

## **Community Noise Mitigation Program Notice of Funding Opportunity**

### **Frequently Asked Questions**

Based on inquiries, questions, and comments on the August 14, 2023, Community Noise Mitigation Program Notice of Funding Opportunity Forecast, the Office of Local Defense Community Cooperation is providing these Frequently Asked Questions to clarify elements of the Program and its Final Notice of Funding Opportunity.

Information and changes below correspond to the relevant section of the previous Notice of Funding Opportunity Forecast. Interested parties should read the Final Notice of Funding Opportunity in its entirety so that they have the information they need to submit eligible and competitive applications.

#### **Summary**

No significant changes or questions.

#### **Supplementary Information**

No significant changes or questions.

#### **A. Program Description**

No significant changes or questions.

#### **B. Federal Award Information**

Based on public comments, the below change was made to the Final Notice of Funding Opportunity:

1. Change: These applications will be invited in the order of the ranked proposals. If the program's limited funding precludes an award sufficient to support the next project in order of ranking, the Office of Local Defense Community Cooperation will invite the applicant with the next highest scoring project that can be supported with the funds that remain.

Answers to questions under this section are as follows:

Does the Community Noise Mitigation Program intend to follow the same guidelines as the Federal Aviation Administration regarding defining Habitable Spaces?

Answer: The Office of Local Defense Community Cooperation will consider all information submitted by proposers, including proposals for sound insulation treatment for all rooms in a covered facility for communities around active military installations. However, in cases when an applicant is a civil Airport Sponsor requesting to use Department of Defense funding for their non-Federal local match OR for the installation of sound insulation treatment associated with a grant from the Federal Aviation Administration under the Airport Improvement Program, the proposer must adhere to all eligibility requirements in Federal Aviation Administration Order 5100.38D, Airport Improvement Program Handbook.

2. Will there be an overall cap on how much funding one entity can receive or how much they can spend on an individual covered facility?

Answer: No, there will not be an overall cap on how much funding an entity can receive or spend on an individual covered facility.

### **C. Eligibility Information**

Based on public comments, the below changes were made to the Final Notice of Funding Opportunity:

1. Change: Removed the requirement that eligible locations must identify a single State or local government entity to submit a grant application.
2. Change: If a proposer is requesting funds for properties that are noncontiguous, the proposer should submit separate proposals. Proposers submitting multiple proposals for consideration should rank them by priority with one (1) being the highest priority. Each submitted prioritized proposal will be scored separately for funding consideration. See the Notice of Funding Opportunity Section G for a definition of noncontiguous.
3. Change: Further defined that the distance of one (1) mile is determined from the location's outermost boundary.
4. Change: Unless located at a civil airport location where military fixed-wing aircraft operate, removed the requirement to only noise mitigate habitable rooms but recommend it to reduce costs.
5. Change: All covered facilities to be mitigated must have been built prior to December 27, 2020, unless part of a recent basing action/mission change that resulted in new or altered noise contours. In the case of a new or altered noise contours, all covered facilities to be mitigated must have been built prior to the signed Record of Decision.

Answers to questions under this section are as follows:

6. Must local match be appropriated before notification of being invited to apply for a Community Noise Mitigation grant? This can be challenging based on public process timelines.

Answer: No, grantees are required to provide evidence of the availability of the non-Federal project cost share within twelve (12) months following a grant award, but not at the time of being invited to submit a full application.

7. If funding for a project (e.g., local cost share contribution (match)) will rely on debt financing, by when must that debt financing be available for the project and are there specific conditions that will apply to the grant that may impact debt financing (loan term) agreements?

Answer: All sources of funds for the construction of the enhancement must be firmly committed, and liquid to a Grantor, within twelve (12) months of the grant award for grant disbursement to occur.

