



# Minnesota Center for Environmental Advocacy

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July 20, 2016

Mr. Joshua Fitzpatrick  
FAA Airports District Office  
6020 28<sup>th</sup> Avenue South, Room 102  
Minneapolis, MN 55450-2706

*RE: MCEA Mora Municipal Airport revised EA Comments*

Dear Mr. Fitzpatrick:

We are writing to provide the comments of the Minnesota Center for Environmental Advocacy (“MCEA”) on the Environmental Assessment (“EA”) Re-evaluation for the proposed crosswind runway construction at the Mora Municipal Airport. MCEA is a Minnesota-based non-profit environmental organization, the legal and scientific voice protecting and preserving Minnesota’s wildlife, natural resources, and the health of its people. We have members across the state of Minnesota, some of whom live and recreate near the proposed runway construction.

MCEA appreciates the opportunity to comment on the EA Re-evaluation. In MCEA’s assessment, the EA Re-Evaluation does not meet the requirements of the National Environmental Policy Act (NEPA) because it does not adequately evaluate the “no-action” alternative.<sup>1</sup> We recommend that the Federal Aviation Administration (“FAA”) re-evaluate the no-action alternative with respect to the crosswind runway because the airport already meets federal design standards and is similar in safety to other airports without crosswind runways.

## **I. Background of the Proposed Project**

In 2004, the FAA prepared an EA for two proposed projects at the Mora Municipal Airport: extension of the primary runway, and construction of a crosswind runway to replace the then-existing crosswind runway to enable use of a closely sited industrial park. Four alternatives were considered, one of which was a no-action alternative. At the time, the FAA rejected the no-action alternative, noting that not building a crosswind runway would not meet the project goals. Instead, Alternative 4 was chosen, in which a crosswind runway oriented at 285 degrees to create runway 11/29 would be built over a section of wetlands immediately north of Spring Lake.

Since approval in 2004, the extension of the primary runway has been completed, but the crosswind runway construction has been delayed. The proposed construction has been modified, specifically with regard to its design. The crosswind runway will now be smaller in width,

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<sup>1</sup> 40 C.F.R. § 1508.9.

although it will require 1.74 acres of wetland conversion and an additional 0.35-acre of wetland fill to accomplish.<sup>2</sup>

As a result of these modifications, the FAA issued an EA Re-evaluation in June of 2016 to determine if the findings of the original 2004 EA were still valid and to proceed on construction of runway 11/29. New data with respect to wind coverage, additional wetland fill, and potential endangered species impacts were included in the re-evaluation. Nonetheless, the re-evaluation does not re-consider the no-action alternative, noting that the no-action alternative was rejected in the 2004 EA. NEPA requires that the EA re-evaluation include re-evaluating the no-action alternative in light of the new data.

## **II. NEPA Requires Consideration of the “No Action Alternative”**

NEPA requires that an agency “consider every significant aspect of the environmental impact of a proposed action.”<sup>3</sup> Generally, this requires an agency to examine a number of alternatives, including a “no-action alternative” in which the proposed project is not completed.<sup>4</sup> An agency may also not take an action that is contrary to evidence before it.<sup>5</sup> In MCEA’s assessment, the new data available to the FAA for wind coverage and evidence of substantial project completion require that the no-action alternative be reexamined.

## **III. The FAA Must Evaluate a No-Action Alternative Because Project Goals Have Been Met with the Extension of the Primary Runway**

In its 2004 EA, the FAA established the goals of providing a replacement crosswind runway, to supplement wind coverage of the primary runway, and to establish a long enough runway to meet FAA B-II aircraft standards.<sup>6</sup> Since 2004, the primary runway has been extended and is now compliant with B-II aircraft standards.<sup>7</sup> Although no replacement runway has yet been built, new data has been released for the airport with respect to wind coverage. The new wind data reveals that the primary runway now has a wind coverage rate of 97.22% for B-II aircraft, an increase from a 92.93% wind coverage rate in 2004.<sup>8</sup> Such an increase meets the FAA’s goal of obtaining a 95% wind coverage rate on the primary runway.<sup>9</sup> The EA Re-evaluation appears to not consider this fact by continuing to reject the no-action alternative. As a result, that the no-action alternative must be reconsidered, as the project goal of constructing a crosswind runway is no longer necessary given the revised data.

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<sup>2</sup> FEDERAL AVIATION ADMINISTRATION, WRITTEN RE-EVALUATION OF THE 2004 ENVIRONMENTAL ASSESSMENT MORA MUNICIPAL AIRPORT: CROSSWIND RUNWAY CONSTRUCTION AND EXTENSION OF THE EXISTING PRIMARY RUNWAY, at 8-9 (2016).

<sup>3</sup> *Baltimore Gas and Elec. Co. v. Natural Resources Defense Council, Inc.*, 462 U.S. 87, 97 (1983)

<sup>4</sup> 40 C.F.R. § 1508.9; 40 U.S.C. § 4332(E).

<sup>5</sup> *Central South Dakota Co-op. Grazing Dist. v. Secretary of U.S. Dept. of Agriculture*, 266 F.3d 889, 894 (8<sup>th</sup> Cir. 2001).

<sup>6</sup> *Id.* at 4-5 (2016).

<sup>7</sup> *Id.* at 4.

<sup>8</sup> *Id.* at 5.

