

1 otherwise interfere with the speedy resolution of any such
2 disagreements, disputes, controversies, or alleged violations
3 are presumed to be prejudicial and that the court may impose
4 sanctions therefor. The parties shall exert their best efforts
5 and proceed with all due diligence to take all steps reasonably
6 necessary to bring any action commenced by a party concerning
7 this stipulation and/or the final judgment to hearing at the
8 earliest reasonable time.

9 15. In the event of the commencement of any proceeding
10 for enforcement of this stipulation and/or the final judgment,
11 each of the parties shall cooperate in good faith and with due
12 diligence to file a joint statement of undisputed facts.

13 16. The parties agree to retention by the Court of
14 jurisdiction over this matter to enable any party to apply to the
15 Court at any time for such further orders and directions as may
16 be necessary or appropriate for the construction or carrying out
17 of the final judgment pursuant to this stipulation, for the
18 modification or termination of any of the provisions of the final
19 judgement, stipulation and for the enforcement of compliance with
20 the final judgment or stipulation and the imposition of remedies
21 for violations thereof.

22 17. The parties recognize and endorse the covenant of
23 good faith and fair dealing implicit in this stipulation.

24 18. Whenever approval, consent, or satisfaction is
25 required of a party pursuant to this stipulation it shall not be
26 unreasonably withheld.

27 ///

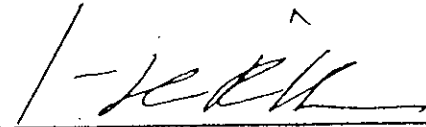
1 19. Time is of the essence in this stipulation and of
2 each and every one of its terms and conditions.

3 20. The parties represent that they have read this
4 stipulation and know its contents; and that in executing this
5 stipulation counsel is authorized to sign the stipulation on
6 behalf of the respective parties.

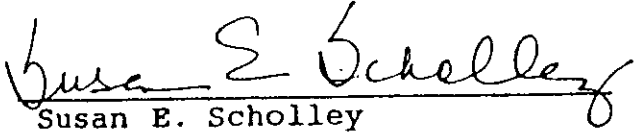
7 21. The parties hereby consent to the entry of the
8 accompanying final judgment without further notice.

9 22. The parties agree to bear their own attorneys fees
10 and costs.

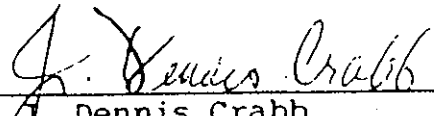
11 DATED: September 23, 1992 STATE OF CALIFORNIA

12
13 By 
14 KENNETH R. WILLIAMS
15 Deputy Attorney General
for Defendant/Intervenor
State of California

16 DATED: September 22, 1992 TAHOE REGIONAL PLANNING AGENCY

17
18 By 
19 Susan E. Scholley
20 Attorney Defendant
Tahoe Regional Planning Agency

21 DATED: September 22, 1992 CITY OF SOUTH LAKE TAHOE

22
23 By 
24 J. Dennis Crabb
25 Michael Gatzke
Attorneys for Plaintiff
26 City of South Lake Tahoe
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DATED: 9/24/92

LEAGUE TO SAVE LAKE TAHOE

BY E. Clement Shute, Jr. *CSJ*
E. Clement Shute, Jr.
Attorney for Intervenor
League to Save Lake Tahoe

RECORDED FEDERAL COURT
10/8/92

NOISE COMPLAINTS PER YEAR

1985	47
1986	40
1987 (ISA)	361
1988	176
1989	78
1990 (TCRA)	393
1991	243
1992	162
1993 (to 11/30)	49

LAKE TAHOE AIRPORT ACCESS PLAN DIGEST

Access allocations are privileges and do not become vested.

TVL is operated by the City of South Lake Tahoe under a permit issued by the Tahoe Regional Planning Agency subsequent to litigation. Settlement of that litigation imposed restrictions which are incorporated in a Settlement Agreement and Access Plan as adopted. The Settlement Agreement provides mitigation measures the City must adhere to, the Access Plan imposes requirements upon the City and aircraft operators.

