

## **APPENDIX J: AIRPORT CAPITAL INVESTMENT REVIEW PROCESS**

The overall aviation planning process for the Twin Cities metro area is discussed in Chapter 9, “Aviation Investment Direction and Plan.” Additional detail on the state statutes affecting aviation capital investment review process is provided in this appendix. The typical annual process and schedule for preparation and review of the MAC CIP is also included.

### **Statutory Authority**

As required under the following state statutes, the capital investments made at the region’s public-use airports are reviewed and commented upon, or under some conditions approved, by the Metropolitan Council.

The Metropolitan Airports Commission prepares a capital improvement program for the metro area airports that the commission owns and operates. The Metropolitan Council annually reviews the Metropolitan Airports Commission’s capital improvement program under the following key legislative authorizations:

#### **MS 473.165, Metropolitan Council Review: Independent Commission, Board, Agency**

##### **Subd. 1**

The Metropolitan Council shall review all long-term comprehensive plans (LTCP’s) of each independent commission [Metropolitan Airports Commission], board, or agency prepared for its operation and development within the metropolitan area but only if such plan is determined by the Metropolitan Council to have an area-wide effect, a multi-community effect, or to have a substantial effect on metropolitan development. Each plan shall be submitted to the Metropolitan Council before any action is taken to place the plan or any part thereof, into effect.

#### **MS 473.181, [Additional] Metropolitan Council review powers**

##### **Subd. 5. Airports**

The Metropolitan Council shall review Metropolitan Airports Commission capital projects pursuant to section 473.621, Sd6. The plans of the Metropolitan Airports Commission and the development of the metropolitan airports system by the commission shall, as provided in sections 473.611, Sd5 and 473.655, be consistent with the development guide of the Metropolitan Council.

# MS 473.621, Powers of [Metropolitan Airports Commission] corporation

## Subd. 6. Capital projects, review

All Minneapolis-St. Paul International Airport capital projects of the commission requiring expenditure of more than \$5 million shall be submitted to the Metropolitan Council for review. All other capital projects of the commission requiring expenditure of more than \$2 million shall be submitted to the Metropolitan Council for review. No such project that has a significant effect on the orderly and economic development of the metropolitan area may be commenced without the approval of the Metropolitan Council.

In addition to any other criteria applied by the Metropolitan Council in reviewing a proposed project, the Metropolitan Council shall not approve a proposed project unless the Metropolitan Council finds that the commission has completed a process intended to provide affected municipalities the opportunity for discussion and public participation in the commission's decision-making process. An "affected municipality" is any municipality that (1) is adjacent to a commission airport, (2) is within the noise zone of a commission airport, as defined in the metropolitan development guide, or (3) has notified the commission's secretary that it considers itself an "affected municipality."

The Metropolitan Council must at a minimum determine that the commission:

- Provided adequate and timely notice of the proposed project to each affected municipality.
- Provided to each affected municipality a complete description of the proposed project.
- Provided to each affected municipality notices, agendas, and meeting minutes of all commission meetings, including advisory committee meetings, at which the proposed project was to be discussed or voted on in order to provide the municipalities the opportunity to solicit public comment and participate in the project development on an on-going basis; and, considered the comments of each affected municipality.

## Subd. 7 Capital projects

For purposes of this section, capital projects having a significant effect on the orderly and economic development of the metropolitan area shall be deemed to be the following:

- The location of a new airport
- A new runway at an existing airport
- A runway extension at an existing airport
- Runway strengthening other than routine maintenance to determine compliance with Federal Air Regulation, Part 36
- Construction or expansion of passenger handling or parking facilities which would permit a 25 percent or greater increase in passenger enplanement levels
- Land acquisition associated with any of the above items or which would cause relocation of residential or business activities

In addition to overall federal (NEPA) and state (MEPA) environmental requirements the Metropolitan Airports Commission has the following state directives concerning preparation of environmental documentation in relation to development and implementation of capital improvements.