<sup>9</sup> *Id.* at 4.

#### **IV. The FAA Should Evaluate a No-Action Alternative Because Focus on A-I and B-I Aircraft is Unnecessary**

The EA Re-assessment focuses on A-I and B-I aircraft in an unnecessary fashion to exclude the no-action alternative. The EA Re-assessment excludes the no-action alternative because leaving only the primary runway would prevent attainment of a 95% wind coverage for A-I and B-I aircraft. This exclusion is not warranted for the following reasons.

##### **a. Mora Municipal Airport is not Designed for A-I and B-I Aircraft**

First, the FAA recommendations for wind coverage are based upon the type of Runway Design Code (RDC) that Mora Municipal is designed for.<sup>10</sup> Because Mora Municipal has an RDC designation of B-II, the only data the FAA should be considering is that of B-II wind coverage.<sup>11</sup> As previously noted, the airport is already in compliance with B-II wind standards, making a crosswind runway unnecessary.

##### **b. Mora Municipal Airport is Safe Despite Having No Crosswind Runway**

Second, a focus on A-I and B-I aircraft is unnecessary because of the lack of incidents occurring at Mora Airport in the absence of a crosswind runway. When the city decommissioned the previous crosswind runway in 2007, it left Mora with only the one primary runway. Since 2007, there are no records of aircraft being unable to land safely due to the lack of a crosswind runway.

##### **c. Similar Airports Lacking 95% Wind Coverage Do Not Utilize Crosswind Runways**

Third, experience at other airports demonstrates that airports of this size can operate safely without a crosswind runway. An airport similar to Mora Municipal, the University Park Airport at State College in Pennsylvania (KUNV), does not have a crosswind runway. The airport serves commercial flights, but does not meet the 95% wind coverage threshold for A-I and B-I small aircraft. When considering year round data, the wind coverage at University Park is 94.38%,<sup>12</sup> compared with Mora's 94.77%.<sup>13</sup> University Park Airport does not have a crosswind runway because there would only be a "marginal difference in wind coverage" if a new runway was built despite the "many challenges to construct a crosswind runway."<sup>14</sup> Thus, University Park maintains an airport that does not meet the FAA standard for smaller aircraft.

Finally, attainment of a 95% wind coverage for smaller aircraft is unnecessary because the airport already has safety measures similar to another comparable airport. Smaller A-I and B-I aircraft normally require a runway width of 60 feet, which Mora Municipal meets and exceeds

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<sup>10</sup> *Id.* at 4

<sup>11</sup> *Id.*

<sup>12</sup> ZACHARY PUCHACZ, UNIVERSITY PARK AIRPORT SUSTAINABLE MASTER PLAN: ADVISORY COMMITTEE MEETING SUMMARY, at 1-2 (2013) (<http://universityparkairport.com/projects/images/2013%2008-07%20UNV%20MPAC%20Meeting%20Summary.pdf>).

<sup>13</sup> Mora EA Re-evaluation, at 5.

<sup>14</sup> Puchacz, *supra* note 8

by maintaining a 75-foot wide runway.<sup>15</sup> St. Mary's County Airport (LTW) in Hollywood, Maryland, is nearly identical to Mora Municipal: it has a single 75 foot wide runway, is designed for B-II aircraft, and has no crosswind runway.<sup>16</sup> Like Mora Airport, St. Mary's County Airport does not meet the crosswind coverage for A-I and B-I aircraft. In fact, its year-round wind coverage for these aircraft, 92.45%,<sup>17</sup> is similar to Mora's, which has a summertime 92.01% wind coverage.<sup>18</sup> Nonetheless, St. Mary's County Airport does not have a crosswind runway, because its runway design, similar to that of Mora Municipal, provides A-I and B-I aircraft an "increased margin of safety."<sup>19</sup> The similarity of Mora Municipal and St Mary's County suggest that the increased margin of safety provided by using only the primary runway is viable as an alternative to a crosswind runway and should not be categorically dismissed for not meeting a 95% threshold.

#### **IV. Recommendation**

Because the construction of a crosswind runway is not warranted based upon Mora's RDC, safety record in the absence of a crosswind runway, and design and wind coverage similarity to other airports lacking crosswind runways, MCEA recommends that the FAA should more critically re-analyze the no-action alternative before proceeding any further on the Mora project.

Thank you for the opportunity to comment on this EA Re-evaluation. Please contact us with any questions.

Sincerely,

/s/ Kathryn Hoffman

/s/ Brandon Pakkebie

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<sup>15</sup> Airport Runways Data, Federal Aviation Administration (last accessed July 20, 2016) ([http://www.faa.gov/airports/airport\\_safety/airportdata\\_5010/menu/nfdcrunwaysexport.cfm?Region=&District=&State=&County=&City=MORA&Use=&Certification=](http://www.faa.gov/airports/airport_safety/airportdata_5010/menu/nfdcrunwaysexport.cfm?Region=&District=&State=&County=&City=MORA&Use=&Certification=))

<sup>16</sup> Airport Information, St. Mary's County Maryland (last accessed July 19, 2016) (<http://www.stmarysmd.com/dpw/airportinfo.asp>)

<sup>17</sup> *Id.*

<sup>18</sup> Mora EA Re-evaluation, at 5.

<sup>19</sup> Airport Information, *supra* note 12.