Generally, the Access Plan requires (limitations and conditions on commercial service):

- Until June 20, 2003, the passenger service level limit is 300,000 enplaned annually.
- Allocation of average daily departures (ADD) and an operating agreement.
- Acceptance of an operating agreement conclusively indicates carriers have accepted all terms of the Access Plan.
- Air carrier aircraft means passenger aircraft with more than 65 seats of GTO weight over 60,000 pounds. Commuter means passenger aircraft smaller and/or lighter than air carrier.
- One ADD authorizes one aircraft to operate each day of the year.
- Noise monitors are located 6,500 meters from brake release and 2,000 meters from the landing threshold.
- Extra section flights require authorization of an additional departure; 48 such departures may occur in any six-month period.
- Maximum noise levels are 80 dBA on departure; 84 dBA on arrival for commuters and general aviation, 86 dBA for air carriers. Air carrier and commuter noise is averaged quarterly; general aviation and charters are subject to compliance on each event.
- The night noise (8 pm to 8 am) level is 77.1 dBA.
- Commuters able to operate under 77.1 dBA are constrained to operation between 5:45 (0545) am through 9:45 (2145) pm.
- Peak seasons are May 22 through September 15 and November 23 through March 1.
- Aircraft listed on FAA Advisory Circular 36-3 (series) as generating noises exceeding the noise limits are "presumed banned" aircraft.
- Seat capacity is allocated every six months, January 1 and July 1 of each year.
- Only 8 year-around ADDs are available for air carriers.
- Peak season ADDs are available to 10 scheduled total.
- Authorized departures not flown that day are lost unless due to mechanical, weather or ATC delay or emergency beyond the air carrier's control; and that flight is re-scheduled within 24 hours. In that event, air carrier must provide a written report of the circumstances within 72 hours detailing the problem.
- ADDs may be allocated for up to five years and may be renewed; however, not more than five ADDs may be allocated for periods greater than one year.
- Peak season ADDs need to be requested more than 90 days before the season begins. If more than one carrier requests an ADD, they will be awarded by lottery.
- Carriers and commuters have to have a seat allocation by the Airport. Qualified air carriers need to submit written proposed operations 120 days prior to January 1 and July 1.

Airport advises airlines at 99 days the number of seats allocated.

- The seat capacity pool is 500,000, assumes a 60% load factor. We allocate seats between the two six-month periods, then allocate to carriers. Within 30 days of June 30, Airport Director makes recommendation to City Council for the same 6 months next year. Within 30 days of December 31, repeat. (4.5.2)
- If Airport exceeds 300,000 passengers per year, Airport must report to Airport Commission, City Council and TRPA the circumstances and recommended adjustment.
- Airlines may request additional ADDs and/or seat allocations at any time. Airport Director can authorize from any unallocated portion of the seat pool, for a specific period (not beyond January 30 or December 31) so long as the carrier can reasonably use the allocations. Supplemental allocations have to be in writing and signed by the carrier in a form approved by the City Attorney. They become an addendum to the operating agreement/base and are subject to change to avoid exceeding the ADD/seat capacity limit.

Extra Sections & Charters:

- Extra sections must have an authorized departure and seat allocations assigned (PPR), first come/first served.
- Over 65-seat charters need a reservation (PPR) granting a charter pool allocation. This cannot be used to establish regularly scheduled service, but to support a special charter contract in which the seats are not for sale to general public by the carrier.

Noise Tests:

- Require written authorization from the Airport to test.
- Scheduled air service aircraft must be certified by the Airport (regardless of AC 36-3 rating).
- Presumed banned aircraft, if they test and the test demonstrates they can operate legally, safely and meet requirements established or adopted by FAA, and if in compliance with our maximum noise levels, may operate.
- We need a written request to test with:
 - All information and material operator has which indicate aircraft can meet our numbers.
 - Aircraft model and type, engine model and type.
 - Operator, manufacturer and aircraft manual pages concerning maximum gross operating weight.
 - Operator's projected gross weight in TVL service based on fuel and passenger loads.
 - Statement of assumptions made in projecting TVL weight range.
 - A description of specific departure procedures to be used and copy of pages from manufacturer and/or airline manuals.
 - Note if others use same procedure from TVL, who?
 - Air carriers and commuters shall provide a written statement from Associate Administrator for Flight Standards or Western Pacific Region manager stating:
 - FAA review of operations proposed.
 - Procedures comply with FAA rules, policies, safety of flight.
 - Procedure is lawful.
 - After applicant has met above requirements, we may permit a qualification test which must include five separate departures and arrivals on Runway 18/36 at not less than representative operational weight. Aircraft is okay if noise tests at each site are okay.

