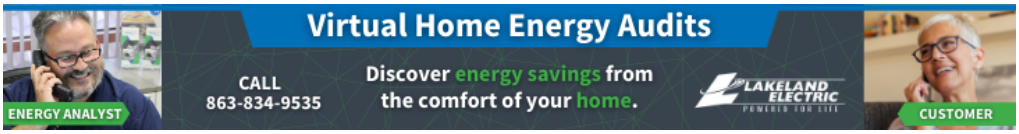

CITY HALL / NEIGHBORHOODS

Petition Makes Noise: FAA's Approval of Amazon Expansion Set for Mediation

 John Haughey Mar 7, 2022 at 5:36 pm

Traffic is a snarly issue in Lakeland with growth not only congesting a stressed road grid, but filling the skyscape with aircraft coming and going from city-owned Lakeland Linder International Airport.

Aviation commerce at the airport has been increasing steadily since the Lakeland City Commision in 2019 approved Amazon's plans for a 285,000-square-foot cargo depot that opened in July 2020.

And jet traffic is set to continue booming in the skies above the city after the U.S. Federal Aviation Administration in October approved Amazon's plans to double its Lakeland air operations with up to 44 Boeing 737/767 jets a day flying in or out of the airport by 2027.

Cargo jets line up at the Amazon facility at Lakeland Linder Airport.

In issuing its determination of "No Significant Impact," the FAA determined the Amazon expansion "will not significantly affect the quality of the human environment," dismissing opposition from area residents concerned about jet noise. The FAA earlier rejected a proposed visual approach along the Polk Parkway that was submitted by the city.

The FAA's finding gave Amazon the green light to proceed with its 63-acre expansion that includes a 64,600-square-foot cargo-sorting depot, space for up to three jets, a 370-slot truck bay and employe parking lot. Amazon plains to increase the number of flight from 22 in 2021 to 44 by 2027

Sponsor message:

KEEP UP WITH LAKELAND

Get LkldNow news via email.
Always free. Choose how often.

Your email address

Select one or more:

- Weekly, our premium newsletter
- Instant news alerts
- Daily summary

SIGN UP

We promise not to spam you. You can unsubscribe at any time.

Keep Up with Lakeland.

We'll send you an email on Thursdays to let you know what's happened so far this week and what's coming up for the weekend.

Your Email Address:

We promise not to spam you. You can unsubscribe at any time.

SIGN ME UP!

But the Amazon's expansion plans could still be grounded before launch.

On Dec. 28, five Lakeland residents — John S. Lowman, Holly Lowman, Rick Brian Stevens, Maryanne Stevens, Jabin Bonnet — filed a petition with the U.S. 11th Circuit Court of Appeals in Atlanta seeking an administrative review of the FAA's order.

The petition alleges FAA's finding violates the Noise Control Act, the Federal Aviation Act, the Clean Air Act, National Environmental Policy Act, Section 4(f) of the Department of Transportation Act and other regulations and FAA orders, according to the lawyers who filed it.

The five petitioners are represented by attorneys Steven Taber and Daniel Yeomans of Leech Tishman Fuscaldo & Lampl, Inc., which is based in Pittsburgh. Both work out of the firm's office in Pasadena, Calif.

On Jan. 25, the city filed a 40-page motion to intervene to defend the FAA's finding, despite the agency's rejection of its noise-abatement "parkway approach" plan.

Keep Up With Lakeland

Each Thursday, we'll send you the latest news and preview the weekend.

Your email address...

SIGN ME UP

We promise not to spam you. You can unsubscribe at any time.

The 11th Circuit on Jan. 27 ordered a three-hour March 29 telephone mediation between the petitioners, the city and the FAA, calling on "all parties and counsel … to participate in good faith and with the intention of attempting to settle on a basis all parties can accept."

A Lakeland law firm is asking local homeowners associations, civic groups and individuals to suppor the petition with comments or to sign on as petitioners before the mediation at the end of the month.

Attorney Trey Harden of The Harden Law Group in Lakeland is encouraging HOAs and civic groups to contact his office to "join the petition and let them know you disapprove" of the FAA's finding.

Several HOAs have signed onto the effort, he said, "including Grasslands, which has 400-odd home along with homeowners in Cleveland Heights, Lakeland Highlands and Lakeside Preserve among th "people who are having noise issues with the jets taking off and the jets landing."

