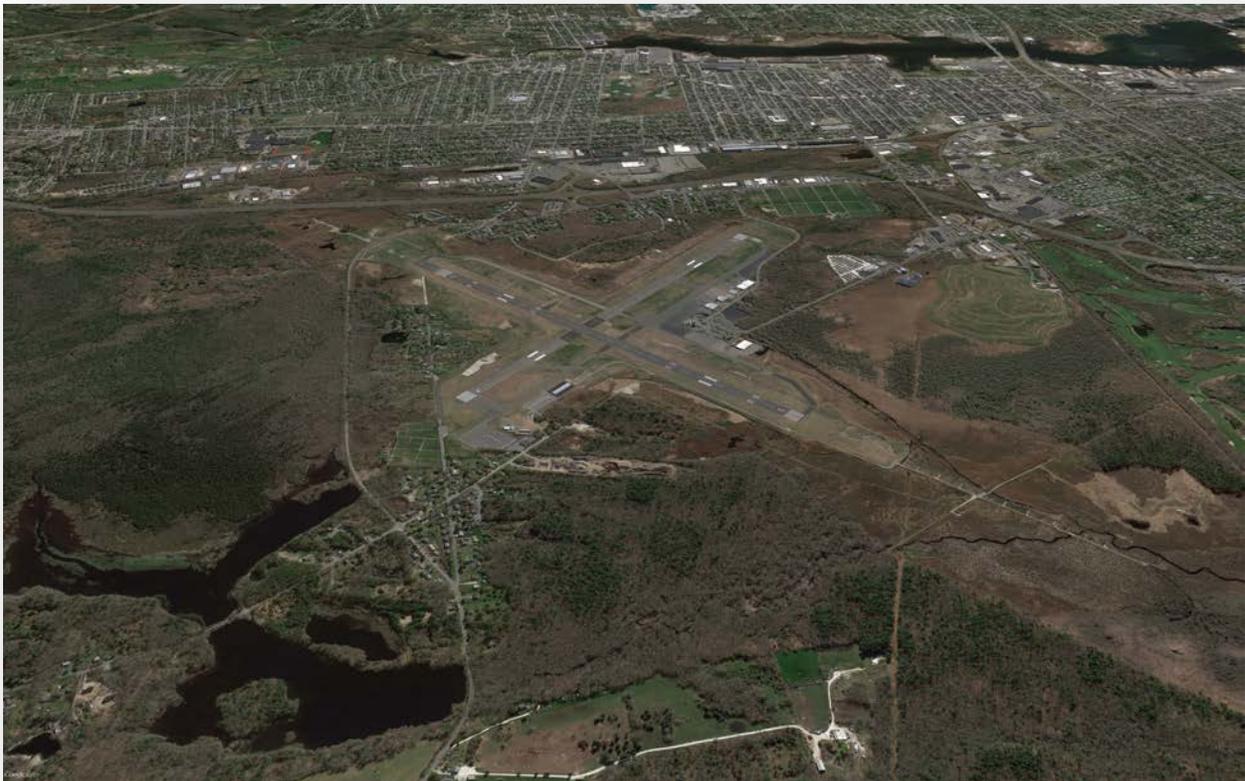


ENVIRONMENTAL ASSESSMENT

DRAFT

New Bedford Regional Airport Airport Improvement Projects New Bedford, Massachusetts



Issued by:
Federal Aviation Administration

Prepared by:
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Epsilon Associates, Inc.

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PUBLIC NOTICE: New Bedford Regional Airport Improvement Projects, Environmental Assessment, New Bedford, Massachusetts

In accordance with the National Environmental Policy Act (NEPA) the New Bedford Airport Commission and the Federal Aviation Administration (FAA) are releasing a Draft Environmental Assessment (EA) that will be available for public review and comment.

A copy of the EA will be available the Airport Manager Office located at 1569 Airport Road, New Bedford MA 02746; the New Bedford Public Library located at 613 Pleasant Street, New Bedford MA 02740; and the New Bedford City Clerk Office located at 133 William Street, Room 118, New Bedford MA 02740. The EA can also be viewed online at <http://www.newbedford-ma.gov/airport/>.

The EA reviews multiple projects to: (1) enhance the margin of safety at a busy airport, and (2) comply with FAA planning and design standards. The proposed capital improvements include the following discrete actions:

- ◆ Reconstruct Terminal Parking Apron;
- ◆ Relocate Taxiway "B" North;
- ◆ Reconstruct Runway 14-32, Runway Object Free Area, and Approach Tree Clearing;
- ◆ Construct Gravel Access Road; and
- ◆ Install Obstruction Lighting.

New Bedford Regional Airport and the FAA encourage parties to review the Draft EA and provide written comments during the public comment period. The comment period will close on June 17, 2016. The public is invited to comment by mail or email. Written comments should be addressed to: Amanda Atwell, Epsilon Associates, Inc., 3 Clock Tower Place, Suite 250, Maynard, MA 01754 (978-897-7100) aatwell@epsilonassociates.com.

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1.0 PROPOSED ACTION

New Bedford Regional Airport (the “Airport”, “Proponent” or “EWB”) is a public use; general aviation airport with non-hub commercial service. The single carrier (Cape Air) provides direct service to Martha’s Vineyard Airport and Nantucket Memorial Airport. The Airport is located on approximately 847 acres in New Bedford and Dartmouth, Massachusetts, as shown on Figure 1-1 (USGS Locus Map). Initially established in 1942 by Massachusetts Aeronautics Commission as a commercial landing field, then utilized by the United States War Department during World War II, the Airport was turned over to the City of New Bedford in 1946 and is now operated by the City of New Bedford as a public-use airport and provides access to aviation to the local community. The Airport is located approximately two miles northwest of downtown New Bedford and provides aviation facilities designed to accommodate a full range of aviation services and operations including small general aviation aircraft, corporate business jets, and commercial service passenger aircraft. Existing businesses on the Airport provide flight instruction, aircraft maintenance, and aerial advertising, among other services. The Airport, along with the aviation-related businesses and facilities, is a vital and significant regional transportation and economic asset. In addition to its many aviation-related benefits, the Airport also supports local businesses and industries, promotes tourism, as well as encourages additional business development and expansion for cities and towns throughout the South Coast Region. This fact was demonstrated in the Massachusetts Department of Transportation (“MassDOT”) – Aeronautics Division’s *2011 Airport Economic Impact Study*, which quantified the total aviation and non-aviation related impact of the New Bedford Regional Airport at 234 jobs, with total wages of \$8.3 million and a total economic output of \$26.4 million in direct and indirect economic activity.

