



Minneapolis ADO Newsletter

Timely Topics

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December 2008



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Airport Improvement Program A, FY09

Similar to Fiscal Year (FY) 2008, the Airports Division does not have an entire year in which to administer the Airport Improvement Program (AIP). We have only a part of the fiscal year to issue a portion of the funding. We are dubbing this first portion "Program A", which runs until March 6, 2008.

A Federal Register Notice was issued highlighting several key points-

- Current year primary and non-primary entitlements represent approximately 32% of the expected annual amount.
- Prior year primary and non-primary entitlements represent approximately 50% of the total amount carried over from last year, with the oldest money available first.
- Discretionary for all Letters of Intent will be provided in "Program A". There will be very little discretionary available in this program.

In November, the MSP-ADO sent a letter to all non-primary airport sponsors in Minnesota, and primary airports in Minnesota and Wisconsin, asking each to notify the ADO regarding their intent to use funding during Program A by December 15th. Contact your ADO program manager for additional details related to Program A, and to declare your intent if you have not returned the enclosure to the letter.

Farewell

Bob Huber, Manager of the Minneapolis Airports District Office, will retire effective Jan 2, 2009 after 35+ years of Federal Government service. Any of you that have worked with Bob over the years are invited to send him an email to robert.huber@faa.gov or a card to the ADO at 6020 28th Ave S, #102, Minneapolis, MN 55450.

Congrats to Bob on his retirement! He will be missed.

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Sponsor Force Account Work

Occasionally, the FAA receives a request from an airport sponsor to accomplish all or part of a grant project using their own work force. This is allowable, with prior approval from the FAA. It may be used in cases where it is impractical to accomplish the work by contract, or if it is cost beneficial to the Airport Improvement Program (AIP). Proposals are considered on a case-by-case basis. However, experience has shown us that using sponsor forces has not often been successful. For this reason it is generally discouraged.

If local forces are used, the Sponsor is still obligated to comply with engineering or construction standards. The same quality and acceptance criteria expected of contract engineering and contract construction is required for a Sponsor Force Account. The personnel performing the work must have the same qualifications. The same record-keeping requirements apply.

If the Sponsor wants to use local forces for a grant project, a written proposal should be sent to the FAA well in advance of the start of work. In fact, the proposal must be approved before the grant is issued. This allows the appropriate funding to be included in the grant offer. Reimbursements are based on actual expenses.

A proposal must thoroughly address the following:

- ✓ Justification for accomplishing the work by Force Account rather than by contract
- ✓ Estimated Force Account personnel costs
- ✓ Estimated contract construction or engineering costs
- ✓ A cost comparison between using Force Account and contract work
- ✓ Names and qualifications of personnel who would perform the work
- ✓ Statement by the Sponsor concerning the capability of the Sponsor to perform the tasks required for the intended project
- ✓ Statement by the Sponsor on the availability of its personnel to integrate the project into the normal workload
- ✓ A schedule of the critical tasks and their completion dates

If you have questions, or are considering use of local forces on an upcoming AIP project, please contact your FAA Program Manager for more guidance.



Caution!
Federal grant assurances require compatible land use on airport owned property. Contact the MSP ADO for additional information.

Avoiding Wildlife Attractant Hazard Issues at your Airport

Information about the risks posed to aircraft by certain wildlife species has increased a great deal in recent years. Improved reporting, studies, documentation, and statistics clearly show that aircraft collisions with birds and other wildlife are a serious economic and public safety problem.

FAA published Advisory Circular (AC) 150/5200-33B titled, "Hazardous Wildlife Attractants on or Near Airports" to provide guidance and direction to airport sponsors on how to avoid attracting hazardous wildlife to an airport property or to its vicinity. The AC provides airport sponsors, and those parties with whom they cooperate, with the guidance needed to assess and address potentially hazardous wildlife attractants when locating new facilities, and implementing certain land-use practices on or near public-use airports. The AC discusses land use practices that should be avoided around airports; how best to manage wildlife hazards; and the sponsor's obligation to take appropriate action to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations.

