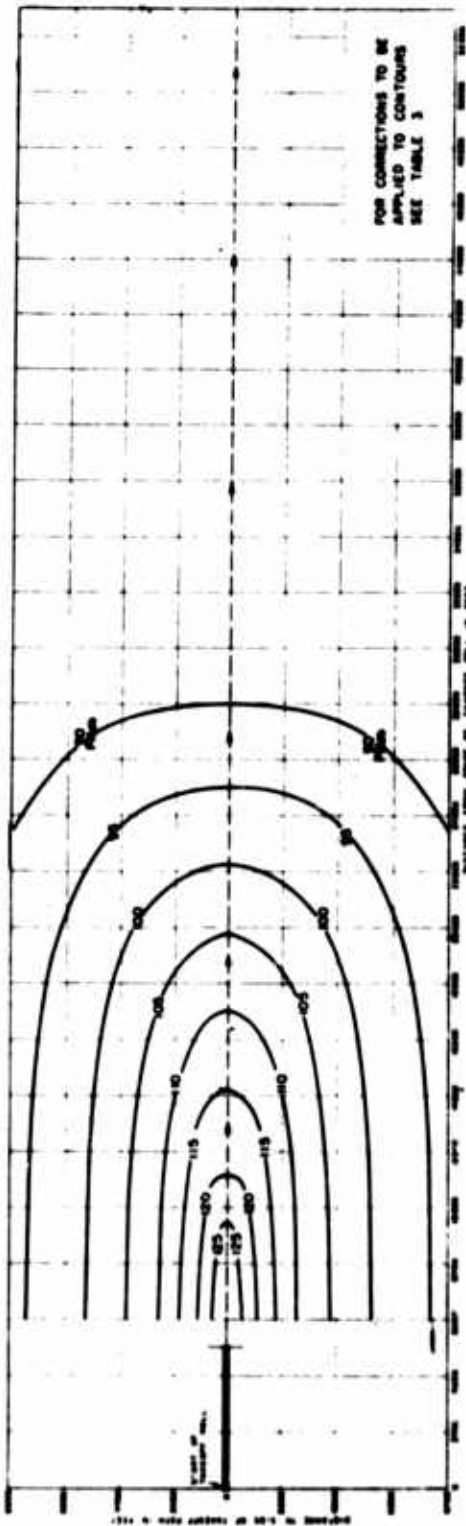
The reader is cautioned that the procedure here described is included to provide an insight into the areas involved, but cannot be used, except by coincidence, to compute an actual case. Indeed, in some cases, noise measurements at the site are required in order to establish the contours.

For those familiar with the Noise Exposure Forecast method of computing aircraft noise impact, it may be noted that Noise Exposure Forecast values above 40 are in CNR Zone 3, Noise Exposure Forecast values of 30 through 40 are in CNR Zone 2.

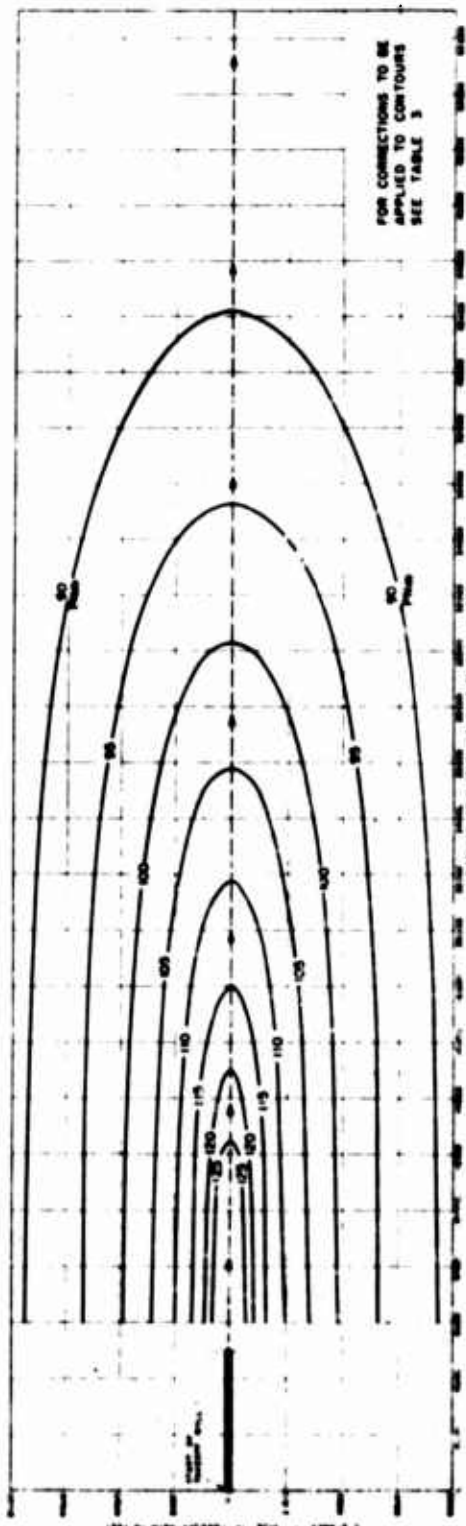
**TABLE 1-1: CLASSIFICATION OF MILITARY AIRCRAFT FOR TAKEOFF OPERATIONS**

FLIGHT GROUP 1	FLIGHT GROUP 5	FLIGHT GROUP 7
B-58 afterburner 2A+5	F-100 military 2B	B-52A-G military 2C
<b>FLIGHT GROUP 2</b>	F-101 "	<b>FLIGHT GROUP 8</b>
F-100 afterburner 2A	F-102 "	B-52H military 2C-5
F-101 "	F-105 "	C/KC-135A "
F-102 "	F-3 "	<b>FLIGHT GROUP 9</b>
F-104 "	F-6 "	C-135B military 2C-10
F-105 "	F-8 "	<b>FLIGHT GROUP 10</b>
F-106 "	F-11 "	B-47 military 2D
F-4B, C "	A-3 "	
F-6 "	A-5 "	
F-8 "	F-86K, L afterburner	
F-11 "	F-89 "	
A-5 "	F-94 "	
B-58 military	T-38 "	
<b>FLIGHT GROUP 3</b>	<b>FLIGHT GROUP 6</b>	
F-104 military 2A-5	F-80 military 2B-5	
F-106 "	F-84F "	
F-4B, C "	F-84G "	
	F-86E, F, H "	
	F-86K "	
	F-86 "	
	F- "	
	B-57 "	
	B-60 "	
	F-1 "	
	F-9 "	
	A-4 "	
	T-33 "	
	T-37 "	
	T-38 "	
	T-39 "	
	C-140 "	
	Navy jet trainers "	

Enclosure #2  
Attachment 1



Ⓐ FLIGHT PROFILE A.

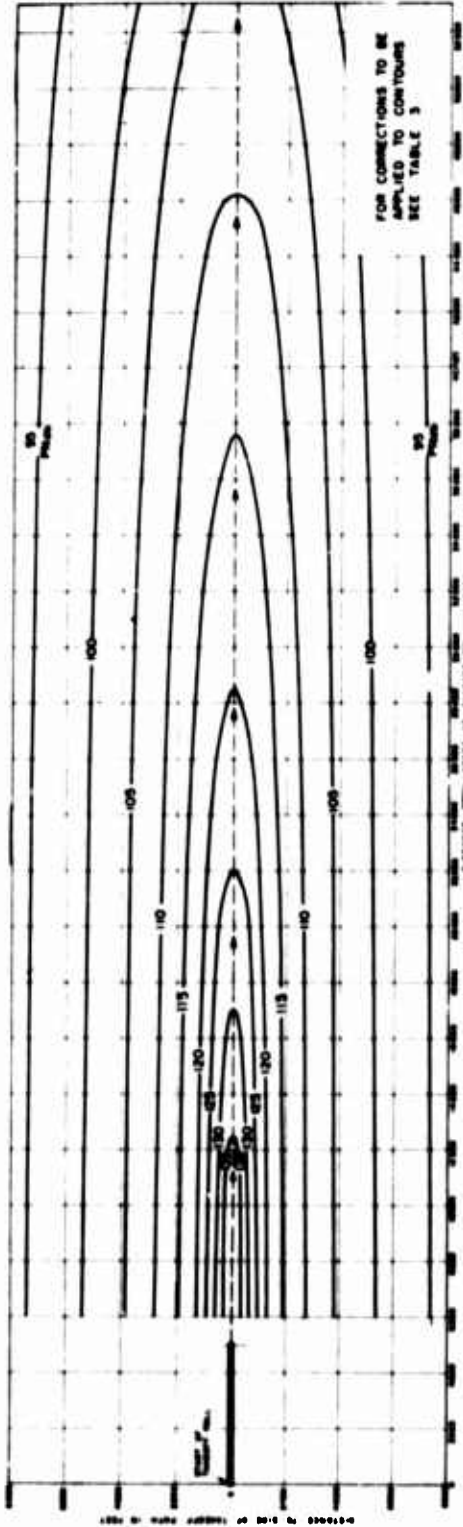


Ⓑ FLIGHT PROFILE B

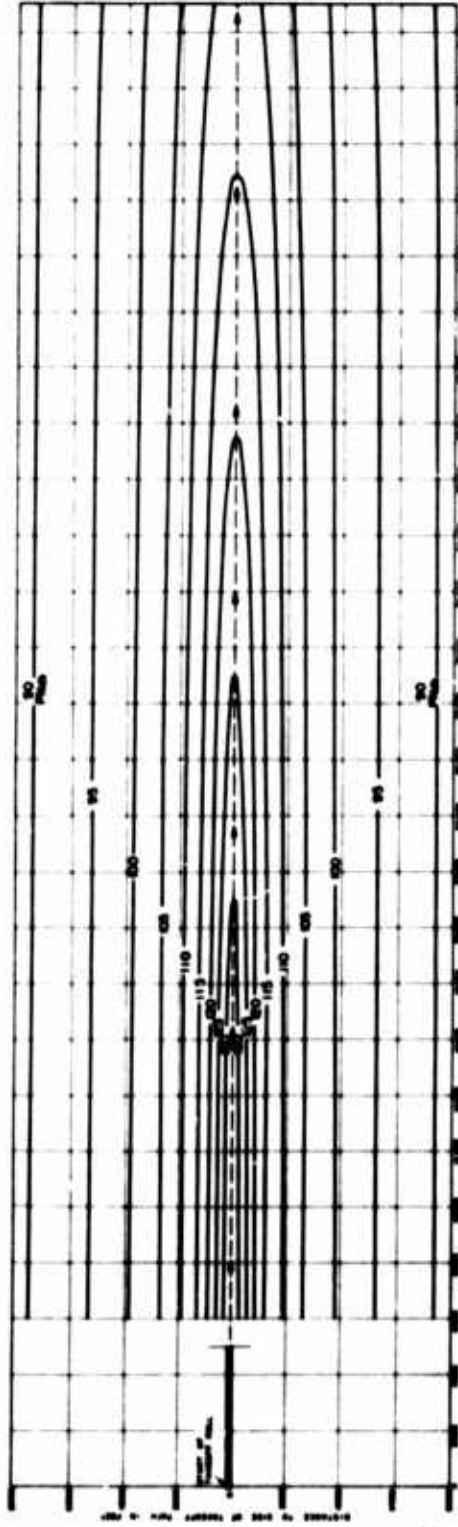
PERCEIVED NOISE LEVEL CONTOURS FOR TAKEOFFS OF MILITARY JET AIRCRAFT

CONTOUR SET 2

Enclosure #2  
Attachment 2



© FLIGHT PROFILE C.



© FLIGHT PROFILE D.

PERCEIVED NOISE LEVEL CONTOURS FOR TAKEOFFS OF MILITARY JET AIRCRAFT.

CONTOUR SET 2 (CONT.)

Enclosure #2  
Attachment 2

Discussion of Comments Timely Received on the Draft AICUZ Statement

The State of New York questioned the applicability of the policy to National Guard bases which are joint use (military/civilian) bases, and the State of Montana and the State of Florida questioned the joint use applicability. The question is interesting since the military flying activity on a joint use base may contribute proportionately little or much to overall noise production of the airfield. Because of the highly variable degree of such contribution and because the military flying activity is often a tenant on joint military/civilian use bases, an overall policy cannot be established beyond that of co-operation and active participation by the military with local civil authorities. That this is required has been specifically addressed in the basic policy document.

The State of New York, the Environmental Protection Agency, and the State of Wisconsin expressed concern that noise suppression techniques were not sufficiently emphasized in the basic policy. The wording of the policy has accordingly been strengthened in this regard.

The States of New York, Washington, Montana, and the Department of Housing and Urban Development all raised questions regarding the use of Composite Noise Ratings (CNR) versus Noise Exposure Forecasts (NEF) and the handling of helicopter noise. The basic policy permits either CNR or NEF. The Department of Defense has a new manual currently in development which, when adopted, will use the NEF system and will also adequately cover helicopter noise.

Enclosure 3

The State of New York raised four questions regarding effects on local taxes, economies, and land use, and the appropriate decision making authority. It is presumed that the portions of the basic policy requiring full co-operation with local authority and citizens groups will provide the means of satisfactorily negotiating differences of opinion between local authority and the air installation involved. It is expected that conflicts between the varying interests will occasionally arise and Section V. C. 1 of the policy and the requirement for individual impact statements are intended to assure that such conflicts are minimized and to provide the means of achieving full understanding among all concerned entities.

The State of Wisconsin asks whether missile installations are included in the proposal. They are not unless a flying activity is also carried on at the installation.

The State of Wisconsin suggests coordination with other agencies on land acquisitions. The requirement for individual project environmental impact statements is intended to assure that such coordination does occur.

The State of Wisconsin suggests restrictions on flammable and hazardous materials for the public health and safety. Policy on this has been added to the basic document.

The State of Wisconsin questions whether the policy includes drainage of valuable waterfowl wetland habitat. It does not necessarily.

Should such drainage appear advisable in a particular case, an environmental impact statement would be prepared to assure that all relevant factors were considered before a final decision was made.

The State of Wisconsin suggests joint installation use with civilian aviation activities be considered as a means of noise alleviation, and this has been added to the basic policy.

The State of North Carolina suggests alternatives of combinations of two or more of the listed alternatives. The State of Arkansas comments on the separate alternatives similarly as did the States of Indiana and Florida. The basic policy provides for a combination of all or any number of the alternatives (exception: the no action alternative). None of the alternatives is in itself sufficient for the overall situation, but one or several may be sufficient in an individual case.

The State of Arkansas also questions the relationship of the policy to the Noise Control Act of 1972. While the Noise Control Act generally excludes military aircraft from its provisions, this policy has been coordinated with the Environmental Protection Agency, executive agent for the Noise Control Act of 1972, and it is intended that wherever feasible, this policy shall be compatible with any standards issued by that Agency.

The Government of Guam suggests that acquisition of land by the Federal Government be through exchange of other land as well as outright purchase. The policy and the statement have been revised to

indicate that this is an acceptable alternative means of land acquisition.

The State of Alaska suggests that if noise is only a nuisance and not a health hazard then perhaps no compatible use zone should be enforced. It is considered that the Government, to the extent possible, has an obligation to not become a nuisance to its citizens and that failing this obligation constitutes a failure in the primary task of promoting the general welfare. Further, the line between nuisance and psychological health hazard is ill defined.

The States of Indiana and Alaska suggest continuation of research on noise suppression techniques. The Department of Defense is actively engaged in such research and will continue so; however, it is, as stated, unlikely that the noise problem can be completely eliminated through research in the foreseeable future.

The State of Texas and the State of Indiana recommend that noise data be made available to local governments where such data have been developed. This requirement has been added to the basic policy.

The States of South Carolina and Indiana and the Environmental Protection Agency suggest a "truth in selling" provision or buyer education to assure that persons considering leasing, renting or buying land in high noise areas are made fully aware of the noise situation. The desirability of local ordinances to this effect has been added to the basic policy.

The Department of Commerce recommends coordination with coastal zone management agencies for installations in coastal areas.

It is intended that individual environmental impact statements will be coordinated with all interested agencies.

The Department of Interior suggests interagency planning assistance teams to identify and plan for the full range of technical and environmental interests in specific cases. Such teams will be considered.

The Department of Housing and Urban Development questions the lack of specificity with respect to CNR Zone 2. This is perhaps the major failing of the CNR system and a main reason why an NEF system is under development for the Department of Defense. With the development of the Department of Defense NEF system, this objection should be overcome. There is no need to wait for this system to become available, however, since noise surveys and other work done under the CNR system will be readily converted to the NEF system.

The State of Indiana suggests that a model zoning ordinance be developed. It is understood that several agencies are involved in developing and proposing such ordinances. A proposed model ordinance developed principally by the U. S. Air Force will be on the agenda for consideration by the Council of State Governments at their June 21-22, 1973 meeting in Seattle, Washington.

The State of Illinois suggests a redefinition of the boundaries of the CNR zones. These boundaries are not arbitrarily set but are the result of a number of studies to determine the noise levels and frequency of occurrence which people find annoying. At this time, there is no evidence

available that would indicate a change of 20 in outer limit of CNR Zone 1. The Department of Transportation expressed concern that the policy and statement could lead to a conclusion that the limits of the CNR zones also defined high accident potential areas. This is of course not the case. There are noisy areas and there are areas of high accident potential. They may overlap, but they are not mutually causal. Each must be measured and defined separately. This is what the policy requires to be done.

The Department of Transportation also suggests the use of an objective measure of noise rather than the subjective NEF or CNR. Since the desire of the Department of Defense is to prevent annoying noise and since annoyance is a subjective condition, it is believed that any system which only measures noise and does not attempt to predict people's reaction to that noise would be insufficient for the instant purpose.

The State of Florida suggests control of heavy vehicle and truck generated noise from traffic in and out of air installations. In general, the establishment of a compatible use zone would serve this purpose as well because of the much louder noises being generated by the aircraft which defined the zone.

The Department of Health, Education and Welfare suggests definition of the circumstances which would require an environmental impact statement on an individual action under this policy. This general guidance is

contained in DoD Directive 6050.1, "Environmental Considerations in DoD Actions," which is referenced in the basic policy.

Attachments - 2

State and Territory Comments

Alaska

Arizona

Arkansas

California

Florida

Georgia

Guam

Hawaii

Idaho

Illinois

Indiana

Iowa

Kentucky

Massachusetts

Missouri

Mississippi

Montana

Nebraska

New Jersey

New Mexico

New York

North Carolina

North Dakota

Ohio

Oklahoma

Rhode Island

South Carolina

Texas

Washington

Wisconsin

Enclosure 3  
Attachment 1

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

STATE PLANNING AND RESEARCH

WILLIAM A. EGAN, GOVERNOR

POUCH AD — JUNEAU 99801  
PHONE 586-5386

April 30, 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
Installations and Housing  
Room 3E763, Pentagon  
Washington, D.C. 20301

Dear Mr. Sheridan:

Subject: Federal Air Installation Compatible Use Zoning  
State I.D. No. 73032102

The Alaska State Clearinghouse has completed review on the subject project.

The following agencies were invited to review and comment:

### State of Alaska

Division of Budget and Management  
Legislative Finance Division  
Department of Environmental Conservation  
Department of Law  
Department of Public Works  
Department of Highways  
Department of Community & Regional Affairs  
Department of Military Affairs

City of Anchorage  
Greater Anchorage Area Borough  
Office of the Governor, Division of Planning & Research  
City of Fairbanks  
Fairbanks North Star Borough

Four of the above agencies responded.

The Department of Environmental Conservation stated:

The Department of Environmental Conservation agrees with the concept of this program. It is a concept which

could be adopted by state and local governments in Alaska to their advantage.

**The City of Fairbanks stated:**

The establishment of compatible use zones would be in concert with policies under consideration by the Fairbanks North Star Borough Planning Division.

While the Fairbanks North Star Borough is, in fact, the planning agency for the City of Fairbanks, and has the powers, responsibilities and expertise associated therewith, the project described in the enclosure would have a definite benefit to the environment of the entire area. We would certainly encourage its development and completion.

**The Division of Planning and Research stated:**

Regarding the submitted project, the only comment I think is needed would be one of general support by the State of Alaska. This is an excellent idea and if properly carried through would be of help both to local communities faced with noise pollution problems and the airports in the elimination of noise nuisance factors. The regulations, as written, are adequate for their purpose and would be able to forestall many noise pollution problems. This is definitely a needed approach and would help alleviate many problems of development by and/or near military or commercial airstrips.