- If applicant desires to change departure procedure for a previously qualified aircraft, re-submit info above not less than 10 days prior to implementing new procedures, and
- Not less than 10 days after the test, Airport advises in writing of qualification or lack thereof. If test was at less than MGTOW, Airport may impose conditions on its use in regular air service.
- Continuing compliance is required.

Penalties & Prohibitions:

Air Carriers:

- Must be a qualified air carrier or qualified commuter carrier to conduct regular scheduled service.
- Must have ADDs, aircraft must be qualified.
- Carrier meets all other requirements of the City.
- Commuters must have current seat capacity allocation.
- Flights must be with a qualified aircraft.
- Must meet all other City requirements and hold a written agreement.
- All carriers must report as required, may not operate more flights or seats than assigned, must use qualified aircraft.
- It is illegal to use presumed banned aircraft at TVL unless qualified. (8.3.4)
- All carriers must use 90% of ADDs/seats in any year, 70% in any quarter, 50% in any 30-day period. If needed, carrier may request modification to ADDs and/or seats allocated.
- Carriers noise levels are authentically averaged by aircraft type and carrier.
- Carriers must not exceed MGTOW.

Hours:

- Except for medical or police emergency or in accord with California code, and if the flight was unavoidably delayed by air traffic control or weather, scheduled airlines must operate between 7:45 am (0745) to 7:45 pm (1945).
- If a commuter is capable of operating at or below 77.1 dBA, it may operate as early as 0545 or as late as 2145.

Penalties:

- Reports: If required reports are not filed, after written request of Airport:
 - \$500 per day - first 15 days
 - \$1000 per day - next 15 days
 - Then, may be terminated as qualified air carrier.
 - If report is required, but no request is made: \$2500 per day - after 30 days.
- Under Use of Capacity: If the carrier uses less than the assigned capacity (departures), it may be disqualified, ADDs may be reduced and/or carrier may be disqualified from receiving further supplemental allocations.
- Excess Use of Capacity: If a carrier flies more departures or provides more seats than allocated, it shall be subject to immediate disqualification.
- Noise Levels: If an operator violates the noise level limits:
 - Airport can disqualify the type aircraft.
 - If a third time, Airport shall disqualify the aircraft type.

- If that is only type aircraft operator has, operator is no longer a qualified air carrier or commuter.
- Disqualified aircraft may requalify only after two noise compliance periods. The operator must establish that it knows why it created excessive noise, Airport may impose restrictions to assure compliance.
- Hours: Any operator who operates an aircraft outside the permitted hours:
 - First violation in plan year - not less than \$250 nor more than \$2,500.
 - Second violation in plan year - not less than \$500 nor more than \$5,000.
 - Each subsequent violation - not less than \$1,000 nor more than \$10,000.
 - These are administrative. On the third instance, City Attorney is notified to take actions to prevent further violations.
 - In addition, and without prejudice to any and all penalties for noise level violation, an administrative penalty not less than \$250 or more than \$5,000 may be applied to violations measured as single events (GA and charter), and not less than \$5,000 nor more than \$50,000 may be applied to air carriers (averaged quarterly).
- Any air carrier operating an unqualified aircraft or any operator of a presumed banned aircraft or any operator of a disqualified aircraft or who operates an unqualified aircraft in regular scheduled service shall be subject to an administrative penalty of:

