

## METROPOLITAN AIRPORTS COMMISSION

In re Lake Elmo Airport Runway 14/32  
Relocation/Extension Final Environmental  
Assessment/Environmental Assessment Worksheet,  
Adequacy Determination, and Negative Declaration  
on the Need for an Environmental Impact Statement

### **FINDINGS OF FACT, CONCLUSIONS, AND ORDER**

The above-titled matter came before the Metropolitan Airports Commission (MAC), the responsible governmental unit (RGU) for the proposed Runway 14/32 Relocation/Extension and Associated Improvements at Lake Elmo Airport (the “proposed project” or the “project”), upon completion of a joint Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) for the proposed project. Based on the MAC’s files and records related to this matter, the MAC finds, concludes, and orders as follows:

### **FINDINGS OF FACT**

#### **I. INTRODUCTION**

1. The proposed project requires preparation of environmental review documents under the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4370h, and the Minnesota Environmental Policy Act (MEPA), Minn. Stat. ch. 116D, because the proposed project will require approvals by the Federal Aviation Administration (FAA) and by the MAC. On August 31, 2018, the FAA issued a Finding of No Significant Impact/Record of Decision (FONSI/ROD) determining that the EA/EAW for the proposed project is adequate under NEPA and there are no significant impacts associated with the proposed project.

2. Under MEPA and the rules implementing the statute promulgated by the Minnesota Environmental Quality Board and codified at Minn. R. ch. 4410, the MAC is

the RGU for the proposed project. The MAC has prepared an EAW for the proposed project because it has determined the project may have the potential for significant environmental effects under MEPA. MEPA, Minn. Stat. § 116D.04, subd. 2a(b); Minn. R. 4410.1000, subp. 3.

3. MEPA provides a federal Environmental Assessment (EA) document may be circulated in place of an EAW form if the EA addresses each of the environmental effects identified in the EAW form. The EA/EAW for the proposed project addresses each of the environmental effects identified in the EAW form, and the MAC circulated the EA/EAW in place of an EAW form.

4. The MAC must determine whether the EA/EAW document is “adequate”—that is, whether it satisfies MEPA’s legal requirements for presenting the information necessary to make a reasoned decision about the potential for or significance of the proposed project’s environmental impacts. In addition, the MAC must determine whether the proposed project has the “potential for significant environmental effects” and requires preparation of an environmental impact statement (EIS) under MEPA. MEPA, Minn. Stat. § 116D.04, subd. 2a(b); Minn. R. 4410.1700. The MEPA criteria for determining the need for an EIS require a consideration of the type, extent, and reversibility of the project’s environmental effects; the cumulative potential effects of related or anticipated future projects; the extent to which the environmental effects are subject to mitigation; and the extent to which the environmental effects may be anticipated or controlled as a result of other available environmental studies. Minn. R. 4410.1700, subp. 7.

5. The MAC’s decision must be in the form of either a negative declaration or a positive declaration. The MAC must base its decision regarding the need for an EIS on

the information gathered during the EAW process and on the comments received on the EAW. Minn. R. 4410.1799, subp. 3.

## **II. PROJECT BACKGROUND**

6. Lake Elmo Airport (FAA identifier 21D or “Airport”) is a reliever airport in Washington County approximately 20 miles east of downtown St. Paul. The MAC owns and operates the Airport. Current Airport facilities include two paved runways. Runway 14/32, the primary runway, is 2,849 feet long, 75 feet wide, and has medium intensity runway edge lights. Runway 04/22, the crosswind runway, is 2,495 feet long, 75 feet wide, and is not lighted. In addition to the runways, the Airport has a taxiway system providing access between the airfield and aviation use area on the north and west sides of the Airport. The Airport has no on-site Air Traffic Control Tower.

7. Existing runway and taxiway pavement at the Airport is deteriorating and needs to be replaced. Runway 14/32 also has several incompatible land uses within its runway protection zones (RPZs), including a railroad and two public roads. In addition, the existing Airport pavement and airfield geometry do not meet the needs of Airport users and aircraft, and the existing instrument approach procedures do not use the latest available navigational technology.

8. The MAC recently completed a Long-Term Comprehensive Plan (LTCP) for the Airport, which the MAC Board approved in September 2016. The LTCP concluded Runway 14/32 needs to be relocated and extended to 3,500 feet, and the Runway 04/22 needs to be extended to 2,750 feet. The LTCP also identified the need for additional GPS-based non-precision instrument approach procedures.

9. The purpose of the proposed project at the Airport is to complete three general infrastructure goals: (a) address failing, end-of-life infrastructure; (b) enhance safety for Airport users and neighbors; and (c) improve facilities for aircraft using the Airport.

10. Major components of the proposed project include: (a) relocating Runway 14/32 by shifting the runway 615 feet to the northeast and extending the runway to 3,500 feet, including grading, clearing, and runway lighting; (b) extinguishing the existing prescriptive easement for 30th Street North and seeking, as appropriate, a land release for non-aeronautical use from the FAA to allow realignment of 30th Street North around the new Runway 32 RPZ to reconnect with the existing Neal Avenue North intersection, and relocating the Airport perimeter fence around the new Runway 32 RPZ; (c) reconstructing and extending Runway 4/22 to 2,750 feet, including necessary lighting and taxiway connectors; (d) installing medium intensity runway edge lights (MIRL) on Runway 04/22 as well as precision approach path indicators (PAPIs) on the Runway 04, 14, and 22 ends, and runway end identifier lights (REIL) on each end of Runway 04/22; and (e) remove on-Airport trees and individual off-Airport trees as necessary to clear airspace surfaces.<sup>1</sup>

---

<sup>1</sup> The EA/EAW contains a discussion of alternatives, including a “no action” alternative, because NEPA requires that an EA discuss alternatives. NEPA, 42 U.S.C. § 4332(2)(E); 40 C.F.R. § 1508.9(b). In the EA/EAW, the proposed project is known as “Alternative B1.” MEPA does not require an evaluation of alternatives in an EAW. Minn. R. 4410.1200. In determining whether the proposed project requires an EIS under MEPA, these findings and conclusions compare the “no action” alternative discussed in the EA/EAW with the proposed project that is referred to as Alternative B1.

