

Appendix C

Responses to Comments on the DEIS

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Responses to Comments on the DEIS

Introduction

A Draft Environmental Impact Statement/Draft Environmental Impact Report¹ (DEIS/DEIR) was released for public review in 2005. Changes to the project's purpose, need, and proposed activities occurred after the DEIS/DEIR was made available to the public and reviewed by state and federal agencies. In accordance with the Massachusetts Environmental Policy Act (MEPA) Regulations (301 Code of Massachusetts Regulations (CMR) 11.10), the proponent filed a Notice of Project Change with the Secretary that responded to the Secretary's Certificate on the DEIR (February 26, 2007). The NPC included all relevant information requested by the scope outlined in the Certificate of the Secretary of Environmental Affairs (April 29, 2005) on the DEIR, and responded to the comments on the DEIR in accordance with the requirements of MEPA.

As described in Chapter 1 of this FEIS/FEIR, the Preferred Alternative is a variation of the Runway Safety Standards Alternative presented in the DEIS/DEIR. This section of the FEIS/FEIR summarizes the substantive comments on the DEIS/DEIR, and provides responses to these comments in accordance with the requirements of NEPA. Appendix A of this FEIS/FEIR provides responses to the comments on the NPC.

Purpose and Need

A considerable number of comments were related to the purpose and need for the project. A number of commenters questioned the need for increased aviation services. Some stated that there was no guarantee that commercial airlines would relocate operations to New Bedford. Others stated that economic development did not constitute an overriding public interest.

A number of commenters stated that the DEIS/DEIR did not provide sufficient empirical/underlying data to support the need for additional airport capacity in

¹ United States Department of Transportation, Federal Aviation Administration, et al., *New Bedford Regional Airport Improvements Project Draft Environmental Impact Statement, Draft Environmental Impact Report, and Draft Section 4(f) Evaluation*, February 2005.

southeastern Massachusetts. Several commenters stated that the need for enhanced airport operations was unclear given the proximity of New Bedford to Logan International Airport and T.F. Green Airport. One commenter asked for additional context on the role of New Bedford Airport within the statewide and regional plans under development.

Several comments related to the data supporting the need for the Airport expansion stating that there was a lack of disaggregated or quantified data or an adequate breakdown of actual amount of demand generated from different parts of the region and the proximity of each to T.F. Green, Logan, and New Bedford to determine if the project meets the need. Other commenters suggested that an estimated fleet mix and a breakdown of this fleet mix to runway lengths should be included to better assess the need for a longer runway. The same commenter noted there was insufficient data regarding air cargo demand. It was suggested that the FEIS/FEIR present a table of percentage of corporate jets compared to runway length requirements.

It was also stated that the stated purpose was too narrow.

Members of the business community and area pilots stated that the proposed expansion is needed to generate economic development in the area and to meet aviation demand for corporate jets and general aviation. One person commented that the runway safety improvements are needed because of safety reasons.

***Responses:** Since the DEIS/DEIR was released for public comment, the FAA and the New Bedford Regional Airport have re-assessed the need for airport improvements in consideration of public comments, environmental impacts, and funding availability. The proposed project evaluated in this FEIS/FEIR is a refinement of the RSSA (runway safety standard alternative) described in the DEIS/DEIR. This project meets the fundamental need to upgrade airport facilities to meet FAA safety standards, but does not expand or improve other airport facilities and does not change the capacity of the Airport.*

Alternatives

A number of comments addressed the alternatives considered in the DEIS/DEIR. Several commenters believed that the DEIS/DEIR did not adequately evaluate all alternatives in order to minimize wetlands impacts or that the alternatives screening process was too narrowly defined, disqualifying certain alternatives from consideration. Several suggested considering a northern expansion alternative to extend Runway 23 with no extension at the 5 End, which might be accommodated by depressing or relocating Route 140 north of Runway 5-23. Another commenter suggested using EMAS at the end of Runway 5 to reduce the amount of wetland fill. One commenter was concerned there had not been analysis on a plan to relocate New Plainville Road to accommodate the runway

extension. The same commenter stated that depressing Route 140 would not be practicable.