\$1,000	1st violation in a plan year
\$5,000	2nd violation in a plan year
\$10,000	each subsequent violation

 and the City Attorney is to take action to prevent further violations.
- Allocations: Any one who violates any condition in respect to any special or supplemental allocation is subject to an administrative penalty of \$5,000. Continued violation after notice to cease and desist is subject to penalty of \$25,000 and shall cease to be a qualified air carrier.
- Failure to Terminate: Anyone who fails to stop operating at TVL when instructed is subject to a penalty of \$25,000 per day.
- Failure to File Revised Departure Procedure: Penalty of \$500 per day.
- Other: Penalty of \$1,000 per violation.
- Notice: City must give written notice of enforcement.
- Failure to Pay: Pay within 30 days after notice or \$1,000 per day is added.
- Appeal: Relief sought may be that the sanction or penalty should not be imposed or should be rescinded, modified or proposes some other sanction or penalty.
 - Informal: An informal request for review must be made within 7 days.
 - Formal: Penalized entity must submit 9 copies of a written request for review. A "stay" may be granted but is not automatic. (9.15)
 - Sham Requests: Each issue raised must present a reasonable argument or factual dispute, not in bad faith.
 - Form of requests for review is included at 9.5.1-5.

Appeal Process:

- City Attorney and Airport Commissioners get one copy each.
- Airport and City Attorney review, decide to grant, compromise or contest; determine if any issue is presented in bad faith; then determine if any issues legal interest affects others.
- Airport gives notice of decision within 14 days.
- If bad faith is determined, give appellant 10 days to rescind that (those) issues.
- If there are "interested parties", tell appellant, who is to give the party a complete copy of all papers filed. Airport and appellant must give copies of all further papers.
- If the issue is contested by Airport, give notice within 14 days to Airport Commission and set a date to be heard. Interested parties may contribute written responses.
- Within 30 days Airport must present the Airport argument to the Airport Commission, appellant and parties, must respond to the specifics of the appellants contentions; and may comment on submissions by parties.
- The appellant and parties then have 10 days to respond (9 copies to Airport and parties).
- Section 9.14 operates to allow the Commission to extend due dates up to 30 total days.
- Anyone can request a witness to appear.
- Airport is not to communicate information to Commissioners other than what is written and shared to all parties.
- No person shall make "ex-parte" communication with the Commission or City Council members in reference to the issue except through the written proceeding, simultaneously with all others.
- The Commission proceedings and determination are guided by 9.9 and 9.10.
 - Did the appellant do it?
 - Was the penalty appropriate?
 - Are the only determinations to be made?
 - If there are factual disputes and the Commission spends money to resolve them, costs may be shared.
- The Commission makes written findings and makes final determination, then distributes its decision to all concerned including the City Council (any Councilmember has 20 days to request a Council vote on bringing the issue before Council).
- If the Airport raises the bad faith issue in the documents prepared for the Commission's review, the Commission shall also make its decision on that issue. The Commission could determine to throw out the entire issue, require reimbursement of expenses and/or impose a penalty of up to \$25,000 with respect to the bad faith, if found.
- Similarly, the Commission may penalize each person up to \$5,000 or \$50,000 for an "ex-parte" communication. If a City employee is guilty, in addition to the penalty, the Commission reports the event to Council.
- Any and every one involved has a right to counsel.

Administration:

- Airport Director has authority to require any information needed or useful to implement the plan.
- We have to maintain a "notice" list of each air carrier and commuter operator. (10.2)

Exhibits:

- Exhibit C is a complex seat allocation table and formula.

- Exhibit E details our noise complaint procedure.
 - We are to refine procedures to match complaints with aircraft.
 - Anonymous calls need not be recorded.
 - Abusive callers need not be given consideration; however, if a violation did occur we follow through.
 - Commission packets have to have complaints and dBA of each event.
 - A brochure shall be developed and maintained by the City explaining the noise program, including noise standards, types of aircraft using the Airport (for noise complaint ID) and noise abatement procedures.
 - TRPA may establish a system to check the program.
 - We shall maintain a flyer for pilots outlining noise concerns and send it to based aircraft owners, tie-down and/or hangar wait listed persons. The FBO is requested to provide info to transients.
- Remaining Exhibits are FAA letters and court orders.

12/92

takeoff weights of not more than sixty thousand (60,000) pounds.