11. Under the proposed project, the MAC will improve the Airport's runway and taxiway pavement condition, minimize incompatible land uses in the RPZs, meet runway length needs for users, and upgrade instrument approach procedures.

### **III. EAW PROCESS**

12. The FAA and the MAC coordinated with interested agencies and the public throughout preparing the EA/EAW for the proposed project. Coordination began in February 2017 with the MAC briefing the FAA and the community regarding the proposed project, followed by presentations and briefings at the MAC Planning, Development and Environment Committee throughout 2017 and 2018. Additionally, a Community Engagement Panel was developed and met on six occasions to ensure involvement from key stakeholders. The MAC also held three open houses on the project throughout 2017 before completing the draft EA/EAW.

13. The FAA and the MAC released the draft EA/EAW for public comment on February 26, 2018. The MAC held one public hearing on the draft EA/EAW on April 4, 2018, at which it received public comments. The public comment period on the draft EA/EAW closed on April 19, 2018.

14. In developing the final EA/EAW, the MAC considered the oral and written public and agency comments received during the public comment period on the draft EA/EAW. The MAC, in coordination with the FAA, also responded to all oral and written comments received on the draft EA/EAW during the public comment period. *See Final EA/EAW, Appendix M, Draft EA/EAW Comments and Responses and Appendix N, Municipal/Agency Comments and Responses.*

#### **IV. THE PROPOSED PROJECT AND PREPARATION OF THE EA/EAW**

15. The MAC has determined that the proposed project is not exempt from environmental review and “may have the potential for significant environmental effects.” MEPA, Minn. Stat. § 116D.04, subd. 2a(b); Minn. R. 4410.1000, subp. 3. Therefore, the MAC prepared the EA/EAW for the project.

16. The EA/EAW addresses the impact categories discussed in the EAW form under MEPA, and all the FAA impact categories. Therefore, the MAC has circulated the EA/EAW document in place of the EAW form. Minn. R. 4410.1300.

#### **V. CRITERIA FOR DETERMINING WHETHER THE PROPOSED PROJECT HAS THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS AND REQUIRES AN EIS UNDER MEPA**

17. MEPA requires that the MAC prepare an EIS for the proposed project if the project has the potential for significant environmental effects. Minn. Stat. § 116D.04, subd. 2a(b); Minn. R. 4410.1000, subp. 3. The Minnesota Environmental Quality Board rules establish four criteria that a responsible governmental unit must use in considering whether a project has the potential for significant environmental effects. Those factors are:

- A. type, extent, and reversibility of environmental effects;
- B. cumulative potential effects of related or anticipated future projects;
- C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Minn. R. 4410.1700, subp. 7.

**A. The Type, Extent, and Reversibility of the Proposed Project's Environmental Effects**

**(i) Air Quality**

18. The FAA and the MAC conducted the air quality assessment in the EA/EAW that complies with United States Environmental Protection Agency (EPA) and FAA guidance. The EA/EAW includes an aviation operational emissions inventory developed using the FAA Aviation Environmental Design Tool (AEDT) model under the same scenarios that the EA/EAW analyzed for aircraft noise. In addition, the EA/EAW includes a construction emissions inventory using the Airport Construction Emissions Inventory Tool (ACEIT), which uses general assumptions for runway and taxiway construction based on the MAC's latest capital improvement plan for the Airport.

19. Washington County, including the area surrounding Airport, is designated as an attainment area for the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide, and all cities and townships in the county other than Denmark Township are in attainment for carbon monoxide (CO). The EA/EAW calculates emissions for the 2016 baseline (existing conditions) and 2025 forecast (proposed project and no-action alternative) scenarios. The AEDT model estimates an overall decrease in pollutant emissions between the 2016 baseline estimate and 2025 forecast aircraft operations, which results from the forecasted decline in aircraft operations from 2016 to 2025. There will be a slight increase in volatile organic (VOC) and nitrogen oxides (NO<sub>x</sub>) emissions, but these increases are below the *de minimis* thresholds identified by the FAA Aviation Emissions and Air Quality Handbook Version 3, Update 1 (January 2015). A marginal increase in

aircraft operations is expected following 2025, but this increase will not substantially change operational aircraft emissions.

20. The EA/EAW used an EPA-approved screening method to determine whether the proposed realigned segment of 30th Street North meets the criteria for detailed CO modeling, and concluded it did not because it involved no intersection exceeding EPA's traffic volume threshold.

21. The proposed project would lengthen 30th Street North by approximately one-quarter mile. According to the EA/EAW, ground vehicle emissions associated with the proposed project, combined with aviation emissions as allowed under FAA guidance documents, will not exceed federal *de minimis* thresholds for total emissions associated with the proposed project. There are no significant air quality impacts for the proposed project alternative or no-action alternative.

