


FAA Airport Conveyances



AUTHORITY

- **A. PREVIOUS STATUTES**
 - **1. FEDERAL AIRPORT ACT OF MAY 13, 1946 (REPEALED)**
 - **2. AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970 (REPEALED)**

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- **B. PRESENT STATUTE**
 - **AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982**

 - **C. REGULATIONS**
 - **BLM - 43 CFR 2640**
 - **FAA - 14 CFR 153 and 154 (repealed)**

 - **D. MANUAL**
 - **BLM 2640 - OBSOLETE**



Qualified Applicants

- **Any public agency as defined in 14 CFR 154.3:**
 - **“A state, Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, Guam, or the District of Columbia, agency of any of them, a municipality or other political subdivision, a tax-supported organization, or an Indian tribe or pueblo...”**



Lands or Interests in Lands Subject to Conveyance

- **A. Surveyed or unsurveyed lands or interests in lands EXCEPTING:**
 - **National Park System - Federal lands within the National Parks, National Monuments, National Recreation Areas, or similar areas under the administration of the National Park Service.**

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- **National Wildlife Refuge System** - Federal lands within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the U.S. Fish and Wildlife Service.
 - **National Forest System** - Federal lands within any National Forest or other lands and interests administered by the Forest Service.
 - **Indian Reservations** - Indian Reservation lands.
 - **Wilderness Areas** - Federal lands within any area designated part of the National Wilderness Preservation System or any designated wilderness study area.

PROCESSING PROCEDURES

- **A. Applicant Public Agency**
 - **Files request for conveyance in quadruplicate with FAA Regional Airports Division Manager (14 CFR 154.5 and .7)**



- **B. Regional Airports Division Manager**

- **1. Reviews request for conveyance and determines whether applicant is eligible and a conveyance is proper (14 CFR 154.9)**
- **2. Sends request for conveyance to BLM State Office for determination by BLM authorized officer if conveyance would be inconsistent with BLM needs. FAA SHOULD INCLUDE AT LEAST THE FOLLOWING:**



a. **Agency Application** - A copy of the public agency's application to the FAA for land under BLM administration.

b. **Evidence Document** - A copy of the document evidencing the legal capability of the proposed grantee to acquire title to, or interests in land for airport purposes (resolution).



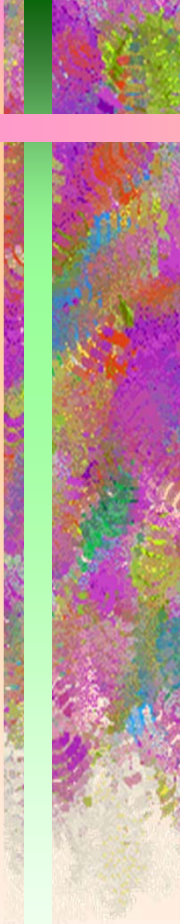
c. **FAA Letter** - FAA's letter approving the application and setting forth the FAA conditions to be made a part of the grant.

d. **FAA NEPA Determination** - FAA's determination regarding the requested conveyance pursuant to Section 102(2)(C) of NEPA. This is usually based upon the applicant agency's NEPA assessment required with application for conveyance



C. BLM State Office

NOTE: FAA Order 51-70.1 states that FAA has the responsibility to ensure that NEPA is adequate. They sign the FONSI and make the decision. BLM is a cooperator (14 CFR 154.7(b)(14)).

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1. Date-time stamp application - BLM has 4 months from the date of receipt to notify FAA of its determination on its request for conveyance.
 2. Serialize application - LR2000 input.
 3. Check application to see if all necessary documents have been submitted.
 4. Prepare processing cost estimate - Applicant agency must reimburse BLM for all costs of processing the requested conveyance.
 5. Send or deliver processing cost recovery estimate to applicant public agency requesting payment. Use certified mail/return receipt or obtain a signed confirmation if hand delivered to applicant.



D. Applicant Public Agency

Submits payment of estimated processing costs to BLM



E. BLM State Office

1. Establish reimbursable account under Subactivity 5440. A project code must be assigned to the case. All work performed on request for conveyance is charged to this project code
2. Send case to appropriate Field Office for EA. BLM can be a cooperator with FAA or can do a supplement. NOTE: The applicant agency usually contracts for the EA with BLM review and acceptance after FAA review and acceptance




F. Field Office

1. Prepare a NEPA document and Mineral Report
 - Land Use Plan compliance
 - Authorized Grazing Use, Section 402(g) of FLPMA - If the AO recommended decision is to approve the request for conveyance, immediately give the grazing user(s) their “2 years” notice and try to get a waiver. This will minimize potential delay in approval of the conveyance should a permittee/lessee not waive such notification.
2. Make recommendation and return file to SO.



