



**Request for City Council Committee Action
From the City Attorney's Office**

Date: July 12, 2004
To: Transportation & Public Works Committee
Referral to:

Subject: Noise Mitigation at Minneapolis-St. Paul International Airport

Recommendation: That the City Council authorize proper City officials, including Planning staff and the City Attorney's Office to take appropriate steps to support and enforce the noise mitigation plan as a critical element of the FAA's Record of Decision in the Final Environmental Impact Statement of the Minneapolis-St. Paul Airport 2010 Plan.

Previous Directives:

Prepared by: Peter W. Ginder, Acting Deputy City Attorney Phone: 673-2478

Approved by: _____
Jay M. Heffern
City Attorney

Presenter in Committee: Peter W. Ginder, Acting Deputy City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

Neighborhood Notification
City Goals:
Comprehensive Plan
Zoning Code
Other

Background/Supporting Information

In 1996, the Minnesota Legislature made a decision to expand the Minneapolis-St. Paul International Airport at its present site rather than develop a new site. The Legislature directed the Minneapolis Airport

Commission ("MAC") to form a noise mitigation committee to develop a program to aggressively mitigate the noise at MSP. The noise mitigation committee adopted a noise mitigation report which recommended expansion of the current insulation program through the 2005 60 DNL contour. On October 28, 1996, MAC unanimously approved the recommendations of the noise committee deleting the recommendation for a modified program (3-5 dB reduction) beyond 60 DNL. In December, 1996, the Minnesota Advisory Council on Metropolitan Airport Planning concurred with the recommended mitigation program. In 1998, the noise mitigation plan was incorporated into the Final Environmental Impact Statement (FEIS) on the Dual Track Study as Appendix B. The FAA's Record of Decision (ROD) on the FEIS on the MSP 2010 Plan states that the noise mitigation plan is a critical element of the 2010 Plan implementation. The Record of Decision specifically conditioned the approvals contained in the ROD upon full implementation of a number of measures. Pages 51 and 52 of the ROD outline the "conditions of approval" for the FEIS and states that "mitigation measures that will be implemented are those listed in the FEIS and this ROD...".

The FAA has made the sound insulation program a condition of its Record of Decision and has specifically said that all the approvals are conditioned upon full implementation of various items including the noise mitigation program. In order to ensure that MAC abides by the conditions explicitly required in the MAC adopted noise mitigation plan, including the sound insulation program, staff requests approval to take appropriate actions to enforce those commitments. Staff requests authorization to provide comments as necessary and appropriate during any public hearings on the Part 150 Noise Compatibility Program considered by the MAC. In addition, staff seeks authorization to take steps to require the MAC or FAA to enforce the commitment in the ROD, including providing necessary and appropriate comments, or seeking administrative review of any FAA or MAC decision, or seeking appropriate legislative action.