The Airport finalized an Airport Master Plan in 2014 that recommended a number of projects to: (1) enhance the margin of safety at a busy airport, and (2) comply with Federal Aviation Administration (“FAA”) planning and design standards. The proposed capital improvements, i.e. the “Project,” include the following discrete actions, or single and complete Projects:

- ◆ Reconstruct Terminal Parking Apron;
- ◆ Relocate Taxiway “B” North;
- ◆ Reconstruct Runway 14-32, Runway Object Free Area, and Approach Tree Clearing;
- ◆ Construct Gravel Access Road; and
- ◆ Install Obstruction Lighting.

The Airport proposes these projects over an approximately five year period. Information describing each of these Project elements is provided below. See Figure 1-2 (General Layout Plan) for an aerial showing the extent of the Airport improvement projects and Figures 1-3 through 1-8 for the overall conceptual engineering plans of the proposed discrete actions.

1.1 Reconstruct Terminal Parking Apron

This Project element encompasses the reconstruction of the entire Airport Terminal Apron, the majority of which received “poor” to “failing” assessments in a Pavement Management Assessment conducted by the MassDOT, Aeronautics Division in 2012. Due to funding constraints and to the extensive size of the overall apron, work will likely be divided into up to three phases of construction over multiple years. The work entails approximately 555,000 square feet of full-depth pavement reconstruction of the existing apron pavement and improvements to the apron grading to comply with National Fire Protection Association safety regulations, and apron drainage improvements. The apron reconstruction will start at the Colonial Air apron; extend around the existing airport terminal building, past Sandpiper Air to the limits of the NorEast Aviation Services apron. See Figure 1-3.

The apron project will ensure continued safe operation of aircraft that currently operate on the Terminal Parking Aprons, the aprons are rapidly degrading and pavements are considered to be failing. The project is needed to maintain the operational conditions of the Airport’s Terminal Parking Aprons, alleviating multiple safety risks if the pavement continues to degrade, including issues with the structural integrity of the apron, loss of broken pieces of pavement that could create Foreign Object Debris risks, and issues with stormwater flow that could undermine appropriate treatment and dispersal. Full depth reconstruction will include recycling in place of existing bituminous concrete and the removal of Portland Cement Concrete. Reconstruction will include improvements to grading and also realign the pavement edges for ease in maintenance. Grading improvements are necessary to comply with the National Fire Protection Association safety regulations designed to prevent spilled flammables from migrating into buildings; currently portions of the existing aprons slope toward buildings and are out of compliance. The apron drainage improvements will conform to Massachusetts Department of Environmental Protection (“MassDEP”) requirements for additional pretreatment and treatment measures and separation of the apron stormwater system from the greater airport stormwater management system. This requirement was identified in the 2010 Variance Order of Conditions (MassDEP File Number SE 049-0635, Special Condition #49). The stormwater management upgrades will insure additional measures pretreatment and treatment for Land Uses with Higher Potential Pollutant Loads will be instituted. Specifically, this will include the installation of a sufficient number of oil-water separators to encompass the entire Phase 1 apron area. A small portion of edge regrading will impact existing Bordering Vegetated Wetland (“BVW”) located immediately adjacent to the apron, near Colonial Air. To minimize impacts to this resource area the work has been designed with appropriate slopes, including the steepest slopes allowed by existing FAA regulations and guidance. To mitigate this impact, design of the proposed action will include constructing a wetland replication area at a 1.5:1 ratio (replacement-to-loss). The project will be reviewed by the New Bedford Conservation Commission, the body with regulatory authority over wetland resource areas pursuant to the state wetlands law, the Massachusetts Wetlands Protection

Act. The work in wetlands will also be covered under the U.S. Army Corps of Engineers General Permit for Massachusetts as a Self-Verification activity (formerly referred to as Category 1 – Non-Reporting).

Pursuant to Order 1050.1F, Section 3-1.1, the FAA allows certain projects to be categorically excluded from detailed environmental evaluation as either an Environmental Assessment (“EA”) or an Environmental Impact Statement (“EIS”) provided the proposed action falls within the scope of the FAA’s Categorical Exclusions outlined in Paragraph 5-6 of FAA Order 1050.1F, and they do not have a significant effect on the human environment, and the action does not include extraordinary circumstances as outlined in Paragraph 5-2 of FAA Order 1050.1F.

The proposed project is consistent with the Categorical Exclusion described in Paragraph 5-6.4e of FAA Order 1050.1F:

“Federal financial assistance, licensing, or Airport Layout Plan approval for the following actions, provided the action would not result in significant erosion or sedimentation, and will not result in a significant noise increase over noise sensitive areas or result in significant impacts to air quality. Including construction, repair, reconstruction, resurfacing, extending, strengthening, or widening of a taxiway, apron, or loading ramp, or runway safety area ...”

This discrete action does not have a significant effect on the human environment and does not include extraordinary circumstances as outlined in Chapter 4 of FAA Order 1050.1F. Additionally, this project does not specifically impact air, noise and would not result in significant erosion and sedimentation. This proposed project would result in only minimal unavoidable impacts to wetland resources and will include adequate wetland mitigation in the form of wetland replication. Wetland impacts and the resultant wetland replication will be designed in compliance with state and federal wetlands protection regulations. These proposed wetland impacts, appropriate regulations and the resultant mitigation are described further in Section 2.17 and 3.16 of this EA. No other potential environmental impacts requiring analysis is needed for this discrete project.