2.22 Reserved

2.23 Criterion Monitoring Stations

Criterion Monitoring Stations means TVL noise monitoring stations M1, M1A, M2, M2A, M3 and M4. These monitoring stations are located approximately as follows:

DEPARTURE MONITORING STATIONS		
Monitoring Station	Runway	Distance (From Brake Release)
M1	36	6500 meters
M1A	36 (Meadow Departure)	6500 meters
M4	18	6500 meters

ARRIVAL MONITORING STATIONS		
Monitoring Station	Runway	Distance (From Threshold)
M1	36	2000 meters
M1A	36 (Meadow Departure)	2000 meters
M4	18	2000 meters

2.24 dBA

dBA or *Lmax* means decibels as measured and described by

the commonly accepted method of measuring and describing decibels on the "A" weighted scale, using "slow mode" response.

2.25 Extra Section Flight

Extra Section Flight means a specially scheduled arrival and departure conducted by a *Qualified Air Carrier* which is not part of the *Air Carrier's* normal schedule of operations, and which has been added to the *Air Carrier's* schedule for one (1) day in order to accommodate excess demand for one (1) of *Air Carrier's* regularly scheduled flights.

2.26 Extra Section Pool

Extra Section Pool means a separate "pool" of *Authorized Departures*, above and beyond those *ADDs* authorized for allocation under Section 3, from which the *Airport Manager* may, in accordance with the provisions of Section 6.5 of this Plan, authorize additional operations by *Air Carriers* at *TVL*. The *Extra Section Pool* shall consist of, and be limited to, forty-eight (48) additional *Authorized Departures* during each six (6) month period beginning on July 1 and January 1 of each year during which this Plan is in effect.

2.27 General Aviation

General Aviation means any aircraft operating at *TVL* other than aircraft operated by: (i) the United States of America, or any of its agencies or departments; (ii) *Air Carrier* operations, whether conducted by a *Qualified Air Carrier* or an *Air Carrier* which has received a *Charter Flight* allocation; and (iii) operations conducted by any *Qualified Commuter Carrier* or any *Commuter Carrier* which is required to receive a *Charter Flight* allocation under the terms of this Plan.

2.28 Maximum Permitted Gross Take-Off Weight

Maximum Permitted Gross Take-Off Weight means, for:

<u>Aircraft Main Landing Gear Type</u>	<u>Pounds Gross Weight</u>
Single Gear:	70,000 pounds
Dual Gear:	120,000 pounds
Dual Tandem Gear:	210,000 pounds

2.29 Maximum Permitted Ground Operations Weight

Maximum Permitted Ground Operations Weight means those

maximum gross weights for aircraft operating or parking on various segments of the runways, taxiways, aprons and other paved airfield surfaces at TVL, as described, and with the various main landing gear types referred to, in Appendix A (Pavement Design Strength Diagram).

2.30 Maximum Permitted Noise Levels

2.30.1 Air Carriers and Transport Category Charter Aircraft

For Air Carriers and Transport Category Charter Aircraft, the Maximum Permitted Noise Level(s) means the specified noise levels, measured in dBA, for the following noise monitoring stations:

Regulated Monitoring Station Operation	Arithmetically Averaged Decibels	
M1, M1A, & M4:	80.0 dBA	Departure
M2 & M2A:	86.0 dBA	Arrival
M3:	87.5 dBA	Arrival

For each calendar quarter during the term of this Plan, Compliance for Qualified Air Carriers shall be based on arithmetically averaged noise levels calculated separately for each aircraft type operated at TVL during the relevant quarter by each Qualified Air Carrier. Compliance for aircraft conducting Charter Flights shall be measured on a single event, non-averaged basis. In addition, the compliance of any aircraft operation(s) regulated by this Plan shall be determined at each individual monitoring station, without "trade-offs" or "averaging" among monitoring stations.