## **MS 473.614, Environmental Review**

### **Subd 1. Capital Plan; environmental assessments**

The commission shall prepare an assessment of the environmental effects of projects in the commission's seven-year capital improvement program and plan at each airport owned and operated by the commission. The assessment must examine the cumulative environmental effects at each airport of the projects at that airport, considered collectively. The commission need not prepare an assessment for an airport when the capital improvement program and plan for that airport has not changed from the one adopted the previous year or when the changes in the program and plan will have only trivial environmental effects.

### **Subd 2. Capital Program; environmental assessment worksheets**

The commission shall prepare environmental assessment worksheets under chapter 116D, rules issued pursuant thereto, on the environmental effects of projects in the commission's capital improvement program at each airport owned and operated by the commission. The scope of the environmental assessment worksheets required by this section is limited to only those projects in the program for an airport that meet all of the following conditions:

- The project is scheduled in the program for the succeeding calendar period.
- The project is scheduled in the program for the expenditure of \$5 million or more at MSP, or \$2 million or more at any other airport.
- The project involves (i) the construction of a new or expanded structure for handling passengers, cargo, vehicles, or aircraft; or (ii) the construction of a new or the extension of an existing runway or taxiway.

After adopting its capital program, the commission may amend the program by adding or changing a project without amending or redoing the worksheets required by this subdivision, if the project to be added or the change to be made is one that the commission could not reasonably have foreseen at the time it completed the worksheets.

For the purpose of determining the need for an environmental impact statement (EIS), the commission shall consider the projects included in the scope of a worksheet as a single project and shall assess their environmental effects collectively and cumulatively. The commission's decision on whether an environmental impact statement is needed must be based on the worksheet and comments. The commission may not base a decision that an EIS is not needed on exemptions of projects in state or federal rules. The commission is not required to prepare an EIS on an individual project, or to include a project in the scope of an EIS that the commission determines is needed, if the project is shown in the

worksheet to have trivial environmental effects or if an EIS on the project has been determined to be adequate under state law.

The commission may incorporate into worksheets information from the commission's log-term plans, environmental assessments prepared under subdivision 1, or other environmental documents prepared on projects under state or federal law.

### **Subd 2a. Environmental impact report**

Notwithstanding the provisions of subdivision 2, the commission shall prepare a report documenting the environmental effects of projects in the Minneapolis-St. Paul International Airport 2010 long-term comprehensive plan. Environmental effects of and costs associated with, noise impacts, noise mitigation measures, and land use compatibility measures must be evaluated according to alternative assumptions of 600,000, 650,000, 700,000 and 750,000 aircraft operations at the Minneapolis-St. Paul International Airport.

### **Subd 3. Procedure**

The environmental assessments required under subdivision 1 and the EAW's required under subdivision 2 must be prepared each year before the commission adopts its capital improvement plan and program.

The commission shall hold a public hearing on each environmental assessments and EAW before adopting the capital improvement plan and program. The commission may consolidate hearings.

The initial environmental assessments and EAW's must be completed before the commission adopts its capital improvement program for calendar years 1989-1995.

### **Subd.4. Other environmental review**

Nothing in this section limits the responsibility of the commission or any other governmental unit or agency, under any other law or regulation, to conduct environmental review of any project, decision, or recommendation, except that the EAW's prepared under subdivision 2 satisfy the requirements under state law or rule for EAW's on individual projects covered by worksheets prepared under subdivision 2.

The following statute is not directly a part of the aviation CIP process but is included here to indicate the responsibilities of the Metropolitan Council to review applications for state and federal aid for aviation investments. This review authority is especially pertinent for grants to municipal owned or privately owned, public-use airports which are not included in the MAC CIP. For investments at these airports the Metropolitan Council coordinates with MnDOT through its 5-year Aeronautics capital improvement program. This program is updated annually and is used for identifying project eligibility and defining state and federal funding participation levels/schedule.