1.2 Relocate Taxiway “B” North

The Airport is proposing to relocate the existing Taxiway “B” closer to Runway 14-32. The Master Plan recommended that the existing Taxiway “B” ultimately be relocated closer to Runway 14-32 to conform to FAA Advisory Circular (FAA AC 150/5300-13A, Airport Design). The current runway-taxiway centerline separation between Taxiway ‘B’ and Runway 14-32 is 400-feet, whereas the Advisory Circular recommends that the minimum runway-taxiway centerline separation requirement is 240-feet for a runway with a Runway Design Code of B-II and with approach minimums not lower than ¾ mile visibility. Additionally, current design standards recommend a 25-foot taxiway width. The current taxiway would be relocated approximately 160-feet and the current 50-foot wide taxiway

will be reduced to 25-feet to comply with current FAA design criteria. Relocating and reducing the width of Taxiway “B” will also reduce taxiway construction and maintenance costs. Pavement will be reduced over 50 percent in this area. See Figure 1-4.

Relocating and reducing the width of Taxiway “B”, or “right-sizing” the taxiway will enhance operations efficiency and reduce taxiway construction and maintenance costs. Pavement will be reduced over 50 percent in this area. Additionally, the Airport is significantly constrained with respect to areas available for future development. This is in large part due to the current location of Taxiway ‘B’ in that its current siting affords relatively little depth between the Taxiway Object Free Area and landside constraints, such as existing structures, roads, wetlands, habitat, etc. The Master Plan recognized a current and long-term deficiency in aircraft hangar space availability at the Airport throughout the 20-year planning period. A relocated Taxiway ‘B’ would increase the amount of space potentially available for landside development and would permit the Airport to meet its projected future demand for aircraft hangars.

The proposed project is consistent with the Categorical Exclusion described in Paragraph 5-6.4e of FAA Order 1050.1F:

“Federal financial assistance, licensing, or Airport Layout Plan approval for the following actions, provided the action would not result in significant erosion or sedimentation, and will not result in a significant noise increase over noise sensitive areas or result in significant impacts to air quality. Including construction, repair, reconstruction, resurfacing, extending, strengthening, or widening of a taxiway, apron, or loading ramp, or runway safety area ...”

This project does not have a significant effect on the human environment and does not include extraordinary circumstances as outlined in Chapter 4 of FAA Order 1050.1F. Additionally, this project does not specifically impact air, noise and would not result in significant erosion and sedimentation. No other potential environmental impacts requiring analysis is needed for this discrete project.

1.3 Reconstruct Runway 14-32, Runway Object Free Area and Approach Tree Clearing

The Airport is proposing to reconstruct Runway 14-32. The 5,000-foot long runway was last paved in 1979; exceeding its anticipated life expectancy. The Master Plan recommended that Runway 14/32 be reconstructed at its current 5,000-foot length. Current FAA Airport design standards (per FAA AC 150/5300-13A, Airport Design) recommend a standard width for runways. The current 150-foot width is not in conformance with design standards and will be reduced to 75-feet to comply with current FAA design criteria. Relocating and reducing the width of the runway, or “right-sizing” will enhance operations efficiency and reduce taxiway construction and maintenance costs. Pavement will be reduced over 50 percent in this area.

As part of reconstructing this runway, the Airport must also comply with FAA safety-related planning and design standards. There are numerous planning and design standards with which airports must comply, including FAA orders and regulations. The current Runway 14 approach does not comply with the associated with the Runway Safety Area and Runway Object Free Area (“ROFA”), defined in FAA AC 150/5300-13A Airport Design. The Airport must clear and grade a small area that is generally in uplands that is off Airport property. To access this area, the Airport will obtain a small parcel of land (approximately 1.2 acres) from an abutter who has agreed to transfer property to the Airport in exchange for a section of existing Airport property of equivalent value. The Airport must also modify the existing fence alignment to be placed outside of the ROFA. The proposed ROFA footprint is approximately 1.2 acres and includes clearing and grubbing of upland field and tree clearing in wetlands associated with a stormwater drainage outlet. The ROFA will be designed to minimize wetland impacts within this area, while still complying with FAA design standards.

The Airport also must clear vegetation and obstructions to meet FAA standards. Obstructions are defined in Part 77 as *“any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment and materials used therein, and apparatus of a permanent or temporary character; and alteration of any permanent or temporary existing structure by a change in its height (including appurtenances), or lateral dimensions, including equipment or materials used therein.”* As such, any object, whether natural or man-made, which penetrates imaginary surfaces is defined by FAA to be an obstruction. These protection zones are crucial elements of aviation and public safety because when maintained they ensure unobstructed flight paths and views for pilots, air traffic controllers, and ground crew, thus enabling safe takeoffs, landings, and ground movements.

Because of updated instrument approaches and current penetrations, it is necessary to remove trees and other vegetation from the Runway 14-32 approach surfaces. Approximately eight (8) acres of upland and wetland tree removal will be required. Trees within this approximately eight acre area off of the Runway 14 and 32 approaches have been previously identified within the current New Bedford Regional Airport Vegetation Management Plan (“VMP”). The current VMP was approved by the New Bedford Conservation Commission and the MassDEP in February 26, 2010 as part of the Variance for the Runway 5-23 Safety Area Improvements Project (MassDEP File Number SE 049-0635). The Variance as written was valid for five years, due to the Permit Extension Act of 2012¹; it is extended by four years to February 26, 2019. The Variance discusses the VMP work as “the Applicant also proposes to remove vegetation that obstructs airspace, in

¹ The Permit Extension Act was created by [Section 173 of Chapter 240 of the Acts of 2010](#) and extended by Sections 74 and 75 of Chapter 238 of the Acts of 2012.

accordance with federal regulations” with reference to Part 77 regulations. Additionally, the Airport currently has rights to remove identified obstructions, since they are located either on existing airport property or are otherwise within existing aviation easements.