LAKELAND EVENTS

FRI 18 **Detroit Tigers vs. Philadelphia Phil…** Joker Marchant Stad… | Lakeland, FL

THU 17 **Hand to God** Lakeland Community … | Lakeland, FL

THU 17 **Nancye Blair Black / David Leslie / …** Pink Piano | Lakeland, FL

THU 17 **Detroit Tigers vs. Toronto Blue Jays** Joker Marchant Stad… | Lakeland, FL

THU 17 **Original Sewing & Quilt Expo** RP Funding Center | Lakeland, FL

THU 17 **3/17 11:00 AM Southeastern Unive…** Lakeland, FL

THU 17 **Jessi Lynn & More @ Hillcrest Coff…** Hillcrest Coffee | Lakeland, FL

THU 17 | FRI 18 | SAT 19 | SUN 20 | MON 21 | TUE 22

See all events | Add your event

CORONAVIRUS

- Local data and LkldNow coverage
- Florida current situation
- Vaccine sites

LKLDNOW ORIGINALS

Three Projects Propose 1,000 Apartments in Southwest Lakeland

Mayor Lauds RP Funding Center Chief, Then Insists He Further Slash the City's Subsidy

New Historical Marker Honors 1928

Keep Up with Lakeland.

We'll send you an email on Thursdays to let you know what's happened so far this week and what's coming up for the weekend.

Your Email Address:

We promise not to spam you. You can unsubscribe at any time.

SIGN ME UP!

Until last week, the effort was “word of mouth and speaking with different HOAs. We are in the beginning phases, Harden said, adding the response has been “pretty good.”

Last March, the city awarded consultant ABCx2 a $50,000 contract to develop a “visual approach” to Lakeland’s airport to abate air traffic noise. The proposed path was along the Polk Parkway, using landmarks to guide them away from dense residential areas.

In May, nearly 200 residents attended a public hearing at the RP Center on Amazon’s proposed expansion. The comments were overwhelmingly negative and were submitted with the city’s environmental assessment and ABCx2’s proposed line-of-sight flight plan.

FAA rejected the city’s visual-approach proposal on Oct. 5 and issued a formal finding on Oct. 29 that it “found no significant impact and approved the proposal to allow the Amazon expansion process to begin,” Harden said.

“We’re not quite sure why they rejected that,” he said, noting he has filed Freedom of Information Act requests “to the FAA and the city to try to gather all the documents” related to the decision to ascertain what objections the FAA had.

“The funny thing is the FAA is usually pretty open to suggestions” from local communities around airports, he said. “For whatever reason, this time they rejected it out whole.”

The FAA’s finding and local opposition puts the city in a tough spot, Harden said, because it put “the foot before the horse” in approving Amazon’s proposed expansion before it had completed the environmental assessment and conducted public hearings.

“The problem is the city is stuck with this at this point,” he said. “This agreement was signed before many of these studies were done. Nobody really foresaw the impacts this would have. We are trying to go back and fix all this.”

The city’s initial 2019 contract with Amazon included provisions allowing for an expansion, and City Attorney Palmer Davis told commissioners last June that the city has “a contractual obligation … to cooperate with Amazon to get the approvals necessary to expand on that property.”

Lakeland’s proposal was “a good plan,” Harden continued, noting his firm has hired ABCx2, the firm that drafted the city’s initial approach plan.

The city is working to submit a new airport approach plan to the FAA in its efforts to abate noise. In December, the city commissioners approved a $201,150 contract with Texas-based Hughes Aerospace Corp. to develop an instrument-based parkway approach to the airport.

Dwight Earle Henry, 73

Marjorie “Margie” Ann Jones, 91

Clarence Eugene “Gene” Pansler Jr, 67

Dorothy Frick Brenner, 97

Susie Mae Cravey Harris Anderson, 83

Keep Up with Lakeland.

We'll send you an email on Thursdays to let you know what's happened so far this week and what's coming up for the weekend.

Your Email Address:

We promise not to spam you. You can unsubscribe at any time.

SIGN ME UP!

Acting Airport Director Kris Hallstrand said Hughes is an FAA contractor and vendor that we “have high confidence in.”

“We have been working with Hughes and are assembling layouts of the parkway approaches. That is all getting laid out as we speak” with “completion in fall,” she said.

“One thing you have to remember is the airport doesn’t own the air. It’s the FAA’s airspace, not the airport’s,” Hallstrand said. “We can only suggest and push” for locally approved plans.