8. Can the scope of the program include covered facilities that are two miles from a military installation?

Answer: Possibly. Per the Consolidated Appropriations Act, 2022 (Pub. L. 117-103), eligibility is limited to covered facilities that are either within one (1) mile of certain locations “or” have a day-night average sound level of 65 decibels or greater. Thus, project eligibility may depend on the noise contour map at the project location and an eligible project location could be outside of the 1-mile radius specifically contemplated in the Act.

9. Is there any flexibility on the twelve (12) month timeline or the definition of ready to commence? We have seen some delays due to supply chain issues.

Answer: Generally, consistent with the Office of Local Defense Community Cooperation construction policy, a project must be able to commence installation of sound mitigating activities within twelve (12) months to be “construction ready.” This ensures the funds for the project do not expire prior to the completion of the project.

10. Regarding Section D. Paragraph K. “Environmental Compliance”, what does the Office of Local Defense Community Cooperation expect the Grantee and the associated installation to do to assure National Environmental Policy Act compliance?

Answer: Construction, renovation, demolition, and ground disturbance may not begin until the Office of Local Defense Community Cooperation determines that the National Environmental Policy Act documentation is complete and is of sufficient quality to inform a reliable conclusion about the potential environmental impacts of the project (See Final Notice of Funding Opportunity Section D. paragraph K for more details).

11. Can the Federal portion of Community Noise Mitigation Program funds be used to pay for work needed to comply with National Environmental Policy Act?

Answer: No, the cost to prepare National Environmental Policy Act documentation, environmental consultation records, environmental permit applications, and similar pre-construction engineering costs (e.g., planning, design and permitting) cannot be funded with Federal funds, but these activities can be paid with non-Federal funds and considered as part of the 10% match. The Federal portion of the Community Noise Mitigation Program can only pay for the installation of sound insulation activities.

12. Can the scope of the program include multi-family housing?

Answer: Yes, the scope of the program (and term “private residence”) does not preclude mitigation of noise within multi-family housing.

13. Can the scope of the program include portable classroom school trailers?

Answer: No, the scope of the program is limited to permanent structures, therefore portable classrooms and mobile homes are not eligible.

14. Can the scope of the program allow for ventilation packages, including air conditioning, where none exists?

Answer: Yes, per the Further Consolidated Appropriations Act, 2024 (Pub. L. 118-47) communities impacted by military aviation noise for the purposes of installing noise mitigating insulation at covered facilities may also provide for the installation of air conditioning that complements noise mitigating insulation at such facilities that do not currently have a ventilation or central air conditioning system.

15. Can building or structure code issues be considered an allowable cost?

Answer: No, only the costs of installing noise mitigation insulation are allowable. If it is determined while designing a sound insulation project that a building needs improvements to conform to local building codes, grantees are responsible for these costs.

16. Can noise planning projects be considered an eligible cost for federal funding?

Answer: No, per the Consolidated Appropriations Act, 2022 (Pub. L. 117-103) the funds can only be used to install noise mitigation insulation at covered facilities.

17. What date does a community use to calculate if noise contours are over 5 years old?

Answer: The calculation of the five (5) years starts from either the date of the Air Installation Compatible Use Study, the date the Record of Decision associated with an analysis prepared pursuant to the National Environmental Policy Act was issued, or the date of the airport's final Noise Exposure Map(s) were accepted by the Federal Aviation Administration.

18. Can the ten percent (10%) local project cost share be eliminated?

Answer: No, per the Consolidated Appropriations Act, 2022 (Pub. L. 117-103) it states, "that as a condition of receiving funds under this section a State or local entity shall provide a matching share of ten percent."

In instances where the proposer requests to use Community Noise Mitigation Program funding to meet the Federal Aviation Administration's non-Federal local match requirement associated with grants issued to airport sponsors under the Airport Improvement Program for noise mitigation, no additional non-Federal project cost contribution is required.

19. Can berms or sound walls be considered as an eligible activity?

Answer: No, per the Consolidated Appropriations Act, 2022 (Pub. L. 117-103) the funds can only be used to install noise mitigation insulation at covered facilities. Therefore, berms and walls are not allowable costs.