## **MS 473.171, Metropolitan Council Review: Applications for federal, and state aid**

### **Subd. 1. Federal**

The Metropolitan Council shall review all applications of a metropolitan agency, independent commission, board or agency, and local governmental units for grants, loans or loan guarantees from the United States or agencies thereof submitted in connection with proposed matters of metropolitan significance, all other applications by metropolitan agencies, independent commission, boards and agencies and local governmental units for grants, loans, or loan guarantees from the United States or any agency thereof if review by a regional agency is required by federal law or the federal agency, and all applications for grants, loans or allocations from funds made available by the United States to the metropolitan area for regional facilities pursuant to a federal revenue sharing or similar program requiring that the funds be received and granted or allocated or that the grants and allocations be approved by a regional agency.

### **Subd. 2. State**

The Metropolitan Council shall review all applications or requests of a metropolitan agency, independent commission, board or agency, and local governmental units for state funds allocated or granted for purposed matters of metropolitan significance, and all other applications by metropolitan agencies, independent commissions, boards, agencies, and local governmental units for state funds if review by a regional agency is required by state law or the granting state agency.

## **CIP Review Process Materials**

The Metropolitan Airports Commission annually prepares a capital improvements program (CIP) and the associated environmental documents (including an assessment of environmental effects, as well as any needed environmental assessment worksheets) as specified in the statutes quoted previously. These materials inform the policy bodies and facilitate coordination with standing committees, advisory groups and the public. The Metropolitan Airports Commission process is depicted in schematic form in Figure J-1, indicating the flow of various work /review elements to develop the capital improvement program and its review by Metropolitan Council and EQB.