She said the petition relates to the environment assessment and not the flightpaths and the airport “has nothing to do” with the pending action before the 11th Circuit other than providing documents for the March 29 mediation.

“The city has hired some other noise engineers to come up with some other plan. We’re working with ours to see if we can come up with a plan,” Harden said.

The city itself, however, is opposing the petition because, he said, it has little choice. The point of gathering support for the petition is to “show the city that we are serious” about mitigating the noise from low-flying cargo jets, he said.

“There is not really any preferred flight path right now. A lot of the people in the petition are affected by the Amazon jets landing, while others are affected by the noise created when the jets are climbing out,” Harden said. “We have employed noise engineers to hopefully find a flightpath that will be beneficial to everyone.”

In its unchallenged request to intervene, attorneys representing the city, Steven Osit and Peter Kirsch of Washington, D.C.-based Kaplan Kirsch & Rockwell LLP say the petition “threatens the entire project.”

If the FAA’s order was stayed, “it is the city — not the FAA — that would be directly harmed,” they write, by jeopardizing “the financial investments that the city has already made to prepare for the project and delays the projected economic benefit to the airport and region, local job opportunities and enhanced delivery times to regional consumers.”

The city wants a seat at table because the FAA “more broadly represents the general public” instead of the people of Lakeland, Osit and Kirsch write, adding that the five petitioners also do not reflect the interests of most Lakeland residents.

“The city is the project sponsor and prepared” the environmental assessment,” they write. “It bears the practical, political, and financial burden of addressing the environmental and social impacts of the project such as noise impacts, land-use compatibility, and traffic impacts. The city has significant interests in the timely completion of the project that could be impaired by the outcome of this lawsuit.”

The legal petition and the FAA’s finding on the Amazon expansion:

Keep Up with Lakeland.

We'll send you an email on Thursdays to let you know what's happened so far this week and what's coming up for the weekend.

Your Email Address:

We promise not to spam you. You can unsubscribe at any time.

SIGN ME UP!

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

December 28, 2021

Steven M. Taber
Leech Tishman Fuscaldo & Lampl, LLP
200 S LOS ROBLES AVE STE 300
PASADENA, CA 91101

Daniel P. Yeomans
Leech Tishman Fuscaldo & Lampl, LLP
200 S LOS ROBLES AVE STE 300
PASADENA, CA 91101

Appeal Number: 21-14476-A
Case Style: John Lowman, IV, et al v. Federal Aviation Administration, et al
Agency Docket Number: FAA: FONSI/ROD

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing, are available at www.ca11.uscourts.gov.

Pursuant to Rule 15(c) of the Federal Rules of Appellate Procedure, you are hereby served with the following document which has been filed in this court:

Petition for Review

11th Cir. R. 33-1(a) requires appellant to file a Civil Appeal Statement in most civil appeals. You must file a completed Civil Appeal Statement, with service on all other parties, within 14 days from the date of this letter. Civil Appeal Statement forms are available on the Internet at www.ca11.uscourts.gov, and as provided by 11th Cir. R. 33-1(a).

Support Independent Community News. We rely on people like you to invest in the community by supporting this non-profit service. Donate

[Mutz Says He's Optimistic Air Traffic Noise Plan Will Be Approved](#)
June 4, 2021

[Public Can Comment on Amazon Expansion Plans at Thursday Meeting](#)
May 26, 2021

[After Posing Questions, Commission OKs Amazon Lease](#)
May 20, 2019

Keep Up with Lakeland.

We'll send you an email on Thursdays to let you know what's happened so far this week and what's coming up for the weekend.

Your Email Address:

We promise not to spam you. You can unsubscribe at any time.

SIGN ME UP!

YOUR THOUGHTS ON THIS? (COMMENTS ARE MODERATED; FIRST AND LAST NAME ARE REQUIRED

Enter your comment here...

BACK TO TOP

GET LKLDNOW NEWS BY EMAIL

Your email address

Always free. Select one or more:
☐ Weekly, our premium newsletter ☐ Instant news alerts ☐ Daily summary

SIGN UP

CONTACT US

Send tips, feedback, corrections to newstips@lkldnow.com

PROUD MEMBER

Terms of Service | Privacy Policy

Lakeland, Florida

Copyright © 2022 Linking Community Now, Inc.

Keep Up with Lakeland.

We'll send you an email on Thursdays to let you know what's happened so far this week and what's coming up for the weekend.

Your Email Address:

We promise not to spam you. You can unsubscribe at any time.

SIGN ME UP!