

## Appendix P: Capital Investment Review Process

The overall aviation planning process for the Twin Cities metro area is discussed in the planning process section of the TPP Chapter 10. In Figure 10-21 the various local planning elements are depicted by shading, and include the capital improvement plan. Additional detail on the local capital investment agency review process is provided in this appendix.

### AUTHORITY

As defined under state statutes for the Council and the MAC, the capital investments made at the region's public-use airports are reviewed and commented upon, or under some conditions require approval, by the Metropolitan Council. For municipal or privately-owned, public-use airports the Council coordinates with Mn/DOT Aeronautics through their 5-year capital improvement program (CIP). This program is updated annually and is used in for identifying project eligibility and defining state and federal funding participation levels/schedule in the STIP. For the Metropolitan Airports Commission (MAC), they prepare a CIP for the metro area airports they own and operate.

The Council reviews annually the MAC CIP under the following key legislative authorizations:

- **MS 473.165, Council Review: Independent Commission, Board, Agency**

#### Sd1

The Metropolitan Council shall review all long-term comprehensive plans (LTCP's) of each independent commission [MAC], board, or agency prepared for its operation and development within the metropolitan area but only if such plan is determined by the 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 council before any action is taken to place the plan or any part thereof, into effect.

- **MS 473.171, Council Review: Applications for Federal, and State Aid**

#### Sd1 Federal

The 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 U.S. 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 U.S. 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 U.S. 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.

### Sd2 State

The 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.

- **MS 473.181, [Additional] Council Review Powers**

### Sd5 Airports

The Council shall review Metropolitan Airports Commission capital projects pursuant to section 473.621, Sd6. The plans of the MAC 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 Council.

- **MS 473.621, Powers of [MAC] Corporation**

### Sd6 Capital projects: review

All Minneapolis-St. Paul International Airport capital projects of the commission requiring expenditure of more than \$5,000,000 shall be submitted to the Metropolitan Council for review. All other capital projects of the commission requiring expenditure of more than \$2,000,000 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 council shall not approve a proposed project unless the 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 council must at a minimum determine that the commission:

- a) provided adequate and timely notice of the proposed project to each affected municipality;
- b) provided to each affected municipality a complete description of the proposed project;
- c) 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,
- d) considered the comments of each affected municipality.

### Sd7 Capital project

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:

- a) the location of a new airport,
- b) a new runway at an existing airport,
- c) a runway extension at an existing airport,
- d) runway strengthening other than routine maintenance to determine compliance with Federal Air Regulation, Part 36,
- e) construction or expansion of passenger handling or parking facilities which would permit a 25 percent or greater increase in passenger enplanement levels,
- f) land acquisition associated with any of the above items or which would cause relocation of residential or business activities.

- **MS 473.614, Environmental Review**

In addition to overall NEPA and MEPA environmental requirements the MAC has the following state directives concerning preparation of environmental documentation in relation to development and implementation of capital improvements.

### Sd1 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 to be consistent with MS 473.614. 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.

### Sd2 Capital program: environmental assessment worksheets

a) The commission shall prepare environmental assessment worksheets (EAW's) 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 \$5M or more at MSP, or \$2M 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.

b) For the purpose of determining the need for an environmental impact statement, 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.

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

#### Sd2a Environmental impact report

Notwithstanding the provisions of subdivision 2, the commission shall prepare a report documenting the environmental effects of projects in the MSP 2010 LTCP. 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 MSP.

#### Sd3 Procedure

a) "The environmental assessments required under subdivision 1 and the Environmental Assessment Worksheets required under subdivision 2 must be prepared each year before the commission adopts its capital improvement plan and program" to be consistent with MS 473.614.

b) "The commission shall hold a public hearing on each Environmental Assessment and Worksheet before adopting the capital improvement plan and program. The commission may consolidate hearings" to be consistent with MS 473.614.

c) "The initial Environmental Assessments and Worksheets must be completed before the commission adopts its Capital Improvement Program for calendar years 1989-1995" to be consistent with MS 473.614.

#### Sd4 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 environmental assessment worksheets prepared under subdivision 2 satisfy the requirements under state law or rule for environmental assessment worksheets on individual projects covered by worksheets prepared under subdivision 2” to be consistent with MS 473.614.