**The City of Anchorage stated:**

We have reviewed the proposed Department of Defense policy on Air Installation Compatible Use Zoning. We have also reviewed a Department of Air Force Vicinity Noise Map for Elmendorf Air Force Base which we understand was prepared in accordance with the standards set out in the Department of Defense instruction for Air Installations Compatible Use Zones. In this review, we find that only a small part of Zone 3 touches on one developed portion of the City of Anchorage devoted to residential use. A sizeable area of Zone 2 embraces residential-type developments in the City of Anchorage. There appears to be no particular problem in Zone 3 in view of the small area of privately-owned property involved and which has been developed for a number of years. However, we doubt that further development in this Zone 3 area could be controlled by local zoning. In view of the fact that it is developed and existing, we doubt that any action would be required.

April 30, 1973

We feel that construction in Zone 2 cannot be controlled by local zoning and that if these lands are to be acquired or other rights obtained for protection of the operational capabilities of Elmendorf Air Force Base, a very sizeable outlay of funds would be required.

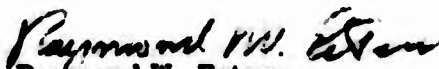
We feel that this is a clear cut case that if restrictions are to be enforced at this time on privately-owned land that adversely affects such property or their use, compensation would have to be paid; otherwise, it would constitute a taking of private property for a public purpose without compensation.

Nowhere in the draft did we find any discussion of the criteria for the compatible use zones. There is no discussion in the necessary draft of the noise level that becomes a health problem; therefore, we are not in a position to say whether or not we would be agreeable with the zoning concept and at what point compatible zones should be enforced. If it is a matter of nuisance, then we doubt that any compatible use zones should be enforced unless a legal liability exists. If the health and safety of people is involved, it is an entirely different matter. Until there is an actual application of the policy contained in this draft, it is difficult to respond. We do not object to the concept, but there is a great deal lacking in the way of information before we can agree to this draft and the specific zones that will arise therefrom as they may apply to the civilian community of Anchorage. We have not attempted to analyze the effect on Elmendorf Air Force Base property.

Of the five alternates listed as to proposed action for the solution of this particular problems, it would appear to us that item #5, Noise Suppression Techniques, is probably one of the major areas of research that should be continued in the effort to reduce noise levels in close proximity to major airfields, particularly on base. Although considerable research has been accomplished in this area, it is felt that further advancements in technique and refinement in this field can be developed.

The Clearinghouse finds this project to be consistent with State long-range planning goals and objectives. Therefore, this letter will satisfy the review requirements of the Office of Management and Budget Circular A-95.

Sincerely,

  
Raymond W. Estess  
State-Federal Coordinator

3-14

# Central Arizona Association of Governments

318 EAST FOURTH STREET  
CASA GRANDE, ARIZ. 85822

PHONE 602-638-0183

DATE: April 18, 1973

TO: Department of Defense  
Office of the Assistant  
Secretary of Defense  
Pentagon Bldg., Rm. 3E763  
Washington, D.C. 20301



FROM: Regional Clearinghouse (A-95)

SUBJECT: Project Notification and Review

Applicant: Department of Defense

Project Title: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones  
State Application Identifier: 73-80-0016

Clearinghouse Staff Contact: Terry Schutten, Executive Director

A copy of Notice of Intent Form SCI-1 is attached for your review and comment in accordance with OMB Circular A-95 requirements. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required.

- No interest or comment on the above project.
- Proposal is supported as written.
- Comments are attached.
- Additional information desired, as described in attachment.
- Conference desired with applicant.

Review Agency Staff Contact

A handwritten signature in black ink, appearing to read "Terry Schutten", written over a horizontal line.

Authorized Review  
Agency Signature

3-1-5

**RIZONA**



**DEPARTMENT OF  
ECONOMIC PLANNING AND DEVELOPMENT**

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

MEMORANDUM

**TO:** Mr. Terry Schutten, Executive Director  
Region V - Central Arizona Association of Governments  
316 East Fourth Street  
Casa Grande, AZ 85222

**FROM:** Arizona State Clearinghouse (A-95)  
Clearinghouse Staff Contact: Mrs. Constance LaMonica

**SUBJECT:** Project Notification  
Applicant: Department of Defense

Project Title: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones

State Application Identifier: 73-89-0016



# Central Arizona Association of Governments

318 EAST FOURTH STREET  
CASA GRANDE, ARIZ. 06823

PHONE 908-836-3185

DATE: April 18, 1973

TO: Department of Defense  
Office of the Assistant  
Secretary of Defense  
Pentagon Bldg., Rm. 3D 171  
Washington, D.C. 20301



FROM: Regional Clearinghouse (A-95)

SUBJECT: Project Notification and Review

Applicant: Department of Defense

Project Title: Proposed Department of Defense Policy  
on Use of Off-Road Vehicles

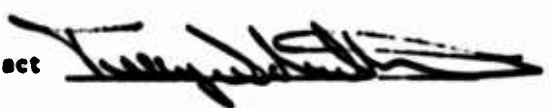
State Application Identifier: 73-80-0015

Clearinghouse Staff Contact: Terry Schutten, Executive Director

A copy of Notice of Intent Form SCI-1 is attached for your review and comment in accordance with OMB Circular A-95 requirements. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required.

- No interest or comment on the above project.
- Proposal is supported as written.
- Comments are attached.
- Additional information desired, as described in attachment.
- Conference desired with applicant.

Review Agency Staff Contact

  
\_\_\_\_\_  
Authorized Review  
Agency Signature

3-1-7

**ARIZONA**



**DEPARTMENT OF  
ECONOMIC PLANNING AND DEVELOPMENT**

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

MEMORANDUM

**TO: Mr. Terry Schutten, Executive Director  
Region V - Central Arizona Association of  
Governments  
316 East Fourth Street  
Casa Grande, AZ 85222**

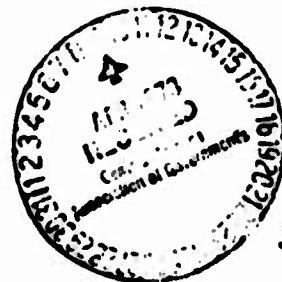
**FROM: Arizona State Clearinghouse (A-95)  
Clearinghouse Staff Contact: Mrs. Constance LaMonica**

**SUBJECT: Project Notification**

**Applicant: Department of Defense**

**Project Title: Proposed Department of Defense Policy  
on Use of Off-Road Vehicles**

**State Application Identifier: 73-80-0015**



ARIZONA



DEPARTMENT OF  
**ECONOMIC PLANNING AND DEVELOPMENT**

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5005

May 17, 1973

Mr. Howard L. Metcalf  
Office of the Deputy Assistant Secretary  
of Defense (Installations and Housing)  
Pentagon, Room 3E763  
Washington, D. C. 20301

Re: Subject: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones  
State Application Identifier: 73-80-0016

Dear Mr. Metcalf:

The Arizona State Clearinghouse has received and reviewed your notification of proposed action concerning the above project. The Clearinghouse review has generated several comments, copies of which are attached for your information.

In accordance with current requirements as set forth in the Office of Management and Budget Circular A-95, Revised, this letter will serve as the State Clearinghouse comment on the proposal.

Please include the above State Application Identifier in any future correspondence regarding this proposal. Thank you for providing Arizona with the opportunity to comment upon this proposal.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Dennis A. Davis".

Dennis A. Davis, Chief  
Planning Section  
DAD:lf  
encl

3-1-9



**ARIZONA GAME & FISH DEPARTMENT**

2222 West Greenway Road Phoenix, Arizona 85029 942-3000

April 11, 1973

Mrs. Constance LaMonica  
Department of Economic Planning  
and Development  
3003 North Central Avenue, Suite 1704  
Phoenix, Arizona 85012

Dear Mrs. LaMonica:

In response to your inquiry, we have reviewed the Department of Defense Environment Impact Statement: Air Installations Compatible Use Zones (73-80-0016).

Our primary concern is that in the future when implementing this program in Arizona, we be given the opportunity to review and comment on specific projects. At that time, we will be available to offer any assistance in determining the effects of the program on the wildlife resource.

We believe that this policy, if implemented as written, adequately affords us that opportunity and we, therefore, support it as presented.

We thank you for the opportunity to comment on this document, and if we can be of further assistance, please contact us.

Sincerely,

Robert A. Jantzen, Director

By: William Silvey  
Land Project Officer

WS:iw

3-1-10

ARIZONA

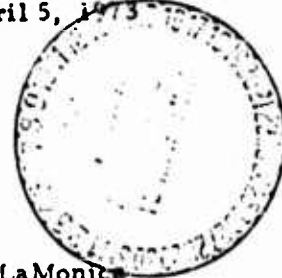


DEPARTMENT OF  
**ECONOMIC PLANNING AND DEVELOPMENT**

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

Date: April 5, 1973

TO: Dr. M. H. Goodwin Jr., Director  
Health Planning Authority  
2980 Grand Avenue  
Phoenix, Arizona 85017



FROM: Clearinghouse Staff Contact: Mrs. Constance LaMonica

SUBJECT: Environmental Statement Review

Applicant: Department of Defense

Project Title: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones

State Application Identifier: 73-80-0016

A copy of a Draft Environmental Statement is attached for your review and comment in accordance with requirements of CME Circular A-95. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required. Please return this completed form within fifteen (15) days of your receipt of this request.

- No comment on the above project.
- Proposal is supported as written.
- Comments are attached.

RECEIVED

APR 11 1973

RESEARCH & PLANNING  
DEPARTMENT OF ECONOMIC  
PLANNING & DEVELOPMENT

Please contact the Clearinghouse should you desire further information, or need additional time for review.

Review Agency Staff Contact

*Handwritten notes:*  
M. H. Goodwin Jr.  
Health Planning Authority  
2980 Grand Avenue  
Phoenix, Arizona 85017

*Handwritten signature:* M. H. Goodwin Jr.

Authorized Review  
Agency Signature

3-7-11

ARIZONA



# DEPARTMENT OF ECONOMIC PLANNING AND DEVELOPMENT

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

Director  
Deputy Director  
Assistant Director  
Commissioners

Date: April 5, 1973  
TO: *WES* Wesley E. Steiner, State Water Engineer  
State Water Commission  
34 West Monroe Street, Suite 707  
Phoenix, AZ 85003

FROM: Clearinghouse Staff Contact: Mrs. Constance LaMonica

SUBJECT: Environmental Statement Review

Applicant: Department of Defense

Project Title: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones

State Application Identifier: 73-80-0016 *to library*

A copy of a Draft Environmental Statement is attached for your review and comment in accordance with requirements of OMB Circular A-95. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required. Please return this completed form within 60 days (15) days of your receipt of this request.

- No comment on the above project.
- Proposal is supported as written.
- Comments are attached.

DATE REC'D *4-9-73*

DATA SUPR.  
HYDROLOGY  
PLANNING  
STAFF CONTACT  
REC. DIR.

ACTION: *22*

SUPPORT  
NO COMMENT  
COMMENTS ATTACHED

APPROVED BY *WES* DATE *4-9-73*

Please contact the Clearinghouse should you desire further information, or need additional time for review.

Review Agency Staff Contact

*Bob Ferra*

*Wesley E. Steiner*  
Authorized Review  
Agency Signature

RECEIVED

3-1-12

ARIZONA



**DEPARTMENT OF  
ECONOMIC PLANNING AND DEVELOPMENT**

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

Date: April 5, 1973

TO: Mr. Roland H. Sharer, State Liaison Officer  
Outdoor Recreation Coordinating Commission  
4433 North 19th Avenue, Suite 203  
Phoenix, AZ 85015

FROM: Clearinghouse Staff Contact: Mrs. Constance LaMonica

SUBJECT: Environmental Statement Review

Applicant: Department of Defense

Project Title: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones

State Application Identifier: 73-80-0016

A copy of a Draft Environmental Statement is attached for your review and comment in accordance with requirements of OMB Circular A-95. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required. Please return this completed form within 60 days of your receipt of this request.

- No comment on the above project.
- Proposal is supported as written.
- Comments are attached.

Please contact the Clearinghouse should you desire further information, or need additional time for review.

Review Agency Staff Contact

Agency Name	Lead
Address	Phone
City	State
Zip	

*Roland H. Sharer*  
 \_\_\_\_\_  
 Authorized Review  
 Agency Signature

3-1-13

ARIZONA



DEPARTMENT OF  
**ECONOMIC PLANNING AND DEVELOPMENT**

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

Date: April 5, 1973

TO: Mr. Les Ormsby, Acting Administrator  
Arizona Power Authority  
1810 West Adams Street  
Phoenix, AZ 85005

FROM: Clearinghouse Staff Contact: Mrs. Constance LaMonica

SUBJECT: Environmental Statement Review

Applicant: Department of Defense

Project Title: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones

State Application Identifier: 73-80-0016

A copy of a Draft Environmental Statement is attached for your review and comment in accordance with requirements of OMB Circular A-95. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required. Please return this completed form within fifteen (15) days of your receipt of this request.

- No comment on the above project.
- Proposal is supported as written.
- Comments are attached.

**RECEIVED**

APR 10 1973

STATE CLEARINGHOUSE  
DEPARTMENT OF ECONOMIC  
PLANNING & DEVELOPMENT

Please contact the Clearinghouse should you desire further information, or need additional time for review.

Review Agency Staff Contact

Agency Title	_____
Personnel Title	_____
Home Address	_____
City	_____
State	_____
Phone	_____

\_\_\_\_\_  
 Authorized Review  
 Agency Signature

3-1-14

ARIZONA



**DEPARTMENT OF  
ECONOMIC PLANNING AND DEVELOPMENT**

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

Date: April 5, 1973

TO: Dr. Louis C. Kossuth, Commissioner  
Department of Health  
1624 West Adams Street, Third Floor  
Phoenix, Arizona 85007

RECEIVED

APR 9 1973

FROM: Clearinghouse Staff Contact: Mrs. Constantine LaMontagne  
STATE DEPT. OF HEALTH

SUBJECT: Environmental Statement Review

Applicant: Department of Defense

Project Title: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones

State Application Identifier: 73-80-0016

A copy of a Draft Environmental Statement is attached for your review and comment in accordance with requirements of OMB Circular A-95. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required. Please return this completed form within fifteen (15) days of your receipt of this request.

- No comment on the above project.
- Proposal is supported as written.
- Comments are attached.

RECEIVED

APR 13 1973

RESEARCH & PLANNING  
DEPARTMENT OF ECONOMIC  
PLANNING & DEVELOPMENT.

Please contact the Clearinghouse should you desire need additional time for review.

Review Agency Staff Contact

Gene A. ...	...
...	...
...	...
...	...
...	...

*Lucia Chosich*

Authorized Review  
Agency Signature

3-1-15

ARIZONA



# DEPARTMENT OF ECONOMIC PLANNING AND DEVELOPMENT

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

Date: April 5, 1973

TO: Mr. Andrew L. Bettwy, Commissioner  
Department of Land  
Capitol Annex East, Fourth Floor  
Phoenix, AZ 85007

\_\_\_\_\_ Commissioner  
 \_\_\_\_\_ S. Land Admin.  
 \_\_\_\_\_ Appraisal  
 \_\_\_\_\_ Leasing  
 \_\_\_\_\_ Case Exam.  
 \_\_\_\_\_ Mkt. Service  
 \_\_\_\_\_ Planning & R.  
 \_\_\_\_\_ Resource Mgt.  
 \_\_\_\_\_ Industrial  
 \_\_\_\_\_ Forestry

FROM: Clearinghouse Staff Contact: Mrs. Constance LaMonica

SUBJECT: Environmental Statement Review

Applicant: Department of Defense

Project Title: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones

State Application Identifier: 73-80-0016

A copy of a Draft Environmental Statement is attached for your review and comment in accordance with requirements of OMB Circular A-95. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required. Please return this completed form within fifteen (15) days of your receipt of this request.

- No comment on the above project.
- Proposal is supported as written.
- Comments are attached.

## RECEIVED

APR 11 1973

RESEARCH & PLANNING  
DEPARTMENT OF ECONOMIC  
PLANNING & DEVELOPMENT

Please contact the Clearinghouse should you desire further information, or need additional time for review.

Review Agency Staff Contact: \_\_\_\_\_

Authorized Review  
Agency Signature

3-1-16

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

IZONA



**DEPARTMENT OF  
ECONOMIC PLANNING AND DEVELOPMENT**

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

Date: April 5, 1973

**TO: Mr. Bill Stephenson  
Department of Economic Planning  
and Development  
3003 North Central Avenue, Suite 1704  
Phoenix, AZ 85012**

*ZW*  
*SC*  
*SR*  
*OK*

**FROM: Clearinghouse Staff Contact: Mrs. Constance LaMonica**

**SUBJECT: Environmental Statement Review**

**Applicant: Department of Defense**

**Project Title: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones**

**State Application Identifier: 72-80-0016**

A copy of a Draft Environmental Statement is attached for your review and comment in accordance with requirements of OMB Circular A-95. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required. Please return this completed form within fifteen (15) days of your receipt of this request.

- No comment on the above project.
- Proposal is supported as written.
- Comments are attached.

Please contact the Clearinghouse should you desire further information, or need additional time for review.

Review Agency Staff Contact

*W. J. Stephenson*

*Project Title*  
*Location*  
*Highway*  
*State*  
*County*

Authorized Review  
Agency Signature

3-1-17

ARIZONA



**DEPARTMENT OF  
ECONOMIC PLANNING AND DEVELOPMENT**

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

**TO:** Mr. James Vercellino, Director  
Department of Aeronautics  
3000 Sky Harbor Boulevard  
Phoenix, Arizona 85034

**Date:** May 4, 1973

RECEIVED  
MAY 14 1973

**FROM:** Clearinghouse Staff Contact: Mrs. Constance LaMonica

**SUBJECT:** Environmental Statement Review

**Applicant:** Department of Defense

**Project Title:** Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones

**State Application Identifier:** 73-80-0016

A copy of a Draft Environmental Statement is attached for your review and comment in accordance with requirements of OMB Circular A-95. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required. Please return this completed form within fifteen (15) days of your receipt of this request.

- No comment on the above project.
- Proposal is supported as written.
- Comments are attached.

Please contact the Clearinghouse should you desire further information, or need additional time for review.

Review Agency Staff Contact

**JAMES VERCELLINO**

Authorized Review  
Agency Signature

3-1-18

14 Feb  
1973

Public  
Affairs  
Office

IZONA



**DEPARTMENT OF  
ECONOMIC PLANNING AND DEVELOPMENT**

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

Date: April 5, 1973

TO: Mr. Justin Herman, Director  
Department of Highways  
206 South 17th Avenue  
Phoenix, Arizona 85007

FROM: Clearinghouse Staff Contact: Mrs. Constance LeMonica

SUBJECT: Environmental Statement Review

Applicant: Department of Defense

Project Title: Proposed Department of Defense Policy on  
Air Installations Compatible Use Zones

State Application Identifier: 73-80-0016

A copy of a Draft Environmental Statement is attached for your review and comment in accordance with requirements of OMB Circular A-95. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also note a staff contact within your agency in case further consultation is required. Please return this completed form within 15 (fifteen) days of your receipt of this request.

- No comment on the above project.
- Proposal is supported as written.
- Comments are attached.

**RECEIVED**  
APR 26 1973  
RESEARCH & PLANNING  
DEPARTMENT OF ECONOMIC  
PLANNING & DEVELOPMENT

Please contact the Clearinghouse should you desire further information or need additional time for review.

Review Agency Staff Contact

Agency File	Initial
10/1/73	10/1/73
10/1/73	10/1/73
10/1/73	10/1/73
10/1/73	10/1/73
10/1/73	10/1/73

*Justin Herman*  
By: *J. N. Braden*  
Authorized Review  
Agency Signature

3-1-19



DALE BUMPERS  
GOVERNOR

ARKANSAS  
DEPARTMENT OF PLANNING  
CAPITOL HILL BUILDING  
LITTLE ROCK, ARKANSAS 72201  
AREA CODE 501 371-1211 / 371-1301

CHARLES T. CROW  
DIRECTOR

April 2, 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Room 3E 763, Pentagon  
Washington, D.C. 20301

Re: Environmental Impact Statement,  
Air Installations Compatible  
Use Zones.

Dear Mr. Sheridan:

The Department of Planning, State Planning and Development Clearinghouse, as the designated State Clearinghouse and pursuant to the Office of Management and Budget Circular A-95, dated February 9, 1971, "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects, has coordinated a review of your Environmental Impact Statement.

Copies of the Impact Statement were forwarded to the affected areawide clearinghouses. Any comments which they may wish to make will be forwarded to you by the respective clearinghouse.

The alternatives to the proposed action are realistic but all facets of each alternative taken do not seem to be presented.

