



U.S. Department
of Transportation
**Federal Aviation
Administration**

Federal Aviation Administration
Airports Division, Southwest Region
Safety and Standards Branch

10101 Hillwood Parkway
Fort Worth, TX 76177

August 26, 2022

Mr. Stephen Alexander
Texas Aviation Partners
Pearland Regional Airport
17622 Airfield Lane
Pearland, TX 77581
salexander@texasaviationpartners.com

Subject: Pearland Regional Airport (LVJ) – Residential Development

Dear Mr. Alexander:

This letter is in regards to your recent meeting with the FAA's Texas Airports District Office (ADO) on August 10, 2022 and the letter dated July 6, 2022 from the Texas Department of Transportation Aviation Division (TxDOT) regarding potential grant assurance violations at the Pearland Regional Airport (LVJ or Airport). We are aware that a local permit was provided by the Brazoria County Drainage Commission to allow construction of a storm water drainage basin on federally obligated land at LVJ.

The land for the proposed basin is federally obligated on the airport sponsor's Exhibit A property map approved by TxDOT in 2017. The failure to obtain FAA authorization for a release of federal obligations is a violation of the applicable federal obligations contained in 49 U.S.C. 47107.

The establishment of a drainage basin and associated residential community on or near a federally obligated airport is considered incompatible with airport operations. This incompatible land use could introduce wildlife hazard attractants in the airport environment, impacting the safe operation of the airport.

Furthermore, the associated residential development adjacent to the land needed for the drainage basin is on obligated land according to the latest Airport Layout Plan (ALP), and may have the following Grant Assurance violations:

1. Grant Assurance 5, *Preserving Rights and Powers*. Under Grant Assurance 5, an airport sponsor should not take any action that may deprive it of its rights and powers to direct and control airport development and comply with the grant assurances. Selling airport land in order to build an incompatible land use is potentially a violation of this grant assurance.
2. Grant Assurance 20, *Hazard Removal and Mitigation*, requires protecting against establishment or creation of future airport hazards, including wildlife hazards. Selling airport land in order to build an incompatible land use is potentially a violation of this grant assurance.
3. Grant Assurance 21, *Compatible Land Use*. Grant Assurance 21 relates to the obligation of the airport sponsor to take appropriate actions to zone and control existing and planned land uses to make them compatible with aircraft operations at the airport. Selling land

owned by the airport without deed restrictions to prevent an incompatible land use next to the airport is a possible violation of this grant assurance.

3. Grant Assurance 29, *Airport Layout Plan*. This requires the airport owner or sponsor to keep its Airport Layout Plan (ALP), which is a planning tool for depicting current and future airport use, up to date. Grant assurance 29 prohibits the airport owner or sponsor from making or permitting any changes or alterations in the airport or any of its facilities that are not in conformity with its FAA-approved ALP.

As a reminder, the FAA must approve all land use changes on federally obligated land. Any ongoing construction or alteration that impacts federally obligated land is at the airport sponsor's risk.

The FAA requests the following information and coordination by September 9:

- 1) Provide information related to the circumstances surrounding the proposed residential development and associated drainage basin. This would include the impact to airport property, currently designated use, and anticipated future use of obligated property.
- 2) Coordinate any request for release of federal obligations or change in use with TxDOT.
- 3) Subsequent to any land use change or release of obligation, submit an update to LVJ's approved Airport Layout Plan and Exhibit A/Property Map, and keep it up to date at all times in the future.

Failure to abide by the aforementioned requirements and take the necessary corrective action will result in the FAA taking actions to place the airport in noncompliance, including requiring a corrective action plan. Noncompliance could result in:

- 1) Cessation of all future federal funding.
- 2) Removal of the airport's "Reliever" status.
- 3) Removal of the airport from the FAA's National Plan of Integrated Airport System (NPIAS), which is a prerequisite to receiving future federal funding from the FAA.
- 4) Require the airport to pay back a pro-rated portion of the FAA's federal investment of \$17 million.

If you have any questions, please contact our Regional Compliance Specialist, Gary Loftus at 817-222-5671.

Sincerely,

Ignacio Flores,
Director, Office of Airports,
Southwest Region