

Subsequently, in Spring 2009, a Citizens Advisory Committee (CAC) was appointed to advise the preparers of the Environmental Assessment submitted by Ann Arbor. The CAC was initially comprised of:

- The Ann Arbor Airport manager.
- The chairman of Ann Arbor's Airport Advisory Committee.
- An Ann Arbor 4th Ward resident, who is also a member of the Airport Advisory Committee.
- An Ann Arbor 3rd Ward resident, who is also a flight instructor at the airport.
- Another pilot based at the airport, who is also chief pilot of Avfuel, which operates the Cessna Citation 560 Excel based at the airport, which stands to be the single greatest beneficiary from the runway extension.
- Another airport flight instructor, who is also a member of the airport-based FAA Safety Team.
- A citizen member from Ann Arbor's 5th Ward.
- A representative from Ann Arbor's 2nd Ward, who is also a member of the Ann Arbor City Council.
- A representative of the Washtenaw Audubon Society, which conducted a previous study that found no Canada geese among 38 other species on the airport.
- Lodi Township Supervisor Jan Godek.
- Pittsfield Township Deputy Supervisor Barbara Fuller.

It was only after extensive political pressure that two additional outside members were added to the CAC:

- Shlomo Castell, a commercial passenger airline pilot from the Stonebridge Community Association in Pittsfield Township, and
- Kristin Judge, Washtenaw County Commissioner from District 7, which includes Pittsfield.

Even so, for an airport located in Pittsfield Township that most dramatically impacts Pittsfield and Lodi Townships and Ward 4 of Ann Arbor, the CAC was dominated by Ann Arbor and airport members who stood to benefit from the expansion and the CAC was under-represented by those immediately outside the airport perimeter whose safety could be placed at greater risk by any expansion. The Environmental Assessment never addressed nor studied the safety implications of any such expansion.

Throughout the process, the only opportunity for any public discussion -- with elected public officials present -- about the proposed expansion plan was before the Ann Arbor City Council, where speakers must call-in to register in advance. Only the first ten callers on the day of Council meetings are permitted to speak. Speakers are limited to three minutes. Such a process typically has a stifling effect on open and candid discussions for subjects as complex as an airport ALP and runway expansion proposal.

To satisfy the federal "Public Hearing" requirement, MDOT and Ann Arbor devised an equally stifling process. On March 31, 2010, a three-hour "open house" was held during the dinner hour period between 4-7 pm, during which individuals could assemble and provide public comments in response to the Environmental Assessment. Local media announcements of the event (AnnArbor.com) encouraged citizens to send Environmental Assessment comment letters directly to the Airport Manager, rather than MDOT, until Respondents intervened and requested that MDOT correct the process to restore a semblance of fairness. At the session itself, there was no dias of public officials impaneled. There were no open, public statements with the media present. All testimony was given in private rooms to court reporters, to be forwarded to MDOT for later evaluation and, presumably, incorporation into some finalized Environmental Assessment.

That citizens, not public officials, needed to police the process was the ultimate insult to ensure any semblance of fairness and equity. By this public hearing process being so restricted, members of the public were effectively deprived of their due process rights under the 14th Amendment of the U.S. Constitution to ever have an opportunity to speak in an open and fair forum in a reasonable amount of time in opposition to the airport expansion before a public body. That is because, if the expansion proposal goes forward, the Ann Arbor City Council generally restricts all outside speakers to three minutes, which is hardly an adequate time to offer an organized and coherent argument against such a complex proposition as an airport expansion, whereas -- at the same time -- city officials and their surrogates are afforded unlimited time to speak to the City Council to advocate in favor of the runway expansion, in clear violation to due process protections. Thus, by closing off the fairness and balance intended by this only federally-mandated forum, related to EA comments, stifled the only open public commentary and dissent regarding the airport, in violation of the law.

