



**Michigan Department of Transportation  
Office of Aeronautics**

**DRAFT  
SHORT FORM ENVIRONMENTAL ASSESSMENT  
FOR  
AIRPORT DEVELOPMENT  
PROJECTS**



Airport Name: **Jerry Tyler Memorial Airport**

Identifier: **3TR**

Project Title: **Avigation Easement Acquisition and Obstruction Clearing**

This Environmental Assessment becomes a Federal document when evaluated, signed, and dated by the Responsible MDOT official.

\_\_\_\_\_  
Responsible MDOT Official

\_\_\_\_\_  
Date

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**Complete the following information:**

**Project Location**

Airport Name: Jerry Tyler Memorial Airport Identifier: 3TR  
Airport Address: 2018 Lake St.  
City: Niles County: Berrien State: MI Zip: 49120

**Airport Sponsor Information**

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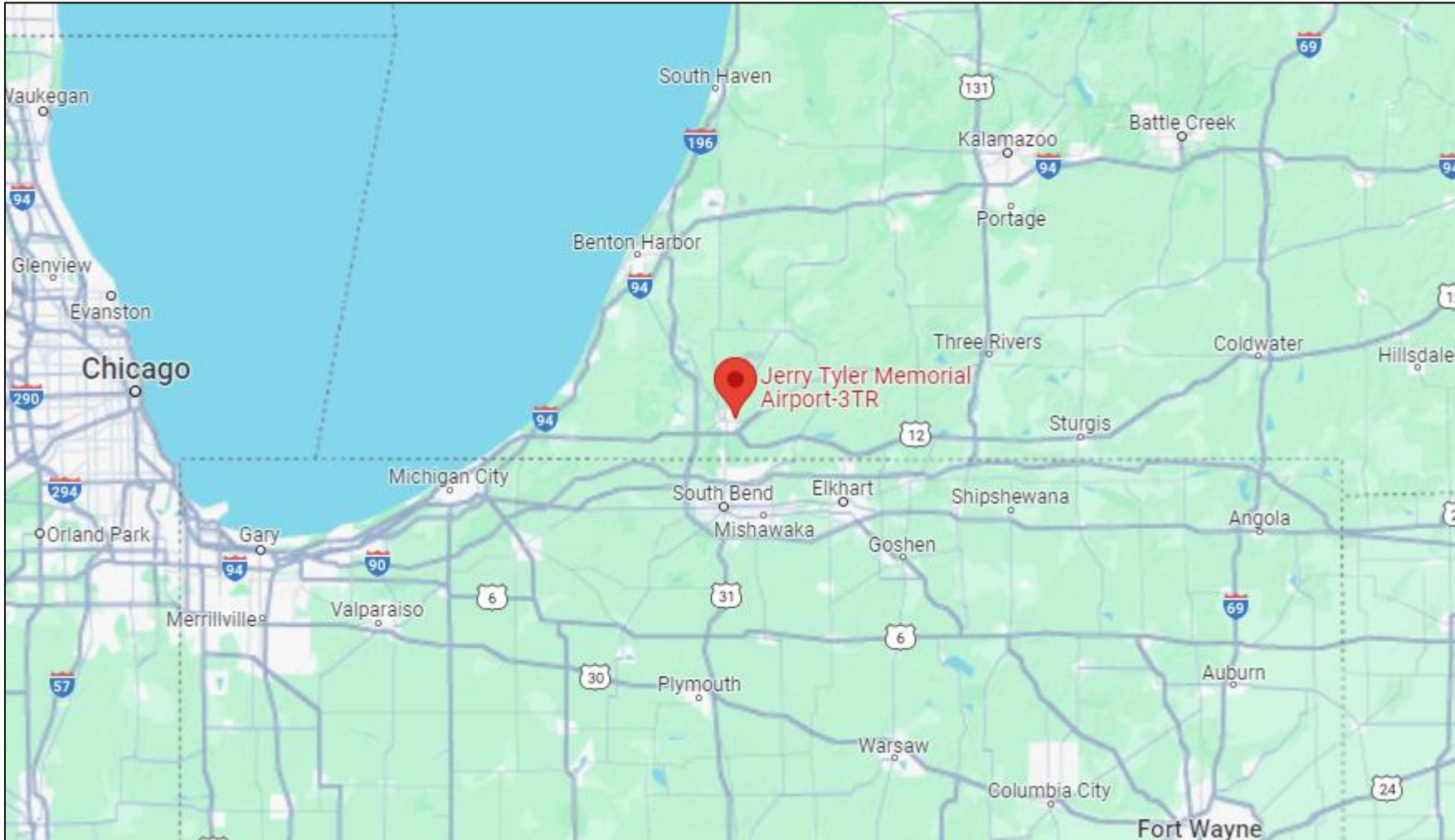
**1. Introduction/Background:**

Jerry Tyler Memorial Airport (3TR or Airport) is a public-use airport that supports general aviation activity in the Michiana region. Owned and operated by the City of Niles, the Airport straddles the border between Berrien and Cass Counties in southwest Michigan. The Federal Aviation Administration (FAA) classifies 3TR as a general aviation airport in the *National Plan of Integrated Airport Systems (NPIAS) 2023-2037* and categorizes the Airport as a Local airport. At the state level, the Michigan Department of Transportation Office of Aeronautics (MDOT AERO) classifies the Airport as a Tier 2, general aviation airport within the 2017 *Michigan Aviation System Plan*. Tier 2 airports complement the essential/critical state airport system and/or respond to local community needs. The focus at these facilities is on maintaining infrastructure with less emphasis on facility expansion.

**Figure 1.0 Airport Location Map** shows 3TR's location within the state of Michigan, while **Figure 1.1 Surrounding Communities Map** shows the cities and townships near the Airport. **Figure 1.2 Vicinity Map** provides an overview of the local area surrounding 3TR.

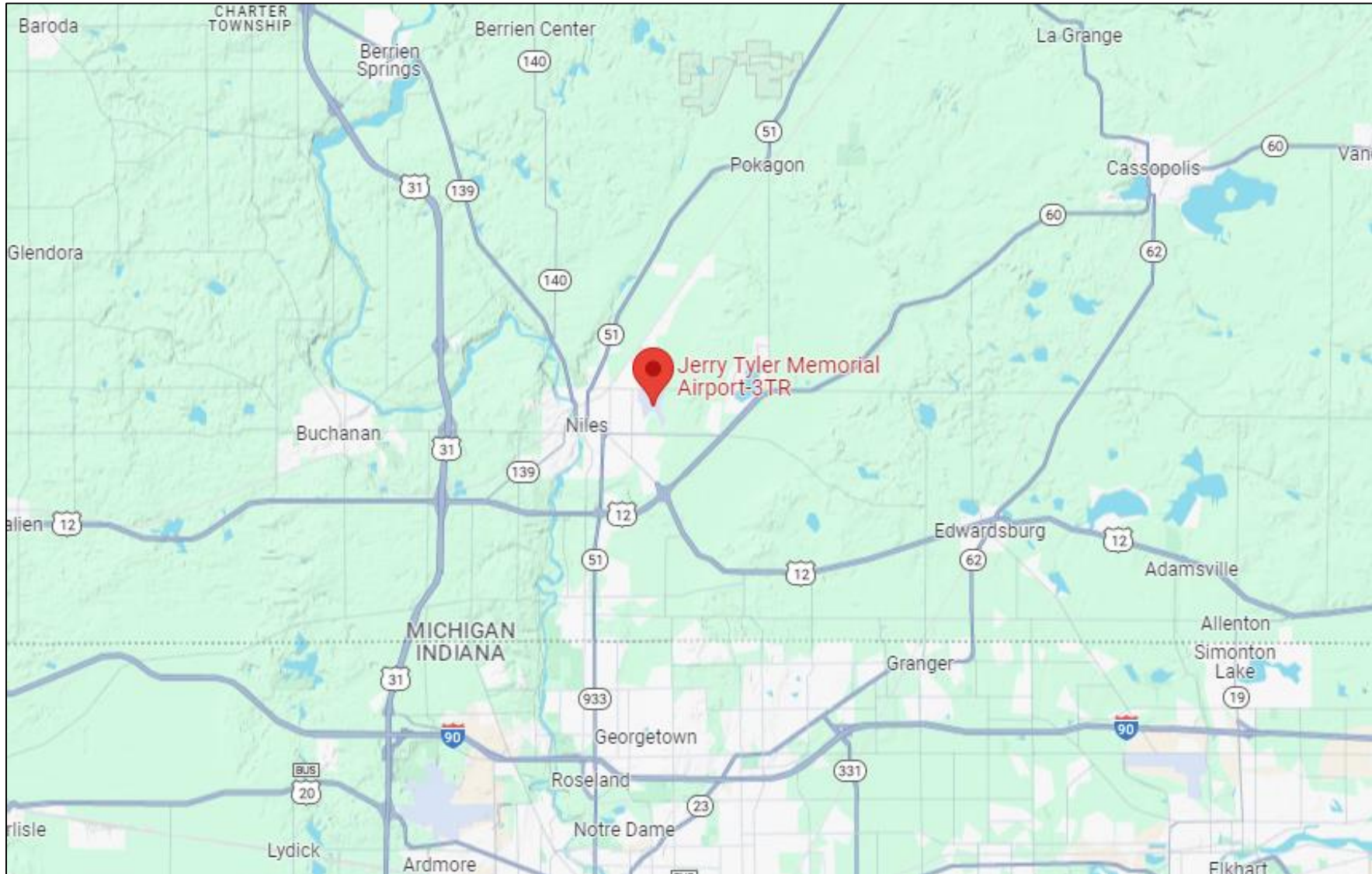
Aircraft operations at 3TR are supported by two runways. Runway 15/33 is 4,100 feet long by 75 feet wide and has an asphalt surface. The runway is oriented in a northwest-southeast direction and has a 300-foot displaced threshold at the approach end of Runway 15. Runway 4/22 is 3,316 feet long by 55 feet wide and has an asphalt surface. This runway has an 898-foot displaced threshold at the approach end of Runway 4 and a 750-foot displaced threshold at the approach end of Runway 22.