Of special note in the AC are the recommended separation distances of airport features from hazardous wildlife attractants by 5,000 ft, and 10,000 ft for piston-and turbine-powered aircraft, respectively. FAA also recommends a separation distance of 5 statute miles between the farthest edge of the airport's air operations area and a hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace.

One of the most frequently seen wildlife hazard attractant issues by the ADO during review of airport development projects are those related to existing and proposed storm water management facilities and wetland mitigation projects.

The FAA, the U.S. Air Force, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture – Wildlife Services (USDA-WS) signed a Memorandum of Agreement in July 2003 to acknowledge their respective missions in protecting aviation from wildlife hazards.

Since signing the agreement, the ADO has developed a strong working relationship with USDA-WS staff in both Minnesota and Wisconsin. This relationship allows both the ADO and USDA-WS to respond to proposed projects that could potentially involve wildlife hazard attractants. Any airport sponsor within the two states can also utilize the agreement for a proposed project. Guidance will be provided as to whether or not a project may produce a potentially hazardous wildlife attractant situation. Individual airport sponsors (or their consultants) are invited to contact your ADO program manager and/or USDA-WS office if you need help in determining whether a hazardous wildlife attractant issue may potentially exist at your airport and how best to address any situation.

For questions on airport projects in Wisconsin, your point of contact is Jason Suckow, USDA-WS State Director, at (608) 837-2727 or by e-mail at Jason.Suckow@aphis.usda.gov. For projects in Minnesota, contact Gary Nohrenberg, USDA-WS State Director, at (651) 224-6027 or by e-mail at Gary.Nohrenberg@aphis.usda.gov.

For more information, check out FAA's wildlife hazard mitigation website:
<http://wildlife-mitigation.tc.faa.gov>.

ENVIRONMENTAL 101 & National Historic Preservation Act (NHPA)

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effect of Federal undertakings on historic and cultural resources. The process can take between 70 days to over a year to complete. Therefore, it is important to start early.

A Section 106 finding is required for all Federal undertakings. An undertaking is a project, activity, or program funded in whole or part under the direct or indirect jurisdiction of a Federal agency. This includes activities carried out by or on behalf of a Federal agency, using Federal financial assistance or requiring a Federal permit, license, or approval.

The Section 106 process begins with the identification of potential consulting parties. Each party receives an invitation to join as a consulting party that provides sufficient information for the identification of any potential historic or cultural resources. Send a copy of the invitation and the list of invited parties to the FAA and SHPO. Potential consulting parties include:

- Project sponsor
- Other local government representatives
- County Historian
- County/City/Regional/Local Historical Societies
- Members of the public with demonstrated legal, economic, or preservation interest
- Native American Tribes
- Property owner

The next step involves delineating the Area of Potential Effect (APE) in coordination with the FAA and SHPO. The APE is a geographic area where an undertaking may directly or indirectly cause changes in the character or use of historic properties or cultural resources and may not be the same as the project area. The APE should include:

- All locations which may result in ground disturbance
- All locations where the undertaking may be visible or audible
- All areas where the activity may result in changes in traffic patterns, land use, etc