Obstructions (vegetation) within BVW will be removed by mechanized equipment operating on timber swamp mats, consistent with the terms and conditions of the Variance Order and Water Quality Certification. The same approach was used successfully when removing approximately 340 acres of trees located within the Runway 5-23 approach. There would be no grubbing of stumps; this will prevent disruption to the wetland soil structure. The felled trees will be removed from the site. Slash from tree clearing will be cut up such that no vegetation remains more than approximately 24-inches above the surface. Chipping of vegetation within the wetland will be prohibited. Timber swamp mats will be used to stabilize access of mechanized equipment. The mats will be placed in the wetland from the upland or from equipment positioned on swamp mats when working in a wetland. Dragging construction mats into position will be prohibited. The wetland resource areas will be allowed to re-vegetate naturally into a low growing scrub-shrub environment. Trees located in upland areas, including the 100-foot buffer zone, will also be removed by mechanized equipment. (Figure 1-5 and 1-6)

1.3.1 Purpose and Need

The purpose of the proposed project is to enhance the safety of aircraft and passengers using the Airport and ensure that Runway 14-32 remains a viable, safe, and effective runway for the Airport. Further, bringing the Airport into compliance with FAA standards would fulfill the public need to enhance Airport safety. Maintaining this runway in this condition is consistent with the goals of the FAA, MassDOT Aeronautics Division, and the Airport’s Master Plan.

Runway 14/32 pavement is currently 36 years old (16 years beyond the pavement life expectancy anticipated by FAA), does not meet all current FAA Airport Design standards (per FAA AC 150/5300-13A, Airport Design), and has vegetative obstructions to its airspace surfaces (per 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace; FAA Order 8260.3B, United States Standard for Terminal Instrument Procedures (TERPS); FAA AC 150/5300-13A, Airport Design).

1.3.2 Alternatives Analysis

Proposed Alternative

This alternative would reconstruct Runway 14-32 at its current 5,000-foot length, reducing its current 150-foot width to 75 feet, in compliance with current FAA Airport Design standards. This would ensure that Runway 14-32 remains a viable and safe runway for aircraft utilizing the Airport, as recommended in the Airport’s Master Plan.

Modifying the ROFA at its current 5,000-foot length will meet current FAA design standards. This includes the Airport executing a land swap of up to 1.2 acres with an abutter, who has agreed to transfer the property to the Airport in exchange for a section of existing Airport property of an equivalent value. That upland property would then be integrated into the Airport boundary, graded and cleared in compliance with FAA requirements for ROFAs.

Obstruction removal at the Runway 14 and 32 approach ends would result in Runway 14-32 being brought into compliance with FAA airspace clearance standards at its current 5,000-foot length for arrivals and for departures. Specifically, this will be achieved by a combination of selective vegetation removal efforts as well as clearing and grubbing, depending on environmental sensitivity. Areas that will be cleared are located both on existing airport property, as well as on off-airport properties where the Airport has an existing aviation easement that grants it rights to clear those areas.

This alternative is consistent with the Airport's role within the state and federal airport systems as a regional airport for the City of New Bedford, the Commonwealth of Massachusetts, and the FAA.

No Action Alternative

This alternative would not reconstruct Runway 14-32, nor reduce its width from 150-feet to 75-feet. This would be inconsistent with the recommendations of the 2014 Master Plan since it would ultimately result in the runway eroding to a condition unsafe for aircraft operations. This would include the pavement condition continuing to degrade until it ultimately fails; vegetative obstructions to FAA safety-related airspace surfaces continuing to worsen; and the runway continuing to operate out of compliance with FAA Airport Design standards. All of these factors, in combination or on their own, are unacceptable conditions for a safe aircraft operating environment; therefore, this would ultimately result in the runway being decommissioned and the Airport losing this runway, an unacceptable condition for the Airport and those within the aviation community.

Failure to conform to the FAA design standards would not bring Runway 14-32's deficient RSA and ROFA into compliance with FAA AC 150/5300-13A, Airport Design. As a result of this alternative and due to the Airport's obligation to meet these FAA standards (per Grant Assurances signed by the City of New Bedford in association with accepting FAA Airport Improvement Program funding), Runway 14-32's length would ultimately have to be reduced from 5,000 feet to approximately 4,730 feet, as described in the 2014 Master Plan. As part of the Master Plan, this was deemed to be an unacceptable condition for the Airport and its aircraft operators.

Failure to remove obstructions would not clear Runway 14-32's critical FAA safety-related airspace surfaces, including those associated with 14 CFR Part 77, TERPS, Airport Design, that currently have vegetative penetrations. It should be noted that these airspace surfaces

are established by the FAA as a means to protect aircraft operating at an airport as well as for those neighbors that abut that airport. As a result of this alternative and due to the Airport's obligation to meet these FAA airspace standards, per Grant Assurances signed by the City of New Bedford in association with accepting FAA Airport Improvement Program funding, the Runway 14-32's thresholds would have to be displaced or the runway ends relocated to ensure that the surfaces are clear. Based on preliminary analysis presented in the Airport's Master Plan, this displacement would be at least 1,000 feet, effectively reducing Runway 14-32's length for arriving aircraft to a maximum of 4,000 feet. This was deemed to be an unacceptable condition for the Airport and its aircraft operators within the Master Plan.

1.4 Construct Gravel Access Road

The Airport is in need of a new gravel road to provide restricted airport and emergency vehicle access to the northern side of the Airport. Current northern access to the Airport passes through a residential neighborhood and residents have been opposed to its continued use during construction because of the perceived adverse effects the construction traffic has had on the neighborhood (noise, dust and safety). A new, approximately 20-foot wide, gravel access road between the Airport and New Plainville Road would allow for dedicated Airport use, emergency vehicle access, and future vehicle access for airport related construction activities. This road will allow construction equipment and other approved uses to directly access the Airport via a dedicated and secure road through an unpopulated area, alleviating neighborhood opposition to construction and development projects at the Airport.