22. The FAA and the MAC prepared a hazardous air pollutant (HAP) emissions inventory that complies with FAA, EPA, and Federal Highway Administration (FHWA) guidance. Realignment of 30th Street North under the proposed project does not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that could cause a meaningful increase in HAP emissions from mobile sources.

## **(ii) Greenhouse Gas Emissions and Climate Change**

23. The EA/EAW considers greenhouse gas (GHG) emissions by evaluating the potential incremental change in carbon dioxide equivalent (CO<sub>2e</sub>) emissions resulting from the proposed action as compared with the no-action alternative. Carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) are the primary contributors to CO<sub>2e</sub>. The EA/EAW found the proposed project will cause temporary increases in direct on-site CO<sub>2e</sub>

emissions attributable to construction equipment. Total construction CO<sub>2e</sub> emissions are estimated at approximately 12,400 tons over a five-year period. On-site operational CO<sub>2e</sub> emissions attributable to aircraft operations in 2025 under the proposed project are expected to decrease by approximately 15 tons per year, from approximately 667 tons per year in 2016 to 652 tons per year in 2025. Aircraft operations are expected to slightly increase emissions in the years after 2025 compared to the no-action alternative.

24. In its January 2017 biennial GHG emissions report to the state legislature, the Minnesota Pollution Control Agency (MPCA) estimated statewide CO<sub>2e</sub> emissions in 2014 at 158.3 million tons, while the United States Environmental Protection Agency (EPA) estimated nationwide CO<sub>2e</sub> emissions in 2014 at 6,870 million tons. Based on these estimates of CO<sub>2e</sub> emissions, the potential for the proposed project to affect future climate conditions is limited.

25. There are no analytical or modeling tools available that reliably evaluate the incremental effect of a proposed action's discrete GHG emissions on the global and regional climate. In addition, there are no analytical or modeling tools available that reliably evaluate any cascading effects, or cumulative effects, from a proposed action's GHG emissions on natural ecosystems and human economic systems in each state or region. Potential climate changes for the upper Midwest are mostly associated with more intense precipitation resulting in increased flooding and some changes in temperature. Increased temperatures and precipitation may have effects on wetlands, forests, and other cover types likely to affect carbon storage and sequestration in the ecosystem. There could be localized impacts because of meteorological changes.

### (iii) Construction Impacts

26. The EA/EAW uses ACEIT to model air emissions from construction activities at the Airport associated with the proposed project. Total emissions associated with all years of construction are not expected to exceed the *de minimis* thresholds for those pollutants with *de minimis* thresholds in the FAA's Aviation Emissions and Air Quality Handbook Version 3, Update 1 (January 2015). Increased emissions associated with the proposed project's construction will be mitigated through voluntary best management practices (BMPs) such as engine idling restrictions and maintenance requirements, and other control strategies identified in the *United States Environmental Protection Agency Diesel Emission Restriction Checklist*.

27. Fugitive dust emissions from excavated areas and construction equipment emissions may cause temporary impacts to air quality during construction. To minimize fugitive dust impacts, the MAC's construction contracts require contractors to employ dust control measures during construction. In addition, the MAC requires a re-circulating air sweeper with dust control and auxiliary pick-up type sweepers to be present and available as necessary to suppress dust generated at the project construction sites and on haul routes to and from project construction sites.

28. Construction may cause temporary impacts to water quality, including surface water runoff, accidental release of fuels or fluids, and sedimentation from soil erosion. The MAC will implement BMPs to protect against these temporary impacts, including implementation of stormwater management, erosion, and sediment control practices such as installation of silt fences, temporary sediment basins, inlet protection, and erosion control blankets. An erosion and sediment control plan will specify temporary and

permanent erosion control measures in compliance with local, state, and federal regulations.

29. Construction equipment noise will be temporary. The MAC will mitigate construction noise through implementation of construction practices specified in FAA Advisory Circular (AC) 150/5370-10E, *Standards for Specifying Construction of Airports*. The MAC will also include contract provisions requiring construction noise mitigation.

30. Introduction and spread of invasive species at the Airport will be minimized prior to, during, and after construction of the proposed project through many BMPs. Prior to construction, standard cleaning procedures of equipment used on-site will minimize the introduction of exotic invasive species from outside the Airport. Storage and cleaning of equipment and materials in established staging areas during construction will also minimize the spread of invasive plant seeds to off-site areas or other areas on-site. Areas disturbed during construction will be seeded with many turf grasses.

**(iv) Aircraft Noise and Compatible Land Use**

31. Aircraft noise impacts are virtually identical under the no action alternative and under the proposed project. The EA/EAW employed FAA's ADET software to model aircraft noise and create noise contours based upon the 2016 baseline and 2025 forecast aircraft operations for the Airport under the no action alternative and the proposed project.

32. The FAA, the EPA, and the United States Department of Housing and Urban Development (HUD) established the 65 DNL as the threshold indicating significant cumulative noise impacts. The 65 DNL 2016 baseline contour is contained entirely on Airport property. Under the 2025 no action alternative and the 2025 proposed project, the

65 DNL contour remains contained entirely on Airport property. As a result, there will be no significant aircraft noise impacts under the proposed project.

**(v) Socioeconomic Impacts**

33. The proposed project involves construction on existing Airport property. In addition, the proposed action includes extinguishing the prescriptive easement for 30th Street North and seeking, as appropriate, a land release for non-aeronautical use from the FAA to allow realignment of 30th Street North near the new Runway 32 Runway Protection Zone (RPZ) to reconnect with the existing Neal Avenue North intersection. The release is needed for 30th Street North because the realignment will occur on land the FAA considers to be Airport property.

