

Federal Aviation Administration

FINDING OF NO SIGNIFICANT IMPACT

for the

PROPOSED REHABILITATION/PARTIAL RECONSTRUCTION OF RUNWAY 2/20 AND RECONSTRUCTION OF TAXIWAY A

Condensed Environmental Assessment

(EAXX-021-12-ARP-1727687832)

at the

**Door County Cherryland Airport
Sturgeon Bay, Wisconsin**

The Federal Aviation Administration (FAA) prepared this Finding of No Significant Impact (FONSI) for the rehabilitation and partial reconstruction of Runway 2/20 and reconstruction of Taxiway A project at the Door County Cherryland Airport (SUE). In accordance with FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, and based on the evaluation in the Condensed Environmental Assessment (EA), dated September 30, 2024, there are no significant impacts associated with the Proposed Action. Therefore, an Environmental Impact Statement (EIS) will not be prepared and a FONSI is being issued.

1. Purpose and Need

The Door County Cherryland Airport (Airport) is located in Door County, Wisconsin approximately one mile west of the City of Sturgeon Bay. The Airport is owned and operated by Door County. The Airport operates using two runways which include the existing primary runway, Runway 2/20, and the existing crosswind runway, Runway 10/28.

The Airport identified deficiencies associated with Runway 2/20 and its parallel taxiway (Taxiway A) which include degrading pavement conditions, obstructions to airspace clearance surfaces, substandard Runway Safety Area (RSA) conditions, and electrical equipment that has reached the end of its useful life.¹ The purpose of this project is to correct the deficiencies that will bring the Airport into compliance with FAA standards and improve the operational capabilities of the Airport.

2. Alternatives Considered

The Condensed EA identified and evaluated reasonable alternatives which include:

- Proposed Action:
 - The rehabilitation/partial reconstruction (1,620' north of Runway 10/28 is Reconstruction) of Runway (RWY) 2/20 and reconstruction of Taxiway (TWY) A, including the taxiway connector pavement (including connectors A1, A2, A3 and A4) and associated actions. Specifically, the rehabilitation will include approximately 24,800 square yards (SY) of RWY 2/20. The reconstruction will include approximately 13,500 SY of pavement on RWY 2/20 and approximately 29,200 SY of TWY A and connector pavement.²
 - Other pavements to be rehabilitated include the Automated Weather Observing System (AWOS) service road and the primary wind cone service road.

¹ The pavement condition index (PCI) for both Runway 2/20 and Taxiway A are below the critical PCI value, 70/100, for a general aviation airport. The PCI for the runway is 56/100 and the parallel taxiway is 51/100. Aged pavements have been chipping out along cracks, leading to the presence of FOD on Runway 2/20 and Taxiway A.

- Lighting, NAVAID, Electrical work will include the following:
 - Reconstruct RWY 2/20 Lighting
 - Reconstruct Taxiway A Lighting (connectors A1, A2, A3 and A4)
 - Construct Taxiway A Lighting (full length)
 - Remove In Line Lighting & Runway 2 PAPI Adjustments
 - Replace Electrical Vault
 - Reconstruct Airfield Guidance Signs
 - Install Runway Vertical/Visual Guidance System (Replace Runway 2/20 REILs)
 - Install Miscellaneous NAVAID (Primary Wind Cone)
 - Obstruction Lighting (Runway 2/20 Approaches)
 - Grade the RSAs in accordance with FAA design standards.
 - Improve the RSA to meet current FAA standards.
 - Obtain access agreements, Land Use Agreements (LUAs), and Temporary Limited Easements (TLE) as required.
 - Obtain a TLE, LUA, or Access Permit for the borrow and/or waste site if additional material is needed.
 - Remove obstructions to the RWY 2/20 approaches which will consist of selective tree removal off-airport within Airport-owned easements.
- Other alternatives were considered as a means to avoid or minimize the impacts to the Potawatomi State Park (Park) to the fullest extent possible. Each alternative was eliminated from further consideration for either being too impactful to the aesthetic value of the Park or not meeting the Purpose and Need of the project. The alternatives that were considered, and subsequently eliminated, include the following:
 - RSA Grading: Alternatives developed for RSA grading were considered as a means to avoid grading impacts to the Park. Each of these alternatives was eliminated because they did not meet the Purpose and Need.
 - Improve the RSA to partially meet FAA standards. This alternative would not bring the RSA into compliance with FAA standards; therefore, it was eliminated from consideration.
 - Modification of Runway 2/20 alignment. This alternative is not feasible for the Airport as it would require additional construction, infrastructure relocation, planning and funding. Because this alternative creates additional impacts, requires extensive additional costs and does not meet the Purpose and Need to improve safety at the Airport, it was eliminated from consideration.
 - Implement declared distances. This alternative requires limiting the length of useable runway, and any reduction in length would have an impact on the utility of the airfield. It would limit the aircraft that could use the airfield and could negatively impact the serviceability of the Airport. Because this alternative does not address the deficiencies at the airport and reduces Airport service, it was eliminated from further consideration.
 - Implement Engineered Materials Arresting System (EMAS). EMAS is not a preferred alternative due to the extensive cost for construction and maintenance. In addition to cost, specialized equipment would be needed to maintain the system. This alternative was eliminated from consideration because of the small size of the airport, the long-term cost implications associated with future reconstruction, and specialized nature of maintenance operations.