Figure J-1 Development of MAC Capital Improvement Program

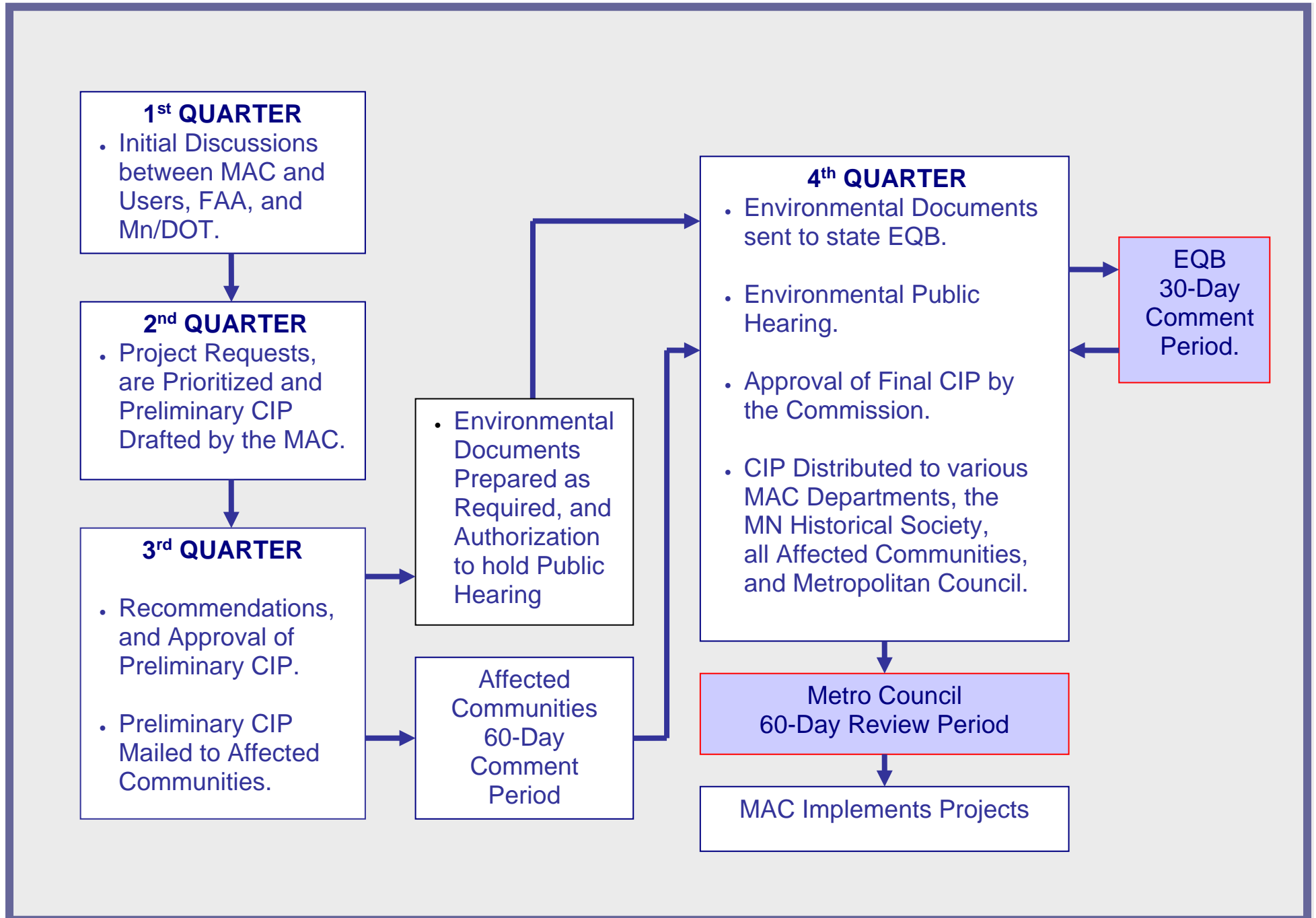


Figure J-2 indicates the actual review schedule that has been programmed for calendar year 2018. This same process is repeated annually with some slight change to the dates involved for specific actions. The review dates for the Metropolitan Council's Technical Advisory Committee (TAC) and the Transportation Advisory Board (TAB) are also included. The Metropolitan Airports Commission capital improvement program is reviewed for consistency with Metropolitan Council plans for the region and in relation to each airport's current long-term comprehensive airport development plan (LTCP), environmental evaluation or required environmental assessment worksheet or environmental impact statement, and the project criteria as defined in the statutes.

**Figure J-2: Annual Capital Improvement Program Review and Implementation Process**

| METROPOLITAN AIRPORTS COMMISSION<br>CAPITAL IMPROVEMENT PROGRAM   | RESPONSIBILITY  | 2018<br>SCHEDULE  |
|---|---|---|
| <b>PROJECTS DEFINITION</b>  |   |   |
| <b>Initial Capital Improvement Program (CIP) Discussions</b>  | Airport Development   | January   |
| <b>Requests for CIP Projects to Airport Dev. Dev. Project Scopes/Costs/Prioritization Develop Draft Preliminary CIP</b>                     | Departments<br>Departments/Airport Development/Consultants<br>Airport Development | Feb. 1 – June 1<br>Feb. 1 – July 31<br>Feb. 1 – July 31 |
| <b>PROJECTS ENVIRONMENTAL REVIEW</b>  |   |   |
| <b>Prepare AOEEs and EAWs as required</b>   | Environment   | July 31-Oct. 15   |
| <b>Notice of FD&amp;E Meeting mailed to affected Communities</b>  | Airport Development   | September   |
| <b>FD&amp;E Recommendation of Preliminary CIP to MAC for Environ. Review/Authorization to hold P.H. on AOEE's &amp; EAW's.</b>              | Airport Development   | September   |
| <b>FD&amp;E Minutes of Sept. Meeting and Notice of Sept. Commission Meeting mailed to Affected Communities</b>                              | Airport Development   | September   |
| <b>MAC Approval of Preliminary CIP for Environmental Review/Authorization to hold P.H. on AOEE's and EAW's</b>                              | Airport Development<br>Airport Development  | September<br>September                                  |
| <b>Preliminary CIP Mailed to Affected Communities</b>   | Environment   | October   |
| <b>AOEE's and EAW's to Environmental Quality Board (EQB) Public Hearing Notice Published in EQB Monitor, starting 30-Day Comment Period</b> | Environment   | October   |