In general, the proposed approximately 20-foot wide gravel access road work involves constructing a full-depth gravel access road, appropriate side slopes and fencing to restrict access along the Airport perimeter. This road would be located immediately east of the Runway 14 approach. The proposed 20 foot wide gravel road will be constructed with 12-inches of dense crushed aggregate base course, crowned and the center and graded to drain to each edge. Tree clearing and grubbing will occur to the limits of the side slopes to accommodate the proposed roadway. Appropriate side slopes will be constructed with approximately four inches of backfilled topsoil and seeded with an appropriate erosion control conservation seed mix. At the request of the City of New Bedford Department of Public Infrastructure, the first fifteen feet of the access road off New Plainville Road will be constructed using a 4-inch thick bituminous apron to protect the New Plainville Road roadway edge. The access road will be fenced, gated and closed for public use. For security, an approximately eight foot high chain link fence will be installed on either side of the access road, approximately five feet off the edge of the roadway. The fence will connect to the existing Airport perimeter fence. Two 22-foot wide swing gates will be installed allowing Airport access, one will be installed at New Plainville Road and the other will be installed at the Airport's existing fence line. The proposed access road is located along a straight stretch of New Plainville Road with adequate site distances. To access this

area, the Airport will have to obtain additional land from an abutter who has agreed to transfer property to the Airport in exchange for a section of existing Airport property of equivalent value.

A portion of the proposed access road will fill approximately 1,170 square feet of BVW. The proposed gravel access road is constrained by property ownership lot lines and wetland resource areas immediately adjacent to New Plainville Road. To mitigate this impact, the proposed action includes constructing an approximately 1,790 square foot wetland replication area. The proposed road footprint is approximately one acre and includes clearing and grubbing of upland and wetland forest. See Figure 1-7. The plans for both the impact and mitigation area have been reviewed and approved by the New Bedford Conservation Commission, the body with regulatory authority over wetland resource area (see Appendix A). The proposed work is also covered under the Corps of Engineers General Permit for Massachusetts as a Self-Verification activity.

The proposed project is consistent with the Categorical Exclusion described in Paragraph 5-6.4a of FAA Order 1050.1F:

"Access road construction, and construction, relocation or repair of entrance and service roadways that do not reduce the level of service on local traffic systems below acceptable levels." and Paragraph 5-6.4b: "Acquisition of land and relocation associated with a categorically excluded action."

This project does not have a significant effect on the human environment and does not include extraordinary circumstances as outlined in Chapter 4 of FAA Order 1050.1F. This proposed project requires minimal unavoidable impacts to wetland resources and includes adequate wetland mitigation in the form of wetland replication. Wetland impacts and the resultant wetland replication are designed in compliance with state and federal wetlands protection regulations. These wetland impacts, appropriate regulations and the resultant mitigation are described in detail in Section 2.17 and 3.16 of this EA. No other potential environmental impacts requiring analysis is needed for this discrete project.

1.5 Obstruction Lighting

Obstruction lights are necessary to meet FAA regulations relative to protected airspace obstructions. Current FAA regulations (14 CFR Part 77, *Objects Affecting Navigable Airspace*) describe how airports address obstructions to navigable airspace. According to the regulations, public roadways are assigned a 15-foot clearance above the roadway to account for large vehicles on the roadway. As a result, the Airport has identified airspace surface violations associated with two public roadways located in approach surfaces of Runway 23 and Runway 32; these are New Plainville Road and Downey Street, respectively. To provide an acceptable level of safety for airport operations, and recognizing that it is not practicable to modify the existing public roads, the airspace surface violations need to be identified by the installing obstruction lights at both runway approach

ends. Obstruction lighting along the roadways will prevent relocation of the approach ends and loss of runway length, by up to 125-feet. The proposed obstruction lights are to be approximately 15-feet tall and placed on an approximately five square foot base, tied into the existing electrical grid established at the Airport. Work will be conducted within currently managed and maintained areas.

The proposed project is consistent with the Categorical Exclusion described in Paragraph 5-6.3b of FAA Order 1050.1F:

