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### **Airports and Wetlands: Between a Rock And a Moist Place**

- The existence of wetlands on an airport can have a profound impact on the way land is used and developed.
- Elimination of vacant land due to the presence of wetlands makes adaptive reuse of developed airside parcels practical and necessary
- If an airport possesses a large land area, it may be possible to "trade" areas so that wet parcels proximate to runway and taxiways can be developed.
- Wetlands can cause problems with regard to encroachment into RPZ's and other protected areas.
- Protected areas on airports can cause the proliferation of deer and other wildlife which can often conflict with aircraft.
- Airports area in all probability more of an endangered species than wetlands, and may require some special relief from regulations - but this does not seem to be on the horizon.
- The FAA has recently issued an Advisory Circular (AC NO150/5200) which deals with some general guidelines regarding wildlife attractions on or near airports. This document has been used by some airport operators as "official" support for their position when dealing with the Corps of Engineers and other elements of the regulatory process.

Like other segments of the world, the changing regulatory environment regarding wetlands has had an affect on airports. The development of airport land is an important factor in its growth, and the challenge of wetlands is felt in a number of critical areas.

When wetlands are designated on an airport, large chunks of formerly developable airside property may be eliminated. This means that sites for hangars, cargo buildings, terminals and other airside improvements become limited. This is forcing some airport managers to consider recycling existing airside land and improvements as an alternative to developing on virgin territory. This may mean the demolition of an ostensibly viable airside improvement and its replacement with something more modern and more lucrative. Demolishing airside property is a course of action generally seen only on large airports which are subject to more intensive land use demands. Hangars and other structures are extremely ubiquitous and even very old structures can be practical and develop a revenue stream for airport operators.



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There are provisions in some states for wetlands to be filled in so long as an equivalent wetlands area is created on some other location. On larger airports with land areas which can accommodate the inclusion of wetlands in some non strategic location, this may be practical. On smaller airports, there is many times no land to spare to dedicate to this purpose, and the relative value of the land being dedicated for wetlands becomes a critical factor.

The FAA's recently issued Advisory Circular deals with the potential hazard which can occur when birds and other wildlife can be attracted into active airspace or have access to aircraft movement areas. The general recommendation regarding wildlife attractions such as waste disposal sites, waste water treatment facilities and wetlands is that they not be deliberately sited within 10,000 feet of any edge of a turbine-use runway or within 5,000 feet of any edge of a piston-use runway. Additionally, the FAA recommends that any site which attracts or sustains hazardous bird movements from feeding, watering or roosting areas through the runway's approach or departure paths should be not sited within five miles of a runway edge. This could limit the options for on-airport land swaps involving wetlands.

When wetlands exist in areas which require the airport sponsor to control vegetation, airport managers can find themselves facing a Kafkaesque nightmare of restrictions and ultimately be caught between a rock and a wet place. People tend to think of wetlands as swamps, and as a result, do not realize that many wetlands can develop trees which may penetrate Part 77 surfaces at critical locations around a runway surface. The requirements that an airport operator keep vegetation below a certain height can come into direct conflict with wetlands regulations which prohibit any sort of tree trimming or alteration to the wetlands environment.

In addition to the encroachment of trees to areas which must be protected under the sponsor's assurances, wetlands can also serve as attractive territory for deer and other wildlife which can come in conflict with aircraft at the facility. Deer seem to have a particularly ineffective collision avoidance system when it comes to aircraft, and a number of large and small airplanes have had high speed encounters with these animals during landing and take off operations. Birds can likewise cause obvious hazards for aircraft and the reasonable elimination of hazards for aircraft is one of the most important aspects of running an airport.

It is felt by some airport managers that airports will have to be recognized as a unique form of endangered species in and of themselves. This may make it possible to strike a balance between the obvious need to preserve important aspects of the eco system and also having an efficient and affective airport system which can serve the public. So far,



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few entities from either the environmental or aviation side of the issue have been able to put together any form of substantial proposal to develop environmental regulations for airports which are reflective of airport's specialized character.

The practical effect of the FAA's issuance of Advisory Circular 150/5200 is that it has given some airport operators something to hang their hat on in their dealings with the Corps of Engineers and other local environmental regulators. The safety oriented position the FAA has taken with regard to the direct and indirect hazard caused by potential misplacement of a variety of wildlife attractions has officially backed-up what many airport managers and planners have been saying for years, and has caused governmental agencies to be less inflexible when dealing with environmental issues which may adversely impact airports.

Additionally, as this issue of NOTAMS was going to press, a federal court upheld a lower court's finding that the government must compensate property owners for the economic impact of any wetlands designation on property. This may make the federal government liable for billions of dollars worth of compensatory damages and make the entire wetlands delineation process similar to the condemnation of property for public purposes such as roads, parks and - yes, even airports.