### REVIEW MATERIALS

The MAC and the Council prepare various materials for their respective policy bodies and to facilitate coordination with standing committees, advisory groups and the public. The MAC process is depicted in schematic form in Figure P-1, indicating the flow of various work /review elements in development of the capital improvement program and relationship of Metro Council and EQB reviews.

**Figure P-1: Development of MAC Capital Improvement Program**

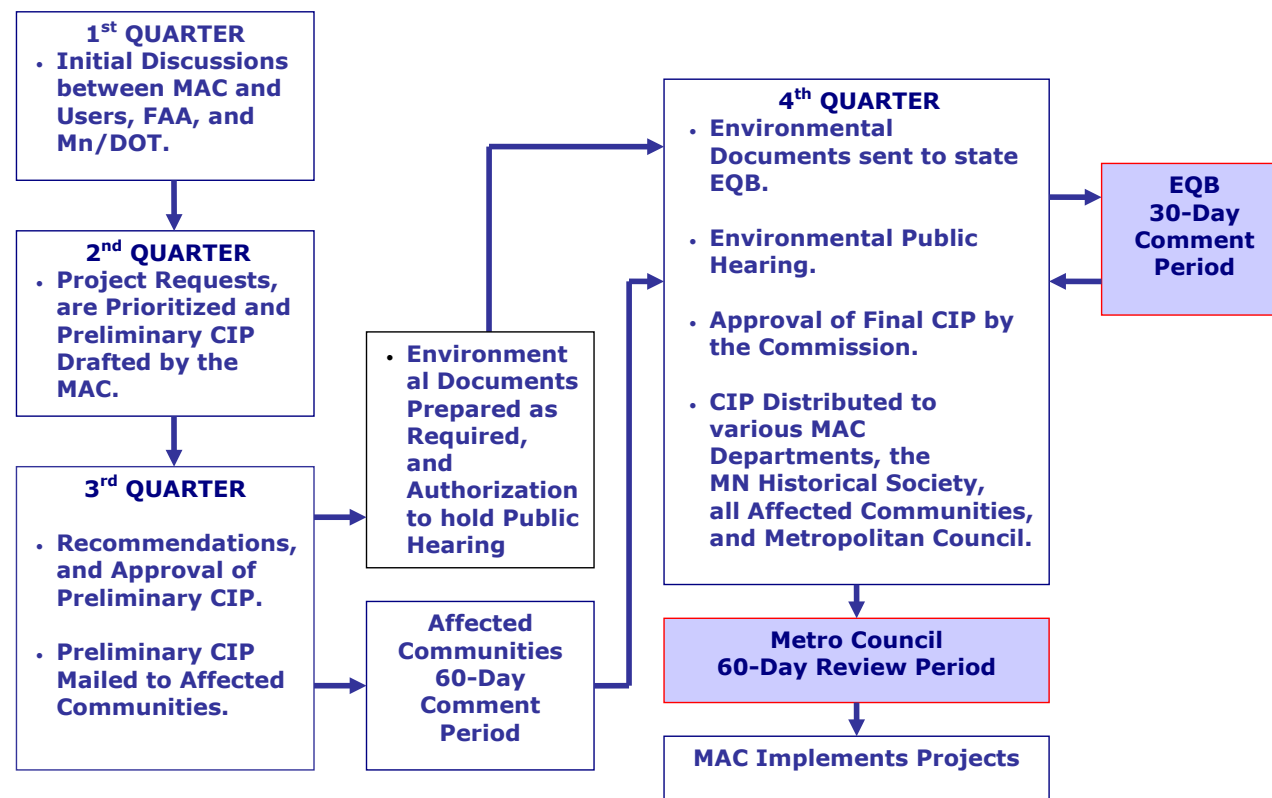


Figure P-2 indicates the actual review schedule that has been programmed for calendar year 2011. This same process is repeated annually with some slight change to the dates involved for specific actions. The review dates for the Council's Technical Advisory Committee (TAC) and the Transportation Advisory Board (TAB) are also included. The MAC CIP is reviewed within the capital review process in relation to the current long-term comprehensive airport development plan (LTCP), environmental evaluation or required environmental assessment worksheet or environmental impact statement, and project criteria as defined in the statutes.