IX. CONCLUSION.

Given the Project's many potential significant environmental impacts that have not been identified or fully analyzed in the EA, the substantial potential risks to human and environmental life living in the vicinity of the airport that have not been properly studied and are placed at risk

Molly Lamrouex, Airports Division
MDOT Bureau of Aeronautics and Freight Services
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by the proposed expansion, it should be rejected. At minimum, a full Environmental Impact Statement (EIS) is required prior to approval and implementation of the Project. "No matter how thorough, an EA can never substitute for preparation of an EIS, if the proposed action could significantly affect the environment." *Anderson v. Evans*, 371 F.3d 475, 494 (9th Cir. 2004).

Sincerely,

A handwritten signature in black ink, appearing to read "A. R. McGill", written in a cursive style.

Andrew R. McGill, Ph.D.

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Williams Aviation Consultants

Williams Aviation Consultants, Inc. was retained by the law firm of Chevalier, Allen & Lichman, LLP to review and comment on Chapters 1 and 2, and Appendices A and B of the DRAFT Ann Arbor Municipal Airport Environmental Assessment (DEA), February, 2010. The following are our comments on the DEA.

A. Accommodating the Critical Aircraft at Ann Arbor Municipal Airport (ARB)

As stated in paragraph 2.2.7, *“The proposed shift and extension of primary Runway 6/24 at ARB would provide a runway configuration that more effectively accommodates the critical aircraft that presently use the facility. (Emphasis added)*

In particular, the proposed project would provide the following benefits:

- *Enhance business aviation and interstate commerce by providing sufficient runway length to allow the majority of category B-II Small critical aircraft that currently use ARB to operate without load restrictions (i.e. reduction in passengers, cargo, and fuel associated with aircraft range). (Emphasis added)*

According to paragraph 2.2, Purpose and Need, *“The purpose of the proposed improvements at ARB is to provide facilities that more effectively and efficiently accommodate the critical aircraft that presently use the airport, as well as to enhance the operational safety of the airport. (Emphasis added)*

The critical aircraft is defined by the FAA as the most demanding aircraft-type that performs a minimum of 500 annual operations at a particular airport. In cases where the critical aircraft weigh less than 60,000 lbs, a classification of aircraft is used rather than a specific individual aircraft model. A recent Airport User Survey has confirmed that the critical aircraft classification for ARB is *“B-II Small Aircraft.” (Emphasis added)*

Also stated under *“Purpose and Need” “Development of the primary runway at ARB to the recommended length of 4,300-feet would allow the majority of B-II Small classification aircraft to operate at their optimum capabilities (without weight restrictions). (Emphasis added)*

WAC Comment: There are no aircraft in the B-II Small aircraft classification that require a runway length of 4,300 feet to conduct normal operations. All B-II Small Aircraft are capable of operating out of the current runway (3,505 feet long) without the need to reduce weight by off-loading passengers, baggage or fuel.

Regarding the establishment of the critical aircraft, ARB lacks the required number of 500 annual operations by B-II Small Aircraft, so they have added larger aircraft such as B-II Large, Category C-I and C-II operations to meet the 500 classification requirement. It is the Category C-I and C-II aircraft which would benefit by the runway extension to 4,300 feet, not

those aircraft that fall within the definition of Category B-II Small Aircraft. The current runway length of 3,500 feet is sufficient to handle all Category B-II Small Aircraft.

B. Lengthening Runway 6/24 to 4,300 Feet: The Impact on Aircraft Load Restrictions and Fleet Mix

The “load restrictions” referenced above in paragraph 2.2.7 refer to the fact that the higher category aircraft (primarily jets in the C-I and C-II categories) must currently operate at reduced weights in order to operate out of the current 3,500 foot runway (required takeoff length is the primary restrictor). Operationally, weight is reduced by carrying fewer passengers, less baggage and/or less fuel; all of which discourage these aircraft from conducting operations out of ARB.