The No Action Alternative

Would the No Action Alternative always be the most expensive if relocation took the form of combining military and civilian operations in one location when interests of national security were not at stake.

The Exclusive Reliance on Local Zoning Alternative

It is agreed that no land would be removed from local tax rolls but certain situations could be just as economically disasterous. If present military and civilian flight installations are so situated in a metropolitan area, you could realize a situation where zoning results in single use development of the metropolitan area

Mr. Sheridan

-2-

April 2, 1973

The Exclusive Reliance on Federal Purchase Alternative

It is obvious that outright purchase would be the simplest in the long run but public resentment in some areas could result in delays of many years for providing Compatible Use Zones.

The Abandonment of Flying Activities Alternative

This is an alternative that is questionable and does not address the issues and problems of Compatible Use Zones. The "do nothing" alternative as quoted may need to be changed to No Action since "do nothing" intimates that no problem was recognized in the first place.

The Exclusive Reliance on Noise Suppression Techniques Alternative.

No mention is made of the Voice Control Act of 1972, signed into law October 27, 1972. Sound level standards have not been made, but the Environmental Protection Agency, Office of Noise Abatement and Control is authorized to carry out any further standards.

Each of the alternatives covered is unique, though, one of which could be a combination of all or part of the alternatives to acquire a Compatible Use Zone around air installations.

Enclosed for your information is some material which addresses the issue of Zoning in the State of Arkansas.

If we may be of further assistance, please do not hesitate to let us know.

Sincerely,



Armand De Laurell  
Director  
State Planning & Development  
Clearinghouse

AD/vkk

cc: John Harrington - Metroplan  
Henry P. Jones, III - East Arkansas PDD

3-1-21



DALE BUMPERS  
GOVERNOR

# STATE OF ARKANSAS / DEPARTMENT OF PLANNING

## DIVISION OF AERONAUTICS

SUITE 514, 1815 BUILDING • LITTLE ROCK, ARKANSAS 72202

EDDIE HOLLAND, ADMINISTRATOR

March 23, 1973

RECEIVED

MAR 23 1973

ARKANSAS PLANNING  
DIVISION

Mr. Ken Guertin  
State Planning & Development Clearinghouse  
Capitol Hill Building  
Little Rock, Arkansas

Dear Ken:

I have reviewed the draft Environmental Impact Statement of the Department of Defense regarding their proposed policy on Air Installations Compatible Use Zones.

Arkansas already has airport zoning laws that allow cities to promulgate and enforce airport zoning regulations (Arkansas Statutes Section 74-301-74-308). Also, included in the Airport Zoning Act is Section 74-313-74-319 which allows counties and cities to promulgate and enforce zoning regulations with respect to United States airports.

This Airport Zoning Act would permit the Department of Defense, with local governing body cooperation, to implement their proposed Air Installations Compatible Use Zones policy at Little Rock Air Force Base and Blytheville Air Force Base.

Sincerely,

Eddie Holland  
Administrator

EH/ab

3-1-22



*Jim Guy Tucker*  
ATTORNEY GENERAL

OFFICE OF  
*The Attorney General*

January 29, 1973

RECEIVED

FEB 5 1973

ARKANSAS PLANNING  
COMMISSION

JUSTICE BUILDING  
*Little Rock, Arkansas*

Mr. Charles T. Crow  
Director  
Arkansas Department of Planning  
Capitol Hill Building  
Little Rock, Arkansas 72201

Dear Mr. Crow:

This is in response to your letter wherein you asked the following questions:

- (1) What changes, if any, have been made in Arkansas airport zoning legislation since the 1947 Arkansas Airport Zoning Act?
- (2) Can a county legally adopt zoning regulations for a portion of the county? (For example, the 14 square miles including and surrounding the Little Rock Air Force Base -- the L.R.A.F. Bases's compatible use zone.)

In answer to your first question, we are enclosing with this letter a photostatic copy of Ark. Stat. Ann. §§74-301-74-319 (Repl. 1957) which sections deal with Airport Zoning. We have been unable to find any 1947 Arkansas Airport Zoning Act. However, we feel sure that you refer to the 1941 Airport Zoning Enabling Act. (Acts of 1941 No. 116, p. 272) which is now annotated as Ark. Stat. Ann. §§74-301 - 74-308 (Repl. 1957) and included in the attached material.

Your question number 2 is answered by Ark. Stat. Ann. §74-314 (Repl. 1957) which reads, in applicable part as follows:

Counties are empowered to promulgate and enforce zoning regulations in the area thereof within 50,000 feet of a United States airport which is not within the limits of a city or town. Provided, however, that zoning regulations promulgated for the benefit of United States airports shall conform to and be consistent with the United States Air Force standards and specifications and such waivers of same may be made by the United States Government.

3-1-23

Mr. Charles T. Crow

-2-

January 29, 1973

The governing body of any county, city, or town may delegate the power to promulgate, administer and enforce airport zoning regulations granted by this Act [§§74-313 - 74-319] to any zoning board or planning commission under its jurisdiction, and it may authorize one agency to promulgate such regulations and another to administer and enforce them.

In counties now having a county planning board, such board shall promulgate the regulations contemplated herein in accordance with the procedures described by the Ark. Stats. (1947) §17-1103. Provided further, in counties not having a county planning board, the county judge, along with four (4) residents of the county to be selected by the judge shall compose a board to be known as "The County Airport Planning Board." This board shall promulgate the regulations contemplated herein in accordance with the procedure prescribed in Ark. Stats. (1947) §17-1183 (D).

Therefore, it appears that a county can legally zone that portion of the county lying in an area within 50,000 feet of a United States Airport which is defined by Ark. Stat. Ann. §74-313 (Repl. 1957) as meaning "any United States airport owned or operated by the United States Government, any part of which is located within the State of Arkansas", either through the use of the county planning board, should such be in use in the county, or through the use of a County Airport Planning Board.

We trust the above answers your questions and that if you have any further questions concerning this matter, you will feel free to get in touch with us.

Yours very truly,

JIM GUY TUCKER  
Attorney General

By:

  
LONNIE POWERS

Assistant Attorney General

LP:lm

cc: Dr: John S. Harrington

3-1-24

Mr. John S. Harrington

-2-

January 29, 1973

Your question No. 2 is answered by Ark. Stat. Ann. §74-314 (Repl. 1957) which reads, in applicable part as follows:

Counties are empowered to promulgate and enforce zoning regulations in the area thereof within 50,000 feet of a United States airport which is not within the limits of a city or town. Provided, however, that zoning regulations promulgated for the benefit of United States airports shall conform to and be consistent with the United States Air Force standards and specifications and such waivers of same may be made by the United States Government.

The governing body of any county, city or town may delegate the power to promulgate, administer and enforce airport zoning regulations granted by this Act[§§ 74-313 - 74-319] to any zoning board or planning commission under its jurisdiction, and it may authorize one agency to promulgate such regulations and another to administer and enforce them.

In counties now having a county planning board, such board shall promulgate the regulations contemplated herein in accordance with the procedures described by Ark. Stats. (1947) §17-1103. Provided further, in counties not having a county planning board, the county judge, along with four (4) residents of the county to be selected by the judge shall compose a board to be known as 'The County Airport Planning Board'. This board shall promulgate the regulations contemplated herein in accordance with the procedure prescribed in Ark. Stats. (1947) §17-1183(D).

Therefore, it appears that a county can legally zone that portion of the county lying in an area within 50,000 feet of a United States Airport which is defined in Ark. Stat. Ann. §74-313 (1957 Repl.) as meaning "any United States airport owned or operated by the United States Government, any part of which is located within the State of Arkansas", either through the use of the county planning board, should such be in use in the county, or through the use of a County Airport Planning Board.

3-1-26

Mr. John S. Harrington

-3-

January 29, 1973

We trust the above adequately answers the request of your letter and that if you have any further questions concerning this or any other matter you will not hesitate to contact us.

Very truly yours,

JIM GUY TUCKER  
Attorney General

By:



LONNIE POWERS  
Assistant Attorney General

LP:lm

Mr. Charles T. Crow  
Director  
Arkansas Dept. of Planning  
Capitol Hill Building  
Little Rock, Arkansas 72201

3-1-27

**Emergency.**

Section 3 of Acts 1939, No. 80 read: "It is ascertained and hereby declared that the number of airports in this State is wholly insufficient for the safety of those traveling by air; that more places where airplanes can land without danger are essential to the public safety; that for the public safety it is necessary to facilitate their construction; that by the passage of this act many cities and towns in Arkansas in close proximity to each other, which are otherwise financially un-

able to do so, could provide such airports and thereby add to the safety of the lives of the inhabitants of the State. Therefore an emergency is hereby declared to exist, and this act being necessary for the preservation of the public peace, health and safety, shall be in full force and effect immediately on its passage." Approved February 14, 1939.

**Cross-Reference.**

Municipality may purchase, rent or let realty or personalty for, § 19-2310.

**74-208. Airports of state educational institutions—Cooperation with civil aeronautics administration.**—The Boards of Trustees of the University of Arkansas, Agricultural, Mechanical and Normal College, State Teachers College (Conway), Henderson State Teachers College (Arkadelphia), Arkansas State College (Jonesboro), Arkansas Polytechnic College (Russellville), Agricultural and Mechanical College, Third District, Arkansas Agricultural and Mechanical College (Monticello) [Southern State College], Junior Agricultural College [Arkansas State College, Beebe Branch], are hereby authorized to cooperate with the Civil Aeronautics Administration in the development of the college-owned airports and their facilities. [Acts 1947, No. 277, § 2, p. 604; 1947, No. 286, § 2, p. 622; 1947, No. 287, § 2, p. 625; 1947, No. 291, § 2, p. 641; 1947, No. 311, § 2, p. 693; 1947, No. 314, § 2, p. 699; 1947, No. 315, § 2, p. 702; 1947, No. 317, § 3, p. 705; 1947, No. 377, § 4, p. 851.]

**Compiler's Notes.**

This section is a combination of the acts cited in the history line. The section appeared in the appropriation act for each of the institutions named.

The bracketed words "Southern State College" and "Arkansas State College, Beebe Branch" were inserted by the compiler because of a change in name of such institutions. See §§ 80-3106.1, 80-3142.

**CHAPTER 3****AIRPORT ZONING**

SECTION.	SECTION.
74-301. Definitions.	74-311. Removal of wires from approach zone.
74-302. Power to promulgate and enforce airport zoning regulations.	74-312. Violation of act—Penalty.
74-303. Permits and variances.	74-313. Regulations for benefit of United States airports—Definitions.
74-304. Power to lower or remove lawful nonconforming uses.	74-314. Counties and cities empowered to enforce airport zoning regulations.
74-305. Notice of hearing of applications for permits and variances — Introduction of evidence.	74-315. Permits and variances.
74-306. Judicial review.	74-316. Power to lower or remove lawful nonconforming uses.
74-307. Penalties and remedies for zoning regulation violations.	74-317. Procedure.
74-308. Short title.	74-318. Judicial review.
74-309. Approach zones—Definitions.	74-319. Penalty for violation.
74-310. Wires—Construction, operation and maintenance prohibited.	

**74-301. Definitions.**—As used in this Act [§§ 74-301—74-308], unless the context otherwise requires:

(1) "Airport" means any area of land usable for the landing and taking-off of airplanes.

(2) A city is "served" by an airport if such airport is used for private flying or otherwise as a point of arrival or departure by air by persons residing or having their place of business in such city.

(3) An airport is of the "public utility class" if it is available to the general public for private flying or otherwise as a point of arrival or departure by air.

(4) "Person" means any individual, firm, copartnership, public or private corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

(5) "Structure" means any object constructed or installed by man including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines. [Acts 1941, No. 116, § 1, p. 272.]

**Section to Section References.**

This act (§§ 74-301—74-308) is referred to in § 74-510.

This section is referred to in § 74-304.

Comparative Legislation, Airport zoning:

Ariz. Rev. Stat., §§ 2-321—2-331.

Idaho. Code 1947, §§ 21-501—21-512.

Ill. Rev. Stat. 1955, ch. 15½, §§ 46.1-48.37.

La. Rev. Stat. 1950, 2:381 et seq.

N. Mex. Stat. 1953, §§ 44-2-1—44-2-10.

Tenn. Code Ann., §§ 42-401—42-415.

**74-302. Power to promulgate and enforce airport zoning regulations.**—In order to protect airport approaches against obstruction, to protect the life and property of users of airports of the public utility class and of occupiers of land in their vicinity, to encourage and foster the use of such airports, to safeguard the public investment therein, and to promote the public health, safety, and general welfare, all cities, of whatever class, are hereby given the power to promulgate, administer, and enforce, in the manner and upon the conditions hereinafter prescribed, zoning regulations with respect to any airports by which they may be served, of the public utility class, whether owned by them or not, dividing the area surrounding such airports into zones and limiting the height of all existing and future structures and objects of natural growth therein; provided, that where such an airport serves more than one city, this power shall be vested in the Commission vested with control and administration of the port as now presently or may be hereafter provided by the statutes of the State of Arkansas and ordinances adopted pursuant thereto.

In promulgating airport zoning regulations under authority of this Act [§§ 74-301—74-308], the city, or agency thereof, promulgating such regulations shall prescribe such zone and height limits as it considers reasonably necessary and calculated to insure airport approaches and turning space adequate for all flying operations expected to be conducted at the airport in question; provided, that such limits shall not be more exacting than is justified taking into account among other considerations, the terrain in the vicinity of the airport, the height of existing structures and objects of natural growth above the level of the airport, and the possibility of lowering or removing existing obstructions; provided further, that the area zones shall in no case extend more than five [5] miles from the airport; provided further, that the zone and height limits shall in no case be more exacting than is necessary to conform to the current airport approach and turning space standards of the Civil Aeronautics Authority, or such other agency of the Federal Government as may be concerned with the development of civil aeronautics.

Any city upon which this power is conferred may promulgate, administer, and enforce airport zoning regulations even though all or a part of the airport in question, or all or a part of the area to be zoned, is located outside its corporate limits and within the territory of another political subdivision. In all such cases, the political subdivision having within its territorial limits all or a portion of an airport or all or a portion of its zones but not vested with this power shall not promulgate any

3-1-29

regulations of any kind that would conflict or interfere with the airport zoning regulations promulgated by the city authorized by this Section to do, or in any way hinder or interfere with the enforcement of such regulation.

The governing body of any city may delegate the power to promulgate, administer, and enforce airport zoning regulations granted by this Act to any zoning board or planning commission under its jurisdiction, and may, if it so desires, authorize one agency to determine and promulgate the regulations and another to administer and enforce them. [Acts 1941, No. 116, § 2, p. 272.]

**Section to Section Reference.**

This section is referred to in §§ 74-304, 74-305.

**Collateral Reference.**

Airports and airport sites, zoning regulations as affecting. 161 A. L. R. 1232.

**74-303. Permits and variances.—(a) Permits for continuance of nonconforming uses.** The owner of any structure or object of natural growth existing at the time of the adoption of airport zoning regulations under authority of this Act [§§ 74-301—74-308] which does not conform to said regulations, shall be granted a permit authorizing continuance of such nonconforming use upon application therefor made by him to the board, commission or agency authorized to administer and enforce the regulations; provided that, if such application is not made within 90 days of the effective date of the regulations in question, such board, commission or agency shall by appropriate action compel the owner of the nonconforming structure or object of natural growth, at his own expense, to lower or remove such object to the extent necessary to conform to the regulations.

**(b) Permits for change and repair of nonconforming uses.** Before any existing nonconforming structure or object of natural growth for which a permit has been issued in accordance with subsection (a) hereof may be altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the board, commission, or agency authorized to administer and enforce [enforce] the regulations, authorizing such change or repair. No such permit shall be granted that would permit the structure or object of natural growth in question to be made higher or become a greater hazard to air navigation than it was when the permit for its continuance was granted under subsection (a) hereof; and, where the structure or object of natural growth has been more than 50% torn down or destroyed, whether voluntarily, by act of God, or otherwise, or has become more than 50% deteriorated or decayed, no permit shall be granted that would permit said structure of [or] object of natural growth to exceed the applicable height limit prescribed by the zoning regulations; instead, in all such cases of 50% destruction, deterioration, or decay, whether application is made for a permit for repair or not, the said board or agency shall by appropriate action compel the owner of the nonconforming structure or object of natural growth, at his own expense, to lower or remove such object to the extent necessary to conform to the said height limit. Except as indicated, all applications for permits for change or repair of nonconforming uses shall be granted.

**(c) Permits for all uses.** Where advisable to facilitate the enforcement of zoning regulations adopted pursuant to this Act, a system for the granting of permits for all uses and structures within the zoned area may be established.

**(d) Variances.** Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object

3-1-30

to consider such applications, for a variance from the zoning regulation in question. Such variances shall be allowed upon a showing of practical difficulty or unnecessary hardship together with a showing that the structure or object of natural growth in question will not constitute an undue hazard to aircraft operations at the airport.

(e) **Obstruction marking and lighting.** In granting any application for any permit or variance in accordance with this section, the board, commission, or agency authorized to do so, may, if it deems such action advisable to effectuate the purposes of this Act, so condition such permit or variance as to require the owner of the structure or object of natural growth in question to install and maintain obstruction marking or lighting.

(f) **Exhaustion of remedies.** No person desiring to continue a nonconforming use, to change or repair a nonconforming use, to take any action requiring a variance under subsection (d) hereof, or to take any other action covered by this section, shall initiate any action in the courts unless and until he has exhausted the remedies provided by this section. [Acts 1941, No. 116, § 3, p. 272.]

**Compiler's Note.**

The bracketed words "enforce" and "or" were inserted by the compiler.

The word "voluntarily" in the twelfth line of subdivision (b) was "voluntarily" in the printed act.

**74-304. Power to lower or remove lawful nonconforming uses.**—In order to eliminate or mitigate existing hazards to landing and taking-off at airports of the public utility class, to improve and make safer such airports, and to permit public use of the obstructed air space needed for such use, all cities granted the power to promulgate, administer, and enforce airport zoning regulations, by Section 1 [§ 74-301] hereof, are hereby given the power to acquire, by purchase, grant or condemnation, such estate or interest in any structure or object of natural growth, existing at the time of adoption of zoning regulations pursuant to the Act [§§ 74-301—74-308], which does not conform to the height limitations of said regulations and for which a permit has been granted in accordance with Section 2 [§ 74-302] (a) hereof, as is necessary to permit lowering or removal of such structure or object of natural growth to the extent necessary to conform to said height limits.

In cases of imminent danger to the health, safety and general welfare of the public, the city shall have the power to take such immediate steps as are necessary to remove said danger, and a hearing shall thereafter be held to determine what compensation, if any, should be made to the owner of the structure or object of natural growth causing said danger. [Acts 1941, No. 116, § 4, p. 272.]

**74-305. Notice of hearing of applications for permits and variances.—Introduction of evidence.**—In all cases of applications for permits and variances as provided for in Section 2 [§ 74-302] hereof, a public notice shall be published in the manner prescribed by law for publication of legal notices, of a public hearing upon the application in question; a public hearing shall be held at which any person having an interest in the proceedings shall have an opportunity to offer evidence for or in opposition to the application in question; and written findings of fact and conclusions of law shall be made by the board, commission or agency authorized to consider such application, based upon the evidence offered at the public hearing. [Acts 1941, No. 116, § 5, p. 272.]

**74-306. Judicial review.**—Any person aggrieved by any zoning regulations adopted pursuant to this Act [§§ 74-301—74-308] or by any order or ruling upon an application for a permit or variance, may, within 30 days thereof, appeal therefrom to the Circuit Court of the county

within which the structure or object of natural growth in question is located, after such notice as such court shall direct to the parties interested, including all political subdivisions served by the airport affected and the city promulgating the zoning regulations in question, a hearing may be had before such court at an early and convenient time and place fixed by it, and said court may, by its decree, annul, affirm, or alter the regulations, order or ruling complained of, if it finds that the applicable rules of law so require; provided that, in all cases, any findings of fact that may have been made by the board, commission or agency authorized by substantial evidence, shall be accepted by the court as conclusive. Appeals from the Circuit Court to the Supreme Court of Arkansas shall be in accordance with the statutes governing such appeals now in force and effect. [Acts 1941, No. 116, § 6, p. 272.]