Several commenters suggested that FAA explore whether the need could be met with a runway that was shorter than 6,700 feet. One individual suggested improving aircraft design that would allow aircraft to use shorter runways or to extend runway to aircraft accelerate/stop distances only. Specific recommendations were made to construct a new parking garage and noise barriers near residential areas, build a new terminal, relocate the tower away from the terminal, and develop a beautification plan for Shawmut Avenue.

Some commenters recommended that the FAA consider using other airports within the New England region to meet regional demand for aviation services. These commenters suggested making better use of T.F. Green Airport and/or continued use of Logan Airport as a viable alternative. Other suggestions included increased use of or improvements to: Quonset Airport in Rhode Island for cargo traffic, Otis Air Force Base, Worcester Regional Airport, and Hanscom Field. Several commenters suggested analyzing combinations of regional airports that could meet the study area needs. One commenter stated that the study area should be enlarged to more closely coincide with the aviation market area.

Several comments were related to the RSSA alternative. Two commenters suggested exploring or enhancing this alternative to incorporate appropriate improvements and create economic benefits without causing significant environmental impacts.

It was suggested that the project proponents obtain FAA waivers to reduce the required 1,000-foot runway safety zone area to minimize the amount of wetlands fill needed for the runway safety area project.

Other commenters suggested developing high-speed rail as an alternative to be considered in the DEIS/DEIR. One commenter requested that the No-Action Alternative should state the future needs of the region and how aviation service needs could be met without airport expansion.

One commenter stated that the alternatives analysis was not based on existing public safety or environmental problems that currently exist at the New Bedford Airport but was focused on expanding the Airport's aviation capacity to meet potential economic activities based on the stated purpose and need.

It was requested that all feasible alternatives, including usage of facilities outside the modified catchment area, be analyzed in a supplemental document.

Response: Since the DEIS/DEIR was released for public comment, the FAA and the New Bedford Regional Airport have re-assessed the need for airport improvements in

consideration of public comments, environmental impacts, and funding availability. The proposed project evaluated in this FEIS/FEIR is a refinement of the RSSA (runway safety standard alternative) described in the DEIS/DEIR. This project meets the fundamental need to upgrade airport facilities to meet FAA safety standards, but does not expand or improve other airport facilities. The proposed project has been designed to avoid impacts to New Plainville Road and would not disrupt local traffic patterns.

Public Participation and EIS Process

A number of comments were concerned with the EIS process and public participation. One commenter stated that the public had been excluded from providing input and thought that public meetings were held at an inconvenient time for most people. Another commenter stated that no input from neighbors was used in preparing the plan.

A few comments were related to the Study Committee process. Commenters felt that the Study Committee process was flawed and that the DEIS/DEIR failed to address concerns raised by committee members. One commenter complained that committee group members were not invited to working group meetings with federal, state, and local agencies. Another commenter thought that Study Committee meetings did not allow sufficient opportunities to provide input or to have meaningful discussion.

One commenter encouraged enhanced public involvement to reach Environmental Justice communities and non-English speakers.

Responses: *The Study Committee that participated in discussion prior to publishing the DEIS/DEIR in 2005, provided valuable input to the Airport and the FAA on the alternatives considered in the DEIS/DEIR, existing environmental conditions, and concerns of the public and resource agencies. Public meetings were held during preparation of the DEIS/DEIR, during the public review period, and subsequent to the release of the DEIS/DEIR and Notice of Project Change. FAA has continued to consult with state and federal resource agencies during preparation of this FEIS/FEIR, as documented in Chapter 1. Public notices for public hearings and availability of these documents, as well as the Executive Summaries, were provided in Spanish and Portuguese to meet the needs of the non-english-speaking Environmental Justice communities in New Bedford.*

Wetlands

A substantial number of comments were related to wetlands. These mainly expressed concern over the acreage of wetlands that would be impacted by the airport improvements. Several commenters were concerned that DEIS/DEIR did

not adequately analyze the impacts associated with the proposed wetlands filling to the functions and values that the wetlands provided such as habitat, protection of water supplies, flood storage, and water quality. It was stated that that the functions and values that the wetlands provided far outweighed the economic value of the proposed project.

A number of commenters were concerned with the effect of wetlands filling on local aquifers and water quality in the Town of Dartmouth and flood and pollution control of nearby areas.