20. Can an individual homeowner apply for Community Noise Mitigation Program funding?

Answer: No, grants under this Notice can only be awarded to State and local governments, or tribal communities.

21. Are communities impacted by military fixed wing noise outside the United States eligible to apply for Community Noise Mitigation Program grants?

Answer: No, proposed projects must be located within any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam.

22. How is the one mile determined?

Answer: One (1) mile is determined from the outermost boundary of an active military, guard, or reserve installation, or within one (1) mile of a location boundary at which military aircraft are stationed. Covered facilities that are outside of the day-night average sound level 65 decibel boundary, but inside one (1) mile must demonstrate that interior noise levels for covered facilities are greater than 45 decibels.

23. How do proposers demonstrate interior noise levels for all rooms are greater than 45 decibels for covered facilities?

Answer: Applicants have to submit pre-acoustical test results along with any other relevant documentation for other areas of a structure.

24. Is the day-night average sound level of 65 decibels based upon all airport operations (military and civilian)?

Answer: Yes, the day-night average sound level 65 decibels is based on all airport operations as determined by documentation and analyses prepared in accordance with Department of Defense Instruction 4165.57, Air Installation Compatible Use Zones or Title 14, Code of Federal Regulations, Part 150 or the National Environmental Policy Act.

25. What does construction ready mean?

Answer: Construction ready means the proposal will be evaluated based on the evidence presented that the project can generally commence the installation of sound insulation treatment, within twelve (12) months of funding. A proposal for a project that has not yet entered the design phase will likely receive a lower construction readiness score.

26. Are public buildings eligible?

Answer: Yes, any public building that meets the criteria of a covered facility is eligible.

27. Can the program implementation plan be phased with cycles of design/bid/construction over the 54-month period?

Answer: Yes, phased installation of sound insulation treatments for covered facilities is acceptable if the first phase of construction activities begins within twelve (12) months. If a Grantee is using the funds for non-Federal local match for grants issued by the Federal Aviation Administration under the Airport Improvement Program the Grantee also must ensure that all Federal Aviation Administration grant obligations are also timely met.

28. Will the Community Noise Mitigation Program fund have covered facilities located in the Clear Zone or Runway Protection Zone.

Answer: No, residences within the Clear Zone or Runway Protection Zone are not eligible.

29. Does a covered facility located in a strip mall, rather than a stand-alone facility, still qualify for funding?

Answer: Yes, generally the type of structure or ownership of the structure does not impact funding so long as there is no federal interest in the property.

30. Will the match be reimbursable through this program?

Answer: No, the non-Federal project cost contribution is not reimbursable through the Community Noise Mitigation Program.

31. Can other Federal funding, such as funding for energy efficiency projects, be counted as a "non-federal" match?

Answer: Yes, other Federal funding sources can be used as non-Federal match if expressly authorized by the authority and appropriation providing those funds. Such an arrangement must be approved by the relevant grantor and the Office of Local Defense Community Cooperation

32. Do structure owner participation agreements need to be in place in advance of submitting a proposal?

Answer: No, structure owner participation agreements do not have to be in place, but an applicant must state the status of participation agreements. The status of the agreements will be considered in scoring.

33. Can local match come from a participating property owner?

Answer: Yes, non-Federal project cost contributions can come from participating property owners, but the applicant must demonstrate that it has a line of credit to cover or otherwise backstop the match if the participating property owners' commitment falls through. Contributions from homeowners are to be placed in an escrow account.

34. Can the Office of Local Defense Community Cooperation provide an example of a standard treatment package and national average cost per type of covered facility?

Answer: No, treatment packages must be determined locally because treatments and costs will vary depending on construction type and regional climate.

#### **D. Proposal and Submission Information**

Based on public comments, the below change was made to the Final Notice of Funding Opportunity:

1. Change: For projects requiring contributions from individual project participants (e.g., property owners), applicants must: indicate their intent so any funds contributed may be counted as program income for match purposes; present an instrument for securing these funds (line of credit not tied to the improvements); and demonstrate the ability to establish an associated escrow account for contributions.