- Obstruction Removal: This alternative proposed to clear all trees to within 1 foot of the ground within the full limits of the Airport-owned easement boundaries. The purpose of the full tree clearing was to complete a one-time treatment to fully remove the obstructions in the area and to prevent future obstructions. While this alternative could meet Purpose and Need, it was eliminated from further consideration because it was impractical. The Wisconsin Department of Natural Resources (WDNR) determined it to be too impactful to the aesthetics of the Park.
- Do Nothing: The no action alternative assumes that the current Airport conditions would remain unchanged without the Proposed Action improvements. This alternative does not meet the stated Purpose and Need and was eliminated from consideration.

3. Environmental Consequences and Mitigation

After careful analysis and consultation with various state and federal resource agencies, the Airport selected the Proposed Action as the preferred alternative. This alternative satisfies the Purpose and Need for the project while causing minimal environmental impacts. The Sponsor shall implement the following mitigation measures as a condition of environmental approval of the proposed project listed in this FONSI.

A. Water Resources – Wetlands:

In October 2023, the WDNR conducted a wetland determination to identify and delineate wetlands within the Potawatomi State Park on WDNR land. The delineation identified approximately 0.05 acres of permanent wetland impacts associated with the Proposed Action alternative that will be mitigated. A U.S. Army Corps of Engineers (USACE) Jurisdictional Determination was submitted, and USACE concluded that the wetlands were hydrologically connected to Sturgeon Bay; therefore, are subject to federal regulations. The Proposed Action qualifies for the USACE Transportation Regional General Permit, and a Pre-Construction Notification is not anticipated to be needed as the proposed wetland impacts are within the thresholds listed under Category 2 Modification – Linear Transportation of the USACE St. Paul District's Transportation Regional General Permit dated December 13, 2023.

The impact to the wetland is consistent with applicable State wetland strategies which requires that wetland impacts must be avoided and/or minimized to the greatest extent practicable. Coordination with the Wisconsin Department of Transportation (WisDOT) Regional Environmental Coordinator. A Wetland Impact Tracking Form (WITF) was provided to the WisDOT Regional Environmental Coordinator that identified the potential wetland impacts and requested the reservation of wetland credit areas near the project area. In August 2024, the preliminary WITF was approved with a preliminary debit ratio of 1:1 to the Peshtigo Brook – Phase 1 mitigation bank. Final credit determinations will be obtained later in project design development.

The Proposed Action does not trigger the significance thresholds as defined in FAA Order 1050.1F. The EA discusses the environmental consequences of the Proposed Action in detail. Mitigation will include the following:

- a. Mitigate unavoidable wetland impacts using WisDOT Wetland Mitigation Bank.
- b. Maximize allowable design slopes to minimize impacts to wetland areas.
- c. Perform tree clearing operations during winter season.
- d. Avoid grubbing operations in wetland areas.

- e. Tree chipping will not be allowed in wetland areas.

B. Biotic Resources/Threatened and Endangered Species:

The Proposed Action alternative includes approximately 10 acres of selective tree clearing and approximately 0.05 acres of wetland impacts. The Proposed Action alternative would not substantially impact biotic resources within the project area or in surrounding areas. Based on information reviewed and informal consultation with Fish and Wildlife Service, the Proposed Action alternative would not have a significant impact on federally listed, proposed, or candidate species or federally designated or proposed critical habitat, or otherwise sensitive species, natural plant communities, or natural features. The project was also reviewed by the WDNR, and the review identified no known state listed threatened or endangered species or suitable habitats are anticipated to be impacted by the project. Although no impacts are anticipated, mitigation will include the following:

- a. It may be appropriate for the clearing of those trees down to 1' of ground level, but an on-site identification of trees/obstructions will be needed and agreed upon between agencies prior to removal operations. In some cases, chipping of trees may be allowed to remain on site if not deemed obtrusive, but tree-chippings will not be allowed to remain in wetland areas. Red and white pines species will be removed completely from the site, or chipped.
- b. If work crews need access to DNR property outside of the existing clear zone and avigation easement areas, then the DNR would need to provide a new Land Use Agreement (LUA) or Temporary Limited Easement (TLE) for access and use. This agreement (LUA or TLE) would include a pre-logging of road conditions and access points, identification of equipment staging areas, and any other incidental items needed to complete the work. This agreement will ensure no adverse impacts are incurred by the State Park during construction, beyond proposed scope of work, and would include restoring disturbed areas to acceptable conditions following construction.
- c. Remove vegetation in the nesting/foraging habitat before the Rusty Patched Bumble Bee (RPBB) spring arrival.
- d. Tree removal will be performed outside of the Tricolored and Northern Long Eared Bat active season, which is April 1 through October 31. It is also preferred by the DNR and State Park staff that tree removal is completed during the less busy time of year, which correlates to the colder seasons (i.e. late fall through winter). Conducting this work during colder or frozen conditions would also help reduce ground disturbance, especially in the wetland areas.
- e. All proposed project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing other best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code.
- f. This proposed project has the potential for spreading the Emerald Ash Borer (EAB) beetle. Consider WDNR best management practices to prevent spread of EAB.
- g. This project involves work that may involve cutting, pruning, or accidental wounding of oak trees. WDOT policy regarding preventing transmission of oak wilt will be followed.
- h. During periods of frozen conditions, equipment tracking is anticipated to produce minimal soil disturbance. If soft ground conditions are encountered the use of tracking mats can limit soil disturbance. Clearing during the winter season limits the potential for erosion

and encroachment of opportunistic non-native invasive species during selective clearing operations due to minimal ground disturbance.

C. Section 4(f) Resources:

The Airport is adjacent to publicly held property on the north end of the Airport known as Potawatomi State Park (Park), which is a 4(f) resource. The Proposed Action includes actions that will take place on Park property or within the Park's scenic easements. The Proposed Action includes acquisition of a TLE to regrade roughly 700 sq. ft of the Airport's RSA in the Park. The Proposed Action also includes use of Airport property located south of County Highway C and west of Park Drive as a borrow site to obtain construction fill material needed for RSA grading. The WDNR holds a scenic easement along Park Drive that limits the use of the Airport property within 175-feet of the roadway centerline. The Airport is required to obtain a TLE, LUA, or Access Permit for use of this property as a borrow site. In addition, the Proposed Action includes selective tree clearing within Airport-owned clear zone and avigation easement rights which are also located in the Park as described in the Land Acquisition remarks of the Final EA. In coordination with the WDNR, the Proposed Action minimized the selective tree clearing efforts to those necessary to protect the airspace associated with Runway 2/20 approaches with a 10-foot growth buffer.

A draft of the De Minimis Impact on Section 4(f) Property report was provided to the WDNR for review on May 21, 2024. WDNR concurred with the report findings in their letter dated June 29, 2024, and stated that there would be no adverse effects to the protected recreational activities, features, or attributes associated with the Park. The WDNR also agreed with the report assessment of impacts and measures incorporated to minimize harm to the Section 4(f) Property. The concurrence letter is included in Attachment 10 of the Final EA. Mitigation will include the following:

- a. RSA grading area:
 - i. A LUA and TLE will be required for the 700 sq. ft. of grading on park property. These agreements will be coordinated with WDNR Parks and Real Estate staff in advance of construction.
 - ii. Areas of permanent fill due to RSA grading will be restored to a vegetative condition.
 - iii. No structures or restrictions will be placed on park property (only earthwork).
 - iv. The RSA grading work will not result in a change to the recreational value of this area of the Park.
- b. Selective Tree Removal:
 - i. The proposed project will limit tree removal to identified obstructions within 10' of the FAA approach surface and NAVAID surfaces in airport-owned avigation easements.
 - ii. The WDNR's preference is selective tree clearing rather than topping.
 - iii. A LUA or Access Permit will be needed if work crews need to use park roads for site access, and possible temporary storage of construction equipment.
 - iv. Red and White Pine species will be removed completely from the site, or chipped.
 - v. Tree chippings will not be allowed to remain in wetland area, and may be allowed to remain in uplands, or stockpiled, at the state park property manager's discretion.
 - vi. Any tree chipping piles that may be allowed to remain will be done so through consultation with they state Park property manager.

- vii. Tree removal will occur between November 1st through March 31st to avoid impacts to any State/Federally listed bat species, as well as minimize wetland impacts.
- viii. Insurance requirements, park access, and land use for the contractors will be reviewed before project approval.
- ix. An additional on-site meeting will be held to review marked trees before removal.
- c. Snowmobile Trail:
 - i. A portion of the snowmobile trail in the proposed project area may be closed as selective tree removal occurs for public safety.
 - ii. The project team will work with the WDNR/park manager to reduce the amount of time required for closure.
- d. Borrow Site:
 - i. For the borrow site southwest of the airport, and adjacent to CTHPD, WisDOT-BOA will work through the TLE process with the WDNR as required.