A number of commenters were concerned with environmental impacts on the Apponogansett Swamp, Aushnet Cedar Swamp Reservation, and vernal pools.

A few commenters were concerned with the impact on the Paskamansett and Slocums River watersheds and ecosystems. Commenters stated there was an insufficient assessment of impacts on recharge and flow to Paskamansett River. One commenter noted that there needed to be an assessment of impacts to hydrologic and ecological effects of increased impervious surfaces and large-scale clear cutting.

A number of comments were related to the vegetation management. One commenter stated that the DEIS/DEIR did not adequately describe the vegetation management needed for the AIA or mention mitigation strategies for the vegetation management. It was noted that the alteration of state-regulated resources from additional vegetation management plan clearing was not quantified by individual wetland in the DEIS/DEIR. Another commenter was concerned that a large portion of additional clearing for the vegetation management plan under the AIA was located in Apponogansett Swamp.

One individual thought that the wetland acreage to be filled or altered was underestimated. Others stated that some existing wetlands were not shown on the maps provided and that the DEIS/DEIR failed to adequately delineate all affected state wetland resource areas by type. Another commenter noted that the DEIS/DEIR did not attempt to identify the type and acreage of wetlands lost at the Airport nor by local geographic units.

A few commenters believed that the DEIS/DEIR did not meet the standards of the Wetlands Protection Act.

Some of the comments disputed the DEIS/DEIR treatment of ditches or that the wetlands had no value because of the location of ditches or culverts. It was stated that the ditches may qualify as perennial streams under the Rivers Act and that ditches continue to be classified as streams under the state Wetlands Protection Act.

A number of comments were related to stormwater detention and flood control and groundwater recharge. One commenter felt that the project improperly used wetlands and streams for flood/stormwater detention. Other commenters were concerned that there was not enough information in the DEIS/DEIR to determine if the project would comply with the Massachusetts Department of Environmental Protection stormwater regulations. One commenter noted that compensatory detention basins would be installed within resource areas, which is forbidden under the Wetlands Protection Act. Several comments noted that the locations, sizes, and capacities of proposed Best Management Practices would be needed to demonstrate compliance with stormwater regulations. One commenter suggested that there would need to be ongoing monitoring and maintenance of the proposed stormwater management system.

The cumulative impacts to wetlands were an issue of concern. Most of the commenters noted that there had been historic filling of the Apponogansett Swamp, and felt that the DEIS/DEIR did not adequately address the cumulative effects and history of wetlands lost at the Airport. One commenter thought that the DEIS/DEIR should include further discussion and quantification of past impacts and possible future impacts to Acushnet Cedar and Apponogansett Swamps. Another commenter suggested that the remaining wetlands within Apponogansett Swamp be placed under permanent conservation restriction to prevent future filling. Other concerns regarding the cumulative vegetative impacts of the project and the concern that previously filled wetlands were dominated by phragmites (common reed), which have been difficult to control under the current vegetation management plan.

Some comments were related to indirect impacts. One commenter requested a more complete description of indirect impacts to ecological function provided by the wetlands affected by the project, especially in light of expanded vegetation management activities. The same commenter noted that indirect impacts should be better quantified/qualified before a mitigation plan is developed.

Specific concerns also included the need to better evaluate impacts from the new cargo area, impacts to wetlands that might occur from excavation due to the relocation of New Plainville Road, and impacts related to the filling at the Runway 32 End, which would adversely affect habitat connectivity between wetlands in this area. One commenter suggested considering an open-grated culvert to facilitate amphibian and reptile movement between these wetlands.

One commenter requested that the effects from alterations of wetlands and uplands adjacent to the Acushnet Cedar Swamp be thoroughly evaluated in relation to hydrology of Atlantic Cedar ecosystem.

Responses: Section 4.4 of this FEIS/FEIR addresses the proposed project's impacts to wetland resource areas regulated under the Massachusetts Wetlands Protection Act and

Section 404 of the federal Clean Water Act, including impacts to wetland functions and values and vernal pools, and cumulative wetland impacts. As documented in this section, wetland impacts are not avoidable, and have been minimized to the extent practicable. The project cannot be designed to comply with the performance standards of the Wetlands Protection Act regulations and will require a Variance from these standards, as discussed in Section 4.4 of this FEIS/FEIR. As documented in Section 4.3, the wetland loss associated with the runway safety improvements project would not affect groundwater recharge, flood control, or the ability of the wetland to protect water quality. The project would not affect wetlands associated with the Acushnet Swamp State Reservation north of New Plainville Road. Safety improvements to Runway 14-32 are not included in the proposed project, as the Airport does not anticipate receiving funding for these improvements within the foreseeable future.