For example: A Cessna Citation II (Category B-II) requires 2,990 feet for takeoff at maximum certificated gross weight on a standard day and may therefore operate unrestricted as to weight from the current 3,500 foot runway. A Lear 35 (Category C-I) requires 5,000 feet for takeoff at maximum certificated gross weight on the same standard day.

The Category B-II Citation II can conduct unrestricted operations from the current 3,500 foot runway. Whereas extending the runway to 4,300 feet would not facilitate unrestricted operations by the Category C-I, Lear 35, the required weight reduction would be less than is currently required. In this way, the runway extension to 4,300 feet would operationally benefit the Category C-I Lear 35, but would provide no operational benefit to the Category B-II Small Citation jet, or any other Category B-II Small aircraft.

*All Category B-II Small aircraft, i.e. the ARB critical design aircraft, are currently accommodated on the existing 3,500 foot runway. Contrary to what is stated in the DEA, lengthening the runway to 4,300 feet **WOULD NOT** “provide a runway configuration that more effectively accommodates the critical aircraft that presently use the facility.”*

If the runway is lengthened to 4,300 feet, other jets such as the Lear 25 (Category C-I), Cessna Citation III (Category C-II) and Cessna Citation Sovereign (Category C-II) may be able to operate out of ARB with minor reductions in takeoff weight. This will impact the community as it could reasonably be expected that the longer runway will attract more of the larger, higher performance jet aircraft to the airport.

These added high performance jet aircraft operations will be accompanied by noise and air quality impacts. Many of these operations will take place at night, thereby negatively affecting the general quiet of the surrounding community.

C. Shifting Runway 6/24 150 Feet to the West While Maintaining the Current Runway Length of 3,500 Feet: The Impact on Load Restrictions, Future Fleet Mix and Safety of Operations

Load Restrictions

Maintaining the current runway length of 3,500 feet would mean that the Category C-I and C-II aircraft would continue to suffer significant load restrictions. These load restrictions would thereby continue to serve as a deterrent to these aircraft operating out of ARB.

Future Fleet Mix

Maintaining the current runway length would serve to maintain the current fleet mix. Category B-II Small jet aircraft include lower powered models such as the smaller versions of the Cessna Citation (Category B-I/II) and the Mitsubishi Diamond jet (Category B-I). Higher powered jet aircraft such as the Lear 25 (Category C-I), Lear 35 (Category C-I), IAI Astra (Category C-I) and Cessna Citation III (Category C-II) may be generally discouraged from flying into Ann Arbor and would generally, with few exceptions choose to land at Detroit and drive the 40 miles to Ann Arbor.

Safety of Operations

2.2.1 Safety Enhancements:

In the first paragraph, the consultant is correct in stating that shifting the Runway 24 threshold 150 feet west would enhance safety by effectively removing the current obstruction to line-of-site vision (hangar) of the parallel taxiway for ATCT personnel.

However, in the next paragraph the consultant states, "The proposed shift of the Runway 24 threshold would also allow for a clear 34:1 approach surface to the east end of the runway (the current approach surface is the steeper 20:1). By keeping obstructions below the flatter 34:1 approach surface, an additional margin of safety is provided between approaching aircraft and any ground-based obstacles."

This statement betrays a lack of understanding by the consultant of Instrument Approach Procedure (IAP) design and TERPS Obstruction Standards. Regarding the 20:1 and the 34:1 surfaces; it is not either/or, but both/and. Both the 20:1 and the 34:1 surfaces exist simultaneously for every published IAP and are defined as "Obstacle Identification Surfaces" which do not establish obstacle clearance safety margins but rather only define instrument approach visibility minimums. The FAA does not require either of these two surfaces to be free of penetration by obstacles, and thus "providing an additional margin of safety" as stated by the consultant does not apply in the case of these two surfaces.

Other TERPS surfaces (Obstacle Clearance Surfaces) are established which do ensure clearance from obstructions and the FAA requires that these Obstacle Clearance Surfaces be clear of structures and terrain. The current IAPs to Runway 24 were designed by the

FAA to accommodate all existing obstructions. In this respect, shifting the runway 150' to the west would not enhance safety.