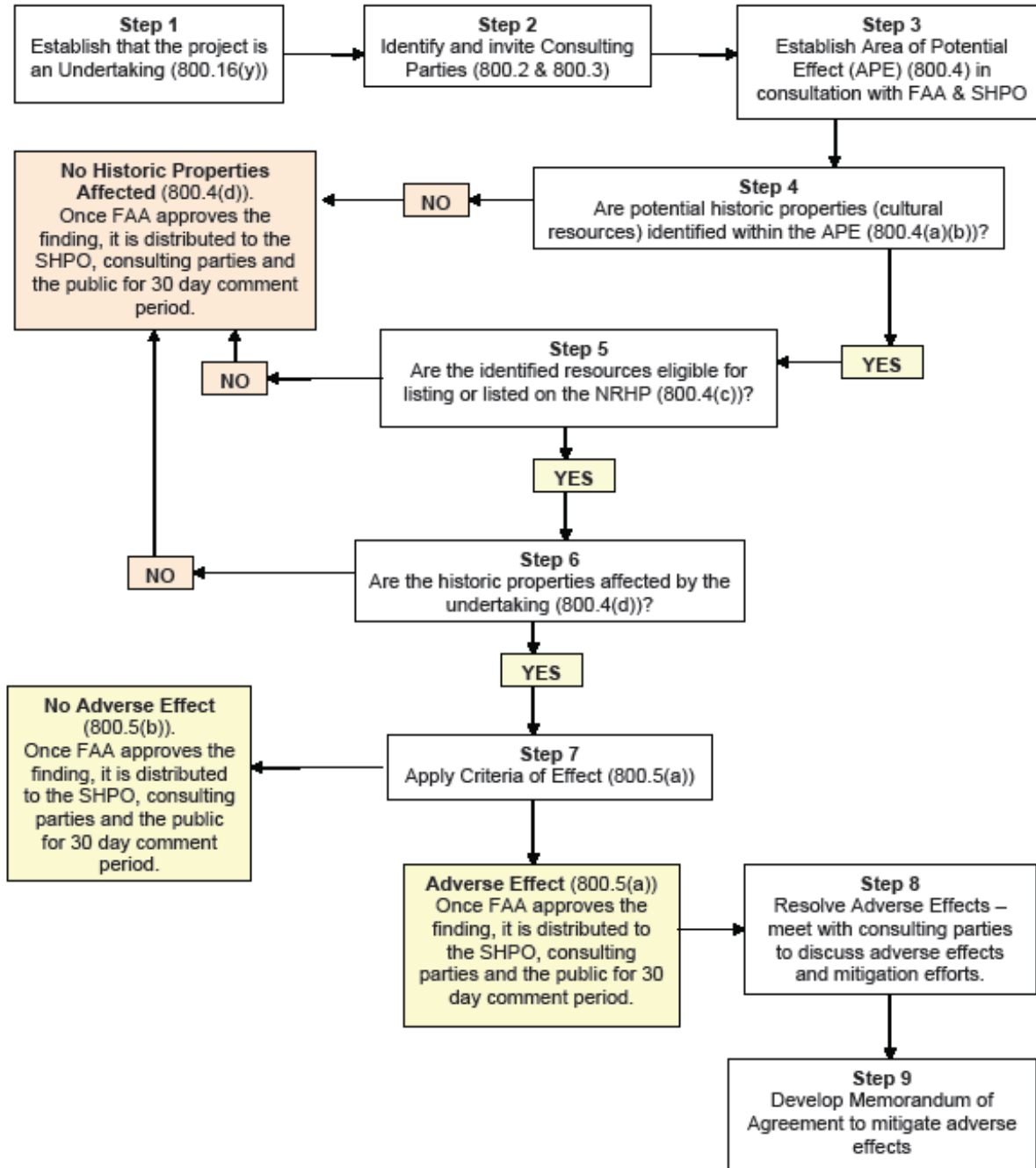
Potential historic and cultural resources within the APE are then identified. Comments received from SHPO and consulting parties as well as historical and archaeological reports assist with the identification process. Each resource is evaluated to determine eligibility for or listing on the National Register of Historic Places.

The FAA then issues a preliminary eligibility determination/finding and distributes this information to SHPO and consulting parties for thirty-day comment period. The FAA will address any comments received and then issue a final finding, which is distributed to SHPO and consulting parties for another thirty-day comment period. At the same time, a legal notice is placed requesting comments from the public.

The Section 106 process is complete if the project results in a No Historic Properties Affected or No Adverse Effect finding. However, if the FAA determines that the project will result in an Adverse Effect, further consultation is necessary to resolve the adverse effects. A Memorandum of Agreement (MOA) resolves the negative impacts and provides the proposed mitigation.

Please contact Mrs. Kandice Krull, MSP ADO Environmental Protection Specialist, for additional details related to a Section 106 evaluation.

Section 106 Process Flow Chart



Airport Improvement Program (AIP) Grant Assurances

Part Two

In the last newsletter, we examined the first ten grant assurances and what they mean for an airport sponsor. In Part 2 of the series, we'll take a look at assurances Number 11 through 20.

Grant Assurances 11 through 20

Grant Assurance #11: Pavement Preventative Maintenance, sets forth the requirement to develop a pavement preventative maintenance/management program for any grant that contains pavement replacement/reconstruction work. This plan should be used for the lifetime of the pavement installed under the grant. This requirement is related to the grant special condition that requires a sponsor to develop this type of program as well.