Section 4.4 of this FEIS/FEIR describes the wetlands that would be affected by required vegetation management associated with the proposed runway safety improvements project. Section 4.3 describes the proposed stormwater management and treatment system, which uses approved stormwater BMPs located in upland areas to control and treat runoff in accordance with Massachusetts Stormwater Policy Standards.

Water Quality

A substantial number of comments were related to water quality. Of particular concern were the possible impacts to the water quality and quantity of the Town of Dartmouth water supply wells located downstream of Paskamanset River. Some were concerned that the amount of floodplain and wetlands filling and the increase in impervious surfaces would impact the recharge capacity of the drinking water supply wells and/or would diminish the water filtering capacity upstream from the municipal water supply.

A number of commenters requested a more thorough analysis of the watershed of Town of Dartmouth public water supply wells and a detailed analysis of the aquifer that charges the Dartmouth water supply. One commenter noted that the DEIS/DEIR bases its assessment of no impact to water quality on the fact that the Airport is located outside regulatory Zone II for water supply rather than on an analysis of the aquifer that feeds Dartmouth wells. One commenter requested a groundwater elevation contour with locations of public supply wells and designated limits of their source water protection zone (Zone II). Another commenter was concerned that while the Zone II recharge area is located 2 miles away from the Airport property, a locally recognized and legally protected future water supply is located less than one mile from the Airport. The area Zone III was developed by Town of Dartmouth using detailed hydraulic and groundwater studies. One commenter noted that there were six private drinking wells located less than one mile from airport property that warranted further study.

Commenters were concerned that the summer flow of the Paskamansett River would be diminished and believed that the DEIS/DEIR should address this potential impact.

Some comments were concerned with stormwater practices noting that there needed to be more information on stormwater management and BMPs. One commenter stated that existing stream “ditches” should not be used for flood/stormwater detention.

A few comments were related to impacts from fuel and/or other contaminants. One comment was concerned with the effects of unspent fuel on Paskamansett River watershed. Another commenter stated that planes sometimes dump fuel over water. One commenter requested that the FAA/Airport develop a permanent surface and ground water monitoring program to detect any contaminant releases. A few commenters questioned the assertion that pollutants would be chemically transformed and/or diluted by the time they reached the Dartmouth well fields and requested further study or modeling to support this statement. One commenter stated that the effect of a catastrophic spill deserved further study.

One commenter believed that water quality was not an issue since the Paskamansett Swamp is located near a Superfund site, which fed the aquifer. The same individual stated that the Airport would have sufficient retention pond technology and stormwater catch basins to protect water quality.

***Responses:** Section 4.3 of this FEIS/FEIR addresses impacts to water quality. As documented in this section, the proposed project has been designed to comply with all DEP Stormwater Standards. The proposed project consists of constructing two turf (pervious) runway safety areas, and shifting Runway 5-23 to the south by 200 feet. This would result in a slight increase in impervious surfaces within the Paskamansett River watershed, however this area would not generate stormwater contaminants such as suspended solids, petroleum compounds, or metals as it would be used only by small aircraft. All runoff from Runway 5-23 would be directed to stormwater treatment BMPs prior to discharge to the adjacent wetlands. The project would not result in any decrease in groundwater recharge within the watershed.*

Air Quality

A number of comments mentioned air quality issues, with the majority being concerned with increased air pollution and soot. One questioned the assumption that air quality would not worsen as a result of the project. Two comments stated that airplanes currently left soot deposits in the surrounding area. Some commenters expressed concern that air quality would worsen, which would

cause public health effects. Others expressed concern that air pollution would impact outdoor activities.

