

meet operational needs, such as reduced airport capacity, the FAA would conduct a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. Withdrawal would not be made from any air carrier if the result would reduce their holdings below 20 Operating Authorizations on any weekday. The FAA would provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended would, if reallocated, be reallocated to the air carrier from which it was taken, provided that the air carrier continues to operate scheduled service at LaGuardia.

#### IV. Request for Comments

The FAA invites all interested persons to submit written comments on the proposals described in this Order by filing their written views in Docket FAA-2006-25755 on or before September 6, 2007.

Issued in Washington, DC on August 2, 2007.

**Kerry B. Long,**  
Chief Counsel.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review; Baton Rouge Metropolitan Airport; Baton Rouge, LA

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Greater Baton Rouge Airport District for Baton Rouge Metropolitan Airport under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Baton Rouge Metropolitan Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before January 25, 2008.

**EFFECTIVE DATE:** The effective date of the FAA's determination on the noise exposure maps and of the start of its

review of the associated noise compatibility program is July 30, 2007. The public comment period ends September 27, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lance Key, Federal Aviation Administration, ASW-615, 2601 Meacham Blvd, Fort Worth, TX 76137-4298; telephone number 817-222-5681. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for Baton Rouge Metropolitan Airport are in compliance with applicable requirements of Part 150, effective July 30, 2007. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before January 25, 2008. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C. 47503 (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The Greater Baton Rouge Airport District submitted to the FAA on May 14, 2007, noise exposure maps, descriptions and other documentation that were produced during the Baton Rouge Metropolitan Airport's Part 150 Study, May 2005-May 2007. It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be

approved as a noise compatibility program under section 47504 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the Greater Baton Rouge Airport District. The specific documentation determined to constitute the noise exposure maps includes the following from the May 2007 14 CFR Part 150 Noise Study: Figure A, 2006 Noise Exposure Map (Existing); Figure B, 2011 Noise Exposure Map (Future); Figure 1-3, Existing and Planned Airport Facilities; Table 1-2, Actual and Forecast Aircraft Operations; Figure 1-4, Generalized Existing Land Use Map; Figure 1-5, Generalized Existing Zoning Map; Table 2-2, Average Daily Aircraft Operations by Type, Time of Day, and Stage Length (2006); Table 2-3, Average Daily Aircraft Operations by Type, Time of Day, and Stage Length (2011); Table 2-4, Runway Utilization by Aircraft Type; Figure 2-1, Generalized Flight Tracks; Table 2-5, Flight Track Utilization by Aircraft Category (2006 and 2011); Table 2-6, Noise Exposure Impacts (1991, 2006, 2011); Figure 3-1, Single Arrival/Departure Noise Contours, Figure 3-2, Potential Noise Abatement Departure Turns, Appendix E, Coordination, Consultation and Public Involvement and Appendix F, Public Hearing. The FAA has determined that these maps for Baton Rouge Metropolitan Airport are in compliance with applicable requirements. This determination is effective on July 30, 2007. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or constitute a commitment to approve a noise compatibility program to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part

150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formerly received the noise compatibility program for Baton Rouge Metropolitan Airport, also effective on July 30, 2007. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before January 25, 2008.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Planning and Programming Branch, Room 697, 2601 Meacham Boulevard, Fort Worth, TX 76137-4298 and Mr. Anthony Marino, 9430 Jackie Cochran Dr., Suite 300, Baton Rouge, LA 70807.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

**Kelvin L. Solco,**

*Manager, Airports Division.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Limitation on Claims For the Big Bear Bridge Replacement Project, San Bernardino National Forest, California

**AGENCY:** U.S. Department of Transportation, Federal Highway Administration (FHWA).

**SUMMARY:** This notice announces the actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). These actions relate to a proposed bridge replacement project in the San Bernardino National Forest, California. The federal actions grant approvals and authorize funding for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. (l)(1). A claim seeking judicial review of the Federal agency actions on the bridge replacement project will be barred unless a claim is filed on February 4, 2008. If the Federal law that authorizes judicial review of a claim provides a time period less than 180 days for filing such claim, then that shorter time period still applies.

#### FOR FURTHER INFORMATION CONTACT:

David Cohen, Environmental Protection Specialist, Federal Highway Administration, 650 Capitol Mall, Suite 4-100, Sacramento, CA 95814, weekdays between 9 a.m. and 5 p.m. (Pacific Time), telephone (916) 498-5868, e-mail: [David.Cohen@dot.gov](mailto:David.Cohen@dot.gov); Tay Dam, Project Development Engineer, Federal Highway Administration, 888 S. Figueroa, Suite 1850, Los Angeles, CA 90017, telephone (213) 202-3954, e-mail: [Tay.Dam@dot.gov](mailto:Tay.Dam@dot.gov); Mr. Boniface Udotor, Senior Environmental Planner, Caltrans District 8, 464 West 4th Street, San Bernardino, CA 92401, telephone (909) 388-1387, e-mail: [Boniface\\_Udotor@dot.ca.gov](mailto:Boniface_Udotor@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing approvals for the following bridge replacement project in the State of California: The Big Bear Lake Bridge on State Route 18 in the San Bernardino National Forest. This project will provide a structurally sound and operationally efficient transportation facility which will blend into and add value to its environmental setting. The project will also realign the approach roadways to the bridge and signalize the intersection between State Route 18 and State Route 38. The existing bridge will

be removed from the top of the dam to facilitate the Big Bear Municipal Water District's planned spillway and outlet works improvements.

The actions by the Federal agencies and the laws under which such actions were taken are described in the Final Environmental Impact Statement for the project, approved on March 30, 2007, and in other documents in the administrative record. The FEIS, the Record of Decision, and other project records are available by contacting the FHWA or Caltrans at the addresses provided above. The environmental document is also published on-line at <http://www.dot.ca.gov/dist8/pdf/bigbear-FEIS-R.pdf>.

This notice applies to all final decisions of Federal agencies as of the issuance date of this notice, and all laws under which such actions were taken, including but not limited to:

1. *General:* The National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109]

2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)]

3. *Land:* The Section 4(f) of the U.S. Department of Transportation Act of 1966 [49 U.S.C. 303; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319]

4. *Wildlife:* The Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703-712]

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013]

6. *Social and Economic Impacts:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209]

7. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C. 1251-1377]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; Flood Disaster Protection Act [42 U.S.C. 4001-4128]

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601-9675]; Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901-6992(k)]

9. *Executive Orders:* E.O. 11990

Protection of Wetlands, E.O. 11988

Floodplain Management; E.O. 12898