



KAPLAN KIRSCH ROCKWELL

Federal Court Upholds Louisville Tree Trimming Project

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In a complete victory for the Firm's client, Louisville Regional Airport Authority, the U.S. Court of Appeals for the Sixth Circuit on January 22 dismissed a petition for review challenging the environmental review for a project to trim and remove trees in the approach path to Louisville's Bowman Field. The case was unusual because the Airport Authority decided not to seek FAA funding for the project after repeated delays in completion of the environmental assessment. The Court agreed with the Airport Authority that its decision not to seek federal funding meant that it did not have to comply with federal environmental review. The Court also held that the petitioners did not have standing because a remand of the matter to FAA would not have given them the relief they sought because the Authority could complete the tree trimming project without FAA approval. The project is nearly complete. For further information, please contact Peter Kirsch.