

**REPORT/ RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF  
ARAPAHOE COUNTY PUBLIC AIRPORT AUTHORITY AND  
August 12, 2021**

---

---

**FROM:** Robert Olislagers, CEO

**SUBJECT:** Denver Metroplex Decision to Appeal

**RECOMMENDATION:** Motion to Not Appeal the Decision by the District of Columbia Circuit Court of Appeals regarding the Petition for Review for the FAA's Denver Metroplex FONSI.

**BACKGROUND:** On June 8, 2021, the District of Columbia Circuit Court of Appeals denied the Airport Authority's Petition for Review of FAA's Denver Metroplex Finding of No Significant Impact (FONSI) based on standing. Based on discussions with the co-petitioners, including Arapahoe County, Douglas County, Greenwood Village and Mountain Aviation counsels, staff concluded that, while everyone expressed deep disappointment in the decision, the likelihood of a successful appeal was near nil and does not justify the cost. Gilpin County did request a rehearing on the basis of not having had sufficient time to prepare its portion of the petition. Given the fact that Gilpin County was also deemed not to have standing, the request for a rehearing will almost certainly be denied.

The decision to deny based on standing rested mostly on the ability to demonstrate "injury" relative to the wholesale changes made by the FAA to the way air traffic is directed over the Denver metropolitan area. This is in large part due to air traffic coming to a near-halt during the pandemic. As post-Covid-19 pandemic traffic slowly returns to normal, the changes are already being felt and will continue to become more pronounced with time. Staff, along with the Centennial Airport Community Noise Roundtable will look at the remaining alternatives to mitigating the adverse effects of Metroplex, including but not limited to a Part 150 Update, updated Noise Exposure Maps (NEMs) and a subsequent Part 161 Study.

Based on the foregoing, staff does not recommend appealing the decision and instead pursue all other avenues available to mitigate aircraft noise.

**FINANCIAL DATA:** The cost to appeal the Court's decision is not justified based on the record of success when standing is at issue.

**REVIEW BY OTHERS:** Robert Olislagers, Lorie Hinton, Mike Fronapfel, Kimberly Bruetsch

**PRESENTERS:** Robert Olislagers, CEO

---

Action of the Board of Commissioners

	1 <sup>st</sup>	2 <sup>nd</sup>	YES	NO	ABS
Bagnato	<input type="radio"/>				
Baker	<input type="radio"/>				
Doubek	<input type="radio"/>				
Holen	<input type="radio"/>				
Sharpe	<input type="radio"/>				