34. Marginal increases in aircraft activity resulting from the proposed project will produce no significant induced or secondary socioeconomic impacts.

**(vi) Environmental Justice**

35. There are no low-income or minority populations near the Airport, and therefore no environmental justice impacts associated with either the no-action or proposed project alternatives. No potential disproportionate health or safety risks to children are expected.

**(vii) Biological Resources**

36. The proposed project area contains habitat for one federally-listed endangered species and one threatened species: (a) the rusty-patched bumble bee, a federally-listed endangered species; and (b) the northern long-eared bat, a federally-listed threatened species. According to the United States Fish and Wildlife Service (USFWS), the Airport is a low potential habitat zone for the bee. The FAA determined the proposed

project may affect, but is not likely to adversely affect, the bee, and the USFWS concurred in the FAA's determination.

37. The northern long-eared bat has not been seen in the proposed project area, but trees in the proposed project area are potential habitat for the bat. To avoid and minimize impacts to the bat, the MAC will complete tree clearing between October 1 and April 30, which is the dormant season for the bat at the Airport's latitude. The FAA determined the proposed project may affect, but is not likely to adversely affect, the bat, and the USFWS concurred in the FAA's determination.

38. The Blanding's turtle is a state-listed threatened species. It is listed as a state threatened species because of the loss of its wetland and upland habitat, human disturbance, including collecting for the pet trade, road kill, and an increase in predator populations that prey on nests and young. The proposed project may disrupt the turtle's wetland habitat because of dewatering, excavation, filling, or other construction activities. During construction, the MAC will employ mitigation measures for the turtle developed by the Minnesota Department of Natural Resources, including avoiding filling or dewatering wetlands during the winter, implementing stringent sediment and erosion control methods, and installing silt fencing during construction to keep turtles out of construction areas.

39. Updated survey data collected and analyzed in late 2017 indicate that approximately twelve off-Airport trees may need to be removed in the approaches to the crosswind runway, but no off-Airport trees must be removed in the approaches to the primary runway. The MAC will carefully target individual trees.

40. Vegetation management practices at the Airport include mowing of all infield areas regularly. Other areas on Airport property are in agricultural production,

which the exception of identified wetland areas and several wood lots. Vegetation management after construction of the proposed project will continue as before, with regular mowing to minimize wildlife hazards and the introduction and establishment of invasive species.

**(viii) United States Department of Transportation, Section 4f**

41. There are no Section 4(f) resources (publicly owned parks, recreation areas, wildlife and water fowl refuges, or public and private historic properties) that will be affected by the proposed project.

**(ix) Hazardous Materials, Solid Waste, and Pollution Prevention**

42. The MAC's consultant conducted a Phase I Environmental Site Assessment in 2017 for areas that the proposed project will disturb. The only relevant environmental concern identified in the proposed project area is groundwater contamination with trichloroethylene (TCE), which has been consistently monitored and regulated since the 1980s. The proposed project will not affect the TCE contamination because of the depth to groundwater at the Airport.

43. Construction of the proposed project will produce construction debris, such as dirt, concrete, and asphalt. Maintenance activities for the new airside facilities will also produce solid waste. Construction materials and other solid waste will be disposed of in compliance with laws and regulations, including disposal at a commercial landfill capable of handling disposal as required by Minnesota Rule 7035.0805. Local disposal facilities are expected to have capacity to accept solid waste volumes that construction and operation of the proposed action will produce.

**(x) Historical, Architectural, Archaeological, and Cultural Resources**

44. The EA/EAW identifies thirteen historic-age properties within the proposed project area. Twelve properties are unlikely to be eligible for listing in the National Register of Historic Places (NRHP), as they do not appear to possess a significant association with an important historic theme or person, and do not possess architectural significance. The thirteenth property, the St. Paul, Stillwater, & Taylors Falls Railroad, may be eligible for the NRHP, but project activities will not impact that property.

45. Archaeologists identified two sites in groves of trees north and south of 30th Street that appear to be building foundations noted on aerial photographs from 1938 through 1960, and plat maps from 1901 and later. The two sites may be eligible for listing on the NRHP. However, since ground disturbing activities associated with the proposed project will avoid the foundations, the EA/EAW does not formally evaluate the sites for NRHP eligibility.

46. To avoid any inadvertent disturbance to the building foundations at the two sites, trees in and immediately around the foundations will be hand cut with no heavy equipment near the foundations. If the MAC plans future ground disturbance in the two areas, the MAC will consult with the Minnesota State Historic Preservation Office (SHPO) to determine if further evaluation is necessary.

47. The FAA has determined that a Section 106 finding of No Historic Properties Affected applies for the proposed action, and submitted this finding to the SHPO, the Lower Sioux Indian Community Tribal Historic Preservation Office (THPO), the Upper Sioux Indian Community THPO, the Prairie Island Indian Community THPO,

the Mille Lacs Band of Ojibwe THPO, and the Shakopee Mdewakanton Sioux Community THPO, on October 20, 2017. In December 2017, the SHPO concurred in the FAA finding.

48. If cultural resources or human remains are discovered during construction of the proposed project, the MAC will notify the SHPO, the THPOS, and the FAA Dakota-Minnesota Airports District Office (ADO). The MAC will protect the area until concerns have been appropriately addressed and will comply with the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, and the Archaeological Resources Protection Act, as appropriate.