Grant Assurance #12: Terminal Development Prerequisites, states that an airport that is certificated under Federal Aviation Regulation (FAR) Part 139 must have certain safety equipment (ARFF) and security equipment prior to using AIP funds to develop the terminal building.

Grant Assurance #13: Accounting System, Audit, and Record Keeping Requirements, refers to the requirement of a sponsor to incorporate an accounting system and maintain records for all of the financial transactions related to an AIP grant. The accounting system should be maintained so that an effective audit in accordance with the Single Audit Act of 1984 may be conducted. Circular A-133 generally guides the audit process for local governmental agencies. Circular A-133 may be viewed on the Internet at: <http://www.whitehouse.gov/omb/circulars/a133/a133.html>

Grant Assurance #14: Minimum Wage Rates, addresses the requirement for airport sponsors to adhere to the Davis-Bacon Act when an AIP grant funds a contract more than \$2,000. Local minimum wage rates can be viewed at: <http://www.gpo.gov/davisbacon/index.html>

Grant Assurance #15: Veteran's Preference, discusses the requirement of airport sponsors to give preference to Vietnam era veterans and disabled veterans with respect to the employment of labor. The veterans must be available and able to perform the work that is required. This assurance may be expanded to include those veterans who have served in Iraq and Afghanistan.

Grant Assurance #16: Conformity to Plans and Specifications, describes the requirement to ensure that the airport project is constructed in accordance with the plans, specifications and schedule that were developed for the project. In most cases, the plans are reviewed as a part of an airspace review so any revisions would need to be studied to ensure continued compliance.

Grant Assurance #17: Construction Inspection and Approval is required so that airport sponsors have a resident engineer onsite during construction. This assurance also discusses the need to submit progress reports to the FAA throughout the construction project.

Grant Assurance #18: Planning Projects, is actually an eight part assurance that gives the FAA rather significant input as to how AIP funded planning projects are carried out. In accordance with this grant assurance, all planning documents must be made available to the public. The FAA has full rights to publish and distribute the planning documents as required. The FAA also has the authority to disapprove of any consultant/subcontractor, project scope and fees. The FAA has the authority to disapprove of the

sponsor's own employees doing planning work as well. Finally, the FAA makes no guarantees that a planning grant will lead to additional grants.

Grant Assurance #19: Operation and Maintenance. The gist of this assurance is that we want the airport to be open and safe at all times. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the FAA (this includes anything from model airplane festivals to pig races). Airports should promptly mark and light any hazard, including temporary issues and issuing any NOTAM that is appropriate. This assurance goes on to say that operation of the airport does not include those temporary instances where snow, flood or other natural acts would prevent the airport from being open. We can all debate the exact definition of "temporary". The dictionary definition of "temporary" reads "not permanent" (gee, thanks for the clarification). During a snowstorm for example, Airport Manager A deems a temporary airport closure of one hour excessive. Airport Manager B on the other hand is a firm believer in global warming so any snowstorm will ultimately be "temporary" in the grand scheme of things. In the end, the airport sponsor and the FAA determine what should be considered "reasonable" for temporary airport closures due to extreme weather conditions.

Grant Assurance #20: Hazard Removal and Mitigation, details the need for airports to maintain a safe airport environment. This assurance is often "easier said than done". Hazard removal is easy enough on airport property, the real challenge is when those hazards occur off of airport property. Even better is when the property in question is located in a different municipality than the airport. Zoning can certainly be an airport's friend, but what happens when a hazard or a potential hazard is out of the control of an airport? The airport sponsor should do everything reasonable to oppose the hazard. This can often include working with the surrounding zoning boards or writing letters objecting to the proposed hazard.

Next issue.....Grant Assurances #21-39.

Courtesy of Chicago Airports District Office Newsletter

Check out our new MSP ADO web resource page at the following:

www.faa.gov/airports_airtraffic/airports/regional_guidance/great_lakes/about_airports/msp_ado/msp_ado_web/index.cfm

Have a safe and healthy holiday season!