



July 12, 2023

Clark County Real Estate Agent/Broker

**Information Regarding Civilian Airport Operations in Clark County
and Associated Overflights and Noise Impacts**

To whom it may concern:

The purpose of this letter is to provide real estate professionals involved with the development and/or selling of residential property within the Las Vegas Valley information regarding civilian aircraft operations in Clark County. From time to time, real estate professionals contact our office regarding aircraft noise issues and some new property owners have voiced concerns regarding what they perceive as misleading statements made by real estate agents concerning aircraft activity. This letter is designed to assist real estate professionals in providing accurate information to clients and making informed decisions regarding disclosure of airport noise and land information. Please be advised that this letter does not constitute legal advice regarding federal, state or local laws, including real estate sale disclosure obligations.

Clark County’s Public-Use Airports

Harry Reid International Airport and the four general aviation facilities in the Clark County Airport System are owned by Clark County, Nevada and operated under the policy direction of the Board of County Commissioners, the authority of the County Manager, and the management of the Department of Aviation (DOA). Three of these public-use airports are located within the Las Vegas Valley: Harry Reid International Airport (LAS); the North Las Vegas Airport (VGT); and the Henderson Executive Airport (HND).

These airports and the planned Southern Nevada Supplemental Airport in the Ivanpah Valley are intended to function as a system, providing access and opportunity to all segments of the aviation industry and to all local residents. LAS is the primary air carrier and passenger airport for southern Nevada, while VGT and HND are general aviation reliever airports. Based on passenger movement data through April 2022, LAS is the 10th busiest airport in the world, and the 8th busiest airport in North America. In total aircraft operations, VGT is the 2nd busiest airport in the State of Nevada (trailing only to LAS), and in the top 60 nationwide.

As you may expect, operations at airports serving our community continue to increase as the community and the tourism industry grows. It is important to note that aircraft traffic is neither “capped” nor “limited” at any public-use airport in Clark County. Additionally, when the planned



Clark County Board of Commissioners

James B. Gibson, Chair • Justin C. Jones, Vice Chair

Marilyn Kirkpatrick • William McCurdy II • Ross Miller • Michael Naft • Tick Segerblom

Southern Nevada Supplemental Airport is constructed within the Ivanpah Valley, it will not replace nor diminish the level of flight activity occurring at LAS.

Flight Operations and Runway Use

The Federal Aviation Administration (FAA) has exclusive authority to ensure the safe and expeditious flow of air traffic in the United States. The Air Traffic Control (ATC) facility at LAS, manned by FAA staff, is responsible for designating runway use and issuing control instructions to air traffic near the airport, while the FAA radar controllers (referred to as TRACON) assign and monitor the air traffic flows in areas outside of the airport's immediate vicinity. Local and state authorities do not control flight operations. Only the FAA and pilots may determine which runway to use under a given set of circumstances.

ATC's designation of runway use is primarily predicated on current and forecasted wind direction and speed. Since aircraft have to land and take-off into the wind, and because southwesterly wind conditions are most prevalent within the Las Vegas area, Runways 26L and 26R (where aircraft fly from the east towards the west) and 19L and 19R (where aircraft fly from the north towards the south) are used most frequently at LAS. (See Figure 1.) Historically, Runway 26R has been the primary air carrier departure runway, and Runway 26L the primary air carrier arrival runway. Runway 19L is also used for air carrier arrivals and departures during periods of heavy traffic, or when dictated by weather conditions. Runway 19R is used primarily for air carrier arrivals and general aviation aircraft operations. From 8:00 p.m. to 8:00 a.m., air carrier operations from the north-south runways are limited in adherence to a curfew established in the early 1980s, unless weather conditions, traffic circumstances, or airport construction activities necessitate otherwise.

In the event of northern or eastern winds, or extreme weather conditions (i.e., temperatures above 100° Fahrenheit), the FAA may necessitate aircraft depart to the north or east while landing from the south or west. (See Figures 2 and 3). Northerly winds are typical during the cooler months, while eastern departures tend to increase during the summer months.

Typical flight tracks for operations occurring at VGT and HND are depicted in Figures 4 and 5, respectively. A majority of the operations occurring at VGT and HND are being conducted via Visual Flight Rules (i.e., not assigned specific routing instructions), and therefore the traffic patterns are widely dispersed. Typical flight tracks for helicopter operations providing sightseeing tours to and from the Grand Canyon and/or the Las Vegas "Strip" are depicted in Figure 6.

Note, individual flight tracks can vary significantly based upon pilot training, aircraft type, equipment used on-board the aircraft, and weather conditions. Although operations on individual days may vary, Figures 1 through 6 should assist interested parties in recognizing where aircraft can fly on a regular basis within the Las Vegas Valley.