**Figure 1.0 Airport Location Map**



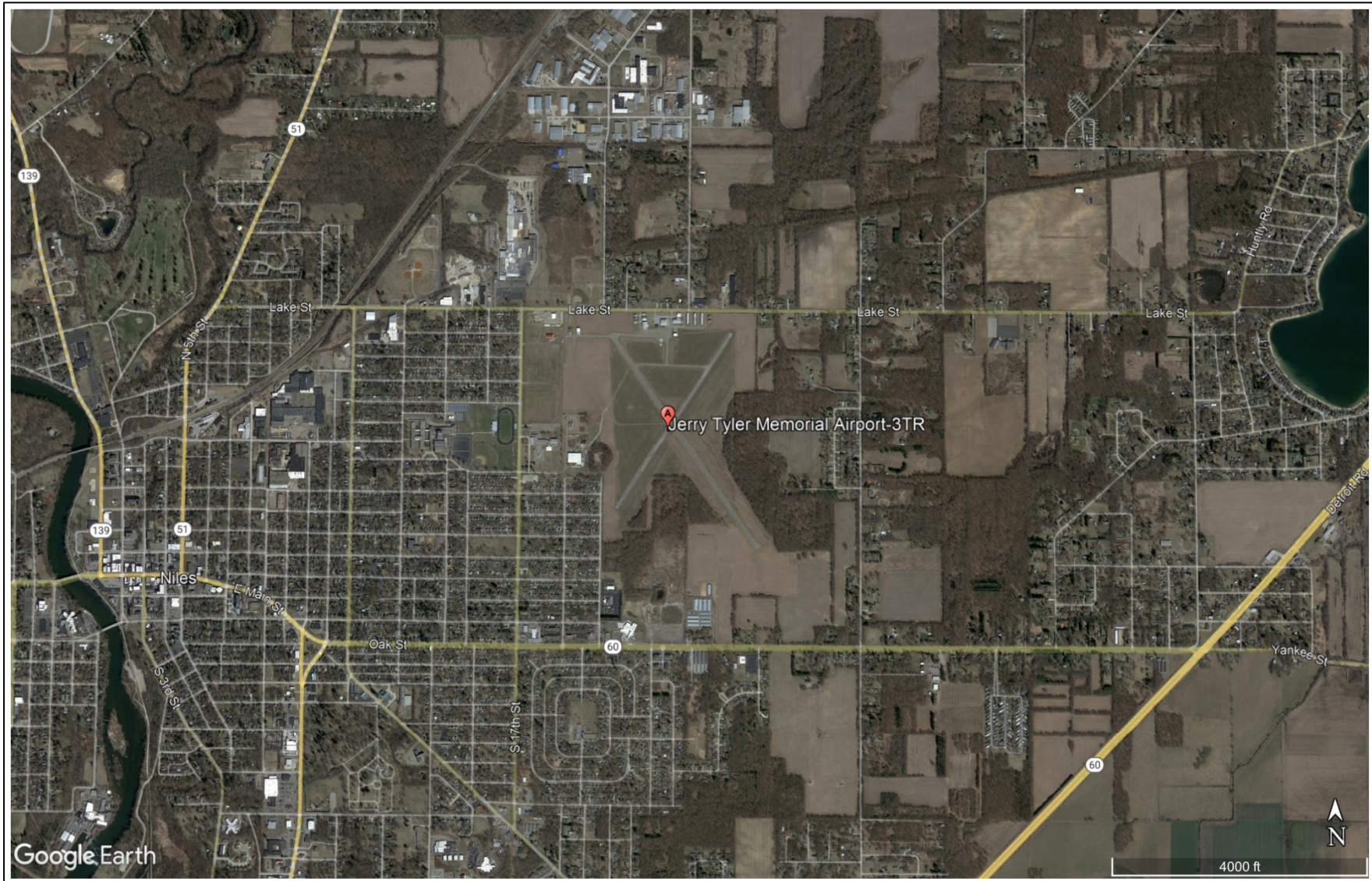
Source: Google Maps, 2024.

**Figure 1.1 Surrounding Communities Map**



Source: Google Maps, 2024.

Figure 1.2 Vicinity Map



Source: Google Earth, 2021 Imagery.

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Resource agencies and Native American tribes with potential jurisdiction over or interest in the proposed action were contacted at the beginning of the project and given the opportunity to provide comments on the proposed action. **Appendix A – Early Agency and Tribal Coordination** contains a copy of the early coordination letters sent and received.

**2. Project Description** (List and clearly describe **ALL** components of project proposal including all connected actions). **Attach a map or drawing of the area with the location(s) of the proposed action(s) identified:**

As a part of the on-going safety improvements at the Airport, obstructions (trees) to the Federal Aviation Regulation (FAR) Part 77 and State of Michigan Licensing Standards of Runway 33 were identified during a 2016 Airport Layout Plan (ALP) Update. To maintain a safe and FAA-compliant approach surface that is free of obstructions, avigation easements must be acquired on private property to provide the right to remove the obstructions, and then actually remove trees.

The obstruction clearing project area includes sixteen (16) parcels totaling approximately 5.3 acres of tree clearing. Fourteen of the parcels are privately owned, one parcel is on Airport property, and one is within the Yankee Street public right-of-way. The private parcels are located southeast of the approach end of Runway 33 near the intersection of Yankee Street and Carberry Road and are comprised primarily of private residences with varying degrees of tree cover.

The avigation easements and obstruction clearing are proposed for Parcels H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V (Parcel V has been split into two parcels), and Parcel W. Parcel obstructions and the project area are shown in **Figure 1.3 Obstruction Analysis – Parcel Identification**.

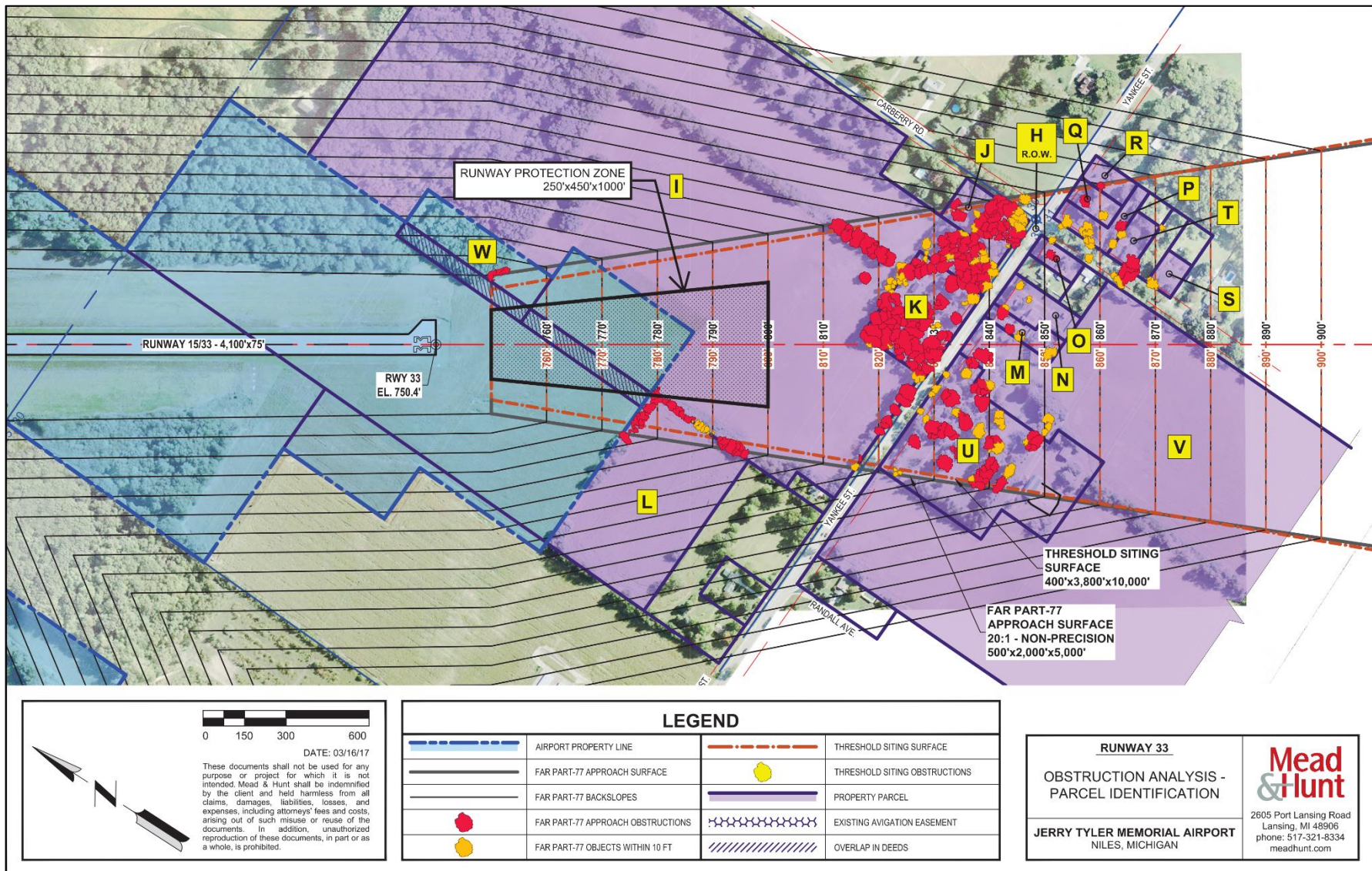
Major development actions covered in this Short Form Environmental Assessment (EA) include:

- Obtain avigation easements to remove the trees that are obstructions to the FAR Part 77 approach surface of Runway 33
- Clear and grub approximately 5.3 acres of obstructions that penetrate the FAR Part 77 approach surface of Runway 33.

**3. Project Purpose and Need:**

The purpose of the proposed project is to enhance safety and utility of 3TR by eliminating obstruction hazards to aviation activity near the Airport. The need for the proposed project was identified as part of the 2016 ALP Update. As part of the ALP Update, an Airports Geographic Information Systems (AGIS) compliant aerial survey identified tree obstructions in the Runway 33 approach. Tree clearing is needed to rectify the obstructions identified to the FAR Part 77 approach surface and the State of Michigan licensing approach surface.

Figure 1.3 Obstruction Analysis – Parcel Identification



Source: Mead & Hunt, Inc.

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#### **4. Describe the affected environment (existing conditions) and land use in the vicinity of project:**

##### **Airport Location and History**

3TR opened to serve the local community in April of 1940. Located in Niles, Michigan, the Airport is approximately two miles northeast of the downtown Niles area and five miles north of the Michigan/Indiana state border (see **Figure 1.1 Surrounding Communities Map**).