# Figure P-2: ANNUAL CAPITAL IMPROVEMENT PROGRAM REVIEW AND IMPLEMENTATION PROCESS

METROPOLITAN AIRPORTS COMMISSION CAPITAL IMPROVEMENT PROGRAM	RESPONSIBILITY	2011 SCHEDULE
<b>PROJECTS DEFINITION</b> <ul style="list-style-type: none"> <li>Initial Capital Improvement Program (CIP) Discussions -----</li> <li>Requests for CIP Projects to Airport Dev. -----</li> <li>Dev. Project Scopes/Costs/Prioritization, -----</li> <li>Develop Draft Preliminary CIP -----</li> </ul>	<ul style="list-style-type: none"> <li>MAC Airport Development</li> <li>MAC Departments</li> <li>MAC Departments/Airport Development/Consultants</li> <li>Airport Development</li> </ul>	<ul style="list-style-type: none"> <li>January 2010</li> <li>Feb. 1 – June 1</li> <li>Feb. 1 – July 31</li> <li>Feb. 1 – July 31</li> </ul>
<b>PROJECTS ENVIRONMENTAL AND AFFECTED COMMUNITIES REVIEW</b> <ul style="list-style-type: none"> <li>Prepare AOEEs and EAWs as required, -----</li> <li>Notice of FD&amp;E Meeting mailed to affected Communities, -----</li> <li>FD&amp;E Recommendation of Preliminary CIP to MAC for Environ. Review/Authorization to hold P.H. on AOEE's &amp; EAW's. -----</li> <li>FD&amp;E Minutes of Sept. Meeting and Notice of Sept. Commission Meeting mailed to Affected Communities. -----</li> <li>MAC Approval of Preliminary CIP for Environmental Review/Authorization to hold P.H. on AOEE's and EAW's. -----</li> <li>Preliminary CIP Mailed to Affected Communities, -----</li> <li>AOEE's and EAW's to Environmental Quality Board (EQB). -----</li> <li>Public Hearing Notice Published in EQB Monitor, starting 30-Day Comment Period. -----</li> <li>Minutes of Sept. Commission Meeting mailed to Affected Communities. -----</li> <li>Public Hearing on AOEE's and EAW's at Nov. FD&amp;E Committee Meeting. -----</li> <li>Thirty-Day Comment Period on AOEE's and EAW's ends. -----</li> <li><b>Metro Council - TAC -Aviation Advisory Task Force</b> -----</li> <li>Final Date for Affected Communities Comments on Preliminary CIP to MAC. -----</li> <li><b>Metro Council -Technical Advisory Committee (TAC)</b> -----</li> <li>Notice of December FD&amp;E Meeting mailed to Affected Communities. -----</li> <li>Recommendation by FD&amp;E to Commission on Final CIP. -----</li> <li>Minutes of December FD&amp;E Meeting and Notice of Dec. Commission Meeting mailed to Affected Communities. -----</li> <li><b>Metro Council - Transportation Advisory Board</b> -----</li> <li><b>Metro Council -TAB</b> -----</li> </ul>	<ul style="list-style-type: none"> <li>Environment</li> <li>Airport Development</li> <li>Airport Development</li> <li>Airport Development</li> <li>Airport Development</li> <li>Environment</li> <li>Environment</li> <li>Airport Development</li> <li>Environment</li> <li>Environment</li> <li><b>Metropolitan Council</b></li> <li>Affected Communities</li> <li><b>Tech. Advisory Committee</b></li> <li>Airport Development</li> <li>Airport Development</li> <li>Airport Development</li> <li><b>TAB – Policy Committee</b></li> <li><b>Transp. Advisory Board</b></li> </ul>	<ul style="list-style-type: none"> <li>July 31-Oct. 15</li> <li>September 1</li> <li>September 8</li> <li>September 17</li> <li>September 20</li> <li>September 24</li> <li>October 11</li> <li>October 18</li> <li>October 27</li> <li>November 3</li> <li>November 17</li> <li><b>November 19</b></li> <li>November 23</li> <li><b>December 1</b></li> <li>December 2</li> <li>December 8</li> <li>December 15</li> <li><b>December 15</b></li> <li><b>December 15</b></li> </ul>
<b>PROJECTS PLANNING and FINANCIAL REVIEW</b> <ul style="list-style-type: none"> <li>Approval of Final CIP by Commission. -----</li> <li>Notification of Commission Action to EQB. -----</li> <li>CIP Distributed to MAC Departments, Met Council, State Historical Society and Affected Communities. -----</li> <li><b>Metropolitan Council – Transportation Committee</b> -----</li> <li><b>Metropolitan Council</b> -----</li> <li>Minutes of December Commission Meeting mailed to Affected Communities. -----</li> </ul>	<ul style="list-style-type: none"> <li>Airport Development</li> <li>Airport Development</li> <li>Airport Development</li> <li><b>Transportation Committee</b></li> <li><b>Metropolitan Council</b></li> <li>Airport Development</li> </ul>	<ul style="list-style-type: none"> <li>December 20</li> <li>December 23</li> <li>December 23</li> <li><b>January 10, 2011</b></li> <li><b>January 12, 2011</b></li> <li>January 21, 2011</li> </ul>