2.30.2 General Aviation, Commuter Carriers and Commuter Category Charter Aircraft

For General Aviation, Commuter Carriers and Commuter Aircraft, Maximum Permitted Noise Level(s) means the specified noise levels, measured in dBA, for the following noise monitoring stations:

Monitoring Station	Decibels	Operation
M1, M1A, & M4:	80.0 dBA	Departure

M2 & M2A:	84.0 dBA	Arrival
M3:	85.5 dBA	Arrival

Compliance of any aircraft operation regulated by this Plan shall be determined on a single event, non-averaged basis, at each individual monitoring station, without "trade-offs" or "averaging" among monitoring stations.

2.30.3 Maximum Permitted Noise Levels (Evening)

Notwithstanding any other provision of Section 2.30, *Maximum Permitted Noise Level(s)* means, during the time period from 2000 hours (8:00 p.m.) to 0800 hours (8:00 a.m.) of each day ("the evening period"), a single event noise level of 77.1 dBA, except at Monitoring Station M3, where the *Maximum Permitted Noise Level(s)* means a single event noise level of 78.6 dBA. There shall be no averaging among monitoring stations in determining compliance with this and all related sections of this Plan by any *General Aviation* aircraft operations, or operations by aircraft conducting *Charter Flights*.

2.30.4 Reserved

2.30.5 Reserved

2.31 Noise Compliance Period

Noise Compliance Period means each calendar quarter during the period of this Plan. *Noise Compliance Period* applies only to operations by *Qualified Air Carriers* and *Qualified Commuter Carriers*. For all other operators, compliance with the *Maximum Permitted Noise Levels* is determined by reference to each aircraft operation, rather than the arithmetic average of such noise events during a calendar quarter.

2.32 Passenger Seat

Passenger Seat(s) means any seat(s) aboard any aircraft other than a seat dedicated solely and exclusively to the use of the aircraft crew other than seats dedicated or otherwise excluding the following categories of persons:

(i) Assigned crew members of the aircraft;

(ii) Persons aboard the aircraft who are employees of the operator of the aircraft (but not employees of some other commercial airline, whether or not that operator is

2.37 Plan Year

Plan Year means the period from January 1 of each year to December 31 of the same year during the term of this Plan, except that: (i) the first Plan Year of this Plan shall be the period from July 1, 1992 to December 31, 1993; (ii) the last Plan Year of this Plan shall be the period from January 1, 2002, to June 30, 2002, and (iii) all references to allocations of operating privileges in this Plan, including *Annual ADDs*, *Peak Season ADDs*, and *Seat Capacity* are to be understood to have been adjusted accordingly to provide proportional operating capacity for the two partial Plan Years which is equal to the number of days of each partial Plan Year, divided by three hundred sixty-five (365) days.

2.38 Presumptively Banned Aircraft

Presumptively Banned Aircraft means: (i) those aircraft listed on **Appendix B** to this Plan ("**Presumptively Banned Aircraft**"); (ii) any other aircraft which, by reference to the then latest version of Federal Aviation Administration Advisory Circular 36-3, generates either takeoff or arrival noise levels which exceed the applicable *Maximum Permitted Noise Levels* (as defined in Section 2.30); and (iii) any aircraft which has been disqualified from operations at TVL under the terms of this Plan for generating noise levels in excess of the *Maximum Permitted Noise Levels*.

2.39 Qualified Air Carrier

Qualified Air Carrier means any *Commercial Air Carrier* authorized by express action of the *City Council* to operate *Regularly Scheduled Air Service* at TVL under, and subject to, the terms of this Plan, and which is not in default or in violation of any provision of this Plan, or any of the operator's written agreements with the *City* which relate to operations at TVL. No person offering *Passenger Seats* to the general public in or out of TVL may become a *Qualified Air Carrier* unless that person has executed a written lease or operating agreement between that person and the *City*, and unless the *City Council* has authorized *City* execution of the lease or operating agreement, and the agreement has been executed by a duly authorized officer of the *City*.

2.40 Qualified Commuter Carrier

Qualified Commuter Carrier means any *Commuter Air Carrier* authorized by express action of the *City Council* to operate *Regularly Scheduled Air Service* at TVL under, and subject to, the terms of this Plan, and which is not in default or in

SECTION 7

AIRCRAFT QUALIFICATION TESTS

7.1 Prohibition Against Unauthorized Aircraft Testing

No person shall utilize any of the facilities at TVL, including, but not limited to, the runways, taxiways, buildings, services of airport tenants, or the noise monitoring system, for the purpose of conducting any aircraft noise, operations or performance tests without first receiving written authorization from the Airport Manager.