**(xi) Light Emissions and Visual Effects**

49. The proposed project will relocate and extend certain existing lighting systems, including the existing medium intensity runway edge lighting (MIRL) systems, precision approach path indicator (PAPI) lights, and runway end identifier lights (REIL) associated with Runway 14/32 and installation of MIRL, PAPI, runway and taxiway edge lights to define the edge of usable pavement. Runway and taxiway edge lights and PAPI lights are continuously burning lights, while REIL are synchronized flashing lights. Runway and taxiway edge lights are omnidirectional (emit light in all directions), while PAPI and REIL are aimed into the approach area beyond the end of the runway. PAPI lights are aimed upward and outward along the extended runway centerline, while the REILs are aimed upward and at 15 degree lateral angles from the extended centerline

50. The proposed project will move the Runway 14/32 MIRL, PAPI, and REIL systems closer to residential areas southeast of the Airport. The new MIRL, PAPI, and REIL systems on either end of Runway 04/22 will be a similar distance from residences northeast and southwest of the Airport. These residential areas are currently shielded from

Airport light emissions because they are more than a half mile from the existing runway ends, with mature trees between. The distance from the Runway 32 end to the Airport property line, when measured along the extended runway centerline, would be reduced from approximately 2,400 feet to 1,900 feet under the proposed project. The distance from the Runway 22 end to the Airport property line would be reduced from 2,250 feet to 2,000 feet.

51. Lighting systems at the Airport may be remotely activated by pilots by radio, so the systems need only be in full effect when in use by approaching and departing aircraft. Under both the no action alternative and proposed project, the runway and taxiway edge lights will be preset to low intensity and will only increase in intensity when in use, while REILs and PAPIs will not be illuminated when not in use. Fewer than 15 percent of aircraft operations (approximately 4,000 annual operations or fewer) are expected to occur during nighttime or inclement weather conditions. Finally, pilots typically use the high-intensity lights at night only to aid in initially locating an airport, and reduce lighting intensity to complete the approach and landing.

#### **(xii) Natural Resources and Energy Supply**

52. Airport construction projects often change an airport's demand on local energy and natural resource supplies. Consumption of energy and natural resources during the construction phase of the proposed project will consist of construction machinery fuel and construction materials. The consumption will not exceed locally available supplies and

some construction materials may be recyclable. For example, the MAC will try to recycle pavements and underlying base material during construction.

53. Operation and maintenance of the proposed project is expected to require minor increases in energy and natural resource demand. No significant increases in aircraft or ground vehicle fuel usage are expected under the proposed project. In addition, the minor increases in utility demand for airfield lighting and maintenance equipment under the proposed project are not expected to have a negative impact on local energy or natural resource supplies. The existing incandescent airfield lighting systems currently require approximately 35,000 kilowatt hours (kWh) of electricity to operate annually. If replaced with similar incandescent systems, and if the lighting systems to be added by the proposed action are also incandescent systems, the proposed project's annual electricity requirements are expected to increase. But the FAA recently approved energy-efficient light-emitting diode (LED) fixtures for airfield lighting system, which if installed could reduce annual electrical needs. In addition, the proposed project will use no unusual natural resources or raw materials, or any materials in short supply.

### **(xiii) Water Resources**

54. Based on the wetland boundary data collected during delineation and described in the EA/EAW, there will be approximately 2.36 acres of direct wetland impact associated with the proposed project. Of these 2.36 acres, 1.85 are associated with the primary runway and associated taxiways, 0.12 acres are associated with the realignment of 30th Street North, 0.38 acres are associated with the crosswind runway extension, and 0.01 acres are associated with the planned access road.

55. None of the wetlands in the proposed project area are jurisdictional wetlands under Section 404 of the Clean Water Act. The MAC must obtain permits or approvals to fill any wetlands under the jurisdiction of the Minnesota Department of Natural Resources or under the Minnesota Wetland Conservation Act (WCA), and will implement the mitigation requirements of those permits or approvals. The MAC will also consider wetland banking opportunities under WCA. In addition, the MAC will follow the rules and regulations of the Valley Branch Watershed District, including upland buffer vegetation requirements for wetlands, streams, and lakes.

56. The proposed project will add approximately 850,000 square feet of impervious surface associated with construction of the runways, taxiways, and roads. However, approximately 300,000 square feet of existing impervious surface will also be removed, for a net increase of 550,000 square feet (12.6 acres) of impervious surface.

57. The Airport is subject to the stormwater management requirements of the Valley Branch Watershed District, Baytown Township, and West Lakeland Township. Both townships are subject to the Valley Branch Watershed District stormwater requirements. In addition, West Lakeland Township is a Municipal Separate Storm Sewer System (MS4) permit holder and is subject to National Pollutant Discharge Elimination System (NPDES) Phase II permitting requirements and regulations under the NPDES MS4 permit. MS4 permits are designed to reduce the sediment and pollution that enters surface and groundwater from storm sewer systems. The Valley Branch Watershed District requirements and the NPDES Phase II requirements mandate post-construction stormwater management for projects replacing pervious surfaces with one or more acres of cumulative impervious surfaces. In undertaking stormwater management under the proposed project,

the MAC will follow the regulations of the Valley Branch Watershed District, Baytown Township, and West Lakeland Township.

58. Under the proposed project, total loss of wetlands in a floodplain is estimated to be 0.06 acre. The estimated net loss of floodplain water storage associated with the proposed project is insignificant when considering the flood volumes associated with a 100-year flood event. In addition, there are no notable adverse impacts on natural and beneficial floodplains under the preferred alternative. The MAC will obtain a permit from the Valley Branch Watershed District before commencing construction of the proposed project and will comply with the permit's requirements regarding floodplains.