##### **Existing Airport Facilities**

As previously mentioned, the Airport has two paved runways: Runway 15/33, which measures 4,100 feet long and 75 feet wide, and Runway 4/22, which measures 3,316 feet long and 55 feet wide. According to the FAA Form 5010-1, *Airport Master Record* (inspection date of April 2023), Runway 15/33 pavement was recorded to be in poor condition, and the Runway 4/22 pavement was reported as being in very poor condition.

The Airport has three taxiways. Taxiway A connects the terminal apron to the Runway 15 end and has a width of 40 feet. Taxiway C, with a width of 35 feet, connects both Runways and is connected to the terminal apron via Taxiway B, which also has a width of 35 feet. In addition, the Airport has a 20-foot-wide taxilane, which provides access from the Runway 15 end to existing and future hangar space to the west of the terminal apron. The terminal apron provides a total of approximately 46,200 square feet of aircraft parking area. **Figure 1.4 Airport Layout Plan** illustrates the Airport's configuration.

There are several navigational aids (NAVAIDs) that exist on the airfield. Visual NAVAIDS include:

- Rotating beacon
- Lighted wind indicator
- Segmented circle
- Medium Intensity Runway Lights (MIRL) for Runway 15/33
- A 4-light Precision Approach Path Indicator (PAPI) at both ends of Runway 15/33
- Runway End Identifier Lights (REILs) at both ends of Runway 15/33.

In addition to visual NAVAIDs, the Airport is also equipped with electronic NAVAIDs. Existing electronic NAVAIDs include Global Positioning Satellite (GPS) approaches for both ends of Runway 15/33 and a very high frequency omni-directional range (VOR) A circling approach.

General aviation facilities include a terminal building, snow removal equipment building, electrical vault, 13 box hangars, and three T-hangars. The City of Niles serves as the fixed base operator and provides general aviation services and facilities including fuel sales, hangar rentals, aircraft parking (ramp or tiedown), courtesy cars, pilot supplies, pilots' lounge, and restrooms. According to the FAA Form 5010-1, *Airport Master Record*, 25 single-engine aircraft, 2 multi-engine aircraft, and 1 helicopter are based at the Airport. 3TR experiences approximately 3,000 annual aircraft operations.





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### **Land Use and Zoning**

The Airport is zoned as IND – Industrial, as shown on the City of Niles Zoning Map in **Appendix B – Land Use and Zoning**. This appendix also provides zoning maps showing Niles Township and Howard Township zoning in areas east, north, and south of 3TR. According to the Niles Township Zoning Map, areas north and south of the Airport are zoned as R-1A, Low Density Residential; R-1B, Medium Density Residential; and GB, General Business. The Howard Township Zoning Map shows areas north, east, and south of 3TR zoned as M - Manufacturing District, AR – Agricultural Residential District, C2 – General Commercial District, C1 – Mixed Use District, and R1 – Low Density Residential District.

### **Environmental Characteristics of the Project Area**

3TR property covers approximately 169 acres within the St. Joseph River Watershed, which drains into Lake Michigan to the northwest. Land use in the vicinity of the Airport consists primarily of farmland, undeveloped forest lands, and residential properties. See **Section 6. Environmental Consequences** for additional information on the environmental resources in the project area.

**5. Alternatives to the Project: Describe any other reasonable actions that may feasibly substitute for the proposed project and include a description of the “No Action” alternative. If there are no feasible or reasonable alternatives to the proposed project, explain why (attach alternatives drawings as applicable):**

This section identifies the potential alternatives evaluated for their feasibility to meet the project’s purpose and need. These alternatives were developed through discussions with the Airport, MDOT AERO, and various regulatory agencies. A No Action alternative is also provided, as required by the National Environmental Policy Act (NEPA) and FAA regulations.

### **No Action Alternative**

The No Action Alternative assumes that 3TR would remain in its current state, and no action would be taken to remove the obstructions to the Runway 33 approach surface. As such, the No Action Alternative does not meet the project’s purpose and need of enhancing safety and utility of 3TR by eliminating obstruction hazards to aviation activity near the Airport. Under the No Action Alternative, the Airport would remain in non-compliance of FAA guidance requiring clear approaches as well as the State of Michigan licensing standards. An airport that is not in compliance is at risk of reduced or no federal funding as well as not being licensed by the State of Michigan.

Although the No Action Alternative does not meet the purpose and need, it is a baseline for comparison of environmental impacts associated with the other build alternative presented below and is, therefore, retained and carried forward for analysis.

### **Alternative 1 – Acquire Avigation Easements and Clear Obstructions**

Alternative 1 proposes to acquire the needed avigation easements and clear the obstructions that are penetrating the Part 77 Approach Surface for Runway 33. Under this alternative, all obstructions would be removed, the stumps ground, and replacement planting of a low growing variety planted if desired by the homeowner.

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Potential habitat for the Northern Long Eared Bat (NLEB) and the Indiana Bat may be impacted under this alternative. However, consultation with the U.S. Fish and Wildlife Service (USFWS) indicates appropriate mitigation is to restrict tree removal during bat activity periods. Tree removals will only be allowed from November 1 through March 31.

The Michigan State Historic Preservation Office (SHPO) determined that Parcel U (Dickinson Parcel), site of former historic Pattengell-Milburn House, was eligible for listing in the National Register of Historic Places (National Register). To mitigate for historic resources impacts, MDOT AERO and the SHPO developed a Memorandum of Agreement (MOA) allowing the removal of obstructions in accordance with the stipulations outlined in the MOA. For more information on cultural resources in the project area and details of the MOA, see **Appendix C – Cultural Resources**.

### **Selection of the Preferred Alternative**

After analysis of the advantages and disadvantages of each alternative, the alternative that best meets the project's purpose and need is Alternative 1 - Acquire Avigation Easements and Clear Obstructions.

Alternative 1's implementation would align with the Airport's need to enhance the safety and utility of 3TR by eliminating obstruction hazards to the Runway 33 approach.

Alternative 1 has minimal environmental impacts, all of which are easily addressed through the permitting process, Best Management Practices (BMPs), and regulatory mitigation requirements. See **Section 6. Environmental Consequences** for more information on potential environmental impacts.

Alternative 1 is considered the most reasonable alternative when compared to the No Action Alternative. As a result, Alternative 1 is carried forward in this Short Form EA for additional analysis, public comment, and agency review.

**6. Environmental Consequences – Special Impact Categories (refer to the Instructions page and corresponding sections in 1050.1F, the 1050.1F Desk Reference, and the Desk Reference for Airports Actions for more information and direction. Note that when the 1050.1F Desk Reference and Desk Reference for Airports Actions provide conflicting guidance, the 1050.1F Desk Reference takes precedence. The analysis under each section must comply with the requirements and significance thresholds as described in the Desk Reference).**

#### **(A) AIR QUALITY**

(1) Will the proposed project(s) cause or create a reasonably foreseeable emission increase? Prepare an air quality assessment and disclose the results. Discuss the applicable regulatory criterion and/or thresholds that will be applied to the results, the specific methodologies, data sources and assumptions used; including the supporting documentation and consultation with federal, state, tribal, or local air quality agencies.

Given the nature of the project (one-time removal of trees), increases in permanent air emissions are unlikely. In addition, 3TR experiences approximately 3,000 annual aircraft operations, well below the threshold that requires an air quality analysis (180,000 general aviation / air taxi operations) per the FAA's *Environmental Desk Reference for Airport Actions*. Therefore, an air quality assessment was not completed.

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Any air quality impacts, such as the creation of dust from tree clearing activities, would be temporary. Impacts to air quality during tree removals can be mitigated using BMPs. The following BMPs are recommended where feasible:

- Use low-sulfur diesel fuel (less than 0.05 percent sulfur).
- Retrofit engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
- Position the exhaust pipe so that the diesel fumes are directed away from the operator and nearby workers, thereby reducing the fume concentration to which personnel are exposed.
- Use catalytic convertors to reduce carbon monoxide, aldehydes, and hydrocarbons in diesel fumes. These devices must be used with low sulfur fuels.
- Use climate-controlled cabs that are pressurized and equipped with high efficiency particulate air (HEPA) filters to reduce the operator's exposure to diesel fumes. Pressurization ensures that air is moved from the inside to the outside. HEPA filters ensure that any incoming air is filtered first.
- Regularly maintain diesel engines, which is essential to keeping exhaust emissions low, and follow the manufacturer's recommended maintenance schedule. For example, blue/black smoke indicates that an engine requires servicing or tuning.
- Reduce exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel operators to perform routine inspections, and maintaining filtration devices.
- Purchase new vehicles that are equipped with the most advanced emission control systems available.
- With older vehicles, use electric starting aids as block heaters to warm the engine to reduce diesel emissions.

(2) Are there any project components containing unusual circumstances, such as emissions sources in close proximity to areas where the public has access or other considerations that may warrant further analysis? If no, proceed to (3); if yes, an analysis of ambient pollutant concentrations may be necessary. Contact your local ADO regarding how to proceed with the analysis.

No. All proposed project activities are considered routine. The surrounding land uses consist primarily of undeveloped forest lands, some farmland, and low-density rural residential properties.

(3) Is the proposed project(s) located in a nonattainment or maintenance area for the National Ambient Air Quality Standards (NAAQS) established under the Clean Air Act?

No. The Airport property boundary is in both Berrien and Cass Counties; however, the project area is located in Cass County. According to the Michigan Department of Environment, Great Lakes, and Energy's (EGLE) Attainment Status for the National Ambient Air Quality Standards (NAAQS) map shown in **Appendix D – Air Quality**, Cass County is in attainment for all criteria pollutants.

According to the U.S. Environmental Protection Agency's (USEPA) Green Book National Area and County-Level Multi-Pollutant Information, Cass County is not a maintenance area for any NAAQS pollutants (see **Appendix D – Air Quality**).

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4) Are all components of the proposed project, including all connected actions, listed as exempt or presumed to conform (See FRN, vol.72 no. 145, pg. 41565)? If yes, cite exemption and go to (B) Biological Resources. If no, go to (5).

Yes. Federal Register, 72 FR 6641, "Presumed to Conform Item #9 Airport Safety."