Aircraft Noise Regulations and Airport Restrictions

The Clark County airports operate under significant restrictions imposed by the federal government. In an effort to balance local noise concerns and national interests in air transportation, Congress enacted the Airport Noise and Capacity Act (“ANCA”) in 1990. ANCA directed the FAA to issue regulations that included the phase-out of noisier (referred to as “Stage 2”) aircraft weighing more than 75,000 pounds by December 31, 1999.

A civilian “Stage 2” aircraft weighing more than 75,000 pounds can no longer be flown within the contiguous United States unless that airplane has been shown to comply with quieter noise levels (referred to as “Stage 3”). ANCA also imposed significant limitations on the ability of airport proprietors to impose noise or access restrictions (such as curfews or caps on flight operations). Even before ANCA, federal law already preempted other approaches to regulating noise through local ordinances or state laws. In addition, the County is required to “...make its airport(s) available as an airport for public use on fair and reasonable terms and without unjust discrimination, to all types, kinds, and classes of aeronautical uses,” and subject each air carrier, including helicopter operations, to “...nondiscriminatory and substantially comparable rules, regulations, and conditions...” If the FAA concludes that the County has violated these requirements, by unjustly discriminating against certain types of aircraft, the FAA could take enforcement action against the County, jeopardizing its ability to maintain and operate its airports. Together, these federal laws and regulations prohibit Clark County from imposing any restrictions on aircraft operations (such as new curfews or bans on certain types of aircraft) at its public-use airports.

Land Use Compatibility with Aircraft Operations

Although national studies have identified the levels of noise exposure that result in annoyance to a certain portion of the general public, sensitivity to aircraft noise can vary significantly from person to person. The DOA has even received noise complaints associated with LAS operations from as far away as the City of Boulder City and Meadview, AZ. In an effort to account for these issues, the County has worked continuously over the past three decades with various planning agencies to integrate aircraft noise considerations with potential residential development desires beneath or adjacent to heavily utilized aircraft traffic corridors. It is sensible for the County and the development community to join in a partnership to ensure that future land use decisions in areas near heavily used aircraft traffic patterns are taking into account the noise exposure level on the land in question.

Clark County has undertaken numerous studies to identify areas that are “significantly” exposed to aircraft noise. Although federal regulations define minimum standards when aircraft noise is termed “significant”, local jurisdictions may utilize additional noise thresholds. In 2006 Clark County, through the development of the Noise Compatibility Plan for LAS (also referred to as the FAR Part 150 studies), published noise exposure maps that officially notified the public of the “significantly” affected areas.

Noise contours for VGT, HND, helicopter tour operations, and LAS are depicted in Figures 4 through 7. Noise contours are utilized for general land use planning purposes; however, and as noted above, individuals may still be annoyed by aircraft noise well beyond these environs. A majority of the aircraft noise complaints received by Clark County are from areas located well outside the noise contours depicted in Figures 4 through 7. Therefore, it is inaccurate to indicate that air traffic patterns and potential noise concerns are limited only to lands within the various noise contours.

Congress also demonstrated its interest in avoiding potential land use incompatibility in Clark County. Soon after the passage of the Southern Nevada Public Land Management Act of 1998 (the "Act"), Clark County became the owner of over 5,000 acres of formerly federally owned land west and southwest of LAS (known as the Cooperative Management Area [CMA]). Congress's transfer of these lands was based upon aircraft noise compatibility and was an attempt to ensure that additional incompatible development did not occur on publicly owned land. Although some privately held parcels located within the CMA can still be developed with residential uses (some individuals are not bothered by aircraft noise, and therefore do not mind living within the noise impacted environs), the Act prohibits lands once owned by the federal government from being developed with incompatible uses (e.g., residential dwellings, churches, schools, hospitals). Figure 8 depicts lands subject to deed restrictions that prohibit incompatible uses from being developed on those properties. Please refer to Clark County Department of Comprehensive Planning's current Spring Valley Land Use Plan and/or Enterprise Land Use Plan for further information concerning future development policies available online at:

https://www.clarkcountynv.gov/government/departments/comprehensive_planning_department/divisions/advanced_planning_division/land_use_planning/index.php.

Aircraft Noise Disclosure

Over the years, the County has conditioned approval of many residential projects on the issuance of a noise disclosure statement to each buyer (and in some circumstances, apartment renters) within the proposed development. Likewise, many master planned communities are voluntarily issuing noise disclosure statements to potential purchasers. In our experience, it is most beneficial when noise disclosures are provided in a stand-alone document, including a reference to the appropriate flight track map(s). Figure 9 is an example of a stand-alone noise disclosure statement.