#### **(xiv) Coastal Resources**

59. The Coastal Zone Management Act (CMZA) of 1972 ensures the effective management and protection of the coastal zone. Under the statute, states prepare Coastal Zone Management Programs to implement protection of coastal areas. Minnesota approved the Lake Superior Coastal Program under the CMZA in 1999. The Airport is not within the coastal boundary as defined by the Lake Superior Coastal Program, so the EA/EAW does not analyze coastal impacts under the CMZA.

60. The Coast Barrier Improvement Act of 1990 prohibits federal financing for development of undeveloped coast barriers along the shores of the Great Lakes, including the Minnesota Point unit in Lake Superior, Minnesota. The proposed project will affect no coastal barrier resources.

#### **(xv) Farmland**

61. The Farmland Protection Policy Act regulates the conversion of important farmland to non-agricultural uses. Projects involving impacts to farmland require

coordination with the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), including submission of USDA Farmland Conversion Impact Rating Form AD-1006. Farmland impacts are significant if directly affected farmlands receive a total combined farmland conversion impact rating of between 200 and 260 on Form AD-1006. Impact severity increases as the total score approaches 260. The NRCS determines the score of a site's relative value of up to 260 points, composed of up to 100 points for relative value and up to 160 points for the site assessment. Sites receiving a total score of 160 points need not receive further consideration for protection.

Based on the revised Form AD-1006 from NRCS, the farmland to be converted by the preferred alternative has a total value of 136 points, which does not exceed the 160- point threshold for additional consideration and analysis of farmland protection or alternative sites.

**(xvi) Land Use**

62. Primary land use concerns associated with the proposed project include residential land uses, ground transportation land uses, and wildlife attractants. The proposed project will move the Runway 14 threshold approximately 750 feet east-northeast and move the Runway 32 threshold approximately 1,200 feet east-southeast. Visual flight rules (VFR) traffic pattern airspace at the Airport would extend approximately 1.5 nautical miles (9,114 feet) laterally and longitudinally from the runway endpoints under both the no-action alternative and proposed project. Because the preferred alternative would not

substantially alter the VFR traffic pattern airspace, impacts to surrounding land uses, including residential land uses, are minimal.

63. Before completing the EA/EAW process, the MAC will convene a Joint Airport Zoning Board (JAZB) under Minnesota Statutes Chapter 360, with officials from local governments affected by a proposed zoning ordinance as JAZB representatives. The process will consider public input as part of developing an airport zoning ordinance and may cause a zoning ordinance recommendation to the Minnesota Department of Transportation Office of Aeronautics that deviates from the state's Model Zoning Ordinance. The Model Zoning Ordinance creates Safety Zones A and B as a guide, Minn. R. 8800.2400, but these zones are not currently in effect at the Airport. Safety Zone A typically prevents erection of new structures and Safety Zone B typically prevents small lot residential development using density standards.

64. Under the no action alternative, for Runway 14/32 there are no houses in Model Safety Zone A and two houses in Model Safety Zone B; for Runway 4/22, there no houses in Model Safety Zone A and eight houses in Model Safety Zone B. Under the preferred alternative, for Runway 14/32 there will be three houses in Model Safety Zone A and ten houses in Model Safety Zone B; for Runway 04/22, there will be two houses in Model Safety Zone A and ten houses in Model Safety Zone B.

65. The proposed realignment of 30th Street North will increase the average travel time along 30th Street North by approximately 46 seconds in either direction, which will not place an undue burden on local roadway users. The Bayport Fire Department predicts the primary effect on emergency response associated with the realignment will be increasing the time to access fire hydrants west of Manning Avenue when responding to

fires east of Manning Avenue. But because multiple jurisdictions respond to emergencies in the area under a mutual aid agreement and numerous firefighting vehicles will be present if a fire occurs, the increase in travel time is not expected to adversely affect emergency response.

66. The EA/EAW evaluates wildlife attractants at and near the Airport. A report prepared by the MAC's consultant concludes the proposed project will not result in any new hazardous wildlife concerns at the Airport. The United States Department of Agriculture concurs, finding in January 2018 that the proposed project will have little effect on wildlife hazards at the Airport and in the surrounding area, and is unlikely to increase those hazards.

#### **B. Cumulative Environmental Effects**

67. The EA/EAW evaluates the cumulative potential effects from related or anticipated future projects and the proposed project. The EA/EAW's cumulative potential effects analysis considers five projects and evaluated the cumulative impact of wetland fill. According to the EA/EAW, construction of the proposed project will cause the filling of approximately 2.36 acres of wetland on Airport property. But the EA/EAW found the wetland loss associated with the proposed action is less than 0.1 percent of wetland loss since pre-settlement times in the Valley Branch Watershed District and less than 0.01 in all of Washington County. Given the excess capacity in Minnesota's wetland banking system and the preference for wetland banking by federal and state wetland permitting authorities in Minnesota, the EA/EAW concludes there is no potential for adverse effect in the proposed project area that cannot be mitigated.

**C. Mitigation of Environmental Effects by Ongoing Public Regulatory Authority**

68. Environmental effects of the proposed project are subject to mitigation by ongoing public regulatory authority.

69. The EA/EAW identifies that fugitive dust emissions from excavated areas and construction equipment emissions may cause temporary impacts to air quality during construction of the proposed project. However, the MAC's construction contracts require contractors to employ dust control measures during construction. In addition, the MAC requires a re-circulating air sweeper with dust control and auxiliary pick-up type sweepers to be present and available as necessary to suppress dust generated at the project construction sites and on haul routes to and from the project construction sites.