(5) Would the net emissions from the project result in exceedances of the applicable *de minimis* threshold (reference 1050.1F Desk Reference and the *Aviation Emissions and Air Quality Handbook* for guidance) of the criteria pollutant for which the county is in non-attainment or maintenance? If no, go to (B) Biological Resources. If yes, stop development of this form and prepare a standard Environmental Assessment.

Not applicable.

### **(B) BIOLOGICAL RESOURCES**

Describe the potential of the proposed project to directly or indirectly impact fish, wildlife, and plant communities and/or the displacement of wildlife. Be sure to identify any state or federal species of concern (Candidate, Threatened or Endangered).

(1) Are there any candidate, threatened, or endangered species listed in or near the project area?

Early agency coordination with federal and state regulatory agencies with interest or jurisdiction over biological resources in the project area was conducted at the onset of this project. Agency response letters are found in **Appendix A – Early Agency and Tribal Coordination**.

To determine the presence of federally listed threatened, endangered, proposed, and candidate species and evaluate the potential impacts from the proposed project, a review was conducted via the USFWS Information for Planning and Consultation (IPaC) database. This was coupled with use of the All-Species Michigan Determination Key (Dkey), which provided recommended effect determinations for species within the project area based on information provided by the user through an interview process.

A determination of the presence of state-listed threatened and endangered species and potential impacts from the proposed project was conducted via a Voluntary Transportation Preliminary Review Request in the EGLE's MiEnviro Portal, which requested feedback by EGLE staff.

A review of threatened and endangered species information provided by the USFWS for the project area identified nine threatened or endangered species and one candidate species as shown below. No critical habitat under USFWS jurisdiction was found in the project area. See **Appendix E – Biological Resources** for correspondence from the USFWS and EGLE regarding protected species in the project area.

There are nine federally threatened or endangered species listed as having potential to exist near the project area including:

- Indiana Bat (*Myotis sodalis*) – Endangered
- Northern Long-eared Bat (*Myotis septentrionalis*) – Endangered

- Tricolored Bat (*Perimyotis subflavus*) – Proposed Endangered
- Whooping Crane (*Grus americana*) – Experimental Population, Non-Essential
- Copperbelly Water Snake (*Nerodia erythrogaster neglecta*) – Threatened
- Eastern Massasauga Rattlesnake (*Sistrurus catenatus*) – Threatened
- Mitchell's Satyr Butterfly (*Neonympha mitchellii mitchellii*) – Endangered
- Monarch Butterfly (*Danaus plexippus*) – Candidate
- Eastern Prairie Fringed Orchid (*Platanthera leucophaea*) – Threatened

At the state level, correspondence received from EGLE confirmed there were no occurrences of state-listed threatened and endangered species in the project area.

(2) Will the action have any long-term or permanent loss of unlisted plants or wildlife species?

The Preferred Alternative is not expected to result in long-term or permanent loss of unprotected species. The project area will remain available for use by plant and wildlife species. It is likely that the species that prefer open areas will benefit from the project.

(3) Will the action adversely impact any species of concern or their habitat?

Recommended effects determinations made by the USFWS are presented in **Table 1-0 Recommended Effect Determinations from All-Species Michigan Dkey.**

<b>Common Name / Species Name</b>	<b>Status</b>	<b>Dkey Determination</b>
Indiana Bat ( <i>Myotis sodalis</i> )	Endangered	NLAA*
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> )	Endangered	NLAA*
Tricolored Bat ( <i>Perimyotis subflavus</i> )	Proposed Endangered	No Effect
Whooping Crane ( <i>Grus americana</i> )	Experimental Population, Non-Essential	No Effect
Copperbelly Water Snake ( <i>Nerodia erythrogaster neglecta</i> )	Threatened	No Effect
Eastern Massasauga Rattlesnake ( <i>Sistrurus catenatus</i> )	Threatened	NLAA*
Mitchell's Satyr Butterfly ( <i>Neonympha mitchellii mitchellii</i> )	Endangered	No Effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Candidate	No Effect
Eastern Prairie Fringed Orchid ( <i>Platanthera leucophaea</i> )	Threatened	No Effect
*NLAA=May affect, but not likely to adversely affect. Source: Michigan Endangered Species Determination Key (DKey), USFWS		

At the state level, EGLE provided the results of a Transportation Preliminary Database Search. This search did not indicate any occurrences for state-listed threatened and endangered species, Eastern Massasauga Rattlesnake (EMR) habitat, mussels, contaminated sites, or Section 10 waterways. While no known occurrences of the Indiana bat or NLEB were noted, the project location is within the range of the Indiana bat and the NLEB.

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The project area is also within the historic range of the EMR. As such, the USFWS recommended BMPs for projects within the known EMR range to be implemented as follows:

- Use of wildlife-safe erosion control materials.
- Viewing of the Michigan Department of Natural Resources (MDNR) “60-Second Snakes: The Eastern Massasauga Rattlesnake” video and/or review of the EMR fact sheet.
- Reporting of any EMR observations (or any other threatened or endangered species) during project implementation.

Since many areas identified for tree removals as part of the obstruction clearing project are individual or isolated trees, removals will be accomplished by selective tree cutting. Tree removals will be completed during recommended time periods appropriate for minimizing impacts to any potential bat populations. Specifically, any proposed tree removal activities will be accomplished outside the summer roosting season of the NLEB and Indiana bat and will only be allowed from November 1 through March 31 to minimize potential impacts to any bat populations.

Impacts to other federally protected species are not anticipated.

(4) Will the action result in substantial loss, reduction, degradation, disturbance, or fragmentation of native species habitats or populations?

Most of the area with proposed tree removals are residential properties comprising common front and back yards. Removing trees within residential housing is not expected to cause a substantial impact to native species habitats or populations.

The trees proposed for removal may provide roosting and breeding habitat for the NLEB or Indiana Bat; however, trees will be removed during recommended time periods appropriate for minimizing impacts to any potential bat populations.

(5) Will the action have adverse impacts on a species’ reproduction rates or mortality rate or ability to sustain population levels?

See responses above.

(6) Are there any habitats, classified as critical by the federal or state agency with jurisdiction, impacted by the proposed project?

No critical habitat under USFWS jurisdiction was found in the project area.

(7) Would the proposed project affect species protected under the Migratory Bird Act? (If **Yes**, contact the local ADO).

The USFWS identified five migratory birds with potential to exist in the vicinity of the project area (**Appendix E – Biological Resources**). These species include:

- Bald Eagle (*Haliaeetus leucocephalus*)

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- Cerulean Warbler (*Dendroica cerulea*)
  - Chimney Swift (*Chaetura pelagica*)
  - Red-headed Woodpecker (*Melanerpes erythrocephalus*)
  - Wood Thrush *Hylocichla mustelina*

To mitigate for potential impacts to migratory birds, the same tree removal restrictions for protected bat species will be implemented (tree removals will only be allowed from November 1 through March 31). If clearing during this time period is unavoidable, it is recommended the area be surveyed for nesting birds and if found, these locations remain undisturbed until the eggs have hatched and the young fledged.

In addition, given that bird species are transient in nature, it is reasonable to assume that during tree removal activities, any species present would relocate out of the project area avoiding any direct or indirect impacts. No impacts to migratory birds are anticipated.

If the answer to any of the above is “Yes”, consult with the USFWS and appropriate state agencies and provide all correspondence and documentation.

Consultation with the USFWS and EGLE regarding protected species in the project area was conducted. See **Appendix E – Biological Resources** for correspondence from the USFWS and EGLE.

### **(C) CLIMATE**

(1) Would the proposed project or alternative(s) result in the increase or decrease of emissions of Greenhouse gases (GHG)? If neither, this should be briefly explained and no further analysis is required and proceed to (D) Coastal Resources.

Climate change and greenhouse gases are a growing concern for the aviation industry. The primary source of greenhouse gas emissions at an airport are associated with aircraft operations, and the short-term emissions, from construction equipment activity. Climate change is generally governed by the Clean Air Act (42 U.S.C. §§ 7408, 7521, 7571, 7661, et seq.).

Although there are no federal standards for aviation-related greenhouse gas emissions, it is well established that greenhouse gas emissions affect climate. Where a proposed action would result in an increase in greenhouse gas emissions, the emissions should be assessed either qualitatively or quantitatively. There are no significance thresholds for aviation greenhouse gas emissions. A NEPA analysis to attempt to link specific climate impacts to a proposed action or alternative(s) is not required, given the small percentage of emissions that aviation projects contribute annually.

In terms of relative U.S. contribution, the U.S. General Accounting Office (GAO) reports that aviation accounts “for about 3% of total U.S. greenhouse gas emissions from human sources, according to USEPA data” compared with other industrial sources such as the country’s transportation sector (20 percent) and power generation (41 percent). The International Civil Aviation Organization (ICAO) estimates that greenhouse emissions from aircraft account for roughly three percent of all anthropogenic greenhouse gas emissions globally. Climate change due to greenhouse gas emissions is a global phenomenon, so the affected environment is global.



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Based on FAA data, the current and forecasted operations activity at the Airport (3,000 operations per year) is insignificant when compared to overall national aviation activity. Therefore, assuming that greenhouse gases occur in proportion to the level of activity, the actions necessary as a part of the Preferred Alternative, relative to aviation throughout the United States, is negligible. Climate impacts are not expected from the Preferred Alternative or implementation of the No Action Alternative.

(2) Will the proposed project or alternative(s) result in a net decrease in GHG emissions (as indicated by quantitative data or proxy measures such as reduction in fuel burn, delay, or flight operations)? A brief statement describing the factual basis for this conclusion is sufficient.

No, see response to Item 1 above.

(3) Will the proposed project or alternative(s) result in an increase in GHG emissions? Emissions should be assessed either qualitatively or quantitatively as described in 1050.1F Desk Reference or Aviation Emissions and Air Quality Handbook.

No, see response to Item 1 above.

#### **(D) COASTAL RESOURCES**

(1) Would the proposed project occur in a coastal zone, or affect the use of a coastal resource, as defined by your state's Coastal Zone Management Plan (CZMP)? Explain.

The project area is not located within or near any protected coastal resources. Impacts to coastal resources are not expected from implementation of either the Preferred Alternative or the No Action Alternative.

(2) If **Yes**, is the project consistent with the State's CZMP? (If applicable, attach the sponsor's consistency certification and the state's concurrence of that certification).