**74-307. Penalties and remedies for zoning regulation violations.**—Penalties of fines and imprisonment for violations of any regulation, order, or ruling promulgated or made pursuant to this Act [§§ 74-301—74-308], may be prescribed in any airport zoning regulations that may be promulgated under authority of this Act. In addition, any city, or board, commission or agency thereof, authorized to administer and enforce zoning regulations promulgated pursuant to this Act, may institute in any court of competent [competent] jurisdiction, an appropriate action or proceeding to prevent, restrain, correct or abate any violation of such zoning regulations, or any order or ruling made in connection with their administration or enforcement and the court shall adjudge then to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to carry out and effectuate the purposes of this Act and of the regulations adopted and orders and rulings made pursuant to authority herein given. [Acts 1941, No. 116, § 7, p. 272.]

**Compiler's Notes.**

The words "which may be mandatory" were enclosed in parentheses in the original act.

The bracketed word "competent" was inserted by the compiler.

**74-308. Short title.**—This Act [§§ 74-301—74-308] shall be known and may be cited as "The Airport Zoning Enabling Act." [Acts 1941, No. 116, § 10, p. 272.]

**Separability.**

Section 8 of Acts 1941, No. 116 read: "Each separate provision of this Act shall be deemed to be independent of all other provisions herein, and if any provision of this Act is held invalid with regard to any person or circumstances, it shall not be invalid as to other persons or circumstances."

**Repealing Clause.**

Section 9 of Acts 1941, No. 116 repealed all acts or parts of acts inconsistent therewith.

**Emergency.**

Section 11 of Acts 1941, No. 116 read: "It is ascertained and declared that airports in all sections of the State are needed in connection with the National Defense Program and that the use of said airports is and has been handicapped by lack of proper zoning of property adjacent thereto; and that an emergency exists; and the existence of this emergency is hereby declared, and for the immediate preservation of the public peace, health and safety, this Act shall be in full force and effect immediately upon its passage and approval." Approved March 6, 1941.

**74-309. Approach zones—Definitions.**—As used in this Act [§§ 74-309—74-312]: "Airport" means any area of land or water designed and set aside for the landing and taking-off of aircraft and available to and utilized by the general public for private or commercial landing and taking-off of aircraft.

"Approach zone" means any area of land or water, according to the current airport approach and turning space standards promulgated by the Civil Aeronautics Authority, which is required for the flight of aircraft in landing or taking-off at any airport. [Acts 1949, No. 285, § 1, p. 852.]

Comparative Legislation. Airport approach zones:  
Cal. Deering's Codes, Government Code, §§ 50465-50485.14.

Mich. Acts 1950 (Ex. Sess.), No. 2, p. 31.  
Pa. Purdon's Stat., tit. 2, §§ 145-1459.

**74-310. Wires—Construction, operation and maintenance prohibited.**—Hereafter, no wires of any kind or description including but not limited to those over which electricity or messages are transmitted shall be constructed, operated or maintained within the approach zone of any airport in this State. [Acts 1949, No. 285, § 2, p. 852.]

**74-311. Removal of wires from approach zone.**—Every person, company, firm or corporation which now owns, operates, manages or controls any wire of any kind or description including but not limited to those over which electricity or messages are transmitted located within the approach zone of any airport in this State shall, within six (6) months after the passage and approval of this Act, remove such wires from the approach zone of any such airport, provided, however, that such removal shall not be required until the owner or operator of the airport affected shall request such removal in writing, specifying the wires to be removed, and shall have either paid to the person required by this Act [§§ 74-309—74-312] to remove such wires, or executed good and sufficient bond with corporate surety thereon as security for such payment, a sum of money sufficient to pay all the actual cost of removing such wires, together with the poles, crossarms and other equipment connected thereto, and the actual cost of: (1) constructing underground conduits and the construction of such wires and equipment in such conduits, or (2) rerouting such wires, together with the poles, crossarms and other equipment connected thereto together with the cost, if any, of new right-of-way made necessary by such rerouting. In the event that the parties are unable to agree upon the amount of such costs, the Public Service Commission shall determine the amount of such costs. Appeal from such determination by the Public Service Commission shall be had in the manner now provided by law. [Acts 1949, No. 285, § 3, p. 852.]

**74-312. Violation of act—Penalty.**—Any person, company, firm or corporation violating the terms of this Act [§§ 74-309—74-312], or failing or refusing to remove any such lines now established within the approach zone of any airport shall be guilty of a misdemeanor and upon conviction thereof be fined in any sum not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00). [Acts 1949, No. 285, § 4, p. 852.]

**74-313. Regulations for benefit of United States airports—Definitions.**—As used in this act [§§ 74-313—74-319], unless the context otherwise requires:

(1) "United States Airport" means any United States airport owned or operated by the United States Government, any part of which is located within the State of Arkansas.

(2) "County" means a county within whose borders there is any part of a United States airport.

(3) "City" means any city whose territorial limits are within 50,000 feet from any United States airport.

may be altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the board, commission, or agency authorized to administer and enforce the regulations, authorizing such change or repair. No such permit shall be granted that would permit the structure or object of natural growth in question to be made higher or become a greater hazard to air navigation than it was when the permit for its continuance was granted under subsection (a) hereof; and, where the structure or object of natural growth has been more than 50% torn down or destroyed, whether voluntarily, by act of God, or otherwise, or has become more than 50% deteriorated or decayed, no permit shall be granted that would permit said structure or object of natural growth to exceed the applicable height limit prescribed by the zoning regulations; instead, in all such cases of 50% destruction, deterioration, or decay, whether application is made for a permit for repair or not, the said board or agency shall by appropriate action compel the owner of the nonconforming structure or object of natural growth to lower or remove such object to the extent necessary to conform to the said height limit. Except as indicated, all applications for permits for change or repair of nonconforming uses shall be granted.

(c) **Permits for all uses.** Where advisable to facilitate the enforcement of zoning regulations adopted pursuant to this act, a system for the granting of permits for all uses and structures within the zoned area may be established.

(d) **Variances.** Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth, in excess of height limits prescribed under authority of this act, must apply to the board, commission or agency authorized to consider such applications, for a variance from the zoning regulations in question. Such variances shall be allowed upon a showing of practical difficulty or unnecessary hardship together with a showing that the structure or object of natural growth in question will not constitute an undue hazard to aircraft operations at the airport.

(e) **Obstruction marking and lighting.** In granting any application for any permit or variance in accordance with this Section, the board, commission, or agency authorized to do so, may, if it deems such action advisable to effectuate the purposes of this act, so condition such permit or variance as to require the owner of the structure or object of natural growth in question to install and maintain obstruction marking or lighting.

(f) **Exhaustion of remedies.** No person desiring to continue a nonconforming use, to change or repair a nonconforming use, to take any action requiring a variance under subsection (d) hereof, or to take any other action covered by this section, shall initiate any action in the courts unless and until he has exhausted the remedies provided by this section. [Acts 1955, No. 401, § 3, p. 1050.]

**74-316. Power to lower or remove lawful nonconforming uses.**—In order to eliminate or mitigate existing hazards to landing and taking-off at United States airports, to improve and make safer such airports, and to permit use of the obstructed air space needed, all counties, cities, towns, or any agency thereof, granted the power to promulgate and enforce airport zoning regulations are hereby empowered to acquire, by purchase, grant or condemnation, such estate or interest in any structure or object of natural growth, existing at the time of adoption of zoning regulations pursuant to this act [§§ 74-313—74-319] which does not conform to the height limitations of the regulations and for which no permit has been granted in accordance with Section 3 (a) [§ 74-315(a)] hereof, as is necessary to permit lowering or removal of such

(j) "Person" means any individual, firm, copartnership, public or private corporation, company, association, joint stock association or any politic, and includes any trustee, receiver, assignee or other similar representative thereof.

(k) "Structure" means any object constructed or installed by man including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines. [Acts 1955, No. 401, § 1, p. 1050.]

Preamble.

United States airports: and

Acts 1955, No. 401 contained a preamble which read: "Whereas, flight structures constitute a danger to the lives and property of persons living near

Whereas, the unregulated use of land in the vicinity of the United States airports imperils the utility of such airports."

**74-311. Counties and cities empowered to enforce airport zoning regulations.**—All counties and cities of any class and towns are empowered to promulgate and enforce zoning regulations with respect to United States airports in the manner hereafter provided by dividing the area surrounding such airports into zones and limiting the height of all existing and future structures and objects of natural growth therein. Cities and towns within 50,000 feet of a United States airport are empowered to promulgate and enforce zoning regulations within their respective city limits only.

Counties are empowered to promulgate and enforce zoning regulations in the area thereof within 50,000 feet of a United States airport which is not within the limits of a city or town. Provided however, that zoning regulations promulgated for the benefit of United States airports shall conform to and be consistent with United States Air Force standards and specifications and such waivers of same as may be made by the United States Government.

The governing body of any county, city or town may delegate the power to promulgate, administer, and enforce airport zoning regulations granted by this act [§§ 74-313—74-319] to any zoning board or planning commission under its jurisdiction, and it may authorize one agency to promulgate such regulations and another to administer and enforce them.

In counties now having a county planning board, such board shall promulgate the regulations contemplated herein in accordance with the procedure prescribed by Ark. Stats. (1947) Section 17-1103. Provided further, in counties not having a county planning board, the county judge, along with four (4) residents of the county to be selected by the judge shall compose a board to be known as "The County Airport Planning Board." This board shall promulgate the regulations contemplated herein in accordance with the procedure prescribed in Ark. Stats. (1947) Section 17-1103 (D). [Acts 1955, No. 401, § 2, p. 1050.]

**74-315. Permits and variances.**—(a) Permits for continuance of nonconforming uses. The owner of any structure or object of natural growth existing at the time of the adoption of airport zoning regulations under authority of this act [§§ 74-313—74-319] which does not conform to said regulations, may be granted a permit authorizing continuance of such nonconforming use upon application therefor made by him to the board, commission or agency authorized to administer and enforce the regulations; provided that, if such application is not made within 90 days of the effective date of the regulations in question, such board, commission or agency may by appropriate action compel the owner of the nonconforming structure or object of natural growth to alter or remove such object to the extent necessary to conform to the regulations.

(b) Permits for change and repair of nonconforming uses. Before any existing nonconforming structure or object of natural growth for which a permit has been issued in accordance with subsection (a) hereof

structure or object of natural growth to the extent necessary to conform to the height limits.

In cases of imminent danger to the health, safety and general welfare of the public, the county, city or town is empowered to take such immediate steps as are necessary to remove the danger, and a hearing shall thereafter be held to determine what compensation, if any, should be made to the owner of the structure or object of natural growth causing the danger. [Acts 1955, No. 401, § 4, p. 1050.]

**74-317. Procedure.**—In all cases of applications for permits and variances as provided for in Section 3 [§ 74-315] hereof, a public notice shall be published in the manner prescribed by law for publication of legal notices, of a public hearing upon the application in question; a public hearing shall be held at which any person having an interest in the proceedings shall have an opportunity to offer evidence for or in opposition to the application in question; and written findings of fact and conclusions of law shall be made by the board, commission or agency authorized to consider such application, based upon the evidence offered at the public hearing. [Acts 1955, No. 401, § 5, p. 1050.]

**74-318. Judicial review.**—Any person aggrieved by any zoning regulations adopted pursuant to this act [§§ 74-313—74-319] or by any order or ruling upon an application for a permit or variance, may, within 30 days thereof, appeal therefrom to the circuit court of the county within which the structure or object of natural growth in question is located. After such notice as the court shall direct to the parties interested, including all political subdivisions affected, a hearing shall be held before such court at a time and place fixed by it, and the court may, by its decree, annul, affirm, or alter the regulations, order or ruling complained of, if it finds that the applicable rules of law so require; provided that, in all cases, any findings of fact that may have been made by the board, commission or agency founded upon substantial evidence, shall be accepted by the courts as conclusive. [Acts 1955, No. 401, § 6, p. 1050.]

**74-319. Penalty for violation.**—Any person who violates a provision of this act [§§ 74-313—74-319] or a regulation promulgated pursuant thereto shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00). Each day a violation continues is a separate offense. The county, city or town is entitled to the remedy of either affirmative or negative injunction to enforce its regulations. [Acts 1955, No. 401, § 7, p. 1050.]

**Separability.**

Section 8 of Acts 1955, No. 401 read: "If any of the provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other portions of applications of the act which can be given effect without the invalid provision or application."

**Emergency.**

Section 9 of Acts 1955, No. 401 read: "It has been found and is declared by the General Assembly of the State of

Arkansas that slight hazards exist which are a constant danger to occupants near United States airports, and that the utility of the airports is impaired by nonconforming structures and that the enactment of the foregoing provisions will preclude the existing conditions. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from the date of its approval." Approved March 29, 1955.

**ASSOCIATION OF**



**BAY AREA GOVERNMENTS**

HOTEL CLAREMONT, BERKELEY, CALIFORNIA 94705 • 841-9730

April 24, 1973

Mr. Robert L. Gilliat  
Office of General Counsel  
Department of Defense  
The Pentagon, Room 3E 977  
Washington, D. C. 20301

Dear Mr. Gilliat:

The Association of Bay Area Governments has recently adopted a regional airport plan as a guide for the development of civil airports in the nine Bay Area Counties. During that study work and public hearings that were a part of the study, it was clear that airport/community problems existed for both civil and military airports.

The actions finally adopted by the Association included this specific language with respect to aircraft noise: "The noise criteria used to govern civilian airport planning will be stated to the military with the clear expectation that parallel military actions will take place".

This letter is written in support of the proposed DOD rule making placed in the Federal Register, Vol. 38, No. 61 of March 30, 1973. We believe the proposed DOD action will help provide parallel actions between civil airports and military airports and communities adjacent to those airports.

Sincerely,

Don F. Dillon  
President  
Association of Bay Area Governments

3-1-37



STATE OF FLORIDA

## Department of Administration

Division of State Planning

725 SOUTH BRONOUGH

TALLAHASSEE

32374

(904) 488-2401

May 17, 1973

Reubin O'D. Askew  
GOVERNOR

L. K. Ireland, Jr.  
SECRETARY OF ADMINISTRATION

rl M. Starnes  
PLANNING DIRECTOR

Deputy Assistant Secretary of Defence  
(Installations and Housing)  
OASD (I&L) ID  
Room 3E763  
Pentagon, Washington, D.C. 20301

Dear Sir:

Functioning as the state planning and development clearinghouse contemplated in U. S. Office of Management and Budget Circular A-95, we have reviewed the following draft environmental impact statement:

Department of Defence - Proposed Policy on Air Installations  
Compatible Use Zones. SAI Number 73-1046-E.

During our review we referred the environmental impact statement to the following agencies, which we identified as interested in the project: Department of Administration - Bureau of Land Planning; Department of Agriculture and Consumer Services; Board of Trustees of the Internal Improvement Trust Fund; Department of Commerce; Department of Community Affairs; Department of Education; Game and Fresh Water Fish Commission; Department of Health and Rehabilitative Services; Department of Natural Resources; Department of Pollution Control; and Department of Transportation.

Agencies were requested to review the statement and comment on possible effects that actions contemplated could have on matters of their concern. Letters of comment on the statement are enclosed from the Department of Agriculture and Consumer Services; Department of Administration - Bureau of Land Planning; Board of Trustees of the Internal Improvement Trust Fund; Department of Commerce; Department of Education; Game and Fresh Water Fish Commission; Department of Natural Resources; Department of Pollution Control; and Department of Transportation. The Department of Community Affairs reported "no adverse comments" by telephone. No further responses were received.

In accordance with the Council on Environmental Quality guidelines concerning statements on proposed federal actions affecting the environment, as required by the National Policy Act of 1969, and U. S. Office

25 526

3-1-38

Deputy Assistant Secretary of Defence  
Page Two  
May 17, 1973

of Management and Budget Circular A-95, this letter, with attachments, should be appended to the final environmental impact statement on this project. Comments regarding this statement and project attached hereto should be addressed in the statement.

We request to be forwarded one copy of the final environmental statement prepared on this project.

Sincerely,



E. E. Maroney  
Acting Chief  
Bureau of Intergovernmental Relations

EEM/Wdp  
Enclosures

cc: Mr. Charles Blair  
Mr. Randolph Hodges  
Mr. Joel Kuperberg  
Mr. John LaCapra  
Mr. Ray L'Amoreaux  
Mr. Charles B. Reid  
Mr. Emmett Roberts  
Mr. David H. Scott  
Mr. Charles Shepherd  
Mr. H. E. Wallace

3-1-39



STATE OF FLORIDA

APR 17 1973

Department of Administration

Division of State Planning

725 SOUTH BRONOUGH

Reubin O'D. Askew  
GOVERNOR

TALLAHASSEE

32304

L. K. Ireland, Jr.  
SECRETARY OF ADMINISTRATION

(904) 488-2401

I M. Starnes  
PLANNING DIRECTOR

TO: Honorable Doyle Conner  
Commissioner of Agriculture  
The Capitol  
Tallahassee, Florida 32304

DATE: APR 13 1973

DUE DATE: MAY 1 1973

FROM: Bureau of Intergovernmental Relations

SUBJECT: SAI: 73-1046

Please review and comment to us on the above draft environmental impact statement, copy attached. In reviewing the statement, you should consider possible effects that actions contemplated could have on matters of concern to your agency.

If you feel that a conference is needed for discussion of the project or resolution of conflicts, or if you have questions concerning the statement, please call Mr. Estus Whitfield at (904) 488-2401. Please check the appropriate box below, attach any comments on your agency's stationery and return to IGR or telephone "no adverse comments" by the above due date.

On that date, we intend to consider all review comments received and develop a state position on the project. In both telephone and written correspondence please refer to the above SAI number.

Sincerely,  
*E. E. Maroney*  
Chief  
Bureau of Intergovernmental Relations

Enclosure cc: Charles Logan

\*\*\*\*\*

TO: Bureau of Intergovernmental Relations

FROM:

SUBJECT: DEIS Review and Comments

- No Comments
- Comments Attached

Reviewing Agency: \_\_\_\_\_  
Signature: *Charles Logan*

Title: \_\_\_\_\_

DIVISION OF STATE PLANNING  
Date: APR 27 1973

3-1-40



STATE OF FLORIDA

Department of Administration

Division of State Planning

725 SOUTH BRONOUGH

TALLAHASSEE

32304

(904) 488-2401

Reubin O'D. Askew  
GOVERNOR

L. K. Ireland, Jr.  
SECRETARY OF ADMINISTRATION

W. M. Starnes  
PLANNING DIRECTOR

TO: Mr. JOHN Davis, Chief, Planning,  
Bureau of Land Planning  
Department of Administration  
Tallahassee, Florida 32304

DATE: April 13, 1973

FROM: Bureau of Intergovernmental Relations

DUE DATE: May 1, 1973

SUBJECT: SAI NO. 73-1046

Please review and comment to us on the above draft environmental impact statement, copy attached. In reviewing the statement, you should consider possible effects that actions contemplated could have on matters of concern to your agency.

If you feel that a conference is needed for discussion of the project or resolution of conflicts, or if you have questions concerning the statement, please call Mr. Estus Whitfield at (904) 488-2401. Please check the appropriate box below, attach any comments on your agency's stationery and return to IGR or telephone "no adverse comments" by the above due date.

On that date, we intend to consider all review comments received and develop a state position on the project. In both telephone and written correspondence please refer to the above SAI number.

Sincerely,

*E. E. Maroney*

Chief  
Bureau of Intergovernmental Relations

Enclosure

\*\*\*\*\*

TO: Bureau of Intergovernmental Relations

FROM: *Bureau of Land Planning*

SUBJECT: DEIS Review and Comments

- No Comments
- Comments Attached

Reviewing Agency: \_\_\_\_\_

Signature: *[Signature]*

Title: *Chief*

Date: *4/17/73*

**3-1-41**



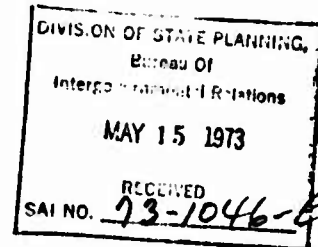
STATE OF FLORIDA  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
ELLIOT BUILDING — TALLAHASSEE, FLORIDA 32304

Joel Kuperberg  
Executive Director

May 11, 1973

TELEPHONE 488-6123

Mr. E. E. Maroney, Chief  
Bureau of Intergovernmental Relations  
Department of Administration  
Division of State Planning  
725 South Bronough  
Tallahassee, Florida 32304



Dear Mr. Maroney:

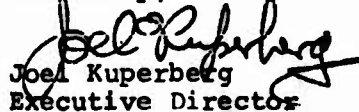
Department of Defense, Policy of Air Installations Compatible Use Zones, Draft Environmental Impact Statement, SAI Project Number 73-1046

The Trustees' staff has reviewed the draft environmental impact statement regarding the policy on air installations compatible use zones as provided by the Department of Defense. The following comments are submitted:

1. Areas within the compatible use zone should be considered for open space designation in order to prevent further development of base activities, thus calling for still another buffer zone.
2. The staff does not agree with the reference that there would be a loss of taxes as a result of the proposed policy. In fact, the result of the removal of lands from uses such as those of residential and commercial development also reduces the need for public services. A reduction of the need for services should result in lower taxes.