70. The MAC will also mitigate increased emissions associated with the proposed project's construction by using voluntary best management practices (BMPs) such as engine idling restrictions and maintenance requirements, and other control strategies identified in the *United States Environmental Protection Agency Diesel Emission Restriction Checklist*.

71. The MAC will mitigate any temporary impacts to water quality during construction by implementing BMPs, including stormwater erosion and sediment control practices such as installation of silt fences, temporary sediment basins, inlet protection, and erosion control blankets. An erosion and sediment control plan will specify temporary and permanent erosion control measures in compliance with local, state, and federal regulations.

72. The MAC will mitigate construction noise through implementation of construction practices specified in FAA Advisory Circular (AC) 150/5370-10E, *Standards for Specifying Construction of Airports*. The MAC will also include contract provisions requiring construction noise mitigation.

73. Introduction and spread of invasive species at the Airport will be minimized prior to, during, and after construction of the proposed project through many BMPs. Prior to construction, standard cleaning procedures of equipment used on-site will minimize the introduction of exotic invasive species from outside the Airport. Storage and cleaning of equipment and materials in established staging areas during construction will also minimize the spread of invasive plant seeds to off-site areas or other areas on-site. Areas disturbed during construction will be seeded with many turf grasses.

74. To avoid and minimize impacts on potential habitat for the northern long-eared bat, a federally-listed threatened species, the MAC will complete tree clearing between October 1 and April 30, which is the dormant season for the bat at the Airport's latitude.

75. The proposed project will relocate and extend certain existing lighting systems, including the existing medium intensity runway edge lighting (MIRL) systems, precision approach path indicator (PAPI) lights, and runway end identifier lights (REIL). Lighting systems at the Airport may be remotely activated by pilots by radio, so the systems need only be in full effect when in use by approaching and departing aircraft. Under both the no action alternative and proposed project, the runway and taxiway edge lights will be preset to low intensity and will only increase in intensity when in use, while REILs and PAPIs will not be illuminated when not in use.

76. The MAC must obtain required permits or approvals to fill any wetlands under the jurisdiction of the Minnesota Department of Natural Resources or under the Minnesota Wetland Conservation Act (WCA), and will implement the mitigation requirements of those permits or approvals. The MAC will also consider wetland banking opportunities under WCA. In addition, the MAC will follow the rules and regulations of the Valley Branch Watershed District, including upland buffer vegetation requirements for wetlands, streams, and lakes.

#### **D. Other Available Environmental Studies**

77. There are no other available environmental studies evaluating the extent to which the environmental effects of the proposed project can be anticipated and controlled.

### **CONCLUSIONS**

1. On August 31, 2018, the FAA issued a FONSI/ROD determining that the EA/EAW for the proposed project is adequate under NEPA and there are no significant impacts associated with the proposed project.

2. The MAC has the authority to determine whether the proposed project is exempt from environmental review under MEPA.

3. The MAC has the authority to determine whether the proposed project “may have the potential for significant environmental effects.” Minn. R. 4410.1000, subp. 3(B).

4. The MAC has the authority to determine whether the proposed project “has the potential for significant environmental effects” and requires preparation of an EIS under MEPA. Minn. R. 4410.1700, subp. 7. The four criteria for determining whether the proposed project has the potential for significant environmental effects are: (a) the type, extent, and reversibility of the project’s environmental effects; (b) the cumulative potential

effects of related or anticipated future project; (c) the extent to which the project's environmental effects are subject to mitigation by ongoing public regulatory authority; and (d) the extent to which the project's environmental effects may be anticipated and controlled because of other available environmental studies. *Id.*

5. The proposed project is not exempt from environmental review under MEPA.

6. The proposed project may have the potential for significant environmental effects.

7. The FAA has prepared a federal EA under NEPA for the proposed project because the project will require federal approval. The MAC has the authority to circulate the federal EA in place of an EAW form under MEPA because the federal EA for the proposed project addresses the impact categories discussed in the EAW form. Minn. R. 4410.1300.

8. Application of the four criteria to determine whether MEPA requires preparation of an EIS for the proposed project reveals that the project does not have the potential for significant environmental effects and that preparation of an EIS is unnecessary.

9. The type, extent, and reversibility of the proposed project's environmental effects demonstrate that an EIS is unnecessary.

10. Under the proposed project, there will be an overall decrease in pollutant emissions between the 2016 baseline estimate and 2025 forecast aircraft operations, which results from the forecasted decline in aircraft operations from 2016 to 2025. There will be a slight increase in volatile organic (VOC) and nitrogen oxides (NO<sub>x</sub>) emissions, but these

increases are below the *de minimis* thresholds identified by the FAA Aviation Emissions and Air Quality Handbook Version 3, Update 1 (January 2015). A marginal increase in aircraft operations is expected following 2025, but this increase will not substantially change operational aircraft emissions. The proposed project's air emissions do not have the potential for significant environmental effects.

11. Ground vehicle emissions from the proposed project's lengthening of 30th Street North, combined with aviation emissions as allowed under FAA guidance documents, will not exceed the federal *de minimis* thresholds for total emissions associated with the proposed project. The proposed project's emissions do not have the potential for significant environmental effects.

12. Construction impacts from the proposed project will be temporary, *de minimis*, and subject to mitigation by best management practices. Therefore, the proposed project's construction impacts do not have the potential for significant environmental effects.

13. Construction of the proposed project will cause an increase in greenhouse gas emissions, as expressed as CO<sub>2</sub>e, of only 12,400 tons over a five-year period. On site CO<sub>2</sub>e emissions attributable to aircraft operations in 2025 under the proposed project will decrease as compared to 2016 CO<sub>2</sub>e emissions attributable to aircraft. The proposed project's greenhouse gas emissions do not have the potential for significant environmental effects and are not expected to have an adverse effect on climate change.