Answers to questions under this section are as follows:

2. To whom should the installation support letter be addressed?

Answer: The installation support letter should be provided to the State or local government entity proposing the project. Please address the letter to: Director, Office of Local Defense Community Cooperation, 2231 Crystal Drive, Suite 520, Arlington, VA 22202. Note that the letter **MUST** be included in the proposal package submitted in Grants.gov to be considered and should not be mailed separately to the Office of Local Defense Community Cooperation.

3. Is there a benefit to including letters of support from a legislative body or other entities (e.g., Tribal Nation)?

Answer: No, additional letters of support are not required nor is there scoring associated with any letters of support outside of the installation commander's letter of support.

4. How would you define the boundary used to describe current land use around a military installation or civil airport?

Answer: These facilities must be located either within one (1) mile of a military installation or another location at which military aircraft are stationed (one mile is determined from the location's outermost boundary), or within an area experiencing a day-night average sound level of 65 decibels or greater due to military fixed-wing aviation noise, based on documentation and analyses prepared in accordance with Department of Defense Instruction 4165.57, Air Installations Compatible Use Zones, the National Environmental Policy Act, or 14 Code of Federal Regulations Part 150 (see resources at <https://oldcc.gov/our-programs/community-noise-mitigation>).

5. What if pre-construction acoustical testing occurs during a time when fixed wing squadron operations are at lower levels?

Answer: Proposers may follow the methodologies outlined in Federal Aviation Administration Advisory Circular 150/5000-9B Guidance for Sound Insulation of Structures

Exposed to Aircraft Noise, Chapter 8 Acoustical Engineering and Testing, which includes methods for acoustical testing using the loudspeakers measurement method.

6. Are pre-construction and post-construction acoustical testing eligible for the non-Federal project cost contribution?

Answer: Pre-construction acoustical testing can be considered as part of the non-Federal project cost contribution. Post-construction acoustical testing is an allowable activity for Federal funds.

7. Will each building need an acoustical test?

Answer: No, if seeking Community Noise Mitigation funding, pre- and post-construction acoustical testing must be completed for a sampling (10%) of typical structures.

8. What is acceptable proof/demonstration of Section D. paragraph F. "Project Information: A demonstration of the technical feasibility of the project?"

Answer: A proper demonstration of technical feasibility includes a narrative or other supporting information to allow the Community Noise Mitigation Program Review Panel to conclude the noise mitigation project is technically constructible, sufficiently scoped, and can be accomplished in accordance with the cost and schedule presented. If these activities have not been completed, the proposer can submit a plan that addresses the status to include how the activities fit within the proposed Project Implementation Schedule and the methodology the proposer plans to use to address the activities to including achieving construction ready within twelve (12) months. The more responsive the proposal is to a need in these areas, the higher the score.

9. Is an application only for individual projects?

Answer: No, the application can be for a project related to a single covered facility or a group of covered facilities if the properties are contiguous. If the properties are noncontiguous, a community should submit separate proposals but should ensure that their Project Implementation Schedule demonstrates how each submitted proposal fits within a combined timeline. See the Notice of Funding Opportunity Section G for a definition of noncontiguous.

10. Will a proposal move forward if it does not have documentation that pre-construction acoustical testing demonstrating that existing interior noise levels of 45 decibels and greater exists?

Answer: Yes, if activities within D. 2. F. Project Information, of the Notice of Funding Opportunity have not been completed, the proposer can submit a plan that addresses the status to include how the activities fit within the proposed Project Implementation Schedule and the methodology the proposer plans to use to address the activities to including achieving construction ready within twelve (12) months. The more responsive the proposal is to a need in these areas, the higher the score.



11. Is the Grantee responsible if a property does not meet the indoor sound level goals as they identified within the proposal/application?