The staff is in support of this policy as a step toward solving many of the significant social and environmental problems associated with "border town" development at the edges of military bases throughout the world. We would like to review any further information on this project.

Sincerely,

  
Joel Kuperberg  
Executive Director

JK/wng

Reubin O'D. Askew  
Governor

Richard (Dick) Stone  
Secretary of State

Robert L. Shevin  
Attorney General

Fred O. Dickinson, Jr.  
Comptroller 3-142



STATE OF FLORIDA

Department of Administration

Division of State Planning

725 SOUTH BRONOUGH

TALLAHASSEE

32304

(904) 488-2401

Reubin O'D. Askew  
GOVERNOR

L. K. Ireland, Jr.  
SECRETARY OF ADMINISTRATION

Earl M. Starnes  
STATE PLANNING DIRECTOR

TO: Mr. Don L. Spicer, Secretary  
Department of Commerce  
Collins Building  
Tallahassee, Florida 32304

FROM: Bureau of Intergovernmental Relations

SUBJECT: SAI: 78-1046

DATE: APR 13 1973

DUE DATE: MAY 1 1973

Please review and comment to us on the above draft environmental impact statement, copy attached. In reviewing the statement, you should consider possible effects that actions contemplated could have on matters of concern to your agency.

If you feel that a conference is needed for discussion of the project or resolution of conflicts, or if you have questions concerning the statement, please call Mr. Estus Whitfield at (904) 488-2401. Please check the appropriate box below, attach any comments on your agency's stationery and return to IGR or telephone "no adverse comments" by the above due date.

On that date, we intend to consider all review comments received and develop a state position on the project. In both telephone and written correspondence please refer to the above SAI number.

Sincerely,

*E. E. Maroney*

Chief  
Bureau of Intergovernmental Relations

Enclosure cc: Mr. Samuel Ashdown

\*\*\*\*\*

TO: Bureau of Intergovernmental Relations

FROM:

SUBJECT: DEIS Review and Comments

No Comments

Comments Attached

Reviewing Agency: *State Dept of Comm.*

Signature: *[Signature]*

Title: *Assistant Secretary*

Date: 17 Apr 73  
3-1-43



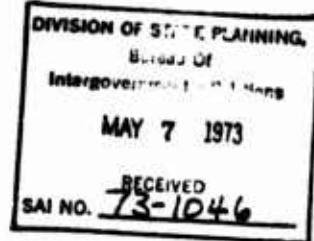
D. T. CHRISTIAN  
COMMISSIONER

STATE OF FLORIDA  
DEPARTMENT OF EDUCATION

TALLAHASSEE 32304

Wm. CECIL GOLDEN  
ASSOCIATE COMMISSIONER  
PLANNING AND COORDINATION

May 3, 1973



MEMORANDUM

TO: Mr. Edgar Maroney  
FROM: Charles B. Reed *Charles B. Reed*  
SUBJECT: SAI #73-1046, "Air Installations Compatible Use Zones"

Enclosed for your information is a copy of a letter received today from Mr. John E. Jarvis, Director, University Campus Planning, University of West Florida. Mr. Jarvis' letter is in response to the proposed Department of Defense environmental impact policies.

You may wish to take this statement into consideration in your response to the Department of Defense.

CBR/hw

Enclosure

cc: Mr. Cecil Golden  
Mr. Forrest Kelley

3-1-44



THE UNIVERSITY OF WEST FLORIDA  
PENSACOLA, FLORIDA 32504

OFFICE OF ADMINISTRATIVE AFFAIRS

2 May 1973

Florida Department of Education

MAY 3 1973

PLANNING & COORDINATION

Dr. Charles B. Reed  
Department of Education  
Room 125, Miles-Johnson Building  
Tallahassee, Florida 32304

RE: "Air Installations Compatible-Use Zones"

Dr. Reed:

This is in response to Forrest Kelley's letter dated 24 April 1973, referencing your request, dated 20 April 1973, for review and comments as regards the subject proposed Department of Defense environmental impact policies.

The University of West Florida has been directly concerned with less-than-ideal, existing conditions, as regards compatible-use zoning in general, and military air installations in particular; i.e. Ellyson Field (Navy helicopter training base) has been our "neighbor" from our inception -- and is included in what is called "The University of West Florida Land-Use Regulations District" (an area of some ten-square-miles surrounding the University of West Florida).

There has been considerable attention given, to environmental impact, in the make-up of said land-use regulations -- and, in fact, a rather extensive, comprehensive amendment to said land-use regulations has just been put into effect, in this regard.

Whether corollary action, by the military, was: Because of such action, influenced by such action (or other, more subtle, public pressures), or if there was just a bit of serendipity involved -- the decision has been made, in the recent shake-up of Naval installations, to transfer the rather noisy helicopter operations to another nearby base and to convert the existing facility to one more compatible -- even complimentary, to the area; i.e. to house varying Navy education units (as part of a concept of consolidating a major portion of the "educational" services to the Pensacola area).

As stated, Pages 5 and 6, of said proposal (underlines by this writer), "The goal of the proposed instruction is to foster land use planning in the high noise and risk areas surrounding military air installations consistent with the health, safety and comfort of the users of these areas. The end result

3-1-45

Dr. Charles B. Reed  
2 May 1973  
Page 2

should be the continued functioning of the essential military installations in harmony with its neighbors. The net effect on man's relation with his environment is consequently seen as beneficial.

"The intent is not to interfere unduly with existing uses but to assure that future development in these sensitive areas is compatible with the mission of the neighboring installation. Development of the land in these areas will occur in any event to the extent not already occurring. The intent is to assure, through the various means mentioned elsewhere in this paper, that such future development is orderly, with types of uses suitable to the noise levels and safety factors prevailing at each air installation involved. Some land uses especially sensitive to noise (such as residential, schools and churches) are compatible only with relatively low noise levels. On the other hand, land uses not so sensitive to noise (such as manufacturing and agricultural) are compatible with relatively high noise levels which generally encompass land areas closer to the air installation.

"In short, the instruction, by providing overall guidance and direction to our military installations in the interest of the orderly development of affected land areas, is seen as having a long-range favorable impact upon the environment. Plans accomplished pursuant to the instruction at particular installations must be examined in the light of their own relevant factors to determine the environmental impact in any particular case, and the instruction contemplates the preparation of environmental impact statements as appropriate before action is taken to implement those plans, on a case by case basis."

The main import, of this institution's response, to your request is to cite, to others, a specific example, of what can be done, to the benefit of all parties concerned.

Thank you for providing us an opportunity to provide input to the subject proposal.

Sincerely,

  
John E. Jarvis, Director  
University Campus Planning

lc

cc: John G. Martin, Vice President  
for Administrative Affairs, The  
University of West Florida

Forrest M. Kelley, Jr. Physical  
Planning Officer, State University  
System

3-1-46



D. T. CHRISTIAN  
COMMISSIONER

STATE OF FLORIDA  
DEPARTMENT OF EDUCATION

TALLAHASSEE 32304

May 1, 1973

Wm. CECIL GOLDEN  
ASSOCIATE COMMISSIONER  
PLANNING AND COORDINATION

Mr. E. E. Maroney, Chief  
Bureau of Intergovernmental Relations  
Division of State Planning  
Department of Administration  
Tallahassee, Florida 32304



Dear Mr. Maroney:

We have reviewed SAI #73-1046, Environmental Impact Statement, Proposed Department of Defense Policy on Air Installations Compatible Use Zones. We do not feel that the policy statements will have any detrimental requirements or restrictions pertaining to school building construction.

The proposed environmental impact policies should be beneficial to schools located near Department of Defense installations.

Sincerely,

Charles B. Reed  
Associate for Planning  
and Coordination

CBR/hw

Enclosure

cc: Mr. Cecil Golden  
Division Directors  
Dr. Charles E. Chick  
Mr. Forrest M. Kelley, Jr.

# FLORIDA GAME AND FRESH WATER FISH COMMISSION

ARD ODOM, Chairman  
Marianna

OGDEN M. PHIPPS, Vice Chairman  
Miami

E. P. "Sonny" BURNETT  
Tampa

O. L. PEACOCK, JR.  
Ft. Pierce

JAMES B. WINDHAM  
Jacksonville

DR. O. E. FRYE, JR., Director  
H. E. WALLACE, Assistant Director



May 3, 1973

FARRIS BRYANT BUILDING  
620 South Meridian Street  
Tallahassee, Florida 32304



Mr. E. E. Maroney, Chief  
Bureau of Intergovernmental Relations  
Department of Administration  
725 South Bronough  
Tallahassee, Florida 32304

Re: SAI #73-1046, Air Installations  
Compatible Use Zones

Dear Mr. Maroney:

The Environmental Protection Section of the Florida Game and Fresh Water Fish Commission has reviewed the environmental impact statement on the proposed Department of Defense Policy concerning Air Installations Compatible Use Zones.

We offer no adverse comments on the impact statement. We consider this proposed policy very timely in light of increasing land use conflicts in the vicinity of the United States air bases.

We appreciate the opportunity to comment on this project. If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. E. Wallace".

H. E. Wallace  
Assistant Director

HEW/FHS/ra

3-1-42



STATE OF FLORIDA

Department of Administration

Division of State Planning

RECEIVED  
APR 16 1973  
Executive Director  
Department of Natural Resources

725 SOUTH BRONOUGH  
TALLAHASSEE  
32304  
(904) 488-2401

Reubin O'D. Askew  
GOVERNOR

L. K. Ireland, Jr.  
SECRETARY OF ADMINISTRATION

I. M. Starnes  
PLANNING DIRECTOR

TO: Mr. Randolph Hodges, Ex. Dir.  
Department of Natural Resources  
Larson Building  
Tallahassee, Florida 32304  
FROM: Bureau of Intergovernmental Relations  
SUBJECT: SAI NO. 1046

DATE: APR 13 1973  
DUE DATE: MAY 1 1973

RECEIVED  
APR 18 1973

Please review and comment to us on the above draft environmental impact statement, copy attached. In reviewing the statement, you should consider possible effects that actions contemplated could have on matters of concern to your agency.

If you feel that a conference is needed for discussion of the project or resolution of conflicts, or if you have questions concerning the statement, please call Mr. Estus Whitfield at (904) 488-2401. Please check the appropriate box below, attach any comments on your agency's stationery and return to IGR or telephone "no adverse comments" by the above due date.

On that date, we intend to consider all review comments received and develop a state position on the project. In both telephone and written correspondence please refer to the above SAI number.

Sincerely,  
*E. E. Maroney*  
Chief  
Bureau of Intergovernmental Relations

Enclosure cc: Mr. William Beckham

\*\*\*\*\*

TO: Bureau of Intergovernmental Relations  
FROM:  
SUBJECT: DEIS Review and Comments  
 No Comments  
 Comments Attached

Reviewing Agency:

Signature: James A. Smith

Date: 4-19-73

Title: Administrative Assistant

3-1-49



STATE OF FLORIDA  
DEPARTMENT OF POLLUTION CONTROL  
2562 EXECUTIVE CENTER CIRCLE, EAST  
MONTGOMERY BUILDING, TALLAHASSEE, FLORIDA 32301

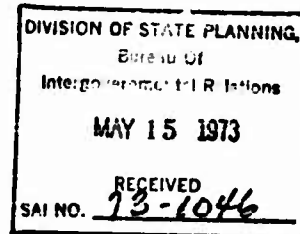
PETER P. BALJET  
EXECUTIVE DIRECTOR

May 11, 1973

DAVID H. LEVIN  
CHAIRMAN

Draft Environmental  
Impact Statement  
Air Installations  
Compatible Use Zones  
Department of Defense  
SAI 73-1046

Mr. E. F. Maroney, Chief  
Bureau of Intergovernmental  
Relations  
Department of Administration  
Division of State Planning  
725 South Bronough Street  
Tallahassee, Florida 32304



Dear Mr. Maroney:

The above draft environmental statement has been reviewed. Our comments are as follows:

1. EIS Section IV, page 7 to page 10--There appear to be additional alternatives that should be considered. The first is a possible combination(s) of the land use zoning, purchase of restrictive easements and land acquisition alternatives. In other words, there may be some combination of the above alternatives that would result in maximum noise abatement for the minimum expenditure of funds and effort.

Second, an additional alternative which considers potential federal funding being made available to abate noise in buildings (and possible surrounding areas) that for some reason cannot be relocated or placed in a compatible CNR zone. This might be accomplished under the condition that an air installation changes its mission type or aircraft mix so that the change impacts upon an existing hospital, school, etc.

2. DOD Instruction No. 4165.xx, page 5, enclosure 1--It is stated under Section B-1, page 5 that "attempts should be made to work with local governing bodies, planning commissions (local and regional), zoning boards and similar bodies to alleviate the problems through means other than acquisition". It is suggested that these not be

3-1-50

May 11, 1973

"attempts" only, but rather a carefully planned course of coordination with these bodies, conducted on a periodic basis, that seeks to inform local authorities about impending changes in mission, aircraft mix, etc. (within the limits of security). This could take various forms including periodic meetings, updating of CNR zone data, impact on local communities and similar information discussed on page 6. This should also include the publication and dissemination of an informational brochure on what CNR zones are, what they mean to various types and densities of inhabited areas (either existing or planned), how they are measured and updated, etc.

3. DOD Instructional, enclosure 1, Section V-C--In addition to providing for aircraft flight and ground operational noise abatement in and around air installations, some consideration should be given to controlling the noise generated as a result of truck and heavy vehicle traffic in and out of each air installation. Unless covered in some other instruction this would be a good section in which to assure that vehicle traffic noise is also controlled. This would tend to enhance the public relations of each installation with the surrounding communities.

4. Finally, consideration should be given to including public safety in the zoning strategy. For example, industries with large and high densities of personnel should be discouraged from locating in flight paths.

Sincerely,



Donald P. Schiesswohl  
Chief, Bureau of Environmental  
Planning and Evaluation

DPS:sdm

3-1-51

Florida



Department of Transportation

REUBIN O'D. ASHLEY  
GOVERNOR

Haydon Burns Building, 806 Suwannee Street, Tallahassee, Florida 32304, Telephone (904) 488-8772  
WALTER L. REVELL  
SECRETARY

RAY G. L'AMOREAUX, DIRECTOR  
DIVISION OF PLANNING AND PROGRAMMING

May 3, 1973

Mr. Edgar E. Maroney  
Bureau of Intergovernmental Relations  
Department of Administration  
725 South Bronough Street  
Tallahassee, Florida



Dear Sir:

Subject: Draft Environmental Statement  
Air Installations Compatible Use Zones  
SAI 73-1046

This agency has reviewed the subject statement and we have the following comments to offer:

The statement does not discuss land use regulations at military airports that are predominately used for military aircraft, but a joint use agreement allows use by civilian aircraft. These civilian aircraft will be less noisy than military aircraft so the noise impact may be less significant. However, the regular usage of military aircraft at a predominately civilian airport such as the Air National Guard training on weekends create a significant noise problem.

Some mention of joint use operations appear to be pertinent to the defense policy on AICUZ.

The opportunity to comment on this statement is appreciated.

Very truly yours,

RAY G. L'AMOREAUX, DIRECTOR  
DIVISION OF PLANNING AND PROGRAMMING

W.N. Lorrison, P.E.  
Chief, Bureau of Planning

WNL:RFK/bp

cc: Mr. Bill Fowler  
Mr. Warren Merrill

3-1-52



Office of Planning and Budget  
Executive Department

James T. McIntyre, Jr.  
Director

May 25, 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Office of the Assistant Secretary of  
Defense  
Department of Defense  
Washington, D. C. 20301

Re: Results of State of Georgia  
Review of Proposed DOD Policy  
on Air Installations Compatible  
Use Zones (Draft Environmental  
Impact Statement) Georgia State  
Clearinghouse Control Number:  
73-04-02-05

Dear Mr. Sheridan:

The Georgia State Clearinghouse has coordinated a review by several appropriate State Agencies of the above-referenced document. No State Agency in Georgia objected to the substance of the document.

The Georgia Department of Transportation commended the Department of Defense for this timely proposal and stated: "Reliance on local zoning ordinances around airport facilities has not resulted in the protection of the general public from excessive noise exposure. To alleviate this condition it is recommended that the Federal Purchase Alternative be adopted. This could be a purchase in fee simple or the purchase of an easement for the CNR zone 3 and possibly zone 2."

The Georgia Department of Natural Resources indicated that it found that no air pollution would be created and there would probably be a beneficial effect in taking such an approach. It indicated that it would like to see a similar approach to assess the emissions of air contaminants from the landings and takeoffs of

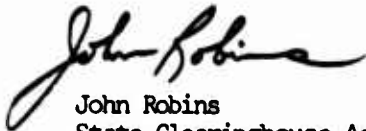
3-1-53

Mr. Edward J. Sheridan  
May 25, 1973  
Page 2

such military air installations, but added that "it may work out that protection from noise levels, and the distance required therefore, would be more than adequate for air contaminant protection." The Department also suggested that "the development of plans for individual installations, to take place within 15 months from February, 1973 be coordinated closely with the Georgia Department of Natural Resources. Involvement of the Georgia Department of Defense to determine the optimum means of protecting areas affected by military aircraft—whether by outright purchase, easement, or local zoning. In many cases, the proper selection of land control method can serve both to assure compatibility of air installations and surrounding land use; and simultaneously to achieve certain desirable community goals. Such goals include provision of parkland and open space, control of flood hazard areas, securing of sites for local governmental facilities, etc. In short, the Department of Defense effort can trigger a well coordinated public planning and acquisition program, at no additional expense to the Department of Defense. The Department of Defense should be commended on this farsighted policy."

The opportunity to review and comment on this document is appreciated.

Sincerely,



John Robins  
State Clearinghouse Administrator

JR:bb

3-1-54



DEPARTMENT OF LAND MANAGEMENT  
GOVERNMENT OF GUAM  
AGANA, GUAM 96910



27 APR 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Office of the Assistant Secretary  
of Defense  
Washington, D. C. 20301

Dear Mr. Sheridan:

This has reference to your letter of March 15, 1973, concerning the proposed DOD policy on Air Installations Compatible Use Zones. We certainly welcome Department of Defense interest in the establishment of Compatible Use Zones, and it is our feeling that the need for cooperative planning between local government and the military installations should be strongly emphasized. Such coordination has been lacking on Guam and it is evident that if this continues, the establishment of meaningful compatible use zones at air installations would be seriously hampered.

The policy statement is well prepared. However, we have objections to two of the proposed policies. The policy that indicated fee simple acquisition where necessary should be modified to recommend land exchange instead of money purchase. This is of special significance to Guam and other island states or territories where land tends to be scarce. We also think that the alternative concerning the abandonment of flying activities be considered a realistic one. We simply feel that such an alternative is realistic on Guam, as well as in many other jurisdictions. It may well be the least expensive alternative considering total community costs, including hazard to life and property, lawsuits, economics of community development, etc.

Thank you for giving us the opportunity to review your proposed policy.

Sincerely yours,

GERALD S. A. PEREZ  
Director

3-1-55



STATE OF  
HAWAII

**DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT**

P. O. BOX 2388 • HONOLULU, HAWAII 96804

April 16, 1973

JOHN A. BURNS  
Governor

SHELLEY M. MARK  
Director

EDWARD J. GREANEY, JR.  
Deputy Director

Ref. No. 8622

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Office of the Assistant Secretary of Defense  
Washington, D.C. 20301

Dear Mr. Sheridan:

Subject: Draft EIS for Air Installations Compatible Use Zones

Thank you for sending the above-mentioned draft to us for our review.

In reviewing this draft, we find that the guidelines proposed for Compatible Use Zones are applicable only to installations which are in rather remote areas since the controlled radius distance desired in connection with air installations is judged to be from a mile to "several miles" beyond the end of a runway, and from 1/2 to 2 miles laterally. While this restrictive use zone seems to be an excellent guideline, it is not generally applicable to Hawaii since the major military installations are located in urban sectors on the Island of Oahu.

However, the following policy guideline of the proposed plan is noted as being particularly applicable to Hawaii: Section A-4 (page 12) states that "full consideration be given to joint use of air installations by activities of separate Military Departments whenever such use will result in maintaining operational capabilities while reducing noise, real estate and construction requirements." Since Oahu is very limited in terms of available land areas, joint uses of existing military installations would certainly be encouraged.