Several comments were related to air quality impacts associated with construction. One commenter was concerned with fine particle emissions from construction activity and another recommended appropriate mitigation of particulates during the construction and operation phase of the project. Another commenter was concerned with the cumulative impact on Environmental Justice communities from increased air traffic and construction. The same commenter recommended options for reducing air emissions by increasing the use of clean fuel vehicles at the Airport and during construction through Retrofit Emission Control Devices and Clean Fuels. It was also requested that the contractor submit a list of non-road diesel powered construction equipment with clean fuels and that the FAA commit to construction mitigation in their ROD.

Responses: Because the project is limited to safety improvements and would not change the operations or use of the Airport, there would be no increase in the emissions of air pollutants in comparison to the No-Action Alternative. As documented in Section 5.2, the Airport will consider requiring construction contractors to use modified equipment to reduce emissions of diesel exhaust during construction.

Noise

Noise was raised as an issue of concern. Many commenters were concerned that there would be an increase in noise due to increased takeoffs. Several commenters complained about noise from existing airport operations. A number of people were skeptical that only seven people would be affected by increased noise. One person was concerned about the effect of noise on outdoor activities. Some did not believe that noise levels were accurately measured by FAA standards.

Two commenters stated that noise was not an issue. One of these commenters suggested that the noisier aircraft were already operating at the existing airport so there would not be an increase in noise levels.

One comment was related to the impact of noise on wildlife in Acushnet Cedar Swamp. It was noted that the DEIS/DEIR does not evaluate aircraft noise impacts to wildlife there and noted that noise monitoring stations were not located in Acushnet Cedar Swamp. It was requested that baseline noise data be collected in Acushnet Cedar Swamp.

An individual living in the vicinity of Runway 14 complained about the lack of noise barriers to shield run up areas.

It was suggested that noise changes should be measured against existing noise. The same commenter noted that the dB contour line map was not included so impacts to the Town of Dartmouth could not be ascertained.

Responses: Section 4.2 of this FEIS/FEIR describes the change in noise that would result from the proposed safety improvements. This analysis compares the future No-Action condition to the future “build” condition, as required by FAA Order 1050.4B, and uses the noise analysis procedures and metrics required by the FAA. This analysis documents that there would be no noise impacts to residences or natural areas and that noise mitigation measures are not warranted. Because the project is limited to safety improvements there would be no change in the operations or use of the Airport in comparison to the No-Action Alternative.

Surface Transportation

Traffic congestion was an issue of concern for a number of commenters. Commenters expressed concern that there was already increased traffic on roadways around the Airport. One of these commenters stated that there could be traffic impacts and increased truck traffic in the Town of Dartmouth on Hathaway Road, Route 6, Reed Road, and Faunce Corner Road. It was requested that the traffic impacts to these roads be studied.

Another commenter did not consider a depression or relocation of Route 140 to be a practicable alternative. The same commenter suggested that the FEIS/FEIR analyze the Jones Street/Mount Pleasant Street/King’s Highway intersection with a traffic signal, given that it is planned for signalization. It was requested that the EIS study and recommend other intersections for signalization.

One individual stated that moving New Plainville Road would create public safety issues by adding dangerous curves to a road that is already dangerous and has no lights.

Another commenter was unable to judge the adequacy of future traffic operations since the trip generation projections were unclear.

Responses: The proposed project, as described in Chapter 3 of this FEIS/FEIR, would not change the configuration of local roads, and would not change traffic patterns or volumes on local roads or adjacent highways. Because the project is limited to safety improvements and would not change the operations or use of the Airport, there would be no increase in passenger traffic in comparison to the No-Action Alternative.

Mitigation

Mitigation was a considerable concern raised. A majority of these comments were related to wetland mitigation. Many believed that wetland replication was technically challenging on the scale proposed and was not likely to be successful. Commenters stated there was not enough detail in the form of visual plans, locations, costs, phasing, responsible parties, and how function would be achieved under the wetlands mitigation plan. It was requested that specific mitigation as it addresses function and values resulting from the filling be addressed more completely. It was also requested that a map showing boundaries of 30 acre mitigation site be provided as well as description of its proximity to the proposed vegetation management plan. Many commenters believed that mitigation wetlands should be replicated at a higher ratio than 1:1; some suggested a 2:1 ratio.