7.2 Aircraft Qualification and Certification Requirement

(a) No person shall operate any aircraft in *Regularly Scheduled Air Service* at TVL unless and until that aircraft type has been certified and qualified for operation by that person in accordance with the provisions and procedures of this Section 7. This Section applies to all *Regularly Scheduled Commercial Users*. Other persons desiring to perform noise tests at TVL for any purpose, including aircraft manufacturers, general aviation operators, or any person other than the United States of America, shall also comply with the procedures of this Section.

(b) No person shall operate any *Presumptively Banned Aircraft* at TVL unless that person has complied with the requirements of this Section 7, and the results of the noise qualification test demonstrate that the aircraft can regularly be operated at TVL in a manner which is legal, safe, meets all regulatory and operational requirements, conditions and limitations established or adopted by the Federal Aviation Administration, and that the aircraft can regularly be operated at TVL in compliance with the *Maximum Permitted Noise Levels* applicable to that aircraft and its operations at TVL.

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7.3 Aircraft Qualification and Certification Procedures

Every person required to qualify and certify an aircraft for operation at TVL shall meet the requirements of this Section.

requirements or procedures in order to insure compliance with this Plan and other regulations for TVL, and with the established goals and policies of the City in respect of the operation and management of TVL.

7.3.1 Information Requirements

Any person proposing to qualify an aircraft for service at, or use of TVL shall first submit to the Airport Manager a written noise qualification test request, together with all other documents required under this Section as a condition to performing a noise qualification test. At a minimum, the written noise qualification test request shall include the following information:

(a) All information and material available to applicant substantiating its belief that the proposed aircraft can operate within the *Maximum Permitted Noise Levels* applicable under this Plan to that aircraft as it will be operated at TVL;

(b) The aircraft model number and type, and the engine model number(s) and type(s);

(c) All operator, manufacturer and aircraft manual pages which reflect or relate to the maximum operational gross weight of the aircraft in service at TVL;

(d) A statement of the applicant's projected typical operational weight range of the aircraft in service at TVL, based upon representative fuel and passenger loads, and a statement of what assumptions the applicant has used in projecting the typical operating weight range;

(e) A complete description, together with all applicable pages from manufacturer and airline manuals, of the specific departure procedures the applicant intends to use in operating the aircraft at TVL and, if the applicant believes that the departure procedure is in regular use at TVL by another operator using the same aircraft model with the same engine types, a statement of the identity of such other operator(s); and

(f) Any applicant Air Carrier or Commuter Carrier shall also provide a statement in writing from either the Associate Administrator for Flight Standards, or the head of the Flight Standards Division of the Western-Pacific Region of the Federal Aviation Administration stating: (i) that FAA has reviewed the particular operational procedure(s) proposed by the qualifying airline in connection with its use of the aircraft in operations at TVL; (ii) that the procedure complies with all applicable

rules, regulations and policies of the FAA, and meets all FAA requirements for safety of aircraft in flight; and (iii) that the qualifying airline may lawfully use the procedure in Regularly Scheduled Air Service at TVL.

7.3.2 Flight Test Procedure

If the applicant has fully met the requirements of Section 7.3.1, the Airport Manager may permit a flight qualification test of the aircraft at TVL on terms, and subject to conditions, which the Airport Manager may impose in furtherance of the goals and policies of the City in its operation of TVL. At a minimum, however, aircraft qualification tests must include: (i) not less than five (5) separate departures and five (5) separate arrivals on Runway 18/36, as directed by the Airport Manager, and using all FAA mandated flight procedures then in effect at TVL; and (ii) the test flights must be operated at not less than representative operational weights for service with that aircraft by the applicant airline (or other person, if appropriate) at TVL. Determination of the results of the flight qualification test shall be made based upon the *dBA* values of the test flights at each Criterion Monitoring Station. The Airport Manager shall make his determination regarding the qualification of the aircraft type being tested based upon whether the results of the noise test indicate that the aircraft can regularly operate at TVL within the applicable Maximum Permitted Noise Levels.