Summary: Assuming that the consultant is correct in their assertion that shifting the threshold would eliminate obstruction penetrations to the existing 34:1 Obstacle Identification Surface, the effect would not be a safety improvement but would only result in a reduction in the required approach visibility minimums.

D. Appendix B Noise Analysis Report

B-1 Noise Impact Analysis

B.1.3 Data

Flight Operations

The consultant states "INM-modeled annual operations for the 2009 existing condition, consisting of operations from April 2008 through March 2009, totaled 61,969 operations, which is approximately 169 daily operations. Jet operations accounted for approximately 2 percent of the total operations. Nighttime operations accounted for 4.2 percent of the total operations."

2014 future condition aircraft operations were obtained from the 2008 FAA TAF for ARB. Modeled annual operations for the 2014 condition totaled 69,717 operations, or approximately 191 daily operations. *It is assumed that the percent of night and jet operations will remain constant between the existing condition and the future years. In addition, it is also assumed that the fleet mix between the 2009 Existing Condition and the 2014 Future Alternatives will remain static.* The existing and future fleet mix with annual operations is shown in Table B-2." (Emphasis added)

The consultant wrongly assumes that the percent of night and jet operations will remain constant, and that the fleet mix will remain static if Runway 6/24 is lengthened to 4,300 feet.

The longer runway will make ARB much more attractive to larger and higher performance jet aircraft as the added runway length will facilitate the loading of additional passengers and baggage on to these aircraft. Also, being able to carry additional fuel may mean that, in certain cases, costly and time consuming intermediate fuel stops will become unnecessary. As ARB becomes more attractive to higher performance jet aircraft, these larger aircraft may then consider operations to/from ARB in lieu of landing at Detroit and driving to Ann Arbor.

As more high performance jet aircraft begin operations at ARB, the fleet mix will change in favor of a higher percentage of jet operations as compared to the current level of light single and multiengine propeller driven aircraft operations. The smaller Category A-I/II and B-I aircraft currently reflect a high percentage of ARB operations. B-II Small aircraft (the critical design aircraft) reflect a low percentage of ARB operations. Recall that Category B-II Large and Category C aircraft had to be added to the currently operating Category B-II Small aircraft design group in order to meet the 500 operation requirement for establishing the critical aircraft and thereby justify the runway extension.

The number of night operations also has the strong potential to increase as the number of arrivals of the larger, longer haul business jets often occur in the evening hours due to the longer time duration of their trips. This will also affect the fleet mix of night operations to reflect a higher percentage of jet operations than exist under current conditions.