14. Aircraft noise impacts are virtually identical under the no action alternative and under the proposed project alternative. The 65 DNL 2016 baseline contour is contained entirely on Airport property. Under the 2025 no action alternative and the 2025 proposed

project alternative, the 65 DNL contour remains contained entirely on Airport property. Therefore, there will be no significant aircraft noise impacts under the proposed project.

15. The proposed project involves construction on existing Airport property and the extinguishment of a prescriptive easement for 30th Street North, and an FAA land release for the extinguishment because FAA contends the 30th Street North realignment will occur on Airport property. The marginal increases in aircraft activity from the proposed project and the 30th Street realignment will produce no significant induced or secondary socioeconomic impacts.

16. There are no low-income or minority populations near the Airport so the proposed project will not disproportionately affect minority or low-income populations. In addition, there is no potential for disproportionate health or safety risks for children associated with the project. Therefore, the proposed project's environmental justice impacts do not have the potential for significant environmental effects.

17. The FAA and the United States Fish and Wildlife Service have determined that the proposed project is not likely to adversely affect the rusty-patched bumble bee, a federally-listed endangered species, and the northern long-eared bat, a federally-listed threatened species. In addition, the MAC will attempt to mitigate any adverse effects on the bat's habitat and any disruption to the habitat of the Blanding's turtle, a state-listed threatened species. The MAC will also carefully target the removal of on-Airport and off-Airport trees in the approaches to Airport runways under the proposed project. Finally, the MAC will maintain current vegetation management practices at the Airport to minimize wildlife hazards and invasive species under the proposed project. Therefore, the proposed

project's impacts to biological resources do not have the potential for significant environmental effects.

18. There are no Section 4(f) resources (publicly owned parks, recreation areas, wildlife and water fowl refuges, or public and private historic properties) affected by the proposed project, so the proposed project does not have the potential for significant environmental effects on such resources.

19. Construction of the proposed project will not disturb existing TCE groundwater contamination below the Airport, and the MAC will dispose of construction materials and other solid waste in compliance with laws and regulations. Therefore, the proposed project has no potential for significant effects associated with hazardous waste or solid waste disposal, or pollution prevention.

20. The proposed project will not adversely affect any properties eligible for listing on the National Register of Historic Places, and the MAC will undertake mitigation efforts to avoid disturbing two historic-age building foundations in groves of trees north and south of 30th Street. The FAA has determined there are no historic properties affected by the proposed project, and the SHPO concurred in the FAA finding. If the MAC discovers cultural resources or human remains during construction of the proposed project, it will notify the appropriate authorities and protect the area until any concerns have been addressed. The proposed project does not have the potential for significant effects on historical, architectural, archaeological, and cultural resources.

21. The proposed project's increased electrical consumption will not exceed existing supply, and the proposed project will use no unusual raw materials or natural resources, or any materials in short supply. Therefore, the proposed project's impacts on

natural resources and energy supply do not have the potential for significant environmental effects.

22. Under the proposed project, runway lighting will be a similar distance to residential areas as existing runway lighting, or in some instances slightly closer to residential areas. But residential areas near the Airport will remain shielded from light emissions, as they are now, because the residences are at least one-half mile away and are screened by mature trees. In addition, the runway lights when not in use will not be illuminated or will be preset to low intensity, and will not be illuminated or increase in intensity unless they are being used. Fewer than 15 percent of aircraft operations are expected to occur during nighttime or inclement weather conditions. The proposed project's light emissions and visual effects do not have the potential for significant environmental effects.

23. The proposed project will directly affect approximately 2.36 acres of wetlands. None of the wetlands are jurisdictional wetlands under the Clean Water Act, but the MAC will obtain permits or approvals to fill any wetlands under the jurisdiction of the Minnesota Department of Natural Resources or under the Minnesota Wetland Conservation Act. In addition, the MAC will follow the rules of the Valley Branch Watershed District for wetlands, stormwater management and floodplains, and the requirements of Baytown Township and West Lakeland Township for stormwater management and discharge. Therefore, the proposed project does not have the potential for significant environmental effects on water resources.

24. The proposed project is not within any defined coastal boundary, will affect no coastal barrier resources, and as a result does not have the potential for significant environmental effects.

25. The proposed project's farmland impacts are below the significance level established by the USDA. The proposed project does not have the potential for significant environmental effects on farmland.

26. Any cumulative potential effects from related or anticipated future projects and the proposed project may be minimized by implementing wetland banking. There are no cumulative potential effects from future projects that cannot be mitigated or that raise the potential for significant environmental effects.

27. Certain environmental effects of the proposed project are subject to mitigation by ongoing public regulatory authority.

28. Any finding more properly considered a conclusion shall be considered a conclusion. Any conclusion more properly considered a finding shall be considered a finding.

### **ORDER**

Based upon the above findings of fact and conclusions, and the entire administrative record of the proceeding, the Metropolitan Airports Commission (MAC) determines and declares that the Final Environmental Assessment/Environmental Assessment Worksheet for the proposed project is adequate under the Minnesota Environmental Policy Act (MEPA), that the proposed project does not have the potential for significant environmental effects, and that preparation of an environmental impact statement (EIS) for the proposed

project is not required. The MAC is issuing a negative declaration on the need for an EIS under MEPA.

DATED: 10-22-18

METROPOLITAN AIRPORTS COMMISSION

  
\_\_\_\_\_  
Daniel Boivin  
Chair