Thank you for allowing us the opportunity to comment. We would appreciate being kept informed of the progress of this proposed Department of Defense policy.

Sincerely,

  
SHELLEY M. MARK

3-1-56

JECIL D. ANDRUS  
GOVERNOR



GLENN W. NICHOLS  
DIRECTOR

## STATE OF IDAHO

STATE PLANNING AND COMMUNITY AFFAIRS AGENCY  
BOISE, IDAHO 83707

April 27, 1973

Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Office of the Assistant Secretary of Defense  
Washington, D. C. 20301

Dear Mr. Sheridan:

The Idaho State Clearinghouse has completed its review of the Draft Environmental Impact Statement, Proposed Department of Defense policy on Air Installations Compatible Use Zones. Appropriate State Agencies have been notified and been given the opportunity for review and comment.

The State Clearinghouse views the proposal for establishing policies concerning compatible land usage as a positive contribution and consistent with the State's land use planning efforts.

Thank you for the opportunity for review. Please let us know if we can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Karl Tueller".

Karl Tueller  
Associate Director of  
Intergovernmental Coordination

KT:mj

3-1-57



STATE OF ILLINOIS  
NATURAL RESOURCE DEVELOPMENT BOARD

CHAIRMAN

~~XXXXXXXXXXXXXX~~

TECHNICAL SECRETARY

J.R. Webb, Chief, Div. of Water

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

222 South College Street  
Springfield, Illinois 62706  
(217) 525-6136

May 14, 1973

Dan Walker  
Governor

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
Installations and Housing  
Office of the Assistant Secretary of Defense  
Washington, D. C. 20301

Dear Mr. Sheridan:

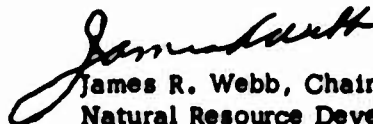
The Natural Resource Development Board has reviewed the following Draft Environmental Impact Statement "Air Installations Compatible Use Zones" and has no adverse comment to make thereon. However, the Environmental Protection Agency, Division of Noise Pollution Control, has reviewed the subject document and has the following comments:

Zone 1, the area from which almost no noise complaints can be expected, should not exceed a CNR of 80.

The sleeping areas of homes should be held to a CNR of 70.<sup>1</sup> Assuming frame construction homes with open windows offer an attenuation of only 10 dB, an outdoor CNR of 80 would be permissible.<sup>2</sup>

- 1. Dallas-Fort Worth Regional Airport Study by Joiner-Pelton-Rose, Inc., Dallas, Texas.
- 2. Federal Register, Volume 37, No. 114, Page 11733.

Sincerely,

  
James R. Webb, Chairman  
Natural Resource Development  
Board

JRW:jml

3-1-58



DEPARTMENT OF COMMERCE  
336 STATE HOUSE

Lieutenant Governor  
ROBERT D. ORR  
Director

March 27, 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Office of the Assistant Secretary of Defense  
Washington, D. C. 20301

Re: AICJZ Review and Comments

Dear Mr. Sheridan:

We are appreciative of the opportunity to review your Department's draft of the proposed policy on Air Installations Compatible Use Zones.

May we first, however, commend those responsible for preparing the draft. The excellence of the piece of work, not only in its technical aspects, but the readability is one of the very best prepared documents that we have had the opportunity to read in a long, long time.

We concur with the concept of this urgently needed policy and in fact we have prepared a similar suggested policy in our recently issued "Airport System Plan" for the State of Indiana. For your information we have enclosed a copy of this document and we invite your attention to page 31 through page 36.

Again we thank you for the privilege of reviewing this early draft, and we do support your efforts to get such a policy adopted.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William W. Warren".

William W. Warren  
Associate Director  
DIVISION OF PLANNING

WWW:c

Enclosure

3-1-59

SUGGESTIONS AND COMMENTS

Page ii EXCERPT: Existing uses would not be unduly interfered with. Height limitations on objects in the interest of flight safety would not change.

COMMENT: ...Some electric lines are not covered in existing limitations. Also, it has been noted that road construction such as I-465 and I-74 near the Indianapolis airport has been elevated at a point where the main air approach to Weir-Cook Airport may possibly be jepordized - either by the elevated road or by blinding lights of the automotive traffic?

Page ii Alternative to the Proposed Action

EXCERPT: 1. No action  
\*2. Rely (partically) on local zoning actions.  
\*3. Purchased by Federal Government of interest up to fee title in all cases.  
\*4. Abandonment of flying activities in any area subject to developmental pressures.  
5. Noise suppression technicque.  
6. Recommend continued research on new motor and energy technicques.

COMMENT: \* recommended alternative plus item 6.

Page 1 EXCERPT: The necessity of further developing such a policy has become clear in recent years as developmental enroachment in areas surrounding previously volated air installations has led to cities complaints.

COMMENT: ...This statement is very true - but it may need to be strengthened by documenting certain examples?

3-1-60

Page 3 EXCERPT: Since air installations are major growth inducers, real estate and housing development organizations sometimes seize upon the opportunity to utilize the adjacent land areas without sufficient consideration of the health and comfort of the subsequent owners and tenants.

COMMENT: ...for without regard of the affects upon the existing needs and requirements of the air enstallation. ✓

Page 3 EXCERPT: This will be acheived through zoning by local governing body when appropriate its..

COMMENT: ...suggest a model of prilective zoning standards be developed and forwarded to local communities for inclusion in local zoning ordinances. This may require State legislature support or insistance?

Page 3 EXCERPT: Because of budgetary limitations and the need to keep workloads to manageable levels, the AICUZ concept would be implemented on an incremental basis:

COMMENT:

1. but hopefully within a time frame
2. Could each local airport authority and each local plan commission be advised of the problem as it may exist in their area - this immediate information might forestall further encroachment??

Page 4 EXCERPT: Generally, the following factors influence the size and shape of the zone:  
Runway configuration

etc.

COMMENT: ...suggest that type of structures in area and the amount and type road pavement also are major factors in reflecting noise.

3-1-61

Page 9 EXCERPT: This alternative is the simplest as it involves purchase of restrictive easements on or title to all land in the AICUZ area....etc.

COMMENT: ...perhaps the federal agency could lease these protective lands back to the community for specified purposes thus not allowing a total loss of these areas. Such use might be recreation, certain industrial use, parking areas etc.

Page 10 EXCERPT: The Exclusive Reliance on Noise Suppression Technicques Alternative

COMMENT: ...(QUESTION) Is it necessary that all military planer be equipped with noise suppression systems - or only those that may be in actual use at the base. It would seem very expensive to require that all military planes be so equipped.

Page 11 EXCERPT: VI. No Irreversible or irretrievable commitments of resources are involved in this action. In the event an AICUZ was no longer required because of base closure or some advancement in technology reducing the requirement for the zone, the restriction on land use could be removed.

COMMENT: ... suggest - in such cases that the final decision be left to the local planning board (where one exists) and the final determination on future use of these lands be made at that time.

Page 12 EXCERPT: Complaints from individual landowners can be expected where they are not permitted by AICUZ restrictions to carry out residential or other development plans.

COMMENT: ...the education program might also be directed to potential buyers or as builders this might be done thru public editorials etc., or as a part of the real estate section of the local newspapers.

3-1-62



STATE OF IOWA

# Office for Planning and Programming

523 East 12th Street, Des Moines, Iowa 50319 Telephone 515 281-5974

ROBERT D. RAY  
Governor

## STATE CLEARINGHOUSE

ROBERT F. TYSON  
Director

### PROJECT NOTIFICATION AND REVIEW SIGNOFF

Date Received: March 19, 1973

State Identification No: 730493

Review Completed: April 16, 1973

**APPLICANT PROJECT TITLE:**

Environmental Impact Statement for Air Installations Compatible Use Zones

**APPLICANT AGENCY:** Mr. Howard Metcalf

Address U.S. Department of Defense  
Room 3E763, Pentagon Washington, D.C. 20301

**FEDERAL PROGRAM TITLE, AGENCY**

**AND CATALOG NUMBER:** U.S. Department of Defense  
Office of Assistant Secretary

**AMOUNT OF FUNDS REQUESTED:**

**PROJECT DESCRIPTION:**

Draft environmental impact statement on a proposed Department of Defense policy entitled Air Installations Compatible Use Zones.

**The State Clearinghouse makes the following disposition concerning this application:**

- No Comment Necessary. The application must be submitted as received by the Clearinghouse with this form attached as evidence that the required review has been performed.
- Comments Are Attached. The application must be submitted with this form plus the attached comments as evidence that the required review has been performed.

*A. Thomas Wadsworth*  
Federal Funds Coordinator

State Identification No: 730493

PLEASE RETURN THIS PORTION OF FORM TO:

OFFICE FOR PLANNING AND PROGRAMMING  
State Capitol, Des Moines, Iowa 50319

Application officially submitted to \_\_\_\_\_ on \_\_\_\_\_  
(Federal Agency) (Date)

3-1-63

WENDELL H. FORD  
GOVERNOR



THOMAS O. HARRIS  
COMMISSIONER

COMMONWEALTH OF KENTUCKY  
DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION  
FRANKFORT, KENTUCKY 40601  
TELEPHONE (502) 564-3350

April 26, 1973

Mr. Howard L. Metcalf  
Office of the Deputy Assistant  
Secretary of Defense  
(Installations and Housing)  
Room 3E763, Pentagon  
Washington, D. C. 20301

Dear Mr. Metcalf:

The Environmental Impact Statement entitled "Air Installations Compatible Use Zones" has been reviewed by the Kentucky state review agencies and no inadequacies were found in its coverage of the possible environmental impact.

We appreciate the opportunity to comment on the Impact Statement.

Sincerely,

A handwritten signature in cursive script that reads "Thomas O. Harris".

Thomas O. Harris  
COMMISSIONER

TOH:NNH:mbf

cc Office of Planning and Research  
State Review Agencies

3-1-64



THOMAS O'BRIEN  
DIRECTOR  
OF STATE PLANNING AND MANAGEMENT

*The Commonwealth of Massachusetts*  
*Executive Office for Administration and Finance*

*Office of State Planning and Management*

*Leverett Saltonstall Building, Room 909*

*100 Cambridge Street, Boston 02202*

AREA CODE 617  
727-5066

May 7, 1973

Mr. Howard Metcalf  
Office of the Deputy Assistant  
Secretary of Defense for  
Installations and Housing  
Room 3E763 Pentagon  
Washington, D.C. 20301

Re: Massachusetts Review of Draft Environmental Impact Statement  
"Air Installations Compatible Use Zones"  
Massachusetts State Identifier 73030124

Dear Mr. Metcalf:

Per your letter dated March 15, 1973, and in accordance with the National Environmental Policy Act, we have coordinated a review of the subject environmental impact statement on the proposed policy of compatible use zones at air installations with other appropriate state agencies.

The Executive Office of Transportation and Construction concurs with the basic intent of minimizing incompatible land use near DOD air installations provided that the creation of such compatible land use zones be judged on an airport by airport basis. This will allow for selecting alternative actions which may be more effective and appropriate.

The Massachusetts Aeronautics Commission has submitted the following comments:

"This is a worthy anti-noise policy which will depend for its success on a lot of state and local support by way of land zoning. I hope DOD is also working on quieter power plants and anti-noise flight procedures--better long-range solutions of the problem."

The Department of Community Affairs, the state's urban renewal and housing agency, has submitted the substantial comment attached.

3-1-65

Mr. Howard Metcalf

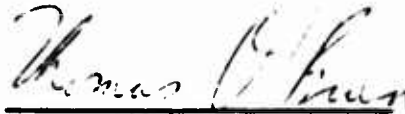
Page 2

May 7, 1973

---

We anticipate that the concerns of our agency reviewers will be addressed in the evaluation of the DOD policy, and that these comments will be attached to a final environmental impact statement.

Sincerely,



Thomas O'Brien

PC:js

attachment

3-1-66

**Proposed Policy to Establish Air Installations Compatible Use Zones**

The need for such zones around air terminals, both military and civilian seems to have been well established for some time. The Department of Defense is here addressing itself to this need, specifically as it relates to that Department's assigned mission of providing air defense.

The Department of Community Affairs finds no difficulty in approving the proposed policy. In fact, the policy focused on maintaining or improving airport environment for both the mission and the adjacent land uses. Our concern is that the legitimate interest and authority of the Department of Defense in areas around air bases may be inadequate for the task of implementation. We are also concerned that DOD can legally address themselves to only a small part of the overall problem - military operational considerations. We are still further concerned that the Federal Aviation Administration may have even less power to influence zoning in adjacent areas. The concept is one that could be developed for municipal airports and all airports serving common carriers.

Instruction 4165, part IV B.l.c. refers to State legislation as a possible aid by providing controls. It appears to us that legislative action by states will be necessary if the establishment of compatible use zones is to be effective and able truly to serve the overall public interest.

In another area - housing - a possibly applicable precedent was recently established by the ruling of the Supreme Judicial Court of Massachusetts that local zoning can be over-ruled in the interest of a public need established through state legislation. (Board of Appeals of Hanover vs Housing Appeals Committee + Board of Appeals Concord vs Housing Appeals Committee; two cases handled as one, Massachusetts Supreme Judicial Court, 1973 Advance Sheets 491).

Legislation establishing a public need for Air Installation Compatible Use Zones should be effective. The blight on airport facilities and their contribution to the overall economic base of the regions they serve, on the one hand and the blight on certain land uses on the other which result from disadvantageous proximity are each sufficient cause for Governmental regulations. Since flight paths around an airport normally extend over several municipalities, and the service area of the airport extends over an even greater number, it follows that local regulation, however enlightened, cannot effectively deal with the problems.

These proposed policy and related instructions address the range of considerations and appears to provide a workable mechanism for developing methods of implementation. The program would provide useful insights into the general problems, even though it is addressed only to defense interests. We consider it to be a necessary program in its specifics and a valuable contribution to solving the problems of relations between airport services and other development. We approve the proposal.



STATE OF MISSOURI

DEPARTMENT OF COMMUNITY AFFAIRS

CHRISTOPHER S. BOND  
GOVERNOR

505 MISSOURI BOULEVARD  
JEFFERSON CITY, MISSOURI 66101  
(314) 751-4114

ALFRED C. SIKES  
DIRECTOR

April 16, 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
Installations and Housing  
Pentagon Building  
Room 3E763  
Washington, D. C. 20301

Re: Draft Environmental Impact Statement  
Air Installations Compatible Use Zones  
Office of the Assistant Secretary of  
Defense  
Department of Defense  
DOCA 73030064

Dear Mr. Sheridan:

The draft environmental impact statement for the above project has been received and reviewed by the State Clearinghouse in accordance with Section 102 (2) (c) of the National Environmental Policy Act of 1969.

No state agency having an opportunity to review the draft environmental impact statement had comments to offer, and further review is not required by the State Clearinghouse.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry L. Rehma".

Terry L. Rehma  
State Clearinghouse Coordinator

TLR:clk

3-1-68

STATE CLEARINGHOUSE FOR FEDERAL PROGRAMS

Federal-State Programs  
Office of the Governor  
510 Lamar Life Bldg.  
Jackson, Mississippi 39201  
Telephone 354-7570

State Clearinghouse No.

73032607

Date: April 9, 1973

TO: Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Office of the Assistant Secretary of Defense  
Washington, D. C. 20301

PROJECT DESCRIPTION: Environmental Impact Statement -- Proposed Department of Defense  
Policy on Air Installations Compatible Use Zones.

- 1. The State Clearinghouse has received notification of intent to apply for Federal assistance as described above.
- 2. The State Clearinghouse has reviewed the application(s) for Federal assistance described above.
- 3. After proper notification, no State agency has expressed an interest in conferring with the applicant(s) or commenting on the proposed project.
- 4. The proposed project is ( ) consistent ( ) inconsistent with an applicable State Plan for Mississippi.
- 5. Although there is no applicable State Plan for Mississippi, the proposed project appears to be (x) consistent ( ) inconsistent with present State goals and policies.

REMARKS: This notice constitutes FINAL STATE CLEARINGHOUSE REVIEW AND COMMENT. The requirements of U. S. Office of Management and Budget Circular No. A-95 have been met at the State level.

E. A. May Jr.  
3-1-69



THOMAS L. JUDGE  
GOVERNOR

STATE OF MONTANA  
DEPARTMENT OF INTERGOVERNMENTAL RELATIONS

PLANNING AND ECONOMIC DEVELOPMENT DIVISION  
MAIL TO CAPITOL STATION, HELENA, MT 59601

FED OFFICES AT:  
ADMINISTRATION  
RESEARCH  
1424 NINTH AVE.  
406/449-2400

COMMUNITY DEVELOPMENT  
1424 NINTH AVE.  
406/449-3757

ECONOMIC DEVELOPMENT  
INFORMATION SYSTEMS  
1716 NINTH AVE.  
406/449-2402

April 20, 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Office of the Assistant Secretary  
of Defense  
Washington, D.C. 20301

Dear Mr. Sheridan:

The Montana State Clearinghouse has reviewed the draft impact statement entitled  
Air Installations Compatible Use Zones, and offer the following comments from  
the Division of Aeronautics:

"The Division of Aeronautics, IGR, has reviewed the proposed  
Department of Defense Policy on air installations compatibility  
use zones, and hereby concurs in the general provisions of the  
policy.

The proposal does not address itself to joint civil/military  
use airports. Of particular concern would be those joint air-  
ports where the military aircraft cause the major noise impact.  
We feel that the military should address themselves to a method  
of cooperating with the civil authorities in establishing and  
funding the required 'air installations compatibility use zones'  
in such cases.

The composite noise rating (CHR) is falling into disfavor as a  
method of measuring the noise impact caused by aircraft upon  
the surrounding areas, rather, we would suggest that on site  
direct noise measurements should be used to define the compatible  
use zones."

Thank you for the opportunity to review and comment.

Sincerely,

*Lloyd F. Mayer*  
Lloyd F. Mayer, Assistant Chief

3-1-70



OFFICE  
OF  
PLANNING  
AND  
PROGRAMMING

# STATE OF NEBRASKA

BOX 94601 • STATE CAPITOL • LINCOLN, NEBRASKA 68509

Governor J. James Exon  
State Planning Officer

W. Don Nelson  
Director

May 7, 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
Office of the Assistant Secretary  
of Defense  
Washington, D. C. 20301

Dear Mr. Sheridan:

Project No. 73 03 19 05

Under the provisions of OMB Circular A-95, this agency has completed a state level review of the draft environmental impact statement entitled "Air Installations Compatible Use Zones."

No comments were received concerning this statement, and the proposed statement does not conflict with any state level comprehensive plans.

Sincerely,

Jim Barr  
Natural Resources Coordinator

JB:np

3-1-74



**State of New Jersey**  
**DEPARTMENT OF COMMUNITY AFFAIRS**

**WARRENCE F. KRAMER**  
**COMMISSIONER**

May 15, 1973

363 WEST STATE STREET  
POST OFFICE BOX 2768  
TRENTON, N.J. 08625

Mr. Howard L. Metcalf  
Office of the Deputy Assistant Secretary  
of Defense  
(Installations and Housing)  
Room 3E 763, Pentagon  
Washington, D. C. 20301

Re: Draft Environmental Impact Statement for the Proposed Department  
of Defense Policy on Air Installations Compatible Use Zones

Dear Mr. Metcalf:

In accordance with the provisions of U. S. Office of Management and  
Budget Circular A-95 Revised, your Project Notification designated  
OSRC-FY-73-370 has met the Project Notification review requirements.

We have circulated this Project Notification to appropriate State  
agencies, none of which have voiced any objections.

Very truly yours,

*Sidney L. Willis*

Sidney L. Willis  
State Review Coordinator  
Division of State and  
Regional Planning

SLW:lf

3-1-72



# STATE PLANNING OFFICE

DAVID W. KING  
STATE PLANNING OFFICER

State Clearinghouse  
ROOM 403 TEL. 505-827-2315  
LEGISLATIVE / EXECUTIVE BLDG.  
SANTA FE, NEW MEXICO 87501

TO: Assistant Secretary of Defense  
Room #3E763, Pentagon  
Washington, D.C. 20301

DATE: May 16, 1973

FROM: The State Planning Office (State Clearinghouse)

STATE APPLICATION IDENTIFIER (SAI): 73 03 0040

SUBJECT: PROJECT REVIEW CERTIFICATION

Project Title: EIS: Department of Defense Air Installations  
Compatible Use Zones

Federal Funding Agency: Department of Defense, Office of Sec.  
Installations & Logistics

Federal Catalog Title:

Federal Funds Requested: --

Your application for federal assistance has been reviewed by the State Clearinghouse and may now be submitted to the federal funding agency.