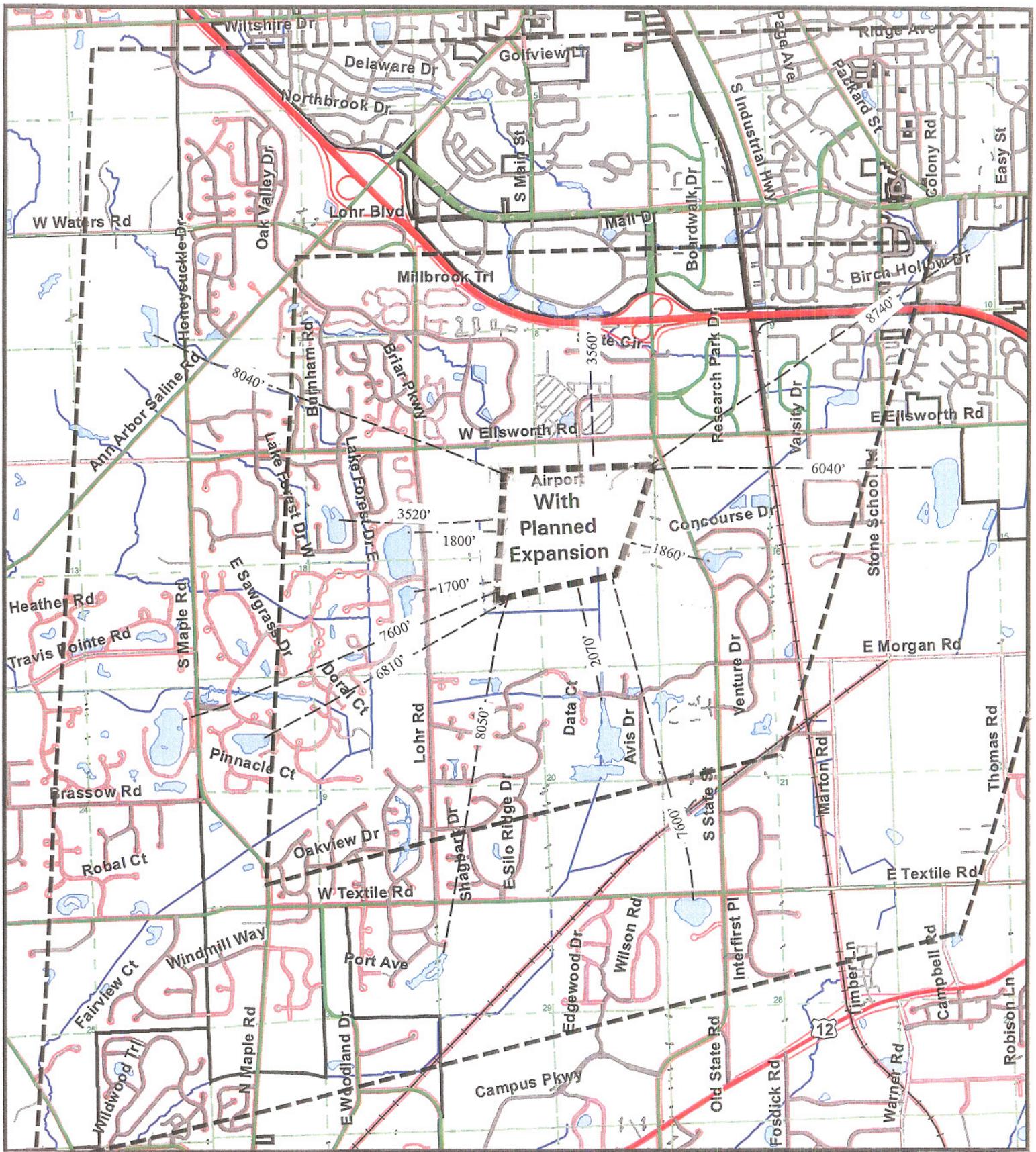
EXHIBIT 1

Table 1**Analysis of MDOT-AERO Origin-Destination Data**

Analysis of MDOT-AERO Origin / Destination Analysis of IFR Operations

State	B-II Large	B-II Small
Illinois	5	64
Indiana	1	21
Michigan	20	162
Ohio	13	38
Wisconsin	4	9
Great Lakes Region Total	43	294
D.C.	2	1
Kentucky	0	13
Maryland	7	3
Pennsylvania	4	23
W. Virginia	0	7
Added Flights Within 450-Mile Radius of ARB	13	47
Total Flights Within 450-Mile Radius of ARB	56	341
% B-II Operations Within 450-Mile Radius of ARB	66%	81%