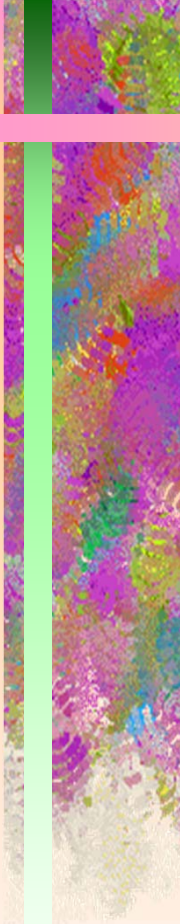
G. BLM State Office

1. Review EA and FO recommendation
2. Prepare Notice of Realty Action in accordance with 43 CFR 2641.3.
 - a. Segregation
 1. The NORA may segregate the lands or interests to be conveyed from appropriation under the public land laws, including the mining laws, from date of publication in the Federal Register. (43 CFR 2641.3)



2. Segregation is for one year. Conflict with 2641.3(b) and 2091.4-2(a) as to termination upon issuance of patent.

3. Lands covered by an airport grant remain open to the operation of the mineral leasing laws, the material disposal laws and the Geothermal Steam Act.



3. Publish NORA in Federal Register and in a newspaper of general circulation in the area in which the lands are located providing for public comment period of 45 days from the date the NORA is published. Applicant agency is responsible for these publication costs which are charged to the reimbursable account established for the case.


43 CFR does not require further distribution of the NORA than publication in the FR and in a local newspaper. It should at least be sent to the applicant public agency and to FAA. For consistency with public notification procedures for other lands actions, the NORA should be sent to interested third parties including, but not limited to, existing authorized land and resource users and adjoining land owners.



4. Review comments and protests to NORA


a. Comments and protests can be acknowledged in the Letter of Determination, if appropriate, or acknowledged with a separate response.


B. If, as a result of a comment or protest, the decision to approve the conveyance is modified, the NORA may have to be amended. If the determination to approve the conveyance is reversed, the request for conveyance will be denied by the Letter of Determination.



5. Prepare Letter of Determination to FAA stating that transfer of the land is not inconsistent with the needs of the Department of the Interior, OR, that transfer of the lands is inconsistent with the needs of the Department. The Letter of Determination should include:

- a. The terms, covenants, conditions, and reservations to be included in the conveyance.
- b. Responses to comments made on the NORA.

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6. Send Letter of Determination to the following:
 - a. FAA Regional Airports Division Manager.
 - b. Applicant Public Agency.
 - c. Any party who commented on or expressed an interest in the request for conveyance.

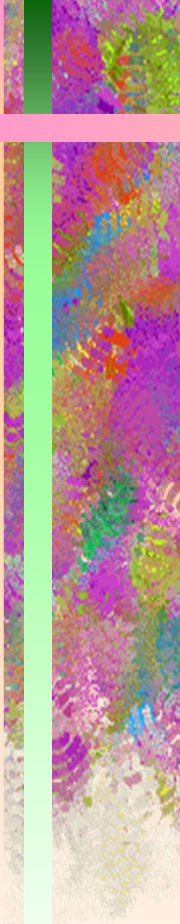


7. Check the applicant public agency's reimbursable account to determine the balance of funds remaining to complete the conveyance. You probably will not have a final total of reimbursable expenditures until some time after the conveyance is made. If the deposit balance is low, estimate what additional funds will be needed to complete the conveyance and request a supplemental deposit from the applicant agency. Advise the agency that any remaining funds will be refunded and give an estimated time they can expect to receive the refund.

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8. Prepare airport patent package. Send package to Marilyn Roth in WO-350.

Patent package includes:

- a. Agency Application - A copy of the public agency's application to FAA for land under BLM administration.
- b. Evidence Document - A copy of the document evidencing the legal capability of the proposed grantee (applicant public agency) to acquire title to, or interest in, land for airport purposes. (This document is required by 14 CFR 154.7 as part of the request for conveyance submitted to FAA).

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- c. FAA Letter - A copy of the FAA letter approving the application (request for conveyance) and setting forth the FAA conditions to be made a part of the grant.
 - d. FAA Determination - A copy of the FAA determination pursuant to Section 102(2)(C) of NEPA.
 - e. BLM Determination - A copy of the BLM Letter of Determination to the FAA that transfer of the land is not inconsistent with the needs of the Department of the Interior.
 - f. NEPA DECISION – A copy of BLM’s FONSI or ROD. Include plats and maps of area to be patented.
 - g. Patent – Two original patents to the applicant public agency, signed, dated and numbered.



H. Assistant Attorney General, DOJ

1. Approves conveyance - signs and dates original of airport patent on approval space.
2. Sends Patent Package back to BLM WO 350.



I. BLM State Office

1. Deliver airport patent to applicant public agency.
2. Send copy of airport patent to FAA Regional Airports Division Manager.
3. Refund unused funds from reimbursable account after several months and account has cleared.



V. Compliance

A. Reversionary provisions

1. Federal Airport Act of May 13, 1946 provides:

“.... each such conveyance shall be made on the condition that the property interest conveyed shall automatically revert to the United States in the event that the lands in question are not developed, or cause to be used, for airport purposes.” NOTE: “shall revert” means at the option of the Administrator.



2. Airport and Airway Development Act of 1970 and Airport and Airway Improvement Act of 1982 provide:

“A conveyance may be made only on the condition that, at the option of the Secretary (of Transportation), the property shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall at the option of the Secretary, revert to the United States.”



B. Administration of Airport Grants

1. FAA has administrative jurisdiction over lands and interests conveyed by the airport grant.
2. BLM role is normal compliance checks and reporting any inconsistencies to FAA.