D. Construction Impacts:

Construction activities of the Proposed Action alternative would cause temporary specific impacts exclusively during the construction period. Potential impacts include, temporary noise increases from tree clearing, air quality from equipment exhaust, soil erosion and sedimentation, and airport operations. These impacts will be mitigated by implementing the following:

- a. Noise: Off-airport work would be subject to all applicable local, state, and federal laws and regulations relating to noise levels permissible within and adjacent to the project construction site. To keep the parks and forests quiet, the WDNR prohibits operation of any device that produces excessive, loud or unusual noises without a written permit from the WDNR. There will be continued coordination with the WDNR and Park representatives to develop special provisions that may limit the hours of the motorized construction equipment operation.
- b. Stormwater: During the construction period, soil would be exposed to the elements resulting in the potential for short-term soil erosion and stormwater quality impacts. To minimize the potential for impacts, construction actions will comply with the requirements in Chapters NR 151 Runoff Management and NR 216 Storm Water Discharge Permits of the Wisconsin Administrative Code. Since the Proposed Action includes greater than 1-acre of land disturbance, it will be subject to the Wisconsin Pollutant Discharge Elimination System Transportation Construction General Permit (TGCP) for Storm Water Discharge. The Proposed Action also requires an Erosion Control Plan (ECP) that would include a description of the best management practices that will be implemented. The WDNR would also be provided an erosion control implementation plan (ECIP) and a storm water management plan. Appropriate construction BMPs will be implemented as listed in the Construction Impacts Section of the Final EA to limit construction impacts on soil erosion.
- c. Air Quality: The Proposed Action is occurring in an attainment area and is not expected to impact air quality. Although there will not be significant impacts to air quality, steps will be taken to minimize the potential for localized dust impacts from excavation, stockpiling, hauling, and other construction operations by implementing approved dust control measures. The speeds of equipment will be limited to prevent spillage and dust

creation. Non-earthmoving equipment would be limited to speeds of 15 miles per hour (MPH) and earthmoving equipment would be limited to speeds of 10 MPH.

- d. Airport Operations: Due to runway closures associated with the Proposed Action, standard aircraft operations may be altered, but rerouting of aircraft is not anticipated. Any deviations as a result of runway closures would be up to the discretion of the crews of any inbound aircraft. During construction operations of the Proposed Action, runway closures or construction impacts would be communicated to airport tenants through the airport manager. Additional public notification of construction impacts and closures would utilize the FAA's Notice to Air Missions (NOTAM) system.

The following permits will be required:

- WDNR – A Notice of Intent will be submitted to initiate the Transportation Construction General Permit (TCGP) which will also require an Erosion Control Plan (ECP) and an Erosion Control Implementation Plan (ECIP).
- A Wetland Impact Tracking Form (WITF) and necessary information will be provided to the WDNR for wetland compensation.
- USACE Transportation Regional General Permit
- WDNR Final Concurrence will be granted after further review of refined project plans, Erosion Control Plan, Wetland Impact Tracking Form, Special Provisions, NOI for the TCGP, and additional coordination if necessary.

4. Public Review and Comment

Public involvement is a vital component of the National Environmental Policy Act (NEPA) process. A copy of the Preliminary Environmental Assessment (PEA) was provided to the agencies/organizations on June 7, 2024. A Notice of Availability of the PEA and Notice of a Public Hearing were presented to the public on June 14, 2024. The notices were advertised in Door County Pulse, at the Airport, and on the project website. Copies of the PEA were provided to agencies/organizations and made available to the public at the Airport, Door County Library, Wisconsin Department of Transportation Bureau of Aeronautics office, and on the project website. A Public Hearing was held on July 11, 2024, in the Door County Cherryland Airport Terminal Building. Details on public and agency comments can be found in Attachment 8 of the Final EA.

5. Finding

After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101 of the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental requirements and will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of NEPA. Having met all relevant requirements for environmental considerations and consultation, the proposed development/actions are authorized to be undertaken at such time as other requirements have been met.

These decisions are taken pursuant to 49 U.S.C. 40101 et. seq., and constitute an order of the Administrator which are subject to review by the courts of appeals of the United States in accordance with the provisions of Section 1006 of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 46110.

The FAA is aware of the November 12, 2024, decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality (CEQ) regulations implementing NEPA are not judicially enforceable or binding on this agency action, the FAA has elected to follow those regulations at 40 CFR parts 1500–1508, in addition to the FAA’s policies and procedures implementing NEPA at FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures* (July 16, 2015), to meet the agency’s obligations under NEPA, 42 U.S.C. §§ 4321 *et seq.*



1/28/2025

FAA-CHI-ADO
Rob Esquivel, Acting Manager
Federal Aviation Administration

Date