

FINAL Meeting Minutes
ETB Environmental Impact Statement

February 12, 2008
 10:00 a.m. Central
 Telecom

Meeting Participants:

City of West Bend	WisDOT	FAA	EIS Contractor
Jim Retzlaff	Craig Butler	Dan Millenacker	Laura Sakach
John Capelle	Jay Waldschmidt		Matt Demos
	Jerry Kelly		Craig Stankiewicz
			Laura Morland

1. Status of Cooperating Agency Coordination

a. Formal Letters of Invitation

Dan Millenacker reported that the formal letters of invitation were submitted to the following proposed cooperating agencies on December 12, 2007 and responses have been received from each of these agencies as follows.

- U.S. Army Corps of Engineers - Response received on 1/7/08
- U.S. Fish & Wildlife Service - Response received on 1/8/08
- Wisconsin Department of Natural Resources - Response received on 12/27/07
- Federal Highway Administration - Response received on 12/17/07

b. Discussion of key comments on the Draft Cooperating Agency MOU provided by WisDOT on 1/8/08

• Role of WisDOT -

Dan Millenacker coordinated with FAA Great Lakes Region's Legal Counsel and Laura Sakach coordinated with CMT's legal representative on the West Bend EIS project regarding WisDOT's request to be a signatory on the Cooperating Agency MOU. The guidance provided by both of the legal representatives indicated that under NEPA, an applicant (Sponsor) cannot serve as a cooperating agency. Since WisDOT serves as the "Agent" for the City of West Bend (Sponsor), there could be the perception of a conflict of interest if WisDOT were to serve as a signatory to the Cooperating Agency MOU.

WisDOT and FAA currently have a separate MOU in place that provides the framework in which the FAA will prepare the EIS. Because WisDOT is responsible for implementing provisions of the Wisconsin Environmental Policy Act (WEPA), WisDOT is serving as a co-lead agency with respect to WEPA compliance actions. It is through this MOU that WisDOT's involvement in the EIS process is specified.

CITY 00255

Version 4 of the MOU incorporated language that addresses WisDOT's concerns about having a "seat at the table". Specifically, the following language was added to the Cooperating Agency MOU. "In this role, FAA understands and agrees that the BOA [to be revised to WisDOT] will consult and advise FAA as to whether the scope and content of the environmental data and analysis in the EIS adequately provides the environmental information required by the State of Wisconsin." This is similar language that was used on the Dane County EIS MOU.

Jay Waldschmidt indicated that WisDOT did not comment that it wants to be a cooperating agency, but WisDOT needs to be a signatory to the MOU because it is the joint lead on the EIS and would need to be included in any the conflict resolution process as a part of the EIS process. Reference in the MOU to the Bureau of Aeronautics should be changed to WisDOT. Further, Jay indicated that WisDOT is also responsible for NEPA review, not just WEPA review.

Later on the call it was discussed that there may be an opportunity to address the issue of WisDOT's role through modification of the MOU between the FAA and WisDOT. Jay took an action item to review the FAA/WisDOT MOU to determine if language can be added to that MOU that would address WisDOT's concern about having a seat at the table with respect to the conflict resolution process outlined in the Cooperating Agency MOU.

- **Combining NEPA/404 Merger MOU with Cooperating Agency MOU -**
FAA will consider the option of combining these MOUs into one document; Dan indicated that this should provide a level of efficiency. It is likely that the NEPA/404 component could be included as an appendix or an attachment to the Cooperating Agency MOU. Version 4 of the MOU that was sent to WisDOT did not include the NEPA/404 component since FAA is still in the process of developing the documentation in coordination with CMT as well as the USACE. Jay will provide FAA with two examples of a merger process that WisDOT is involved in, including timeframes.
- **State Trunk Highway 33 (STH33)-**
Dan M. indicated that the highway component is an action that results from the airport expansion. If the airport expansion impacts the highway, FAA would address that impact in the EIS the same as it would address other impacts such as wetlands, floodplains, etc. It is not FAA's intent to include STH 33 in the title of the EIS. Jay indicated that in the previous EA that WisDOT lead, the No Build (Airport) alternative still included the highway widening component. However, Jay concurred that since FAA is leading the EIS, it is not appropriate to include the highway component as a stand-alone project to be assessed.
- **Washington County -**
Jim Retzlaff coordinated with Washington County regarding its previous request to serve as a cooperating agency on the West Bend EIS. Jim Retzlaff indicated in an email (1/14/08) that Washington County "does not wish to

have a role in the EIS but is watching with interest." FAA is satisfied that this coordination with Washington County puts to rest this issue.