Not applicable.

(3) Is the location of the proposed project within the Coastal Barrier Resources System? (If **Yes**, and the project would receive federal funding, coordinate with the FWS and attach record of consultation).

According to the USFWS Coastal Barrier Resource Mapper, the project area is not located within or near a coastal barrier resource.

#### **(E) SECTION 4(f) RESOURCES**

(1) Does the proposed project have an impact on any publicly owned land from a public park, recreation area, or wildlife or waterfowl refuge of national, state, or local significance, or an historic site of national, state, or local significance? Specify if the use will be physical (an actual taking of the property) or constructive (i.e. activities, features, or attributes of the Section 4 (f) property are substantially impaired.) If the answer is "No," proceed to (F) Farmlands.

As described in **SECTION (H) HISTORIC, ARCHITECTURAL, ARCHEOLOGICAL, AND CULTURAL RESOURCES**, a Section 106 report was completed for the Area of Potential Effect (APE) that included the 16 properties potentially impacted by the proposed obstruction clearing project (**Figure 1.3 Obstruction Analysis – Parcel Identification**). One Section 4(f) resource was identified in the project area. The property located

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at 2268 Yankee Street, commonly known as the Pattengell-Milburn House, is eligible for listing in the National Register.

The Section 106 report found the Pattengell-Milburn House retains its general agricultural setting and the numerous trees on the property contribute to the historic setting of the property as a rural farmstead. The State Historic Preservation Office (SHPO) determined that the removal of a select number of mature trees from the property would change the physical features of the property's setting that contribute to its historic significance. Given that Section 4(f) resources also include historic properties, an evaluation was conducted for the constructive use of the Section 4(f) resource.

(2) Is a *De Minimis* impact determination recommended? If “yes”, please provide; supporting documentation that this impact will not substantially impair or adversely affect the activities, features, or attributes of the Section 4 (f) property; a Section 106 finding of “no adverse effect” if historic properties are involved; any mitigation measures; a letter from the official with jurisdiction concurring with the recommended *de minimis* finding; and proof of public involvement. (See Section 5.3.3 of 1050.1F Desk Reference). If “No,” stop development of this form and prepare a standard Environmental Assessment.

To mitigate Section 4(f) impacts, a Memorandum of Agreement (MOA) between MDOT AERO, SHPO, and the Airport was fully executed on February 15, 2024. The MOA requires MDOT AERO to ensure the following measures are carried out to mitigate for tree removals on the historic property. A summary of those measures include:

- Provide property research materials developed during the Section 106 process to the Niles History Center for archival.
- Develop and implement a tree replanting and landscaping plan to mitigate for the loss of exiting trees.

See **Appendix C – Cultural Resources** for details and specific mitigation requirements of the MOA.

The Section 4(f) findings will be made available for public review and comment for a minimum of 30 days at the conclusion of Draft Short Form EA process. Following the public review period, a public hearing meeting will be advertised and held with a court reporter in attendance to record public comments.

See **SECTION (H) HISTORIC, ARCHITECTURAL, ARCHEOLOGICAL, AND CULTURAL RESOURCES** for details of the Section 106 process.

Section 4(f) impacts are not expected from implementation of the No Action Alternative.

## **(F) FARMLANDS**

Does the project involve acquisition of farmland, or use of farmland, that would be converted to non-agricultural use and is protected by the Federal Farmland Protection Policy Act (FPPA)? (If **Yes**, attach record of coordination with the Natural Resources Conservation Service (NRCS), including form AD-1006.)

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According to mapping information from the NRCS Web Soil Survey Soil Data Explorer, the majority of the project area is classified as “Farmland of Local Importance” with smaller sections classified as “All Areas are Prime Farmland.”

As previously stated, the Preferred Alternative involves only tree clearing activities. Tree clearing activities are not considered impacts to protected farmland. Therefore, no farmland impacts are expected with implementation of either the Preferred Alternative or the No Action Alternative. See **Appendix F - Farmland** for the NRCS map and documentation.

### **(G) HAZARDOUS MATERIALS, SOLID WASTE, AND POLLUTION PREVENTION**

(1) Would the proposed project involve the use of land that may contain hazardous materials or cause potential contamination from hazardous materials? (If Yes, attach record of consultation with appropriate agencies). Explain.

The FAA has not established a significance threshold for hazardous waste, solid waste, or pollution prevention. However, the FAA 1050.1F *Desk Reference* offers guidance to consider whether the proposed project could:

- Violate any laws or regulation regarding hazardous waste
- Involve a contaminated site, or if actions within a contaminated site are appropriately mitigated
- Produce an appreciable amount of hazardous waste
- Generate a different quantity or type of solid waste that could exceed local capacity or use different methods of collection and disposal.

Reviews of the USEPA’s NEPAAssist database and EGLE’s Environmental Mapper database indicate that there are no sites of hazardous materials contamination in or near the project area (see **Appendix G – Hazardous Materials**).

(2) Would the operation and/or construction of the project generate significant amounts of solid waste? If **Yes**, are local disposal facilities capable of handling the additional volumes of waste resulting from the project? Explain.

Tree removal activities associated with the Preferred Alternative have the potential to create solid waste material (tree debris). Tree debris will be removed and preferably sold for firewood or offered to parcel owners, as appropriate.

The contractor will be required to have a Spill Prevention, Control, and Countermeasure (SPCC) plan in place to be implemented if a spill occurs during tree removal activities. An approved erosion control plan is also required to provide a collection area for non-recyclable waste. Any waste generated will be disposed of in compliance with all federal, state, and local regulations.

(3) Will the project produce an appreciable different quantity or type of hazardous waste? Will there be any potential impacts that could adversely affect human health or the environment?

The proposed project is not anticipated to produce any impactful amounts of hazardous waste during tree removals. Any hazardous waste generated during tree removals will be managed and disposed of in accordance with applicable regulations and BMPs.

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## **(H) HISTORIC, ARCHITECTURAL, ARCHEOLOGICAL, AND CULTURAL RESOURCES**

(1) Describe any impact the proposed project might have on any properties listed in, or eligible for inclusion in the National Register of Historic Places. (Include a record of your consultation and response with the State or Tribal Historic Preservation Officer (S/THPO)).

Historical, architectural, archeological, and cultural resources include a variety of sites, properties, and facilities related to activities and societal and cultural institutions. Such resources express past and present elements of human culture and are important to a community. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies or their representatives to consider the effects their actions may have on these properties.

To evaluate potential historic or archeological resources in the project area, a Section 106 report (found in **Appendix C – Cultural Resources**) was completed for the APE that included the 16 properties potentially impacted by the proposed obstruction clearing project (**Figure 1.3 Obstruction Analysis – Parcel Identification**).

For the historical APE, the consultant conducted a literature review at the SHPO to identify any previously recorded above-ground resources or previously conducted above-ground surveys. The consultant also conducted field surveys and compiled research information derived from the National and State Registers of Historic Places, historic aerials and maps, and online repositories.

For the archeology APE, the consultant conducted a separate field survey and literature review at the Michigan SHPO to compile information regarding previously identified archeological sites and surveys in the archeology APE and in the surrounding study area. In addition, the information derived from a review of the National and State Registers of Historic Places, historic aerials and maps, and online soils data helped in the understanding of the archeological potential of the project area.

The Section 106 report found one property in the project area; located at 2268 Yankee Street, commonly known as the Pattengell-Milburn House, was eligible for listing in the National Register. The house is an early and rare example of brick residential architecture in the southwestern region of Michigan and a representative example of the Second Empire style, with periods of significance of c.1832 and c.1896, respectively. The Pattengell-Milburn House retains its general agricultural setting and overall feeling of a rural farmstead, with some designed landscape elements added over time. The numerous trees on the property contribute to the historic setting of the property as a rural farmstead. The removal of many mature trees from the property would change the physical features within the property's setting that contribute to its historic significance, thus resulting in an adverse effect to the historic property.

On March 1, 2021, the SHPO concurred with the Section 106 findings that the property was eligible for individual listing in the National Register and determined that obstruction clearing activities would result in an adverse effect to the historic property.

Consultation with interested parties to develop a MOA to mitigate adverse effects to the proposed property was completed to resolve adverse effects under 36 Code of Federal Regulations 800.6. A Section 106 Case

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Study (Study) was prepared that outlined the adverse effect and provided a history of consultation with SHPO, the Advisory Council on Historic Preservation, and project stakeholders. Interested parties were invited to participate in the development of alternatives to avoid adverse effects and identify mitigation measures to include in a MOA. The Study and the MOA are found in **Appendix C – Cultural Resources**.

The executed February 15, 2024 MOA between MDOT AERO, SHPO, and the Airport stipulates that MDOT AERO will ensure the specific measures found in **Appendix C – Cultural Resources** are carried out to mitigate for the impacts to the Pattengell-Milburn House. A summary of the MOA mitigation measures includes:

- **Property Research Materials:** MDOT AERO will provide the following to the Niles History Center:
  - Digital photographs of the Pattengell-Milburn House taken during the initial Section 106 identification survey.
  - Digital copies of the research materials related to the Pattengell-Milburn House collected during the Section 106 process.
  
- **Tree Replanting and Landscape Plan:** The Property Owners will retain a landscape professional to develop a tree replanting and landscaping plan that: Adheres to MOA timelines and stipulations and follows the Fernwood Botanical Garden's Recommendations for Tree Mitigation Plan as described in Appendix A of the MOA for the property.

See **Appendix C – Cultural Resources** for details and specific requirements of the MOA.

Based on the information above, the Preferred Alternative will have an adverse effect on the Pattengell-Milburn House due to the proposed tree removals. The impacts will be mitigated through the measures outlined in the executed MOA. No impacts to the Pattengell-Milburn House will result from the implementation of the No Action Alternative.

(2) Describe any impacts to archeological resources as a result of the proposed project. (Include a record of consultation with persons or organizations with relevant expertise, including the S/THPO, if applicable).

The archeological investigations did not find any previously identified archeological sites within the project area. The presence of archeological sites cannot be completely ruled out for the APE without subsurface testing. However, if the individual trees can be felled without significant ground disturbance, an archaeological survey would not be warranted. See **Appendix C – Cultural Resources** for the archeological report of the project area.