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) MAC = Metropolitan Airports Commission. 4) FD&E = MAC Finance, Development and Environment Committee. 5) AOEE = Assessment of Environmental Effects. 6) EAW = Environmental Assessment Work Sheet. 7) EQB = [MN] Environmental Quality Board

The Council does not officially review the MAC annual operating budget or bonding proposals, but may use information from these documents to help clarify CIP proposals and their implementation. Table P-3 is the form designed by the Council to directly reflect those statutory criteria and is used by the TAC Aviation Advisory Task Force in its initial review of the CIP. This is an initial review in that final comments by affected communities may not have been received or addressed by the MAC prior to mailing to the TAC advisory task force. In most instances the MAC 30-Day review comment period is just ending, and proposed CIP funding information is not completed and acted upon by the Commission. Comments on the AOEE's and EAW's are addressed administratively by staff letter to the MAC during the 30-Day EQB review period. The latest CIP changes to come out of the review process at this time are often addressed verbally at the full TAC if they are different than the initial action item submitted for review. Final action by the Commission's Finance, Development & Environment Committee (FD&E), including any changes different from the information provided to the TAC, are addressed in reviews by the TAB Policy Committee and the full Transportation Advisory Board. Comments/recommendations made by the TAB are the forwarded for consideration by the Council's Transportation Committee report to the full Council for action.

**Table P-3: CIP Review Criteria**

2009 CIP*	Prior Reviews / Actions		Capital Review Criteria *							
	LTCP	AOEE***	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)**
PROJECT LISTINGS BY AIRPORT	<ul style="list-style-type: none"> <li>• Approved (Yes/No)</li> <li>• Current [?]</li> </ul>	<ul style="list-style-type: none"> <li>• EA-EAW – Prepared</li> <li>• EIS - Reviewed</li> <li>• NPDES – Approved</li> <li>• Legislative Requirement</li> <li>• Regulatory Requirement</li> </ul>	Project meets the dollar threshold at: MSP = \$5M 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.
MSP International										
St. Paul Downtown										
Anoka County-Blaine										
Flying Cloud										
Crystal										
Lake Elmo										
Airlake										

\* Criteria as defined under MS 473. \*\* Requirements defined under MS 473. \*\*\* See AOEE 2008-2014 Summary Environmental Assessment – Table 2 Attached

If an AOEE or EAW are required for projects in the annual Capital Improvement Program the following form in Table P-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 CIP, provide more detailed information that is required if the project has an environmental effect.

**Table P-4: Summary of Environmental Assessment**

Environmental Categories Affected by the Project															
Project Description	Are the Effects of the Project Addressed in an Approved EAW, EA, or EIS?	Air Quality	Compat-ible Land Use	Fish, Wildlife and Plants	Flood-plains and Flood-ways	Hazardous Materials, Pollution Prevention and Solid Waste	Historical, Archi-tectural, Archaeo-logical and Cultural Resources	Light Emis-sions and Visual Effects	Parks, recreation Areas and trails	Noise	Water Quality (Storm, Waste and Ground Water)	Wet-lands	Infrastruc-ture and Public Services	Farm-land	Erosion and Sedi-mentation
<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															