It was requested that mitigation strategies should be focused on the area and natural resources affected as well as the functions and values that would be affected. It was specifically requested that mitigation be focused on the freshwater aquatic resources of Paskamansett River watershed. Commenters suggested that mitigation should focus on the type of acreage of natural wetlands altered by airport development and identify potential restoration opportunities within the Appongonsett and Acushnet Cedar Swamps, the Paskamansett River watershed, and within townships, and identify actions and time frame necessary to restore mix of potential restoration sites to fully functional.

It was requested that wetlands mitigation and replication be completed at the initial phases of the project to ensure that there was not a net loss of flood storage capacity and that a schedule for mitigation be enforced. One commenter stated that any proposal of filling should be predicated on successful construction and documented functionality of replication areas prior to disruption of existing wetlands.

Several commenters stated that the current mitigation proposal does not include comprehensive mitigation measures required of other public projects that have been granted variances.

Commenters offered a number of suggestions. One commenter provided technical input on designing mitigation for the Acushnet Cedar Swamp. Another commenter suggested that mitigation be done in a few large areas rather than many small sites so that monitoring and additional actions would be practicable. It was recommended that a full time wetlands biologist be hired at the Airport to monitor and manage proposed replication sites.

One commenter stated that there was no attempt to minimize accessory developments to runway projects, such as the cargo area and other runways that were not necessary.

Another commenter stated that the summary of mitigation does not appear to demonstrate minimization of wetlands alteration and conversion of Article 97 lands, which was inconsistent with no-net loss of wetlands policy of Commonwealth.

It was requested that a mitigation plan be included for the RSSA Alternative.

One commenter stated that the wetlands analysis did not adequately address cumulative effects and mitigation.

Other comments were related to mitigation for impacts to rare and endangered species habitat. Several commenters were concerned that the mitigation plan proposed did not contain enough detail or describe the mitigation benefits to the five rare species and endangered species affected. One commenter stated that the plans did not show mitigation of habitats as required by the Massachusetts Endangered Species Act. It was requested that impact minimization and a net-benefit mitigation proposal be developed with specific information about the locations and extent of proposed habitat protection as well as other forms of mitigation. It was stated that adequate mitigation would not be provided unless new habitat was created comparable to the lost habitat.

Several comments were related to the spotted turtle habitat restoration. Several commenters were concerned about the methods of turtle habitat restoration, including the fencing off and moving of nests. One commenter believed that onsite and offsite mitigation was required for the spotted turtle. It was also stated that the mitigation for nesting habitats and vernal pools did not provide long-term net benefits to conservation of the local populations.

Some commenters suggested that mitigation should take place before and not after the project was completed to ensure that enough funds were available. It was also requested that the project proponent post bonds with any town where wetland alteration/replication is proposed so the environmental damage can be mitigated should proponents fail to complete the project.

One commenter stated that more detail was needed on controlling the spread of phragmites (common reed) in response to the proposed vegetation management.

Responses: Sections 4.4 and 4.6 of this FEIS/FEIR provide detailed descriptions of the mitigation measures proposed for wetlands and state-listed rare species. These mitigation measures have been reviewed by the relevant state and federal resource agencies. Wetland mitigation measures have been developed to ensure that there is no net loss of

wetlands or wetland functions within the Paskamansett River watershed. Wetland mitigation, at a 2:1 ratio, will be conducted in accordance with the requirements of DEP and the Corps of Engineers, which require that mitigation areas be constructed in advance of wetland impacts, and that require monitoring and reporting at key milestones during construction. The mitigation plan incorporates measures to control common reed (*Phragmites australis*).

Hazardous Materials

One commenter requested that a SPCC plan be prepared in coordination with the Town of Dartmouth. Another asked that locations of fuel storage, details of procedures, and standards be clearly identified for each alternative.

Responses: The proposed project, as described in Chapter 3 of this FEIS/FEIR, is limited to providing safety improvements at the ends of Runway 5-23. There would be no changes in fuel storage or delivery at the Airport as a result of the proposed project.

Environmental Justice

Environmental justice was identified as a concern. One commenter disputed that there were no environmental justice issues citing that residents in a lower income area of New Bedford complained of airport noise and disturbance from construction. The same commenter also noted that noise mitigation was being proposed for subsidized housing.

One commenter stated that there might be cumulative impact on residences and Environmental Justice communities due to increased air traffic, construction, and road traffic.