Please note that the above State Application Identifier (SAI) has been assigned to the project application. This number must be used by the Federal Funding Agency as well as by the Applicant on all correspondence under the provisions of OMB Circular A-98 and/or State Executive Order 72-7.

This form and any attachments must accompany the applications upon formal submission to the Federal Funding Agency.

If submission of the application to the Federal Funding Agency is delayed or terminated, please notify the State Planning Office at once, giving full particulars as to reasons and alternative course of action you propose to take.

Following is the result of our review of this application:

Application is supported as written.

Comments attached. These must be submitted to the Federal Funding Agency with the Application.

MTC  
DCC

David W. King  
David W. King  
State Planning Officer

3-1-73

# ORTH CENTRAL NEW MEXICO PLANNING ORGANIZATION

P.O. BOX 4248 · SANTA FE, NEW MEXICO 87501

K L SALAZAR  
resident  
JY RODRIGUEZ  
Vice-President  
EPH G LAWLER, Jr.  
Secretary Treasurer

April 20, 1973

## BOARD OF DIRECTORS

**San Juan County**  
L GALLAGHER  
JY PESAVENTO  
E C TORRES  
W WOODBURN

**Alamos County**  
S FARMER  
MALENFANT  
IN H RUSSELL  
D SANDOVAL

**Santa Fe County**  
JESTO LOVATO  
BERTO MAES  
M MARTINEZ  
BERT VALLEJOS

**Arriba County**  
JPH GARCIA  
GURO ORTEGA  
K L SALAZAR  
A A SANCHEZ

**Southern County**  
JISE BROWN  
A O MONTOYA  
JID ROSTRO  
TORRES

**Miguel County**  
TOLD BRANDT  
X R GRIEGO  
REDO R MAEZ  
TES C SAMPSON

**San Francisco County**  
GURO JARAMILLO  
EPH G LAWLER, Jr.  
JY F RODRIGUEZ  
EPH VALDES

**Chaves County**  
OB M BERNAL  
C C MARTINEZ  
ASHLEY POND  
ENIO RAEI

**Representatives**  
CATA  
S SANDOVAL  
ERT VELARDE

**OFFICE MEMBERS**  
D KING  
LO ROYBAL

**T MURPHY**  
Executive Director

**Executive Committee member**

Deputy Assistant Secretary of Defense  
(Installations and Housing)  
OASD (I & L) ID  
Room 3E763  
Pentagon, Washington, D. C. 20301

Re: Circular A-95, EIS-Department  
of Defense Air Installations  
Compatible Use Zones

Dear Sir:

The North Central New Mexico Economic Development District Staff has reviewed the Defense Department Draft Environmental Impact Statement on Air Installations Compatible Use Zones. Based on our understanding of the information presented, we have concluded that the proposed policy is consistent with our areawide planning objectives contained directly or indirectly in the District Overall Economic Development Program. No further comments.

Sincerely,

N.C.N.M.E.D.D.

Leo T. Murphy, Executive Director

By:  George T. Roybal, Program Manager

GTR/lv

cc: State Planning Office

3-1-74



BRUCE KING  
GOVERNOR

# STATE PLANNING OFFICE

DAVID W. KING  
STATE PLANNING OFFICER

State Clearinghouse  
ROOM 403 TEL. 505-827-2318  
LEGISLATIVE / EXECUTIVE BLDG.  
SANTA FE, NEW MEXICO 87501

TO: Northern Area Planning Organization      DATE:

RECEIVED

APPLICANT: Assistant Secretary of Defense  
Room 3E763, Pentagon  
Washington, D.C. 20301

APR 9 1973

March 29, 1973

N.C.N.M.E.D.D.

FROM: The State Planning Office (State Clearinghouse)

STATE APPLICATION IDENTIFIER (SAI) : 72-02-0040

SUBJECT: TECHNICAL REVIEW & COMMENT

Project Title: EIS-DEPARTMENT OF DEFENSE AIR INSTALLATIONS COMPATIBLE  
USE ZONES

Federal Funding Agency: Department of Defense, Office of Secretary  
Installations & Logistics

Clearinghouse Staff Contact: Gordon Page

A copy of the Application Summary Sheet Form MIS-1 is attached for your review and comment in accordance with Executive Order 72-7 and/or OMB Circular A-95. Please review the proposal as it affects the plans and programs of your agency and register your response below. Also indicate a staff contact within your agency in case further consultation is required. If this form is not completed and returned to this office within fifteen (15) days of the above date it will be assumed that your agency has no interest or comment on this application.

- No interest or comment on the above project.
- Project is supported as written.
- Comments are attached.
- Additional information desired, as described in attachment.
- Conference desired with applicant.

*George R. Rybak*  
Review Agency Staff Contact

*George R. Rybak*  
Authorized Review Agency Signature

3-1-75  
MIS-3

# SRG/COG

Southern Rio Grande Council of Governments  
1480 N. Main, Suite 204, Las Cruces, N. M. 88001  
Ph. 523-7474 — State Network Number 588-5146

May 8, 1973

Assistant Secretary of Defense  
Installations and Logistics  
Pentagon Building, Room 3E763  
Washington, D.C. 20301

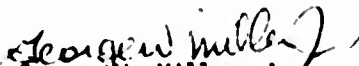
Subject: Project Review No. 73 03 0040  
Applicant Assistant Secretary of Defense  
Project Air Installations Compatible Use Zones

Dear Sir:

The Southern Rio Grande Council of Governments (Regional Clearinghouse) has completed the review of the above project in accordance with the provisions of OMB Circular A-95. The result of this review is as noted below.

The Project is supported as written.

Very truly yours,

  
George W. Miller, Jr.  
Chairman

cc: State Clearinghouse

3-1-76

# SRG/COG

Southern Rio Grande Council of Governments  
1480 N. Main, Suite 204, Las Cruces, N. M. 88001  
Ph. 523-7474 — State Network Number 588-5146

REGIONAL CLEARINGHOUSE  
DONA ANA, SIERRA & SOCORRO COUNTIES  
STATE OF NEW MEXICO  
PROJECT NOTIFICATION AND REVIEW SIGNOFF

The application for federal financial assistance described below has been reviewed by the Regional Clearinghouse.

Project Review No. (SAI) 73 03 0040

This number should be used by any agency contacting the Regional Clearinghouse with regard to this project.

Applicant Project Title: EIS - Dept of Defense Air Installations Compatible Use Zones

Applicant Agency: Assistant Secretary of Defense


Federal Program Title: N/A

Federal Catalog No.: N/A

Federal Funds Requested: N/A

The Regional Clearinghouse makes the following disposition concerning the review of this application:

A. Supported as written.

  
George W. Miller, Jr., Chairman

3-1-77

**New York State Department of Environmental Conservation**

Ibany, N. Y. 12201



Henry L. Diamond,  
Commissioner

May 3, 1973

Office of the Assistant Secretary  
of Defense  
(Installations and Logistics)  
United States Department of Defense  
Pentagon Building, Room 3E763  
Washington, D. C. 20301

Attention: Deputy Assistant Secretary  
of Defense  
(Installations and Housing)  
OASD (I and L) ID

Dear Sir:

The State of New York has completed its review of the Draft Environmental Impact Statement for the "Proposed Department of Defense Policy on Air Installations Compatible Use Zones" (AICUZ).

The proposed policy on AICUZ recognizes the necessity of taking positive steps to control the adverse environmental effects, particularly noise, resulting from aircraft operations. Such a policy is highly desirable and generally favored by New York State. There are a few points, however, which we believe are deserving of review and possible modification.

The attached comments are, for the most part, related to policy areas in which we feel applicability or responsibility should be clarified. Thank you for providing us with the opportunity to review this Statement.

Very truly yours,

Terence P. Curran  
Director of Environmental Analysis

TPC:RSH:ng

Enclosure

cc: Mr. W. Webster  
Ms. P. Hyde

3-1-78

STATE OF NEW YORK

COMMENTS

on the

Draft Environmental Statement

for the

"Proposed Department of Defense

Policy on Air Installations Compatible Use Zones"

(AICUZ)

1. With respect to the applicability of this directive, it is not clear how it would influence National Guard operations from civil airports. One example is the Schenectady County Airport in Scotia, New York, which serves as a base for the Air National Guard and is proposed as an Army National Guard helicopter base. We presume there are many similar situations elsewhere. To fulfill their intended purposes such National Guard operations must be maintained near populated areas. This increases the likelihood of the development of incompatible land uses and subsequent noise problems. The military, however, is not responsible for the operation of the airport and is only partly responsible for the noise pollution experienced by the public.
2. The use of "all reasonable, economical and practical measures..." to reduce noise at the source is directed. Guidelines for this action are to be prepared, but until such time as these guidelines are available it is impossible to judge the effectiveness of this first and very necessary step. The importance of control of noise generation is also deemphasized by the relatively small portion of the directive devoted to this subject.
3. In addition to these administrative questions, we also have some technical reservations concerning the use of Composite Noise Rating (CNR) to determine appropriate land uses. As originally developed, the CNR zones could be used to estimate the degree of response from a residential community. This response was described in terms of the number and vehemence of complaints and the possibility of group action. It is basically a measure of public annoyance. There was no attempt to relate the CNR to the degree of interference experienced by particular activities such as education, medical treatment, church services, sports, etc. We are concerned with the manner in which the CNR will now be extended to determine compatible land uses.

3-1-79

4. For the calculation of CNR zones, reference is made to the TriService Manual (AFM 86-5, TM 5-365, Nav Fac P-98) "Land Use Planning With Respect to Aircraft Noise." Unfortunately, this reference appears to be in need of revision to include the latest aircraft types. More complete coverage of cargo aircraft and helicopters is also required. As a specific example, preparation of an environmental study for a proposed National Guard helicopter facility at the Schenectady County Airport, has been delayed by the inavailability of noise contours for the HU-1 series of helicopters.

#### Questions

1. How are standards to be set and agreement to be reached on such issues as "compatible uses" and changes in property taxes?
2. If existing buildings need to be sound-proofed as a result of AICUZ, who pays and who sets the soundproofing regulations? Will they form part of local building codes or be set and enforced by the military?
3. Can the military be sure of local cooperation on AICUZ? Won't it tend to be a 3-way fight between the Local Authority, the military and the landowners?
4. The greater the cost of land acquisition, the greater the likelihood of the military moving out; but high acquisition costs will be in more highly settled areas which may be dependent on the military for jobs and their pullout could mean economic disaster to a community. Besides the military's own cost/benefit analysis, doesn't some sort of cost/benefit standards need to be set up for cases of acquisition vs. pullout?

3-1-80

STATE OF NORTH CAROLINA  
DEPARTMENT OF ADMINISTRATION



JAMES E. HOLSHOUSER JR.  
GOVERNOR  
WILLIAM L. BONDURANT  
SECRETARY

REPLY TO  
CLEARINGHOUSE AND INFORMATION CENTER  
116 WEST JONES STREET  
RALEIGH, N. C. 27603  
(919) 829-4375

April 30, 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
Office of the Assistant Secretary of Defense  
Pentagon Building, Room 3E763  
Washington, D. C. 20301

Dear Mr. Sheridan:

Re: Draft Environmental Statement, Proposed  
Department of Defense Policy on Air  
Installations Compatible Use Zones,  
February, 1973

The subject draft environmental statement was referred to appropriate State agencies on April 6, 1973, for review and comment, with a request for response to this office by April 27, 1973.

We are enclosing for your consideration the comments of the State Board of Health. No other comments of State agencies have been received. Should we receive any substantive comments from other agencies, we will forward them to you.

Please furnish this office three copies of your final environmental statement to be made available to the public at the Office of State Planning Library and at the Regional Clearinghouses for those areas of the State in which military air installations are located.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "R. Hendricks".

RANDOLPH HENDRICKS  
Planning Coordinator

RH:pg

Enclosure

3-1-81



STATE OF NORTH CAROLINA

AMES E. HOLSHOUSE, JR.  
Governor

DEPARTMENT OF HUMAN RESOURCES

JACOB KOOMEN, M.D. M.P.H.  
STATE HEALTH DIRECTOR AND  
SECRETARY-TREASURER

DAVID T. FLAHERTY  
SECRETARY

State Board of Health

W. BURNS JONES, JR., M.D. M.P.H.  
ASSISTANT STATE HEALTH DIRECTOR

P. O. Box 2091

Raleigh 27602

April 24, 1973

Mr. Randolph Hendricks  
Planning Coordinator  
Clearinghouse and Information Center  
State Planning Division  
Department of Administration  
Raleigh, North Carolina 27602

Re: File No. 31-73  
Draft Environmental Statement  
Department of Defense Policy on  
Air Installations Compatible  
Use Zones

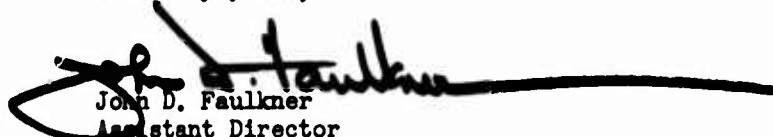
Dear Mr. Hendricks:

This refers to your memorandum, dated April 6, 1973, requesting comments on the draft statement which is concerned with the environmental impact of a proposed policy relating to land uses in the vicinity of federally owned and operated air installations.

Our staff has reviewed the draft environmental statement with respect to those matters for which our agency has responsibility, and in this regard consider the statement acceptable as written.

However, we note that IV, Alternatives To The Proposed Action (which begins on page 7) addresses itself to five mutually exclusive alternatives with a conclusion that each one by itself is unacceptable or unadoptable. Additional alternatives which consider a combination of two or more of the listed alternatives would appear to merit consideration as possible working solutions in some cases.

Sincerely yours,

  
John D. Faulkner  
Assistant Director  
Sanitary Engineering Division

cc: Mr. B. G. Barrett

3-1-82

# NORTH DAKOTA STATE PLANNING DIVISION

STATE CAPITOL—FOURTH FLOOR—BISMARCK, NORTH DAKOTA 58501  
701 224-2818

May 1, 1973

STATE INTERGOVERNMENTAL CLEARINGHOUSE "LETTER OF CLEARANCE"  
ON PROJECT REVIEW IN CONFORMANCE WITH OMB CIRCULAR NO. A-95

TO: Office of the Assistant Secretary of Defense

STATE CLEARINGHOUSE PROJECT NUMBER: 7303199069

Deputy Assistant Secretary of Defense  
(Installations & Housing)  
OASD (I & L) ID  
Room 3E 763  
Pentagon, Washington, D.C. 20301

Dear Sir:

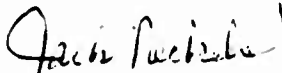
Subject: Draft Environmental Impact Statement regarding proposed  
Department of Defense Policy on Air Installations Compat-  
ible Use Zones.

This draft environmental impact statement was received in  
our office on March 19, 1973.

The only comment that was received in the A-95 process was that this was a  
"well prepared report with alternatives well defined".

In compliance with OMB Circular No. A-95, our office has reviewed this draft  
Environmental Impact Statement, and hereby gives clearance to it without  
comment.

Sincerely yours,

  
Jack Neckels  
Director

JN:BEA:ns

3-1-83

May 2, 1973

Re: Draft Environmental Impact Statement  
Air Installations Compatible Use Zones

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
Installations and Housing  
Room 3E763, Pentagon  
Washington, D. C. 20301

**OhioEPA**

in J. Gilligan  
vernor  
Ira L. Whitman  
ector

Dear Mr. Sheridan:

The Ohio Environmental Protection Agency has been charged, by the Governor, with the lead agency and review coordination responsibilities for the State on Federal Environmental Impact Statements. The above referenced Draft Environmental Impact Statement was reviewed by sections of the Ohio Environmental Protection Agency, the Ohio Department of Natural Resources, the Ohio Department of Transportation, and the Ohio Department of Economic and Community Development. The following comments constitute those received from the above agencies and have been coordinated under the auspices of the State Clearinghouse.

For the most part, the environmental impact of this proposal was adequately addressed. The necessity of such compatibility zones is becoming increasingly evident. There are a few areas which need some further investigation. More data should be compiled and evaluated with reference to the feasibility of locating oil and gas production centers within the immediate vicinity of an air installation. Consideration should be given to the potential safety hazard conditions in relation to flight testing or other base activities.

Another alternative to those listed in the Draft Environmental Impact Statement could be the initiation and enactment of State legislation and within that legislation regulations limiting the land uses in the vicinity of air installations.

IA

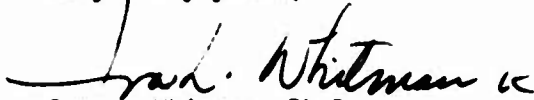
3-1-84

Mr. Edward J. Sheridan  
May 2, 1973  
Page 2

This would relieve potential problem areas encountered by local zoning boards, while it would not necessitate the acquisition of such lands by the federal government; thus removing them from the tax base.

We appreciate this opportunity to review the Draft Environmental Impact Statement for the Air Installation Compatible Use Zones. We look forward to the receipt of the final statement.

Very truly yours,



Ira L. Whitman, Ph.D.  
Director

ILW/jt

cc: State Clearinghouse, 62 E. Broad Street, Columbus, Ohio

3-1-85

*to Board of Health*

W. R. WHITEHEAD, D.D.S., President  
J. E. MCULLOUGH, D.D.S., Vice President  
E. L. LOY, Secretary  
H. L. BERKEMBLE, M.D.  
W. J. BOYD, M.D.  
T. T. BRUNDAGE, M.D.  
L. D. OSBORN, M.D.  
E. M. A. OWENS, M.D.  
O. L. A. TOAZ



*Commissioner*

R. LEROY CARPENTER, M.D.

*Oklahoma*  
*State Department of Health*

N.E. 10th & Stonewall, Oklahoma City, Oklahoma 73108

May 1, 1973

MEMORANDUM

TO: Deputy Assistant Secretary of Defense

FROM: Herman Groseclose

SUBJECT: Proposed Department of Defense Policy on Air Installations  
Compatible Use Zones

The entire procedure proposed again shows the value that might be forthcoming by use of a statewide land use management program in which such compatible use zones would of necessity be integrated. No apparent adverse air pollution effects are expected from this proposed policy.

HG/mm

3-1-86



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration  
STATEWIDE PLANNING PROGRAM  
265 Melrose Street  
Providence, Rhode Island 02907

May 8, 1973

Mr. Howard L. Metcalf  
Office of the Deputy Assistant  
Secretary of Defense  
(Installations and Housing)  
Room 3E 763, Pentagon  
Washington, D. C. 20301

Dear Mr. Metcalf:

This is to advise you that this agency has reviewed the Environmental Impact Statement for Air Installations Compatible Use Zones in accordance with OMB Circular A-95.

After having reviewed the proposals and having been in contact with other state agencies on the matter, we have the following comments:

The Composite Noise Rating (CNR) procedure for rating aircraft noise in the vicinity of airports is a calculated rating related to an expected community response to the noise. The rating is based on maximum sound pressure levels during aircraft operations, the frequency of occurrence, the time of day, and other variables. The Noise Exposure Forecast (NEF) procedure is also a calculated rating but it is related to suggested and recommended land use categories. It is also based on maximum sound pressures, frequency of occurrence, the time of day, and other variables and includes corrections for the presence of pure tone and deviation of peak levels within the composite of intermittent noise. Since the NEF procedure is the latest promulgated and is already related to suggested land use categories, it is suggested it be used as the basis for this proposed policy and that all references to the CNR procedure be deleted.

Regardless, both of these procedures produce only very approximate characterizations of aircraft noise and the

3-1-87

May 8, 1973

results of the application of either method to either a community response or compatible land use criterion should be considered a crude estimate of the impact of aircraft noise on the local community and airport environs. Therefore, calculated ratings based on these procedures may be established for each installation for interim planning purposes but they cannot be logically supported for implementation purposes until they are confirmed by actual measurements. Further, neither of these procedures establish minimum noise exposure standards or assess acceptable/unacceptable or tolerable/intolerable noise exposure ratings. Some form of standards or acceptability ratings will have to be established or at least implied in order to delineate and develop compatible use zones for each installation. It is suggested these standards and acceptability ratings be established on the DoD level rather than on a military department, major command, or separate installation level.

As stated in the proposed policy, the establishment of compatible (land) use zones will promote the development of non-noise sensitive activities in high noise areas near air installations. However, in dealing with the local communities it will be extremely difficult in some cases, if not impossible, to delineate and establish equivalent land use zoning. This will be evident in those instances where the existing zoning is not compatible and the community has been organized to react to the problem. In these instances, federal support of this proposed policy in the form of minimum noise standards based on measured and substantiated acceptability ratings will become very important.

