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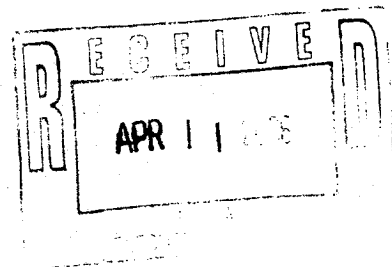
FAA
Airports Division

Eastern Region

New York Airports District Office
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Garden City, New York 11530
Telephone: 516-227-3800
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April 7, 2006

Mr. Lawrence Meckler
Executive Director
Niagara Frontier Transportation Authority
181 Ellicott Street
Buffalo, NY 14203



RE: Determination on Noise Compatibility Program
Buffalo Niagara International Airport, NY

Dear Mr. Meckler:

The Federal Aviation Administration (FAA) has evaluated the noise compatibility program and related documentation for the Buffalo Niagara International Airport as provided to this office under the provisions of Title 49 USC, Chapter 475. I am pleased to inform you that the FAA has approved in whole or in part twelve of the sixteen proposed measures in the noise compatibility program. Four elements were disapproved due to a lack of demonstrated noise benefit. The specific FAA action for each noise compatibility program element is set forth in the enclosed Record of Approval. The effective date of this approval is March 6, 2006.

Noise abatement element 1 (extension of Quiet Time designation), element 2 (preferential runway use), and element 4 (preferential arrival corridors) were disapproved for purposes of Part 150 due to a lack of demonstrated noise benefit to noncompatible land uses exposed to noise levels of DNL 65 dBA. FAA recognizes that these measures are being used on a voluntary basis; a disapproval due to lack of noise benefit information would not prohibit a continuation of this practice. Noise abatement measure 3 (preferential departure corridors) was disapproved for purposes of Part 150. This measure provides noise benefits to land uses exposed to noise levels less than DNL 65 dBA. The NFTA has not adopted standards more stringent than Table 1 of 14 CFR Part 150, which considers land uses exposed to noise levels less than DNL 65 dBA to be compatible. All of the approval (and disapproval) actions are more fully explained in the enclosed Record of Approval.

Each airport noise compatibility program developed in accordance with Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA approval or disapproval of Part 150 program recommendations is measured according to the standards expressed in Part 150 and Title 49, and is limited to the following determinations:

The noise compatibility program was developed in accordance with the provisions and procedures of Part 150;

Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible uses;

Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical users, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government;

Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under Title 49, USC, Chapter 471. Where Federal funding is sought, requests for project grants must be submitted to the FAA New York Airports District Office.

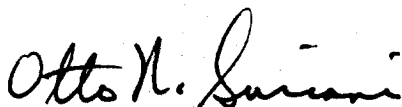
When submitting your preapplication for Federal funding assistance for the recommended land acquisition, your attention is directed to the sponsor's responsibilities in the Federal Register Notice of September 21, 2005 announcing that the noise exposure maps are in compliance with Part 150. An exhibit of sufficient readable scale containing the following information must accompany each application for acquisition of noise-impacted land submitted to this office:

- a. The noise contours depicted on the surface relative to the proposed acquisition property as determined by the local government agency having land use control authority;
- b. The existing and/or future anticipated use(s) for that property;
- c. The specific legal description of each parcel of land proposed for acquisition.

The FAA will publish a notice in the Federal Register announcing approval of this noise compatibility program update. You are not required to give local official notice, although you may do so if you wish.

Thank you for your continued interest in noise compatibility planning.

Sincerely,



Otto N. Suriani, Acting Manager
New York Airports District Office