Responses: As documented in Section 4.2 of this FEIS/FEIR, the proposed project would not result in noise impacts to residences, and would not have a disproportionate adverse noise impact to low-income or minority residents. The proposed project would not change the operations or use of the Airport, and would not result in increased air traffic or road traffic.

Floodplain

A number of comments addressed floodplain and flood storage issues. Many of these commenters were concerned about the effect of floodplain fill on the flood storage capacity and recharge ability to groundwater. Others were concerned that substantial floodplain fill was proposed without compensatory flood

storage. A few commenters found regulatory issues including no finding of *de minimis* exemption from floodplain fill required under Wetlands Protection Act and federal law. It was stated that state law requires compensatory flood storage within same reach of river. It was also suggested that it would be difficult to provide compensatory flood storage within a swamp that is adjacent to another swamp.

It was requested that a more thorough analysis of floodplain storage volume be performed and that the floodplain filling be subject to a wildlife evaluation (310 CMR 10.57).

Another commenter stated that the quantification of floodplain impacts does not appear to include floodplain located within or overlapping with other state wetland resource area types.

It was requested that all standards for floodplain be met.

One commenter stated that the installation of detention basins for stormwater management does not address the floodwaters in floodplain. It was suggested that the DEIS/DEIR did not seriously consider a range of values or impacts from secondary growth.

Responses: Section 4.5 of this FEIS/FEIR addresses impacts to the 100-year floodplain and state-regulated Bordering Land Subject to Flooding. As demonstrated in this section, the proposed project would provide compensatory flood storage areas and would comply with state Wetlands Protection Act performance standards. Stormwater would be managed in accordance with the requirements of the Massachusetts Stormwater Policy Standards, as documented in Section 4.3 of this FEIS/FEIR. No secondary growth effects are anticipated, as the proposed project would not change operations or use of the Airport.

National Landmarks/Parks

A substantial number of comments were concerned with parks and recreational lands. Many of these comments reflected concern over the proposed taking of a portion of Acushnet Cedar Swamp State Reservation as part of the project. A number of commenters disputed the finding that the taking was justified because this portion of the park does not have trails and is not actively used for recreation.

A number of comments requested further analysis and greater consideration of impacts on parklands, including a more thorough analysis on airport impacts to Acushnet Cedar Swamp especially due to vegetation management and Part 77 surfaces, Southeastern Massachusetts Bioreserve, and Town of Dartmouth

conservation lands. One commenter stated a greater effort was needed to avoid alteration and removal of Article 97 protected lands and DNRT reserves.

A few commenters were concerned with the impacts on Section 4(f) resources. One commenter requested that a full Section 4(f) study be completed for the park incursion and another was concerned that mitigation and effects on Section 4(f) land was not described in detail, as required by Section 4(f). Another commenter was concerned that the expansion would involve a constructive use of Section 4(f) resources.

Several commenters stated that the acquisition of a portion of Acushnet State Reservation would impact an existing conservation restriction on the park. One commenter stated that the AIA project would include prohibited activities resulting in a violation of Consent Decree.

One commenter was concerned with the potential impact to wildlife at Acushnet State Reservation because of the acquisition.

Responses: The proposed project would not require land acquisition from any Section 4(f) or Article 97 property. All construction would be south of New Plainville Road and would not affect the Acushnet State Reservation. There would be no increases of noise levels that would result in a constructive use of any Section 4(f) property (see Section 4.2 of this FEIS/FEIR).

Biotic Communities/Threatened and Endangered Species

A substantial number of comments concerned biotic communities and threatened and endangered species. Many commenters expressed concern that habitat for five rare and endangered species listed under the Massachusetts Endangered Species Act would be altered or destroyed. Several of these commenters stated there had been inadequate study and plans on how the project met the Massachusetts Endangered Species Act standard of no significant impact on local populations, or there was not evidence that the project provided a long term net benefit. Some commenters stated that there was not enough information to determine whether a Conservation Permit could be issued for the project. One commenter requested intensive rare species surveys be conducted on and offsite to document extent of local populations affected and to quantify the extent of remaining habitat affected.

A few comments related to lack of assessment of impacts to fisheries habitat and rare lepidopterans and odonates. One commenter recommended hiring a qualified entomologist.