7.3.3 Subsequent Modification of Departure Procedures

If, at any time after qualification of any aircraft under this section, any person proposes to implement a departure procedure for the previously qualified aircraft in operations at TVL other than the procedure previously described by that person under Section 7.3.1(e) and (f), (or the procedure previously described by that person under the requirements of this section), that person shall resubmit to the Airport Manager the information required by Section 7.3.1(e) and (f) for the new departure procedure not later than ten (10) days prior to the day the new departure procedure is first implemented.

7.4 Notification of Results of Noise Test and Certification

Within ten (10) working days after completion of the noise qualification test procedure under Section 7.3, the Airport Manager shall notify the qualification test applicant in writing of the results of the noise qualification test, and shall advise the applicant of whether the proposed aircraft type has been qualified as an aircraft permitted to operate at TVL. If the noise qualification test performed under Section 7.3.2 was at less than the certified maximum gross takeoff weight of the aircraft,

or if he deems it necessary for any purpose related to the implementation and enforcement of City policy in respect of the operation of TVL, the Airport Manager, may impose conditions upon his certification of the aircraft and its use in Regularly Scheduled Air Service at TVL.

7.5 Post-Qualification Compliance

Following qualification of an aircraft under this Section, in all subsequent Noise Compliance Periods, the determination of whether or not the aircraft has been operated in compliance with the applicable Maximum Permitted Noise Levels shall be determined by reference to the actual operational configuration of the aircraft, and the actual monitored dBA values of the aircraft (or aircraft type), as used at TVL.



EXHIBIT E

Noise Complaint and Response Package

Noise Complaint System

The City of South Lake Tahoe shall continue a 24-hour noise complaint system throughout the twenty-year term of the Master Plan that shall include the following components:

1. The City shall staff and manage the complaint system during normal business hours, and shall contract for noise complaint collection before and after normal business hours, holidays and weekends.
2. The City has established and shall maintain a noise complaint telephone number ((916) 541-4082) which is listed in the South Lake Tahoe telephone directory and shall be periodically publicized in the normal course of City public information distribution.
3. The City has established and shall maintain policies for recording noise complaints that include:
 - a. A standardized questionnaire reporting form has been developed for collecting noise complaint information that can be used in tracking and responding to complainants. Both the Airport and it's contractor shall use the form.
 - b. Complaint information shall be taken in an objective manner using the questionnaire. City reserves the right to discuss known information and existing City policies when a complaint is received.
 - c. The City shall refine procedures to match each noise complaint with the plane causing the event and shall mail a postcard in a timely manner to the complainant regarding status of that complaint.
 - d. By standard City procedure, the complaint mechanism shall include an appeal mechanism to the Airport Commission and City Council for those who are not satisfied with the response and follow-up from the complaint.

- e. No anonymous calls will be recorded. Callers which are abusive need not be responded to or considered. However, the usual procedures shall be followed if a violation has occurred.
- f. Monthly summaries of noise complaints shall be provided to the Airport commission, including the DB level of each event. Those summaries shall be a public record and available to any of the parties of this agreement upon request.
- g. A brochure shall be developed and maintained by the City explaining the airport noise program, including noise standards, types of airplanes using the airport (for identification in future noise complaints) and noise abatement procedures.

Noise Complaint System Check

4. The TRPA may establish procedures for testing the noise complaint system with random calls, which will be checked against the record-keeping and follow-up system. The TRPA may send periodic questionnaires to complainants regarding the effectiveness of the system.

Noise Abatement Procedures Publication

5. The City has published a notice of noise sensitivity and noise restrictions in the FAA/NOAA Airport/Facilities Directory. The City shall continue to publish such notices as desired.
6. The City has developed and shall maintain a "flyer" for pilots that outlines noise concerns, and suggested approach and takeoff patterns. The flyer shall also be sent to other airport users such as owners of based aircraft, persons on the waiting list for a tie down or hangar and the fixed based operator will be requested to provide information to all arriving transient general aviation aircraft.