Thank you for the opportunity to comment on this draft.

Yours very truly,

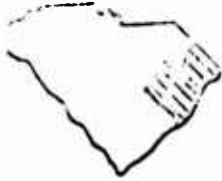


Daniel W. Varin  
Chief, Statewide Planning

DWV/TC/KLAZ/jl

Encl.

3-1-88



**Waccamaw**  
Regional Planning and Development  
**Council**

J. HUGH MCCUTCHEN  
CHAIRMAN  
P. O. BOX 330  
KINGSTREE, S. C. 29556

GERALD C. MCKINNEY  
EXECUTIVE DIRECTOR  
P. O. DRAWER 419  
GEORGETOWN, S. C. 29440

April 9, 1973

Mr. David W. Treme  
Office of the Governor  
Division of Administration  
State Clearinghouse  
Suite 203, Kittrell Center  
Columbia, South Carolina 29204

Dear Mr. Treme:

The Waccamaw Regional Council has reviewed the draft environmental impact statements on proposed Department of Defense policy on Air Installations Compatible Use Zones and Use of Off-Road Vehicles. We have found them to be compatible with our regional requirements and have no objections to their implementation.

We do reserve the right to study and comment upon environmental impact statements prepared for any specific action that may be taken within our region at some future date.

Yours truly,

George Peters  
Environmental Engineer

GP:la

3-1-89

DRAFT

April 6, 1973

Mr. David W. Treme  
Office of the Governor  
Division of Administration  
Suite 203, Kittrell Center  
Columbia, South Carolina 29204

Dear Mr. Treme:

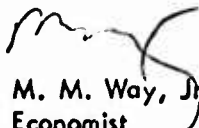
Concerning the memorandum requesting comment on Draft "Proposed Department of Defense Policy on Use of Off-Road Vehicles":

Proposal is in general accordance with sound planning. This agency has no established policy, however, as representing this agency, my thoughts are that some Department of Defense lands could be used for Off-Road Vehicle trails to relieve the existing pressure on other public lands. As on all lands, public and private, controls and guidelines must be established and enforced. I could object only to Alternative V (a), "No Action," and Alternative V (c), "Open All Lands."

Concerning the memorandum requesting comment on Draft "Proposed Department of Defense Policy on Air Installations Compatible Use Zones":

No objection to establishment of a policy and implementation of determined policy. Agency has no comment on which policy is best. I suggest that an additional control might be added that would require, by federal law, that a seller, lessor or renter of any property within the determined installation noise or flight zones notify by writing, any purchaser, lessee or renter, that the property is in said zone.

Sincerely,



M. M. Way, Jr.  
Economist  
Planning and Development

MMAW:Jr/jsb

~~SECRET~~  
APR 09 1973  
DIVISION OF  
ADMINISTRATION  
3-1-90



## EXECUTIVE DEPARTMENT

DIVISION OF PLANNING COORDINATION

BOX 12428, CAPITOL STATION

AUSTIN, TEXAS 78711

PHONE 512 475-2427

OLPH BRISCOE

GOVERNOR

May 7, 1973

Mr. Howard L. Metcalf  
Office of the Deputy Assistant  
Secretary of Defense  
(Installations and Housing)  
OASD (I&L) ID  
Room 3E763, Pentagon  
Washington, D.C. 20301

Dear Mr. Metcalf:

The Office of the Governor, Division of Planning Coordination (the State Planning and Development Clearinghouse), and other interested or affected Texas State agencies have reviewed the draft environmental impact statement on the proposed Department of Defense Policy on Air Installations Compatible Use Zones.

The following comments are offered:

1. The Texas State Department of Health feels that the policy, if adopted, should provide the framework for compatible land use between non-governmental properties and adjacent military airfield installations. The noise of aircraft engines has caused adverse environmental influences on residential areas near certain of these military operations. Under the proposal, residential development in zones defined as undesirable because of aircraft noises should be minimal. The establishment of compatible zones should promote the development of non-noise sensitive activities in the high noise areas near air installations. Controlled land use should prevent undue ecological disturbance or environmental degradation.

2. The Texas Department of Community Affairs expresses the following concerns:

1. It is noted that the Department of Defense wishes to include restrictions on land adjacent to air installations in the State Land Use Plan when such a plan is formulated. All restrictions should be carefully analyzed at that time by appropriate State agencies to ensure that the interests of the State are not ignored, and that the State Land Use Plan not be invalidated by such restrictions. ✓

3-1-91

Mr. Howard L. Metcalf  
May 7, 1973  
Page Two

2. The proposed alternative should be conducive to the halt of uncontrolled urban development adjacent to air installations. Emphasis should be placed on local jurisdictional control through zoning with cooperation by the Department of Defense where applicable. ✓
3. It is recommended that Composite Noise Rating (CNR) data be made available to local governments where such data have already been developed. Local control with regard to construction in high noise zones should also be emphasized. Special construction standards for high noise zones could be incorporated into local building codes after review and approval by the local authority. These standards should be developed with full input from State and local governments and should not be more restrictive than the nationally recognized, locally adopted code, where provisions have been made in the code for high noise conditions.

Copies of these State agencies' comments are enclosed. *NOTE! NO ENCL. 100's.*

Thank you for the opportunity to review this draft environmental impact statement. If we can be of further assistance or service, please contact us.

Sincerely,



Walter G. Tibbitts III  
Acting Director

WGT:jab

cc: Dr. James E. Peavy, TSDH

Mr. B. R. Fuller, TDCA

3-1-92

DANIEL J. EVANS  
GOVERNOR



FRANCIS D. BAKI  
ACTING DIRECTOR

STATE OF WASHINGTON  
Office of the Governor  
PLANNING AND COMMUNITY AFFAIRS AGENCY  
OLYMPIA, WASHINGTON 98504

May 2, 1973

Mr. Howard L. Metcalf  
Office of the Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Room 3E763, Pentagon  
Washington, D. C. 20301

Dear Mr. Metcalf:

Pursuant to the National Environmental Policy Act of 1971, following are our comments relating to the proposed Air Installation Compatible Use Zones (AICUZ).

From this agency's perspective, we endorse and commend the Department of Defense in its attempt to reduce land use conflicts adjacent to military air installations. Your effort certainly coincides with the land use problems which occur adjacent to our major regional airports throughout the United States. In this vein, the Port of Seattle and King County are currently conducting a large-scale study of land use conflicts and solutions adjacent to Seattle-Tacoma International Airport in South King County, Washington.

Senator Jackson's proposed National Land Use Bill has suggested major regional airports as possible areas of critical concern within a state-wide planning context. The bill also suggests the federal dollar for capital improvement would be limited for those states that do not begin to plan for its land uses on a state-wide scale. It seems to us that your proposal should complement the Senator's bill from this perspective.

The State of Washington, Aeronautics Commission, 8600 Perimeter Road, Boeing Field, Seattle, Washington 98108, is currently developing an over-all state-wide airport plan. It would be advisable to contact the Director, Dixie Mays, regarding your proposal.

One area that appears to be absent from consideration is aircraft other than "fixed wing" such as helicopters. This may be of particular concern in the Olympia--South Puget Sound area where there are continuous helicopter military training flights originating from Fort Lewis - McChord Field. Helicopters have a distinctive "beat" or "rap" sound that may irritate or conflict with normal urban noises in residential areas.

3-1-93

Mr. Howard L. Metcalf  
Office of the Deputy Assistant Secretary of Defense  
Pentagon, Washington, D. C.  
May 2, 1973

page two

These are our primary comments at this time. Thank you for the opportunity to review your proposal.

We will appreciate receiving a copy of your final draft.

Sincerely,



Ronald J. Clarke  
Administrator  
Local Planning Assistance

RJC:db

cc: Jerry Parker, O.P.P.&F.M.

3-1-94



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt  
Secretary

April 30, 1973

BOX 450  
MADISON, WISCONSIN 53701

IN REPLY REFER TO: 1600

Deputy Assistant Secretary of Defense  
Installations and Housing  
OASD (I and L) ID  
Room 3E763  
Pentagon, Washington D. C. 20301

Re: Draft Environmental Impact  
Statement for the Proposed  
Department of Defense Policy  
on Air Installations  
Compatible Use Zones

Dear Sir:

We have completed a review of the draft environmental impact statement for the above proposal and have the following comments to offer:

General Comments

The noise information provided is oriented toward the impact on humans. We suggest that the effect of noise on animals, particularly domestic livestock, be considered since agriculture may be one of the more compatible land uses adjacent to air installations.

Another point which needs further clarification is whether missile installations are included in the proposal.

Specific Comments

Page 1, sentence four - We suggest that acquisition of fee title lands for establishment of compatible use zones be coordinated with the U. S. Department of the Interior and State natural resources agencies. Certain of these areas may be suited to limited outdoor recreation, fish and wildlife enhancement, or forest management; and as a result, lessen the effect of land removal on the tax base.

Page 5, sentence one - Screening actions on a case-by-case to determine the need for individual environmental impact statements would be an important consideration prior to initiation of any proposal.

Enclosure #1, page 4, item A 1 - We suggest that additional noise attenuation measures such as construction of noise barriers and baffels and tree plantings

3-1-95

and runup facilities may be amenable to noise control measures proposed by the Federal Highway Administration for highways.

Enclosure #1, page 10, item 3b - In certain cases, oil and gas production and storage or manufacturing of flammable or hazardous materials may not be compatible with air installations. Adequate control should be retained to provide for public safety near potentially hazardous existing or future facilities in the compatible use zones. Public safety as well as sound insulation should be prime considerations for compatible land uses.

Enclosure #1, page 11, item 4d - The right to prohibit "facilities attractive to birds" should be clarified. For example, does this include drainage of wetlands valuable for waterfowl habitat or habitat destruction to discourage breeding colonies of birds?

Enclosure #1, page 12, item A 4 - The statement is made that full consideration will be given to "joint use of air installations by activities of separate Military Departments." We suggest that consideration also be given to joint use of air installations by civilian aviation activities when they are compatible with national defense, national security and military mission.

Thank you for the opportunity to review and comment on this draft environmental impact statement.

Very truly yours,  
Bureau of Environmental Impact

  
C. D. Besadny  
Director

cc: John Brasch - NCD  
Lowell Hansen - NWD  
L. A. Posekany

A. E. Ehly - SD  
A. A. Oehmcke - WCD  
D. F. Gebken

3-1-96

Federal Agency Comments

The Department of the Interior

The Department of Commerce

The Department of Health, Education and Welfare

The Department of Housing and Urban Development

The Environmental Protection Agency

The Department of Transportation

Enclosure 3  
Attachment 2

3-2-1



## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

MAY 3 1973

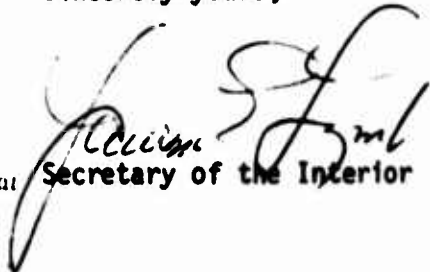
Dear Mr. Sheridan:

Per your request of March 15, 1973, we have reviewed the draft environmental impact statement on Air Installations Compatible Use Zones (ER-73/398) and find it satisfactory. The Department of Defense is to be commended for a program that seeks protection of the integrity of its air installations while assuring that the public is protected from unavoidable dangers associated with the installations. We agree that intergovernmental land use planning and controls are essential to achievement of Air Installations Compatible Use Zones.

On specific sites we suggest that the Department of Defense establish interagency planning assistance teams to identify and plan for the full range of technical and environmental interests. Impact statements on specific installations should detail land uses affected and methods of minimizing adversities. ✓

Thank you for the opportunity for this review.

Sincerely yours,

  
Assistant Secretary of the Interior

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Office of the Assistant Secretary of Defense  
Washington, D.C. 20301

3-2-2



**OFFICE OF THE ASSISTANT SECRETARY OF COMMERCE**  
Washington, D.C. 20230

May 1, 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Room 3E763, Pentagon  
Washington, D. C. 20301

Dear Mr. Sheridan:

The draft environmental impact statement for Proposed Department of Defense Policy on Air Installations Compatible Use Zones, which accompanied your letter of March 15, 1973, has been received by the Department of Commerce for review and comment.

The Department of Commerce has reviewed the draft environmental statement and has no comment to offer for your consideration.

We do note, however, that several DOD bases are located in coastal areas. It is strongly recommended that the base commander work closely with the coastal zone management agency of the state (or its area designee) as the instruction is implemented.

The Office of Coastal Zone Management, NOAA, Department of Commerce (R. Knecht, 656-7792) will be happy to facilitate any such contact.

Sincerely,

A handwritten signature in cursive script that reads "Sidney R. Gallen".

Sidney R. Gallen  
Deputy Assistant Secretary  
for Environmental Affairs



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20201

MAY 18 1973

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Office of the Assistant Secretary of Defense  
Washington, D.C. 20301

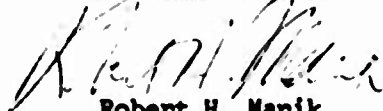
Dear Mr. Sheridan:

Thank you for your letter of March 15, 1973, requesting comments pertaining to the draft environmental impact statement on a proposed Department of Defense policy entitled Air Installations Compatible Use Zones.

It is our judgment that the DOD proposal itself is consistent with the policy stated in the National Environmental Policy Act. Since this proposal, if implemented, will require detailed studies by the DOD of each of its air installations and their effects on adjacent communities, it contains assurance that any resultant recommendations or proposals for improvement for specific locales will require full disclosure and review by all state and local agencies or jurisdictions. This should insure the examination of the potential environmental impact on the areas in question. We note, however, that an action taken pursuant to this policy is "significant in its effect on the local environment" (page 12). Guidelines or criteria should be provided for the purpose of determining those circumstances under which the effects of those actions would be significant. Several of these criteria should relate to changes which might occur in the delivery of basic human services.

If we may be of additional assistance at this time, please contact Paul Crowwell, the Acting Director of our Office of Environmental Affairs (202-963-4456).

Sincerely yours,

A handwritten signature in dark ink, appearing to read "R. H. Marik", written in a cursive style.

Robert H. Marik  
Assistant Secretary for  
Administration and Management



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, D. C. 20410

OFFICE OF THE ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND MANAGEMENT  
Community and Environmental Standards

IN REPLY REFER TO:

April 23, 1973

Deputy Assistant Secretary of Defense  
Installations and Housing  
OASD (I&L) ID - Room 3E763  
Pentagon, Washington, D.C. 20301

Dear Sir:

We have reviewed the Draft Environmental Impact Statement on the proposed Department of Defense Policy on Air Installations Compatible Use Zones (AICUZ) and have the following comments.

The Department of Housing and Urban Development actively supports efforts by the Department of Defense to foster land uses around air installations which are compatible with air operations and support the AICUZ concept. Our own policy with respect to development in noise exposed areas is contained in HUD Circular 1390.2. With respect to aircraft noise, Composite Noise Rating (CNR) Zone 3 is considered "unacceptable" while Zone 2 is considered "discretionary-normally unacceptable" for new residential construction according to our standards. Development in Zone 2 is discouraged by this Department, but is allowed when extenuating circumstances dictate it be in the best public interest, provided that noise attenuation measures are incorporated into the development.

It is in the Zone 2 area, where discretion may permit development contrary to the general objectives of policy because of extenuating considerations that particular operational and development considerations for the relevant air installation will become important factors in any decision on the part of this Department to accept or reject a proposal for development. The AICUZ policy can go a long way in providing definition to these considerations and we hope to cooperate fully in efforts to avoid air installation/land use conflicts. The definition of AICUZ as contained in the Draft Environmental Impact Statement, however, is not sufficiently specific for coordination with our policy. Specifically, will AICUZ always contain all or part of Zone 2? If so, under what conditions will Zone 2 be included, and does it depend largely on factors of judgement in individual cases?

3-2-6

We have no problems with the AICUZ concept other than the lack of specificity concerning the applicability of AICUZ in Zone 2, and we will not be in a position to incorporate and coordinate AICUZ with our own policy without further information and discussion. In order to effectively administer the HUD policy, we will continue to require CNR's or Noise Exposure Forecasts (NEF's) in order to made determinations on acceptability of sites for new residential construction.

Sincerely,

*Richard H. Broun*

Richard H. Broun  
Acting Director



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

26 APR 1973

OFFICE OF THE  
ADMINISTRATOR

Mr. Edward J. Sheridan  
Deputy Assistant Secretary of Defense  
(Installations and Housing)  
Department of Defense  
Washington, D.C. 20301

Dear Mr. Sheridan:

The Environmental Protection Agency has reviewed the draft environmental impact statement for the proposed Department of Defense Policy on Air Installations Compatible Use Zones dated March 15, 1973. We have classified this environmental impact statement as Category LO-1. Specifically, EPA suggests only minor changes in the proposed action. The classification and the date of EPA's comments will be published in the Federal Register in accordance with our responsibility to inform the public of our views on proposed Federal actions under Section 309 of the Clean Air Act.

We are concerned that this proposed plan might lead to less stringent controls over the siting, abatement equipment, and operational factors at DOD air installations. It is recommended that more definite guidance be developed with regard to the factors mentioned above.

We believe that the necessity of a "truth in selling" provision is evident to protect consumers from leasing, renting, or buying land or facilities located in or around CNR zones 3 and 2.

We will be pleased to discuss our comments with you or members of your staff.

Sincerely,

A handwritten signature in cursive script that reads "Sheldon Meyers".

Sheldon Meyers  
Director  
Office of Federal Activities

3-2-8

**DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

WASHINGTON, D.C. 20591



May 16, 1973

Deputy Assistant Secretary of Defense  
(Installations and Housing)  
OASD (I&L) ID  
Room 3E763  
Pentagon  
Washington, D. C. 20301

Dear Sir:

We have reviewed a copy of the Draft Environmental Impact Statement for the Proposed Department of Defense Policy on Air Installations Compatible Use Zones. We concur with the basic objectives of the Department of Defense of seeking compatible land uses around air installations. There are, however, two points within the proposed policy which we believe are unwarranted and which could create undesirable precedents.

The first point which we question is that in which aircraft noise and aircraft safety are taken as interrelated so as to permit the use of noise ratings to infer something about safety. Specifically, we refer to the many instances in which the impact statement repeatedly addresses "noise and hazards" as well as "noise and safety" so as to lead the reader to conclude that defining noise zones such as CNR Zones 2 and 3 is equivalent to defining hazardous zones which are susceptible to aircraft accidents. Page 7 is particularly strong on this point by its statement that the proposed policy would achieve benefits by discouraging families from moving into areas where they would be exposed to intense noise and safety hazards of airfield operations. If the Department of Defense were to officially promote an "accident fear" motive in support of the AICUZ program, we are afraid that the incompatible land use problems due to "safety" could be expected to instantaneously dwarf any problems heretofore encountered due to noise. Certainly, if the safety of people and property on the ground is taken as seriously as the safety of aircraft, crewmen, and passengers, then the immediacy with which corrective action must be taken could only be satisfied through a curtailment of flight operations. Accordingly, the improper use of CNR as a safety indicator could jeopardize the existence of military and civilian air installations presently in place. In contrast, it should be noted that the safety advocacy contained within the proposed policy statement is not entirely consistent. In view of the fact that the working population density in an industrial area can exceed that of residential areas, it appears hard to justify that commercial or industrial uses are compatible with AICUZ principles.

3-2-9

The second point which we question is the selection of noise exposure indices such as CNR and NEF as the exclusive basis upon which major decisions regarding base closures or relocations would be made. We do not believe either of these techniques is sufficient by itself to support such major decisions. In particular, since community responses depend as much on local circumstances and attitudes as on noise, it would seem more appropriate to make it mandatory that more complete noise analyses be made. This would certainly include at least community attitudes and needs surveys, on-site noise measurements, and the preparation of noise analyses understandable to a broad segment of the community as well as military base commanders. In this light, the Federal Aviation Administration is developing an objective approach to describing aircraft noise in the vicinity of airports, called the "Aircraft Sound Description System" (ASDS). We believe this technique will improve the information content of any noise exposure analysis and will be useful in tempering and balancing any critical decisions you may anticipate. Importantly, we believe that our common goal of communicating with local communities and land use planning authorities, as well as preventing excessive Federal Government involvement in local affairs, will be strongly enhanced through the use of a noise description method which can be understood by a wide audience. We have enclosed a copy of Report FAA-EQ-73-3, "Aircraft Sound Description System, Background and Application," dated March 1973, for your consideration.

If we can be of further assistance, please advise.

Sincerely,

R. P. SKULLY  
Director of Environmental Quality

Enclosure

3-2-10