NRS 645.252 provides that the duties of a real estate agent include the disclosure of "...any material and relevant facts, data, or information which the licensee knows, or which by the exercise of reasonable care and diligence should have known, relating to the property which is the subject of the transaction." DOA neither interprets nor enforces state laws regarding a seller's disclosure of existing conditions during real estate transactions. Neither does Clark County interpret nor enforce the legal obligations of real estate agents under state law. It is the obligation of real estate agents and sellers to determine the applicability of these provisions in light of the facts associated with any particular piece of property. DOA has provided the information in this letter to assist agents and sellers with making these determinations. Since the flight corridors utilized by aircraft operating from LAS and other urban airports have remained relatively consistent for at least the last three decades, it should be well known to those in the real estate industry that most areas of the valley experience some level of overflight and aircraft noise.

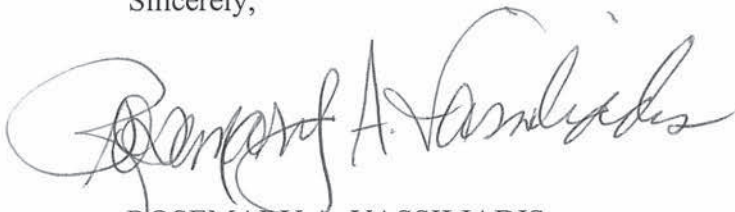
Clark County Real Estate Agent/Broker
July 12, 2023
Page 5

Other areas within Clark County may experience noise and overflights from military aircraft using Nellis Air Force Base. For information regarding these activities, please contact the Nellis Public Affairs Office at (702) 652-2750.

In closing, the DOA kindly requests that the above-mentioned information be shared with your clients, especially if the property in question may experience aircraft noise or overflights. Harry Reid International Airport is not only a gateway for approximately half the tourists who visit the Las Vegas Valley, but is also used by many of our own residents. Most residents realize that the valley's economy (tourism), and by extension the real estate market, depends on the safe and efficient operation of Clark County's airports. If real estate professionals and the development community work to ensure that all clients are adequately informed regarding aircraft operations, everyone benefits, resulting in happy clients, fewer potential disputes, and the protection of the community's valuable aviation resources.

This letter is intended to be made available to every licensed real estate agent and broker in Clark County. If you are a broker, we request that you provide a copy of this letter and its attachments (available at www.harryreidairport.com/Business/Planning/RealtorInformation) to any new agent who may join your brokerage. If you or your clients should have any questions concerning the material presented in this letter, please contact Anthony Perkins, Airport Program Administrator, at (702) 261-5024.

Sincerely,



ROSEMARY A. VASSILIADIS
Director of Aviation

Enclosures

cc:

Senator Catherine Cortez Masto
Senator Jacky Rosen
Representative Dina Titus
Representative Susie Lee
Representative Steven Horsford
Representative Mark Amodei
Commissioner James B. Gibson
Commissioner Justin Jones
Commissioner Michael Naft
Commissioner Marilyn Kirkpatrick
Commissioner Ross Miller
Commissioner William McCurdy II
Commissioner Tick Segerblom
Mayor Carolyn Goodman
Mayor Pro Tem Brian Knudsen

Mayor Michelle Romero
Mayor Pamela Goynes-Brown
Mayor Joseph Hardy
Councilwoman Victoria Seaman
Councilwoman Olivia Diaz
Councilwoman Francis Allen-Palenske
Councilman Cedric Crear
Councilwoman Nancy E. Brune
Councilman Isaac Barron
Councilwoman Ruth Garcia-Anderson
Councilman Scott Black
Councilman Richard Cherichio
Councilman Dan Shaw
Councilwoman Carrie Cox
Councilman Dan H. Stewart

Clark County Real Estate Agent/Broker

July 12, 2023

Page 6

Richard Derrick, City Manager

Randall J. Tarr, Deputy County Manager

Dr. Ryann Juden, City Manager

Jorge Cervantes, City Manager

James Chrisley, Senior Director of Aviation

Nancy Amundsen, Director of Comprehensive Planning

Sami Real, Deputy Director of Comprehensive Planning

Sharath Chandra State of Nevada Real Estate Administrator

Lisa Corrado, City of Henderson, Director of Community Development

Seth Floyd, City of Las Vegas, Director of Community Development

Alfredo Melesio, Jr., City of North Las Vegas, Director of Land Development

Michael Mays, Director of Community Development, City of Boulder City

Amanda Moss, Sr. Dir. of Govt. Affairs, Southern Nevada Home Builders Association

Councilman Jim Seebock

Kevin Schiller, County Manager

Abigail Frierson, Deputy County Manager

Les Lee Shell, Deputy County Manager