



U.S Department  
of Transportation

**Federal Aviation  
Administration**

Western-Pacific Region  
Airports Division

San Francisco Airports  
District Office  
2999 Oak Rd, Suite 200  
Walnut Creek, CA 94597

March 28, 2023

VIA EMAIL: [robb.etnyre@truckeeatahoeairport.com](mailto:robb.etnyre@truckeeatahoeairport.com)

Mr. Robb Etnyre  
Airport Manager  
Truckee Tahoe Airport  
10356 Truckee Airport Rd.  
Truckee, CA 96161

Dear Mr. Etnyre:

Re: Truckee Tahoe Airport (TRK); Updated Section 163 Determination;  
Proposed Property Exchange

This letter supersedes and replaces the FAA Section 163 determination letter dated January 25, 2023. The San Francisco Airports District Office (SFO-ADO) has reevaluated its determination for Section 163 decision-making authority of the Truckee Tahoe Airport's (TRK) proposed property exchange project.

Recent changes in federal law have required the FAA to revisit whether FAA approval is needed for certain types of airport projects throughout the nation. On October 5, 2018, HR 302, the "FAA Reauthorization Act of 2018" (the Act) was signed into law (P.L. 115-254). In general, Section 163(a) limits the FAA's authority to directly or indirectly regulate an airport operator's transfer or disposal of certain types of airport land. However, Section 163(b) identifies exceptions to this general rule. The FAA retains authority:

1. To ensure the safe and efficient operation of aircraft or safety of people and property on the ground related to aircraft operations;
2. To regulate land or a facility acquired or modified using federal funding;
3. To ensure an airport owner or operator receives not less than fair market value (FMV) in the context of a commercial transaction for the use, lease, encumbrance, transfer, or disposal of land, any facilities on such land, or any portion of such land or facilities;
4. To ensure that that airport owner or operator pays not more than fair market value in the context of a commercial transaction for the acquisition of land or facilities on such land;
5. To enforce any terms contained in a Surplus Property Act instrument of transfer; and
6. To exercise any authority contained in 49 U.S.C. § 40117, dealing with Passenger Facility Charges.

In addition, Section 163(c) preserves the statutory revenue use restrictions regarding the use of revenues generated by the use, lease, encumbrance, transfer, or disposal of the land, as set forth in 49 U.S.C. §§ 47107(b) and 47133.

Section 163(d) of the Act limits the FAA’s review and approval authority for Airport Layout Plans (ALPs) to those portions of ALPs or ALP revisions that:

1. Materially impact the safe and efficient operation of aircraft at, to, or from the airport;
2. Adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations; or
3. Adversely affect the value of prior Federal investments to a significant extent.

### Proposed Project

Truckee Tahoe Airport is proposing the following near-term land exchange:

The Truckee Tahoe Airport District (TTAD) proposes to conduct a property exchange. TTAD proposes to Fee Simple convey TRK Parcel B (35.63 acres) to the Tahoe-Truckee Sanitation Agency (TTSA).

In exchange, TTSA would provide to TRK/TTAD several parcels consisting of: Fee Simple Parcel A (28.24 acres), Fee Simple Parcel A1 (2.28 acres), along with Avigation Easement for Parcel C (10.34 acres).

<b>Parcel</b>	<b>Parcel Ownership and Acquisition Form</b>	<b>Exchange Acres</b>
B	Owned by TRK/TTAD (located on Parcel 12a; APN-49-004-11; 106.9 acres); proposed disposal of a portion (35.63 acres) to TTSA – Fee Simple	35.63
A	Owned by TTSA proposed for exchange – TRK Fee Simple acquisition	28.24
A1	Owned by TTSA proposed for exchange – TRK Fee Simple acquisition	2.28
C	Owned by TTSA proposed for exchange – TRK Avigation Easement acquisition	10.34

### The FAA's Determination Regarding Changes to the Airport Layout Plan

For the purpose of determining whether the proposed project requires FAA ALP approval, we have determined that the proposed project would have no material impact on aircraft operations, at, to, or from the airport; would not affect the safety of people and property on the ground; and would not have an adverse effect on the value of prior Federal investments to a significant extent. Therefore, the FAA lacks the legal authority to approve or disapprove changes to the ALP for the proposed project.

### FAA's Authority to Regulate Land Use

TRK Parcel B is a 35.63-acre portion of dedicated airport property, reflected as located within Exhibit "A" Airport Property Map parcel #12a (APN-49-004-11; 106.9 acres). TRK Parcel B was acquired with local funding, without federal assistance, and the proposed project will not impact the safe and efficient operation of aircraft or safety of people and property on the ground related to aircraft operations. Therefore, the FAA lacks the authority to regulate the use of the land associated with this project.

### Applicability of the National Environmental Policy Act (NEPA)

Because the FAA lacks the legal authority to approve or disapprove changes to the ALP, and lacks the authority to regulate the use of the land associated with this project, the agency does not have an action subject to NEPA.

### Sponsor Obligations Still In Effect

This determination only addresses FAA's approval authority for this project. It is not a determination that the project complies with the sponsor's federal grant assurances. The sponsor must continue to comply with all of its Federal grant obligations, including but not limited to Grant Assurance #5, Preserving Rights and Powers; Grant Assurance #19, Operation and Maintenance; Grant Assurance #20, Hazard Removal and Mitigation; Grant Assurance #21, Compatible Land Use; and Grant Assurance #25 Airport Revenue.

Section 163 and Grant Assurance 25 require the airport sponsor to receive not less than fair market value for the use, lease, encumbrance, transfer, or disposal of land, any facilities on such land, or any portion of such land or facilities. The sponsor must ensure that any revenues generated as a result of this project may only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport.

The sponsor also has the responsibility to comply with all federal, state, and local environmental laws and regulations.

Additionally, Grant Assurance 29 still requires the airport to update and maintain a current ALP. An updated ALP and Exhibit A property map should be submitted to the SFO ADO if the project is completed.

If you have any questions or need any assistance, please call me at 612 205-6850.

Sincerely,

Laurie J. Suttmeier  
Manager, San Francisco Airports District Office