Several commenters expressed concern over impacts to vernal pools and fragmentation of wetland habitat of rare and endangered species. Further study was requested on impacts to vernal pool habitat.

A number of comments related to the Spotted turtle and its habitat. In particular, it was requested that more detail be given on the proposed measure to maintain habitat connectivity for the Spotted turtle.

Several comments were concerned with the potential impact to habitat due to the proposed vegetation management plan. It was requested that an impact analysis of the vegetation management on habitat be provided.

One commenter raised was concerned with noise and light impacts to avian and bat species. This commenter requested radar and ground studies of which avian species and migratory birds that use the study area could be impacted by aircraft. It was stated there should be greater attention to listed and non-listed biota particularly migratory birds.

The issue of cumulative impacts was also raised. It was requested that the long-term viability of affected habitats and their ability to support population of state-listed rare species be demonstrated. Another commenter noted that the DEIS/DEIR did not assess the cumulative effects of past, present, and proposed development on biota at the Airport or the secondary/indirect effects off-airport by facilities that use or serve the Airport.

Responses: Section 4.6 of this FEIS/FEIR addresses the effects of the proposed safety improvements on state-listed endangered and threatened species. The project has been designed to meet all requirements of the Massachusetts Endangered Species Act, and the proponent anticipates receiving a Conservation and Management Permit that will allow the project to be constructed with appropriate mitigation measures to protect populations of the two state-listed species documented to occur at the Airport. Spotted turtles are no longer listed as a protected species in Massachusetts. Section 4.4 of this FEIS/FEIR also addresses impacts to vernal pools, and provides an analysis of the effects of new vegetation management on wildlife habitats and state-listed species. Sections 4.4 and 4.6 of this FEIS/FEIR also address the cumulative impacts of the proposed safety improvements to wildlife, including birds. Since the proposed safety improvements will not increase operations at the Airport, and will not substantially change the location of the runway thresholds, impacts from flight operations would be the same for the proposed action and the No-Action Alternative.

Socio-Economic Issues

A variety of socio-economic issues were raised in the comments. Many commenters believed that the proposed airport expansion would have a variety

of economic benefits including: job growth, increased business with fuel sales and other supporting services to airport such as hotels and restaurants, lower costs for area businesses on incoming supplies and outgoing shipments, an alternative lower cost option to Boston Logan Airport, and time and cost savings by citizens and businesses on travel costs.

Several commenters expressed concern that the proposed project would adversely impact property values for residential areas near the Airport and flight paths. One commenter was concerned that the FAA would not buy houses at current fair market prices.

Others stated that the wetlands impacted provided an important economic benefit to the region, which should not be discounted. One commenter stated that wetlands provided important habitat to animals and plants that were an important resource for the growing fishery industry in New Bedford.

A number of commenters were concerned about the financing of the project and worried about the potential costs to taxpayers. One commenter expressed concern that an expanded airport would facilitate the export of jobs out of the area to developing nations. Another commenter was concerned that the Airport improvements would favor corporate jets and commercial general aviation to the disadvantage of pilots of smaller airplanes.

***Responses:** The proposed project (safety improvements to Runway 5-23), as described in Chapter 3 of this FEIS/FEIR, would not expand the Airport or extend the length of the primary runway, and would not result in any change to the economic value of the New Bedford Airport to the community. There would be no change in the types of aircraft using the Airport. As documented in Section 4.2, there would be no change in noise at residential receptors and no adverse effects on property values in New Bedford. Section 4.4 addresses impacts to wetland functions and values associated with the proposed safety improvements.*

Other Issues

Several commenters were concerned about impacts of the Airport on the health of those living near the Airport. Another commenter felt that public security concerns should be addressed because the DEIS/DEIR cites quicker passage through customs and security as a benefit to corporate jets.

One person stated that the project was not consistent with the Commonwealth's smart growth principles, which prioritize rehabilitation and revitalization of sites over new construction.

Responses: The proposed project would not result in health hazards, as there would be no change in airport operations or increases in the emissions of air pollutants. There would be no change to the customs or security facilities at the airport. The proposed project is consistent with smart growth principles, as it rehabilitates and improves existing transportation facilities.