|  |                              |                |
|--|------------------------------|----------------|
| <b>Minutes of Sept. Commission Meeting mailed to Affected Communities</b>  | Airport Development          | October        |
| <b>Public Hearing on AOEE's and EAW's at Nov. FD&amp;E Committee Meeting</b>                                     | Environment                  | November       |
| <b>Thirty-Day Comment Period on AOEE's and EAW's ends</b>  | Environment                  | November       |
| <b>Metro Council - TAC Planning committee</b>  | Metropolitan Council- TAC PI | November       |
| <b>Final Date for Affected Communities</b>   | Affected Communities         | November       |
| <b>Comments on Preliminary CIP to MAC</b>  |                              |                |
| <b>Metro Council -Technical Advisory Committee (TAC)</b>   | Tech. Advisory Committee     | December       |
| <b>Notice of December FD&amp;E Meeting mailed to Affected Communities</b>  | Airport Development          | December       |
| <b>Recommendation by FD&amp;E to Commission on Final CIP</b>   | Airport Development          | December       |
| <b>Minutes of December FD&amp;E Meeting and Notice of Dec. Commission Meeting mailed to Affected Communities</b> | Airport Development          | December       |
| <b>Metropolitan Council - Transportation Advisory Board</b>  | Transp. Advisory Board       | December       |
| <b>PROJECTS PLANNING and FINANCIAL REVIEW</b>  |                              |                |
| <b>Approval of Final CIP by Commission</b>   | Airport Development          | December       |
| <b>Notification of Commission Action to EQB</b>  | Airport Development          | December       |
| <b>CIP Distributed to MAC Departments, Met Council, State Historical Society and Affected Communities</b>        | Airport Development          | December       |
| <b>Metropolitan Council – Transportation Committee</b>   | Transportation Committee     | January(NewYr) |
| <b>Metropolitan Council</b>  | Metropolitan Council         | January(NewYr) |
| <b>Minutes of December Commission Meeting mailed to Affected Communities</b>                                     | Airport Development          | January(NewYr) |

Note: 1) All dates are tentative and subject to change. 2) Shaded items represent actions/dates which pertain to the Affected Communities as defined in Minnesota Statutes § 473.621, Sd. 6 as amended. 3) FD&E = Metropolitan Airports Commission Finance, Development and Environment Committee. 4) AOEE = Assessment of Environmental Effects. 5) EAW = Environmental Assessment Work Sheet. 6) EQB = Minnesota Environmental Quality Board



When the TAC Planning committee begins its review of the draft CIP in November the Metropolitan Airports Commission 30-day public review and comment period is just ending and proposed capital improvement program funding information is not completed and acted upon by the Commission.

Therefore the latest capital improvement program changes are addressed verbally at the full Technical Advisory Committee if they are different than the initial action item submitted for review. Final action by the Commission's Planning, Development & Environment Committee (PD&E), including any changes different from the information provided to the TAC, are reported to the full Transportation Advisory Board and addressed in its review.

Comments/recommendations made by the TAB are forwarded for consideration by the Metropolitan Council's Transportation Committee who then reports to the full Metropolitan Council for action.

Figure J-3 is the form designed to reflect the statutory criteria used to determine if Council approval of a project in the CIP is necessary. The Metropolitan Council does not officially review the Metropolitan Airports Commission's annual operating budget or bonding proposals, but may use information from these documents to help clarify capital improvement program proposals and their implementation.