## **(I) LAND USE**

(1) Would the proposed project result in other (besides noise) impacts that have land use ramifications, such as disruption of communities, relocation of residences or businesses, or impact natural resource areas? Explain.

The Preferred Alternative is consistent with the existing zoning and land uses of the surrounding area, as shown in **Appendix B – Land Use and Zoning**. The proposed project would not alter or otherwise impact any political boundaries or cause a change in City of Niles jurisdiction or ownership of 3TR. Although the project

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area is located primarily off existing Airport property, the project involves tree removals only. Therefore, existing land use patterns will remain unchanged.

The Preferred Alternative is not expected to increase congestion, cause degradation of level of service, or permanently close any surface roads within, or adjacent to, the project area. There would be no relocations of residents or businesses or impacts to natural resource areas. Traffic from construction vehicles would be managed to avoid or minimize any impacts to local roads by defining haul routes and by scheduling the arrival and departure times of construction traffic so that normal traffic patterns are not interrupted. Any potential impacts during tree removal activities would be temporary in nature.

Outside of the project area, land use would remain the same; therefore, land use compatibility would remain unchanged with the Preferred Alternative, and no adverse impacts are anticipated. No impacts or changes to land use are expected with the No Action Alternative.

(2) Would the proposed project be located near or create a wildlife hazard as defined in FAA Advisory Circular 150/5200-33, "Wildlife Hazards on and Near Airports"? Explain.

The Preferred Alternative would not increase wildlife attractants or introduce new wildlife hazards to aircraft. It is anticipated that the Preferred Alternative may decrease wildlife attractants by removing existing wildlife habitat and trees.

(2) Include documentation to support sponsor's assurance under 49 U.S.C. § 47107 (a) (10), of the 1982 Airport Act, that appropriate actions will be taken, to the extent reasonable, to restrict land use to purposes compatible with normal airport operations.

The Airport has committed to restrict non-compatible land uses through the ALP process and land use and zoning controls at the township, city, and county level.

#### **(J) NATURAL RESOURCES AND ENERGY SUPPLY**

What effect would the project have on natural resource and energy consumption? (Attach record of consultations with local public utilities or suppliers if appropriate)

Electrical or gas use required to operate Airport facilities is not expected to increase because of the proposed project. The nature of the project does not lend itself to increased energy or natural resource use beyond temporary energy consumption associated with implementation of the Preferred Alternative. Therefore, the Preferred Alternative will have no adverse energy supply and natural resources impacts.

#### **(K) NOISE AND NOISE-COMPATIBLE LAND USE**

Will the project increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe? (Use AEM as a screening tool and AEDT 2b as appropriate. See FAA Order 1050.1F Desk Reference, Chapter 11, or FAA Order 1050.1F, Appendix B, for further guidance). Please provide all information used to reach your conclusion. If yes, contact your local ADO.

Per FAA Order 1050.1F – *Environmental Impacts: Policies and Procedures*, and the *FAA Environmental Desk Reference for Airport Actions*, any airport that exceeds 90,000 annual piston-powered aircraft operations or

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700 annual jet-powered aircraft operations, 10 or more daily helicopter operations, or any project that includes the construction of a new airport, a runway relocation, runway strengthening, or a major runway expansion requires a noise analysis. A noise analysis is performed for actions that result in a general overall increase in daily aircraft operations or the use of larger/noisier aircraft. The FAA's noise analysis primarily focuses on how proposed airport actions would change the cumulative noise exposure of individuals to aircraft noise in areas surrounding the airport.

According to the FAA 2023 Terminal Area Forecast (TAF), 3TR's total operations are forecast to be 3,000 annual operations through 2050, which is below 90,000 operations. Therefore, the propeller aircraft activity levels are below the stated threshold for a noise analysis.

3TR's FAA Form 5010-1, *Airport Master Record* indicates there is only one based helicopter at the Airport, which means it is unlikely the threshold of 10 daily helicopter operations for a noise analysis will be exceeded.

According to the FAA's Traffic Flow Management System Counts (TFMSC) database, Instrument Flight Rules (IFR) jet operations at 3TR totaled 2 in 2020; 0 in 2021; 0 in 2022; and 2 in 2023, none of which exceed the 700 annual jet operations threshold.

Given that the nature of the project is to clear obstructions, it is unlikely the Preferred Alternative will cause an increase in noise levels over existing conditions or change existing air traffic patterns. Therefore, a noise analysis was not completed, and noise impacts are not expected from implementation of the Preferred Alternative or the No Action Alternative.

## **(L) SOCIOECONOMICS, ENVIRONMENTAL JUSTICE, AND CHILDREN'S HEALTH AND SAFETY RISKS**

(1) Would the project cause an alteration in surface traffic patterns, or cause a noticeable increase in surface traffic congestion or decrease in Level of Service?

The proposed project does not involve the relocation or closure of any existing roads. There would be a slight increase in surface traffic along Yankee Street and Carberry Road during tree removal activities due to construction vehicles accessing the project area. Traffic from construction vehicles would be managed to avoid and minimize any impacts to local roads by defining haul routes and by scheduling the arrival and departure times of construction traffic so that normal traffic patterns are not interrupted. Any potential construction impacts to surface transportation would be temporary in nature.

Neither the Preferred Alternative nor the No Action Alternative are expected to increase congestion, cause degradation of level of service, or alter surface traffic patterns within, or adjacent to, the project area.

(2) Would the project cause induced, or secondary, socioeconomic impacts to surrounding communities, such as changes to business and economic activity in a community; impact public service demands; induce shifts in population movement and growth, etc.?

The proposed project involves tree removals in the Runway 33 approach. Therefore, given the nature of the project, the Preferred Alternative would not cause changes to business and economic activity in the surrounding communities, impact public service demands, or induce shifts in population movement and growth.

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Implementation of the No Action Alternative would have no induced, or secondary, socioeconomic impacts to surrounding communities.

(3) Would the project have a disproportionate impact on minority and/or low-income communities? Consider human health, social, economic, and environmental issues in your evaluation. Refer to DOT Order 5610.2(a) which provides the definition for the types of adverse impacts that should be considered when assessing impacts to environmental justice populations.

The purpose of Executive Order 12898 - *Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations*, is to identify, address, and avoid disproportionately high and adverse human or environmental effects on minority and/or low-income populations. Environmental justice is defined as the right to a safe, healthy, productive, and sustainable environment for all, where “environment” is considered in its totality to include the ecological, physical, social, political, aesthetic, and economic environments.

The FAA 1050.1F, *Desk Reference* also suggests the following factors as an example of the magnitude to consider when analyzing typical environmental justice impacts. The factors to consider that may be applicable to environmental justice include, but are not limited to, a situation in which the proposed action or alternative(s) would have the potential to lead to a disproportionately high and adverse impact to an environmental justice population, i.e., a low-income or minority population, due to:

- Significant impacts in other environmental impact categories; or
- Impacts on the physical or natural environment that affect an environmental justice population in a way that the FAA determines is unique to the environmental justice population and significant to that population.

In compliance with Executive Order 12898, U.S. Census Bureau data was reviewed in the USEPA’s Environmental Justice Screening and Mapping Tool (EJScreen). The EJScreen showed that areas directly surrounding the project area do not have high proportions of minority populations. According to EJScreen, 10 percent of the population within a half-mile radius of the intersection of Yankee Street and Carberry Road at the approach end of Runway 33 is comprised of people of color, who are assumed to be minorities. In addition, only 29 percent of the population is considered low income (**Appendix H – EJScreen Community Report**). Based on this data, minority or low-income populations will not be disproportionately impacted by the proposed action.

Environmental justice impacts from implementation of either the Preferred Alternative or the No Action Alternative are not anticipated.

(4) Would the project have the potential to lead to a disproportionate health or safety risk to children?

In most cases, the significance of impacts to children’s environmental health and safety is dependent on the significance of impacts in other environmental categories. Under the Preferred Alternative, there are no significant impacts to air quality, noise, or other resource categories that may influence the health of the



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surrounding population, including children. Areas affected by the Preferred Alternative do not include schools or other facilities that would otherwise be primarily accessed by children. In addition, although tree removals are proposed in the residential areas southeast of 3TR, the EJScreen data shows that 16 percent of the residents within a half-mile radius of the intersection of Yankee Street and Carberry Road are under the age of 18 (**Appendix H – EJScreen Community Report**). Therefore, no disproportionate health or safety risks to children are expected.

Children’s Environmental Health and Safety Risks impacts from implementation of either the Preferred Alternative or the No Action Alternative are not anticipated.

If the answer is “YES” to any of the above, please explain the nature and degree of the impact. Also provide a description of mitigation measures which would be considered to reduce any adverse impacts.

Not applicable.

### **(M) VISUAL EFFECTS INCLUDING LIGHT EMISSIONS**

(1) Would the project have the potential to create annoyance or interfere with normal activities from light emissions for nearby residents?

Airport lighting is required for security, obstruction identification, and navigation. The essential lighting systems required to safely operate an airport and its components can contribute to light emissions. When projects introduce new or relocated existing airport lighting facilities that may affect residential or other light-sensitive areas in proximity to an airport, an analysis of these impacts is necessary. FAA guidance states that the level of light emissions considered sufficient to warrant a special study is unusual, for example, occurring when a high-intensity strobe would be shining into a residential area or when apron, parking, or streetlights create a visual impact to pilots.

The proposed project will not introduce new or relocate existing airport lighting facilities that may affect residential or other light-sensitive areas in proximity to 3TR. Although trees will be removed in the Runway 33 approach that may act as a visual shield for residential properties, any existing runway lighting will be at least 2,000 feet (0.37 miles) from the closest residential property. In addition, evening and nighttime runway lights are controlled by pilots and normally turned off unless needed by operating aircraft.

Visual Effects (including light emissions) impacts from the construction or operation of the Preferred Alternative or implementation of the No Action Alternative are not anticipated. No mitigation is proposed.

(2) Would the project have the potential to affect the visual character of nearby areas due to light emissions?

A project can also have impacts on the visual resources and visual character of the surrounding area. Visual resources and visual character impacts are typically related to a decrease in the aesthetic quality of an area resulting from development, construction, or demolition. FAA guidance states that an analysis of visual impacts is necessary when the proposed action would affect, obstruct, substantially alter, or remove visual resources including buildings, historic sites, or other landscape features, such as topography, water bodies, or vegetation, which are visually important or have unique characteristics.