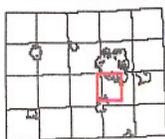
EXHIBIT 2



April 2010

GIS Map Print

Location Map



0 2,400 4,800



Feet

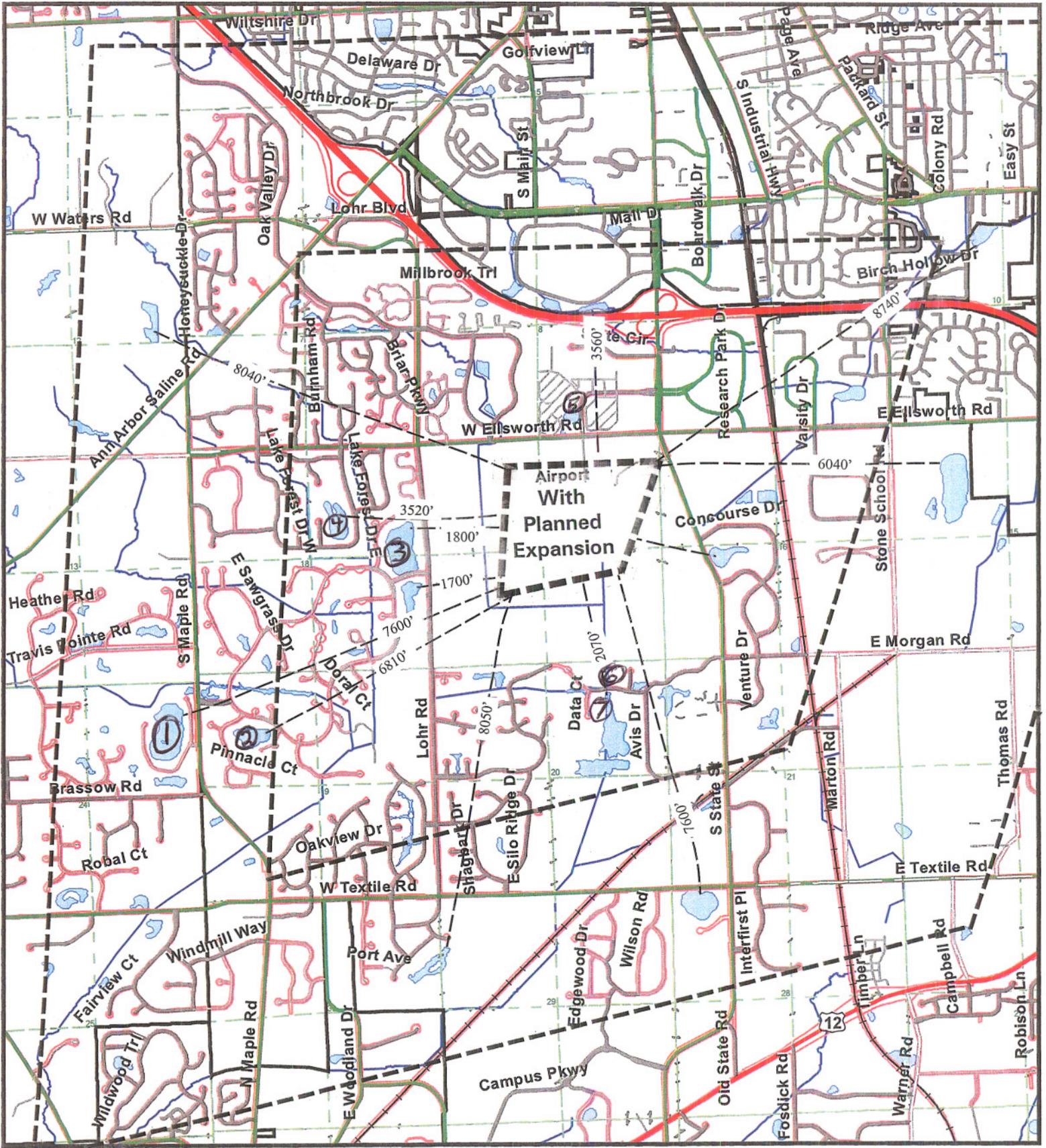
1 inch = 3,000 feet



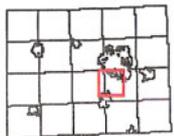
The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washierew County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

NOTE: PARCELS MAY NOT BE TO SCALE

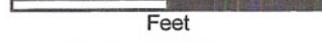
EXHIBIT 3



Location Map



0 2,400 4,800



1 inch = 3,000 feet

GIS Map Print



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