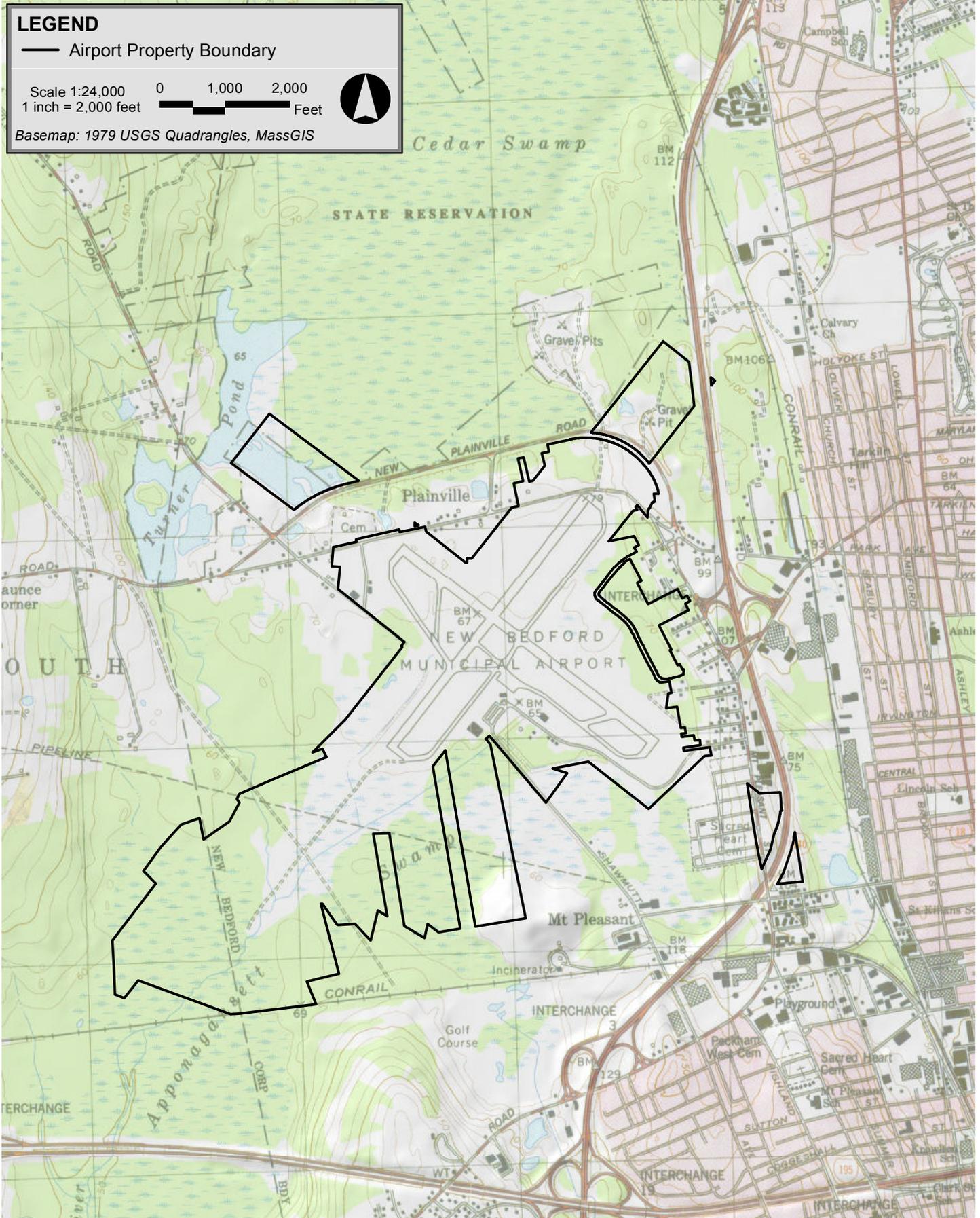
“Establishment, installation, upgrade, or relocation of any of the following on designated airport or FAA property: airfield or approach lighting systems, visual approach aids, beacons, and electrical distribution systems as described in FAA Order 6850.2, Visual Guidance Lighting Systems and other related facilities.”

This project does not have a significant effect on the human environment and does not include extraordinary circumstances as outlined in Chapter 4 of FAA Order 1050.1F. The work has also received an Order of Conditions from the New Bedford Conservation Commission (see Appendix A). No further environmental analysis is needed for this discrete project.

1.6 Project Timeline

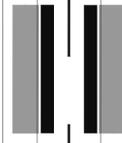
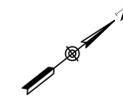
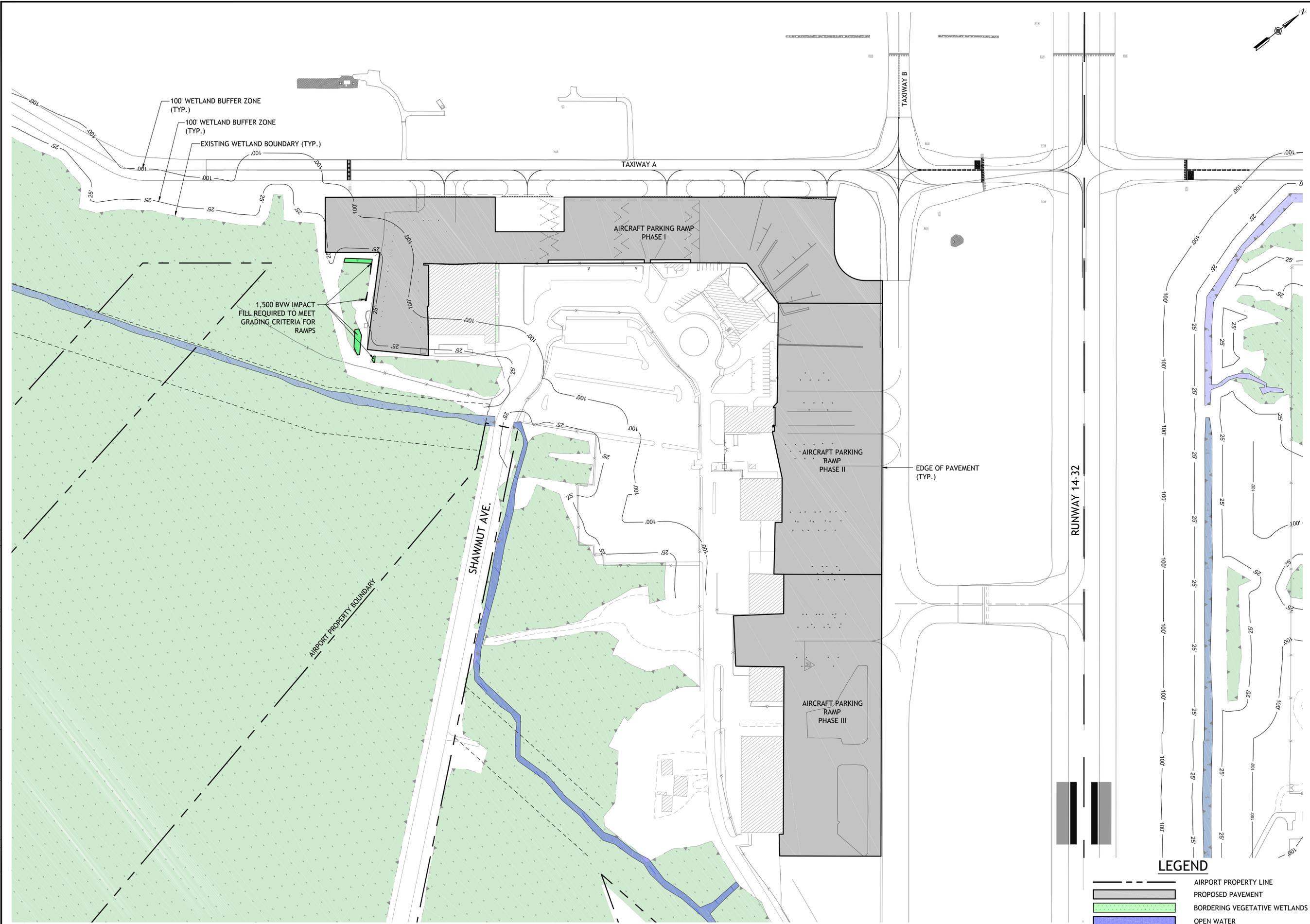
Following are the expected construction timelines for the discrete projects described above:

- ◆ Construction is proposed for the Runway 14-32 Approach Tree Clearing, Gravel Access Road and Obstruction Lighting to start in the late summer/ early fall 2017 and be completed spring/ summer 2018. It is anticipated that these projects will be completed within approximately four months.
- ◆ Construction to Reconstruct Terminal Parking Apron is proposed starting in the 2017 construction season. The Proponent proposes that Terminal Parking Apron construction be completed in three discrete phases over multiple years.
- ◆ Reconstruction of Runway 14-32 and Runway Safety Area/Runway Object Free Area Construction is proposed for the 2017 construction season. These projects will likely be phased and take place over approximately six to nine months.
- ◆ Taxiway “B” North Relocation construction is proposed during the 2019 construction season and will is anticipated to take approximately four months.



New Bedford Regional Airport New Bedford, Massachusetts

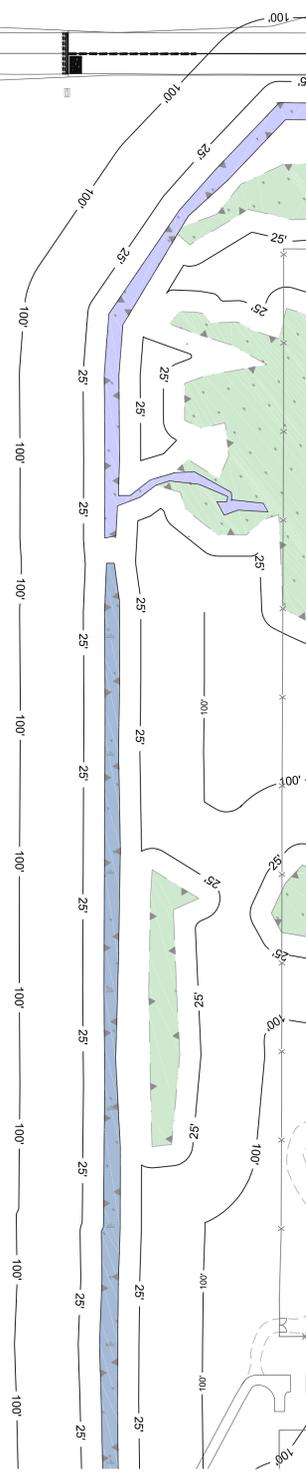
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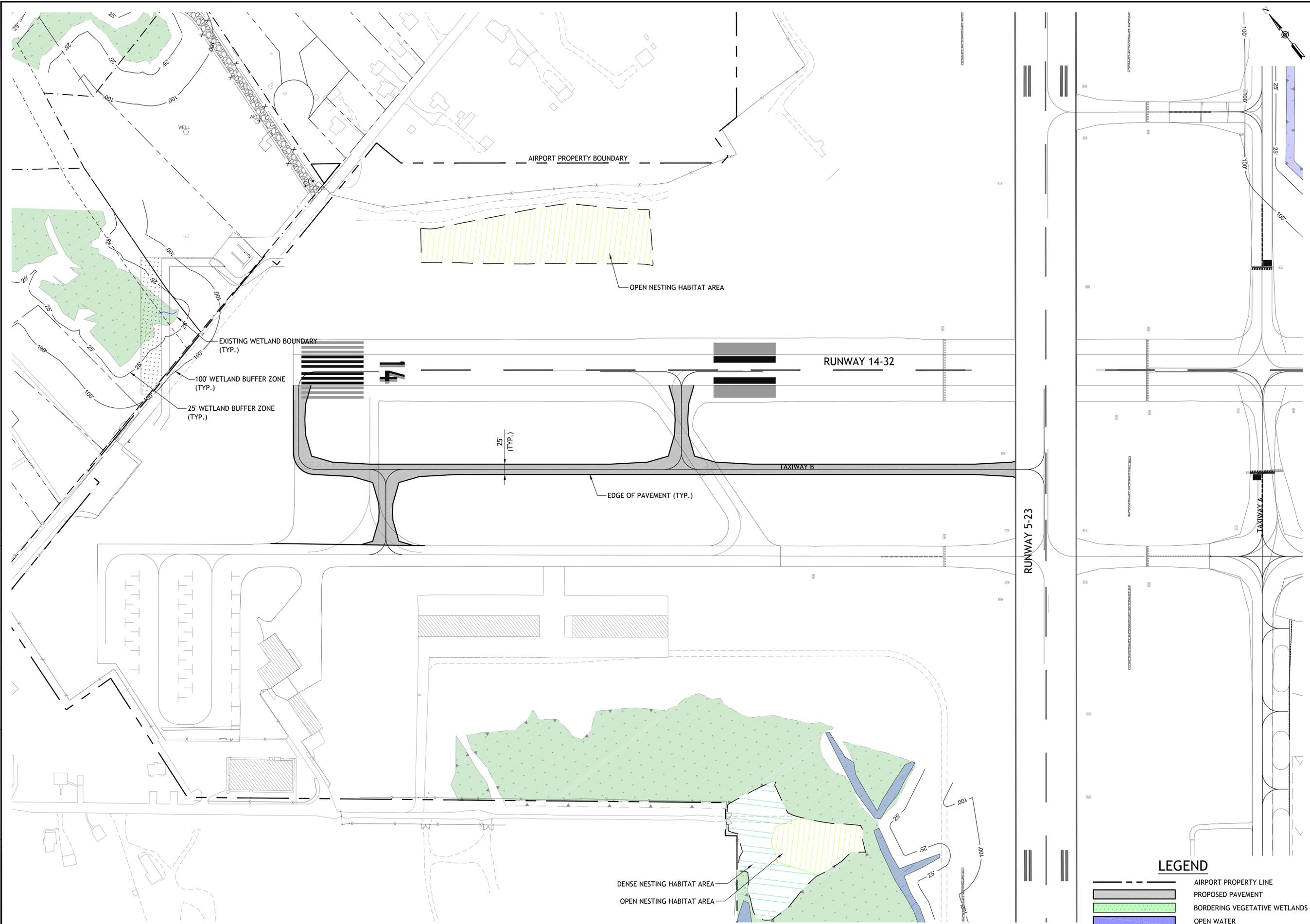
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- ▨ PROPOSED PAVEMENT
- ▨ BORDERING VEGETATIVE WETLANDS
- ▨ OPEN WATER