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Although the proposed project will remove trees, impacts on resources that are visually important or have unique characteristics are not anticipated. The project area is comprised of low density rural-residential properties, with surrounding land uses being forested land and agricultural land.

(3) Would the project have the potential to block or obstruct views of visual resources?

Given the nature of the project being the removal of trees, the potential to block or obstruct visual resources is unlikely. Therefore, the Preferred Alternative is not expected to have visual effects (including light emissions) impacts.

If the answer is “YES” to any of the above, please explain the nature and degree of the impact using graphic materials. Also provide a description of mitigation measures which would be considered to reduce any adverse impacts.

Not applicable.

## **(N) WATER RESOURCES (INCLUDING WETLANDS, FLOODPLAINS, SURFACE WATERS, GROUNDWATER, AND WILD AND SCENIC RIVERS)**

### **(1) WETLANDS**

(a) Does the proposed project involve federal or state regulated wetlands or non-jurisdictional wetlands? (Contact USFWS or appropriate state natural resource agencies if protected resources are affected) (Wetlands must be delineated using methods in the US Army Corps of Engineers 1987 Wetland Delineation Manual. Delineations must be performed by a person certified in wetlands delineation Document coordination with the resource agencies).

According to National Wetlands Inventory (NWI) and EGLE Wetland Mapper data (**Appendix I – Wetland Maps**), there are no wetlands or other Waters of the U.S. within the project area. Due to the lack of wetlands in the project area, a field delineation was not conducted.

(b) If yes, does the project qualify for an Army Corps of Engineers General permit? (Document coordination with the Corps).

Not applicable. See response above.

(c) If there are wetlands impacts, are there feasible mitigation alternatives? Explain.

Not applicable. See response above.

(d) If there are wetlands impacts, describe the measures to be taken to comply with Executive Order 11990, Protection of Wetlands.

Not applicable. See response above.

### **(2) FLOODPLAINS**

(a) Would the proposed project be located in, or would it encroach upon, any 100-year floodplains, as designated by the Federal Emergency Management Agency (FEMA)?

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Federal Emergency Management Agency (FEMA) floodplain maps were reviewed to determine if the proposed project would result in 100-year floodplain impacts. According to FEMA maps, the project area is not located within a regulated floodplain. Consultation with FEMA also confirmed the absence of floodplains in the project area. See **Appendix J – FEMA Floodplains** for floodplain maps and correspondence from FEMA.

(b) If Yes, would the project cause notable adverse impacts on natural and beneficial floodplain values as defined in Paragraph 4.k of DOT Order 5620.2, *Floodplain Management and Protection*?

Not applicable.

(c) If Yes, attach the corresponding FEMA Flood Insurance Rate Map (FIRM) and describe the measures to be taken to comply with Executive Order 11988, including the public notice requirements.

Not applicable.

### **(3) SURFACE WATERS**

(a) Would the project impact surface waters such that water quality standards set by Federal, state, local, or tribal regulatory agencies would be exceeded or would the project have the potential to contaminate a public drinking water supply such that public health may be adversely affected?

The USEPA's NEPAassist database was used to determine the presence of surface water resources near the proposed project area (see **Appendix K – Surface Waters**). According to NEPAassist, there are no surface water resources within the immediate vicinity of the project area.

Implementation of the Preferred Alternative will not increase impervious surface areas, and it is unlikely to increase stormwater runoff. However, soil erosion is a source of concern due to potential impacts to surface waters from tree removals. Since the project area is generally flat, there is not expected to be a high risk of soil erosion during obstruction removal activities; however, some amount of erosion may occur. The following list of BMPs represents common erosion control measures that may be considered during obstruction removal and applied where applicable:

- Sediment traps
- Temporary cement ponds
- Temporary grassing of disturbed areas
- Vegetation cover replaced as soon as possible
- Erosion mats and mulch
- Silt fencing and drainage check dams
- Settling basins for storm water treatment

All staging areas for construction equipment will be placed in non-sensitive upland areas with all disturbed areas replanted as soon as possible to reduce the likelihood of erosion.

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Mitigation measures prepared under an erosion control plan, in accordance with FAA Advisory Circular (AC) 150/5370-10H, *Standard Specifications for Construction of Airports*, will help minimize long-term impacts to area water quality and to the existing drainage system.

Part 91, Michigan Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, requires the Airport to acquire a soil erosion and sedimentation control permit from the Cass County Conservation District.

The Airport is also required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from EGLE for construction activity disturbing one acre or more of soil. Permittees are required to control runoff from construction sites and develop a construction Stormwater Pollution Prevention Plan (SWPPP) that includes erosion prevention and sediment control BMPs.

Surface water impacts from implementation of either the Preferred Alternative or the No Action Alternative are not anticipated.

(b) Would the water quality impacts associated with the project cause concerns for applicable permitting agencies or require mitigation in order to obtain a permit?

See above. Surface water impacts are not anticipated.

If the answer to any of the above questions is “Yes”, consult with the USEPA or other appropriate Federal and/or state regulatory and permitting agencies and provide all agency correspondence.

Not applicable.

#### **(4) GROUNDWATER**

(a) Would the project impact groundwater such that water quality standards set by Federal, state, local, or tribal regulatory agencies would be exceeded, or would the project have the potential to contaminate an aquifer used for public water supply such that public health may be adversely affected?

In evaluating groundwater resources in the project area, the following databases were reviewed:

- USEPA Sole Source Aquifer for Drinking Water Database and Mapping Tool
- EGLE Open Data Geographic Information System (GIS) dataset for water wells in southwest Michigan
- EGLE Open Data GIS dataset for wellhead protection areas in Michigan

The USEPA maintains a database of groundwater sources that serve as the sole source of drinking water for a population. According to this database, the proposed project is not within a Sole Source Aquifer for Drinking Water.

The EGLE maintains several water wells and wellhead protection areas databases in Michigan. According to EGLE’s Open Data water wells GIS dataset, there are several drinking water wells in the project area (see **Appendix L – Groundwater**). However, there will be no direct impacts to these wells. The wells will be

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flagged in the field during tree removals and will be marked on construction plans to ensure they are avoided. If it is determined during final design that there will be impacts to any wells during project implementation, the wells will be relocated in accordance with state and local regulations.

Wellhead protection areas represent the land surface area that contributes groundwater to wells serving public water supply systems throughout Michigan. Wellhead protection areas define a landscape in which management strategies are employed to protect public water supply from groundwater contamination. According to EGLE's Open Data wellhead protection dataset, the project area is located within a wellhead protection area (see **Appendix L – Groundwater**).

Since the project area is located within a wellhead protection area, FAA AC 150/5320-15A, *Management of Airport Industrial Waste* will be implemented and the following groundwater BMPs will be considered to prevent and minimize impacts to groundwater in the project area:

- Schedule construction activities for dry weather periods, if possible.
- Designate a contained area for equipment storage, short-term maintenance, and refueling at least 100 feet from wetland areas.
- Routinely inspect vehicles and equipment for leaks and repair immediately.
- Clean up leaks, drips, and other spills immediately to avoid soil or surface water contamination.
- Ensure that all spent fluids including motor oil, radiator coolant, or other fluids and used vehicle batteries are collected, stored, and recycled as hazardous waste off site.
- Ensure that all construction debris is taken to appropriate landfills and all sediment disposed of in upland areas or off-site.

Groundwater impacts from implementation of either the Preferred Alternative or the No Action Alternative are not anticipated.

(b) Would the groundwater impacts associated with the project cause concerns for applicable permitting agencies or require mitigation in order to obtain a permit?

See above. The proposed project is not anticipated to have any impacts on groundwater.

(c) Is the project to be located over an EPA-designated Sole Source Aquifer?

As stated above, the proposed project is not located over a USEPA-designated sole source aquifer.

If the answer to any of the above questions is “Yes”, consult with the USEPA or other appropriate Federal and/or state regulatory and permitting agencies and provide all agency correspondence as an attachment to this form.

Not applicable.

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## **(5) WILD AND SCENIC RIVERS**

Would the proposed project affect a river segment that is listed in the Wild and Scenic River System or Nationwide River Inventory (NRI)? (If Yes, coordinate with the jurisdictional agency and attach record of consultation).

The Nationwide Rivers Inventory (NRI) is a list maintained by the National Park Service that identifies river segments that possess remarkable natural or cultural values and are of more than local or regional importance. All federal agencies are required to avoid or mitigate impacts to NRI segments.

There are no Wild and Scenic Rivers located at or within proximity of the project area. The closest NRI river (St. Joseph River) is located more than two (2.0) miles west of the project area. Impacts to Wild and Scenic Rivers and NRI resources are not anticipated with implementation of either the Preferred Alternative or the No Action Alternative.

## **6. CUMULATIVE IMPACTS**

Discuss impacts from past, present, and reasonably foreseeable future projects both on and off the airport. Would the proposed project produce a cumulative effect on any of the environmental impact categories above? Consider projects that are connected and may have common timing and/or location. For purposes of this Form, generally use 3 years for past projects and 5 years for future foreseeable projects.

According to FAA Order 5050.4B, reasonably foreseeable actions include those “on or off-airport that a proponent would likely complete and that has been developed with enough specificity to provide meaningful information to decision makers and the interested public.” In some cases, the individually minor impact of separate projects can have substantial effects when considered together over time.

Very few improvement projects have been completed at 3TR over the last few years beyond routine maintenance activities. The Airport’s efforts have been directed at completing the needed Runway 33 approach clearing covered in this Short Form EA. No projects have been completed in the last three years that would contribute to cumulative impacts. However, the Airport is planning various improvement projects in the coming years. According to the Airport Capital Improvement Program (ACIP) prepared for 3TR in January 2024, the following projects are planned at the Airport over the next five years:

- 2024 – Acquire Land for Runway 33 Approaches
- 2024 – Obstruction Marking/Lighting/Removal for Runway 33 Phase 1 (Design)
- 2024 – Obstruction Marking/Lighting/Removal for Runway 33 Phase 1 (Construction)
- 2025 – Rehabilitate Runway 15/33 (Construction)
- 2025 – Obstruction Marking/Lighting/Removal for Runway 33 Phase 2 (Design)
- 2026 – Acquire Easement for Approaches to Runway 33
- 2026 – Obstruction Marking/Lighting/Removal for Runway 33 Phase 2 (Construction)
- 2027 – Acquire Easement for Approaches to Runway 15

The MDOT conducts other federal or federally assisted transportation improvement activities in Cass County. According to its 2024-2028 Five-Year Transportation Program, MDOT does not have any projects planned in

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the vicinity of the proposed project area.