Answer: Yes, the Grantee is responsible, without any recourse to the Federal government, for any cost overruns or additional treatments necessary to meet the sound level goals as identified within the proposal/application.

12. What type of National Environmental Policy Act documentation is expected to be completed within the program?

Answer: Unless Office of Local Defense Community Cooperations funds are being used as the non-Federal local match for a grant issued by the Federal Aviation Administration under the Airport Improvement Program, communities will need to coordinate with the local military Installation and the Office of Local Defense Community Cooperation to determine the necessary National Environmental Policy Act compliance requirements.

13. Can you confirm that local administrative expenses incurred after December 27, 2020, but before award can be considered as part of the local cost share if a proposal is selected?

Answer: Yes, administrative expenses incurred after December 27, 2020, can be considered as part of the non-Federal project cost contribution.

14. Does each property have to have pre- and post-construction acoustical testing?

Answer: No, only a 10% sample of similar covered facilities must have pre- and post-construction acoustical testing completed.

15. Does pre-construction acoustical testing need to be completed before submitting a proposal for the Community Noise Mitigation Program?

Answer: No, pre-construction acoustical testing does not have to be complete before submitting a proposal but the more responsive the proposal is, the higher the score.

## **E. Application Review Information**

Based on public comments, the below change was made to the Final Notice of Funding Opportunity:

1. Change: Expanded upon the Noise Mitigation Strategy scoring criteria description to explain that strategies can also include changes in military flying procedures or runway configurations that minimize military fixed wing noise impacts on the community.

Answers to questions under this section are as follows:

2. Will the Military Departments be able to prioritize projects?

Answer: No, this is a competitive program that will be scored by a panel made up of staff

from the Office of Local Defense Community Cooperation, Office of Secretary of Defense, the Military Departments, and the Federal Aviation Administration.

3. Is "owner occupied" a criterion that could be considered to factor in prioritization of participation?

Answer: No, "owner occupied" is not a criterion for prioritization.

4. Is the program giving higher points to those communities that rezone property that may have long-existing households into a non-conforming use?

Answer: No, the Community Noise Mitigation Program is not proposing to give higher points to communities that rezone properties that have existing covered facilities impacted by military fixed-wing aviation noise.

5. Do all 6 elements of project readiness need to be completed prior to submitting a proposal?

Answer: Each element of project readiness is worth 0 to 5 points based on the status of the element. Proposers should clearly demonstrate both where they are in the process and an understanding of the steps necessary to be able to begin construction within 12 months of grant award. Points are awarded based on the Community Noise Mitigation Review Panel's assessment of the progress of each action.

6. What types of past noise mitigation strategies could be considered as part of the scoring process?

Answer: Noise mitigation strategies are those activities that demonstrate state or local actions that minimize noise impacts on a community. For example, but not limited to, whether an Airport Sponsor has an established Sound Insulation Program; whether a community implemented compatible land use plans, developed military overlay zones, prepared regulatory requirements for plat acknowledgements of noise zones, provided purchase and tenant awareness disclosures, purchased/protected land parcels, or developed building codes that ensure future development is not impacted by military fixed wing operations and noise abatement or mitigation measures that have been implemented by the military to minimize the impacts of military fixed wing aircraft at active military installations or guard and reserve installations.

7. Will a residential use, in land zoned for something other than residential, receive a lower prioritization or be ineligible?

Answer: No, eligible residential properties will not be excluded if located on land that was zoned for something other than residential. However, any costs associated with rezoning such property would not be allowable under the grant. Since these projects may require some local permitting, the jurisdiction involved may need to consider whether they would permit improvements to such properties.

8. How do socioeconomic factors apply to prioritization?

Answer: In considering prioritization, the Office of Local Defense Community Cooperation will review projects in compliance with all applicable laws, rules, regulations, and Executive Orders, including those addressing socioeconomic factors.

9. How will scores be determined if eligible properties overlap priority noise zones?

Answer: A proposal's score will be based upon the noise contour where the preponderance of covered facilities are located. If properties are geographically separated across noise contours (noncontiguous), they should be submitted as separate proposals for consideration. See the Notice of Funding Opportunity Section G for a definition of noncontiguous.