**Figure J-3: Criteria for Initial Review of the 2013 Capital Improvement Program**

| <i>2013 Capital Improvement Program</i>                         | <b>Prior Reviews/Actions</b>        |  | <b>Capital Review Criteria*</b>  |                           |                                   |   |   |  |  |  |
|---|-------------------------------------|--|--|---------------------------|-----------------------------------|---|---|--|--|--|
|   | <b>LTCP</b>                         | <b>AOEE***</b>   | <b>(A)</b>   | <b>(B)</b>                | <b>(C)</b>                        | <b>(D)</b>                              | <b>(E)</b>  | <b>(F)</b>   | <b>(G)</b>   | <b>(H)**</b>   |
| <i>PROJECT LISTINGS BY AIRPORT</i>                              | Approved (Yes/No)<br>Current<br>[?] | EA-EAW - Prepared<br>EIS - Reviewed<br>NPDES - Approved<br>Legislative Requirement<br>Regulatory Requirement | Project meets the dollar threshold at:<br>MSP = \$5M<br>Relievers = \$2M | Location of a new airport | New runway at an existing airport | Runway extension at an existing airport | Runway strengthening other than routine maintenance | New or expanded passenger handling or parking facilities for > 25% capacity increase | Land acquisition associated with the other criteria, or that would cause relocation of residential or business activities. | Project information made available by the MAC to affected municipalities for their review. |
| <i>MSP INTERNATIONAL</i>  |                                     |  |  |                           |                                   |   |   |  |  |  |
| <i>ST. PAUL DOWNTOWN - Runway Safety Area</i>                   |                                     |  |  |                           |                                   |   |   |  |  | Y  |
| <i>FLYING CLOUD - Sanitary Sewer &amp; Watermain Extensions</i> |                                     |  |  |                           |                                   |   |   |  |  | Y  |
| <i>CRYSTAL</i>  |                                     |  |  |                           |                                   |   |   |  |  | Y  |
| <i>ANOKA CO. BLAINE</i>   |                                     |  |  |                           |                                   |   |   |  |  | Y  |
| <i>LAKE ELMO</i>  |                                     |  |  |                           |                                   |   |   |  |  |  |
| <i>AIRLAKE - South Building Area</i>                            |                                     |  |  |                           |                                   |   |   |  |  | Y  |

If an AOEE or EAW is required for projects in the annual Capital Improvement Program the form in Figure J-4 indicates the types of environmental categories that are examined and whether it has an environmental effect or cumulative effect for a particular airport. The AOEE or EAW, along with the capital improvement program, provide more detailed information that is required if the project has an environmental effect.

**Figure J-4: Types of Environmental Categories Used in Reviews**

| Environmental Categories Affected by the Project |   |             |                     |                           |                            |   |  |                                    |                                    |           |   |           |                                    |           |                           |
|--|---|-------------|---------------------|---------------------------|----------------------------|---|--|------------------------------------|------------------------------------|-----------|---|-----------|------------------------------------|-----------|---------------------------|
| Project Description                              | Are the Effects of the Project Addressed in an Approved EAW, EA or EIS? | Air Quality | Compatible Land Use | Fish, Wildlife and Plants | Flood plains and Floodways | Hazardous Materials, Pollution Prevention and Solid Waste | Historical, Architectural, Archaeological and Cultural Resources | Light Emissions and Visual Effects | Parks, recreation areas and trails | Noise     | Water Quality (Storm, Waste and Ground Water) | Wetlands  | Infrastructure and Public Services | Farmland  | Erosion and Sedimentation |
| <b>MSP Projects</b>                              |   |             |                     |                           |                            |   |  |                                    |                                    |           |   |           |                                    |           |                           |
| Project X  | Yes 2010 LTCP FEIS, May 1998  | No Effect   | No Effect           | No Effect                 | No Effect                  | No Effect   | No Effect  | No Effect                          | No Effect                          | No Effect | No Effect                                     | No Effect | No Effect                          | No Effect | No Effect                 |
| <b>Reliever Airport Projects</b>                 |   |             |                     |                           |                            |   |  |                                    |                                    |           |   |           |                                    |           |                           |
| Airport X  | Yes Expansion FEIS June 2004  | Effect*     | Effect*             | No Effect                 | No Effect                  | No Effect   | Effect*  | No Effect                          | No Effect                          | Effect*   | Effect*                                       | No Effect | No Effect                          | No Effect | No Effect                 |
| Airport Y  |   |             |                     |                           |                            |   |  |                                    |                                    |           |   |           |                                    |           |                           |
| Airport Z  |   |             |                     |                           |                            |   |  |                                    |                                    |           |   |           |                                    |           |                           |

\* All required mitigation is being completed as part of the project.