The above-described projects are not expected to result in cumulative impacts when considered with the construction of the Preferred Alternative. Given the minor related impacts of the proposed project, the implementation of the Preferred Alternative, when viewed considering past, current, and future planned actions, is unlikely to result in significant cumulative impacts. All future actions on or off Airport property will be subject to avoidance and minimization studies and will undergo agency review and permitting, as required.

## **7. PERMITS**

List all required permits for the proposed project. Has coordination with the appropriate agency commenced? What feedback has the appropriate agency offered in reference to the proposed project? What is the expected time frame for permit review and decision?

The following permits are anticipated for the proposed project:

- Soil erosion and sedimentation control permit under Part 91, Michigan Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, issued by the Cass County Conservation District.
- NPDES permit under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, issued by EGLE.

## **8. MITIGATION**

Describe those mitigation measures to be taken to avoid creation of significant impacts to a particular resource as a result of the proposed project, and include a discussion of any impacts that cannot be mitigated.

Projects should take care to avoid permanent adverse impacts on the environment. It is important that all adverse environmental impacts be minimized or mitigated if avoidance is not possible. The various impacts of the Preferred Alternative and the means to mitigate them to the greatest extent possible are summarized below.

### **Air Quality**

Any impacts to air quality during construction will be temporary and easily mitigated through the regulatory permitting process and the use of BMPs. The following BMPs are recommended during tree removals where feasible:

- Use low-sulfur diesel fuel (less than 0.05 percent sulfur).
- Retrofit engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
- Position the exhaust pipe so that the diesel fumes are directed away from the operator and nearby workers, thereby reducing the fume concentration to which personnel are exposed.
- Use catalytic converters to reduce carbon monoxide, aldehydes, and hydrocarbons in diesel fumes. These devices must be used with low sulfur fuels.

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- Use climate-controlled cabs that are pressurized and equipped with HEPA filters to reduce the operator's exposure to diesel fumes. Pressurization ensures that air is moved from the inside to the outside. HEPA filters ensure that any incoming air is filtered first.
  - Regularly maintain diesel engines, which is essential to keeping exhaust emissions low, and follow the manufacturer's recommended maintenance schedule. For example, blue/black smoke indicates that an engine requires servicing or tuning.
  - Reduce exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel operators to perform routine inspections, and maintaining filtration devices.
  - Purchase new vehicles that are equipped with the most advanced emission control systems available.
  - With older vehicles, use electric starting aids as block heaters to warm the engine to reduce diesel emissions.

### **Biological Resources**

The project area is within the historic range of the EMR. As such, the USFWS-recommended BMPs for projects within the known EMR range will be implemented as follows:

- Use of wildlife-safe erosion control materials.
- Viewing of the MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video and/or review of the EMR fact sheet.
- Reporting of any EMR observations (or any other threatened or endangered species) during project implementation.

Additionally, given that the project is within the habitat range of the Indiana Bat and the NLEB, tree removals will only be allowed during the late fall/winter months (November 1 through March 31). The tree removal restriction timeframe is to protect potentially roosting bat species.

To mitigate potential impacts to migratory birds, the same tree removal restrictions for protected bat species will be implemented (tree removals will only be allowed November 1 through March 31). If clearing during this time period is unavoidable, it is recommended the area be surveyed for nesting birds and if found, these locations remain undisturbed until the eggs have hatched and the young fledged.

### **Section 4(f) Resources**

To mitigate Section 4(f) impacts, a Memorandum of Agreement (MOA) between MDOT AERO, SHPO, and the Airport, requires the following measures are carried out to mitigate for tree removals on the historic property. The MOA mitigation measures include:

- Provide property research materials to the Niles History Center
- Develop and implement a tree replanting and landscaping plan

See **Appendix C – Cultural Resources** for details and specific requirements of the MOA.



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### **Hazardous Materials, Solid Waste, and Pollution Prevention**

The contractor will be required to have a SPCC plan in place to be implemented if a spill occurs during construction operations. An approved erosion control plan is also required to provide a collection area for non-recyclable waste. Any waste generated will be disposed of in compliance with all federal, state, and local regulations and BMPs.

### **Historical, Architectural, Archeological, and Cultural Resources**

The executed MOA between the MDOT AERO, SHPO, and the Airport stipulates that MDOT AERO will ensure the specific measures found in **Appendix C – Cultural Resources** are carried out in order to mitigate for the impacts to the Pattengell-Milburn House. A summary of the MOA mitigation measures includes:

- **Property Research Materials:** MDOT AERO will provide the following to the Niles History Center:
  - Digital photographs of the Pattengell-Milburn House taken during the initial Section 106 identification survey.
  - Digital copies of the research materials related to the Pattengell-Milburn House collected during the Section 106 process.
  
- **Tree Replanting and Landscape Plan:** The Property Owners will retain a landscape professional to develop a tree replanting and landscaping plan that: Adheres to MOA timelines and stipulations and also follows the Fernwood Botanical Garden's Recommendations for Tree Mitigation Plan as described in the Mitigation Plan (found in Appendix A of the MOA) for the property.

See **Appendix C – Cultural Resources** for details and specific requirements of the MOA.

### **Socioeconomics, Environmental Justice, and Children's Health and Safety Risks**

During obstruction removals, traffic from construction vehicles would be managed to avoid and minimize any impacts to local roads by defining haul routes and by scheduling the arrival and departure times of construction traffic so that normal traffic patterns are not interrupted.

### **Surface Waters**

Since the Airport site is generally flat, a high risk of soil erosion during excavation and other ground disturbing activities is not expected. However, some amount of erosion may occur during obstruction removals, which will be minimized through the use of appropriate BMPs. The following list of BMPs represents common erosion control measures that should be considered during construction and applied where applicable:

- Sediment traps
- Temporary cement ponds
- Temporary grassing of disturbed areas
- Vegetation cover replaced as soon as possible
- Erosion mats and mulch
- Silt fencing and drainage check dams
- Settling basins for stormwater treatment.

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All excavated soils and staging areas for construction equipment will be placed in non-sensitive upland areas with disturbed areas replanted as soon as possible to reduce the likelihood of erosion.

Mitigation measures prepared under an erosion control plan, in accordance with FAA AC 150/5370-10H, *Standard Specifications for Construction of Airports*, will help minimize long-term impacts to area water quality and to the existing drainage.

Part 91, Michigan Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, requires the Airport to acquire a soil erosion and sedimentation control permit from the Cass County Conservation District.

The Airport is also required to obtain a NPDES permit from EGLE for construction activity disturbing one acre or more of soil. Permittees are required to control runoff from construction sites and develop a construction SWPPP that includes erosion prevention and sediment control BMPs.

### **Groundwater**

Since the project area is located within a wellhead protection area, wells will be flagged in the field during tree removals and will be marked on construction plans to ensure they are avoided. If it is determined during final design that there will be impacts to any wells during project implementation, the wells will be relocated in accordance with state and local regulations.

FAA AC 150/5320-15A, *Management of Airport Industrial Waste* will be implemented and the following groundwater BMPs will be considered to prevent and minimize impacts to groundwater in the project area:

- Schedule construction activities for dry weather periods, if possible.
- Designate a contained area for equipment storage, short-term maintenance, and refueling at least 100 feet from wetland areas.
- Routinely inspect vehicles and equipment for leaks and repair immediately.
- Clean up leaks, drips, and other spills immediately to avoid soil or surface water contamination.
- Ensure that all spent fluids including motor oil, radiator coolant, or other fluids and used vehicle batteries are collected, stored, and recycled as hazardous waste off site.
- Ensure that all construction debris is taken to appropriate landfills and all sediment disposed of in upland areas or off-site.

## **9. PUBLIC INVOLVEMENT**

Describe the public review process and any comments received. Include copies of Public Notices and proof of publication.

Resource agencies and Native American tribes were contacted at the beginning of the project and given the opportunity to provide comment on the proposed action. A copy of the early coordination letters received are found in **Appendix A – Early Agency and Tribal Coordination**. Specific information and direction received from responding agencies is noted and addressed in the appropriate resource sections above where appropriate.

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Upon issuance of the Draft Short Form EA, the document will be made available for public and agency review and comment for a minimum of 30 days. Following the public review period, a public hearing meeting will be advertised and held with a court reporter in attendance to record public comments. Written comments from the regulatory agencies and the public will be considered and incorporated into the Final EA where applicable.

## **10. LIST OF ATTACHMENTS**

The following appendices represent supporting technical studies and field work used to evaluate the potential impacts of the Preferred Alternative. The appendices were incorporated in various sections of this Short Form EA and include:

- Appendix A – Early Agency and Tribal Coordination
- Appendix B – Land Use and Zoning
- Appendix C – Cultural Resources
- Appendix D – Air Quality
- Appendix E – Biological Resources
- Appendix F – Farmland
- Appendix G – Hazardous Materials
- Appendix H – EJScreen Community Report
- Appendix I – Wetland Maps
- Appendix J – FEMA Floodplains
- Appendix K – Surface Waters
- Appendix L – Groundwater

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**Project Title: Avigation Easement Acquisition and Obstruction Clearing**

**Identifier: 3TR**

**11. PREPARER CERTIFICATION**

I certify that the information I have provided above is, to the best of my knowledge, correct.

William Ballard 2/14/2024  
Signature Date

William Ballard, AICP  
Name

Project Manager  
Title

Mead & Hunt, Inc. 517-321-8334  
Affiliation Phone #

**12. AIRPORT SPONSOR CERTIFICATION**

I certify that the information I have provided above is, to the best of my knowledge, correct. I also recognize and agree that no construction activity, including but not limited to site preparation, demolition, or land disturbance, shall proceed for the above proposed project(s) until FAA issues a final environmental decision for the proposed project(s), and until compliance with all other applicable FAA approval actions (e.g., ALP approval, airspace approval, grant approval) and special purpose laws has occurred.

Joe Ray 3/6/24  
Signature Date

Joe Ray  
Name

Airport Director  
Title

Jerry Tyler Memorial Airport 269-683-4700  
Affiliation Phone #