- **FAA coordination with FHWA-**

FAA coordinated with FHWA regarding how the EIS would address potential impacts to STH33. FHWA understood and agreed with FAA that if the airport development project impacts STH33, then FAA would address these highway impacts in the EIS, but if the selected alternative does not impact existing STH33, then the EIS would not include analysis of the highway expansion/widening. Additional discussions will need to take place regarding mitigation of impacts to STH33 (i.e. replacement in-kind versus potential expansion needs of the highway - two lanes versus four lanes). Jay indicated that the information regarding the need to expand STH33 is included in the previous EA and is also included in the State System Plan.

2. NEPA/404 Merger - Draft MOU Development

Dan will be coordinating details with USACE regarding the specifics of the proposed West Bend NEPA/404 merger process. Dan wants to make sure that the merger process meets the requirements of the USACE. The USACE will be contacting FAA soon regarding this request for information. Jay believes that the sample merger processes that he will be providing to Dan can probably be tailored to the West Bend EIS by replacing 'FHWA' with 'FAA'. Jay also indicated that the USACE will require mention of the "Least Environmentally Damaging Practicable Alternative (LEDPA)".

3. Data Collection Activities for Purpose and Need/Forecasts

Laura Sakach and Bruce Jacobson met with Jim Retzlaff and Craig Davenport of West Bend Air on January 31, 2008 to collect data regarding existing and potential future activity at West Bend Municipal Airport. Craig provided some background information on how West Bend Air currently operates out of West Bend. Craig is compiling additional data including fueling records, airport activity records during FBO operating hours, and West Bend Air's charter activity records. Jim indicated that there are a number of businesses that fly into West Bend or have indicated an interest to use West Bend. However, because of proprietary information or because of the possible boycotting from opposition groups, Jim prefers not to share specific business names. Dan indicated that corporate names are not important, but the aircraft types and trip lengths would be helpful. Jim will provide a list of the aircraft types that currently use or have indicated a desire to use the West Bend Municipal Airport.

Data from the previous EA will also be reviewed and validated in the development of the forecast for the EIS. Craig Butler indicated that there is a website, flightaware.com, which may be helpful in identifying flight plans that are filed.

4. Project Filing System - Review of proposed database with FAA

CMT has developed an access database that is proposed to be used for the West Bend EIS documentation filing. The system will be capable of identifying documents that should be included in the Administrative Record. This proposed filing system database

will be reviewed and coordinated with FAA's Legal Counsel, as well as with WisDOT, prior to implementation of the database.

5. Project Updates/New Developments per WisDOT/City/FAA?

Jim Retzlaff forwarded a copy of a letter to the editor regarding the West Bend Airport expansion.

John Capelle indicated that the City received an open records request from a law firm out of Milwaukee.

6. Review Action Items

a. Action Items from January 8th Telecom

Most action items from the January 8, 2008 telecom have been completed.

Jay Waldschmidt will provide sample NEPA/404 Merger MOUs and send them to Dan with a cc: to Laura Sakach.

b. New Action Items from Today's Telecom

Jay Waldschmidt will provide two sample NEPA/404 Merger MOUs and send them to Dan with a cc: to Laura Sakach. This is being carried over as a new action item.

Jay will review the FAA/WisDOT MOU to determine if language can be added to that MOU that would address WisDOT's concern about having a seat at the table with respect to the conflict resolution process outlined in the Cooperating Agency MOU.

Dan M. will coordinate with FAA Legal Counsel to invite them to review the proposed project filing system database.

Dan M. will follow up with the USACE regarding the proposed NEPA/404 Merger process.

Jim Retzlaff will forward the data being compiled by Craig Davenport to CMT. In addition, Jim will provide a listing of the aircraft types that currently use or would like to use the West Bend Municipal Airport.

7. Next Telecom – March 4, 2008, 10:00 a.m.