10. Can a community receive a higher score if they provide a match greater than 10%?

Answer: No, a proposal that provides a higher non-Federal project cost contribution will not score higher.

**F. Federal Award Administration Information**

No significant changes or questions.

**G. Definitions**

Based on public comments, the below changes were made to the Final Notice of Funding Opportunity:

1. Change: Updated the definition for "Covered Facility" as follows:
  - a. Covered facilities means hospitals, daycare facilities, schools, facilities servicing senior citizens, and private residences;
  - b. The term private residences include public and private residences to include multi-dwelling units;
  - c. Does not have to be owner occupied;
  - d. In cases where a room within a structure has ongoing activities that meet the definition of a covered facility, but the overall structure does not, that room is eligible (e.g., a daycare in a church); and,
  - e. Cannot have federal interest in the property.
2. Change: Habitable Rooms. While it is not a requirement or a scoring factor to only mitigate Habitable Rooms, the standard can be used by communities to reduce overall costs as the community determines.

In cases where the proposer is requesting to use Office of Local Defense Community Cooperation funding for a civil airport location where military fixed-wing aircraft operate, they must follow the Federal Aviation Administration Order 5100.38D, "*Airport Improvement Program Handbook*" regarding the definition of habitable areas.

3. Change: Pre- and Post-Construction Acoustical Testing. Further clarified that applicants must follow the Federal Aviation Administration Advisory Circular 150/5000-9 “*Guidelines for Sound Insulation of Structures Exposed to Aircraft Noise*” Chapter 8 Acoustical Engineering and Testing for conducting post-construction acoustical testing and determine interior noise levels.

## **H. References**

No significant changes or questions under this section.

## **I. Federal Awarding Agency Contacts**

No significant changes or questions under this section.

## **J. General Questions**

Answers to questions under this section are as follows:

1. Can the program scope include noise and air quality monitoring systems or radar repeaters to determine actual aircraft arrival and departure routes?

Answer: No, per the Consolidated Appropriations Act, 2022 (Pub. L. 117-103), the funds can only be used for noise mitigating activities at covered facilities.

2. Will this be a single appropriation or will there be additional funds appropriated in the future?

Answer: We are only able to address appropriations available at this time.

3. Can Community Noise Mitigation Program funds be included in the construction of new Public Schools on Military Installations funded projects?

Answer: No, these funds are for noise mitigation not located on military installation real property. Mitigation of military fixed wing noise at schools that are part of the Public Schools on Military Installations Program may be addressed within the Public Schools on Military Installations program.

4. Will all funds possibly be obligated in a single grant application to one location?

Answer: Funds will be distributed based upon a competitive program. Generally, a Grantee will have five (5) years after the date of the Office of Local Defense Community Cooperation award to expend the funds. If a Grantee is using the funds for non-Federal local match for grants issued by the Federal Aviation Administration under the Airport Improvement Program, the Grantee must fully execute an award with the Federal Aviation Administration within twelve (12) months of receiving a Community Noise Mitigation Program award to ensure both that all Community Noise Mitigation Program grant funds are expended within five (5) years of award and all Federal Aviation Administration grant obligations are timely met.

5. Will there be a limitation on the sale of any property that receives funding for noise mitigation?

Answer: No, there will be no limitation on the sale of a property.

6. Is there a requirement to propose one type of covered facility over another?

Answer: No, there is no requirement to prioritize one type of covered facility over another.

7. Will the funding cover the replacement of custom-made items?

Answer: Yes, the funding will cover the replacement of custom-made items, such as doors and windows, if replacement is necessary to address noise mitigation requirements.

8. Can we submit a draft to the point of contact at the Office of Local Defense Community Cooperation for their review prior to the formal submittal?

Answer: No. This is a competitive grant program, and we are unable review proposals prior to the proposal submission due date.