RUNWAY 14-32



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<p>PROJECT ENVIRONMENTAL ASSESSMENT</p>	
<p>OWNER NEW BEDFORD AIRPORT COMMISSION NEW BEDFORD REGIONAL AIRPORT NEW BEDFORD, MASSACHUSETTS</p>	
<p>PROJECT NO. 103-030</p>	<p>GRAPHICS MKO</p>
<p>DESIGNED BY MKO</p>	<p>DRAWN BY MKO</p>
<p>CHECKED BY RAL</p>	<p>DATE DECEMBER 2015</p>
<p>DRAWING SCALE 1" = 100'</p>	<p>GRAPHIC SCALE 0 50 100 200</p>
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<p>OF 6</p>	

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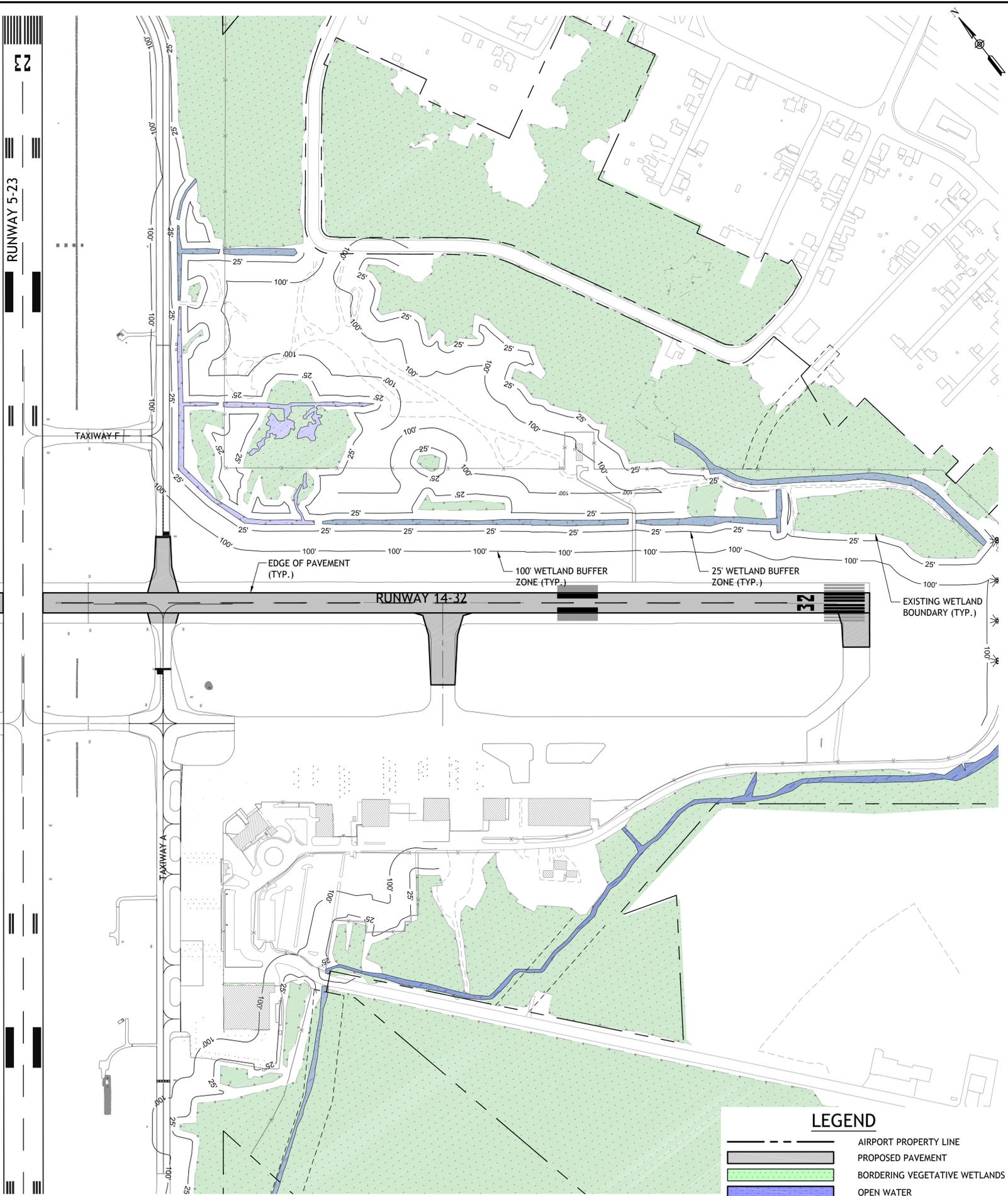
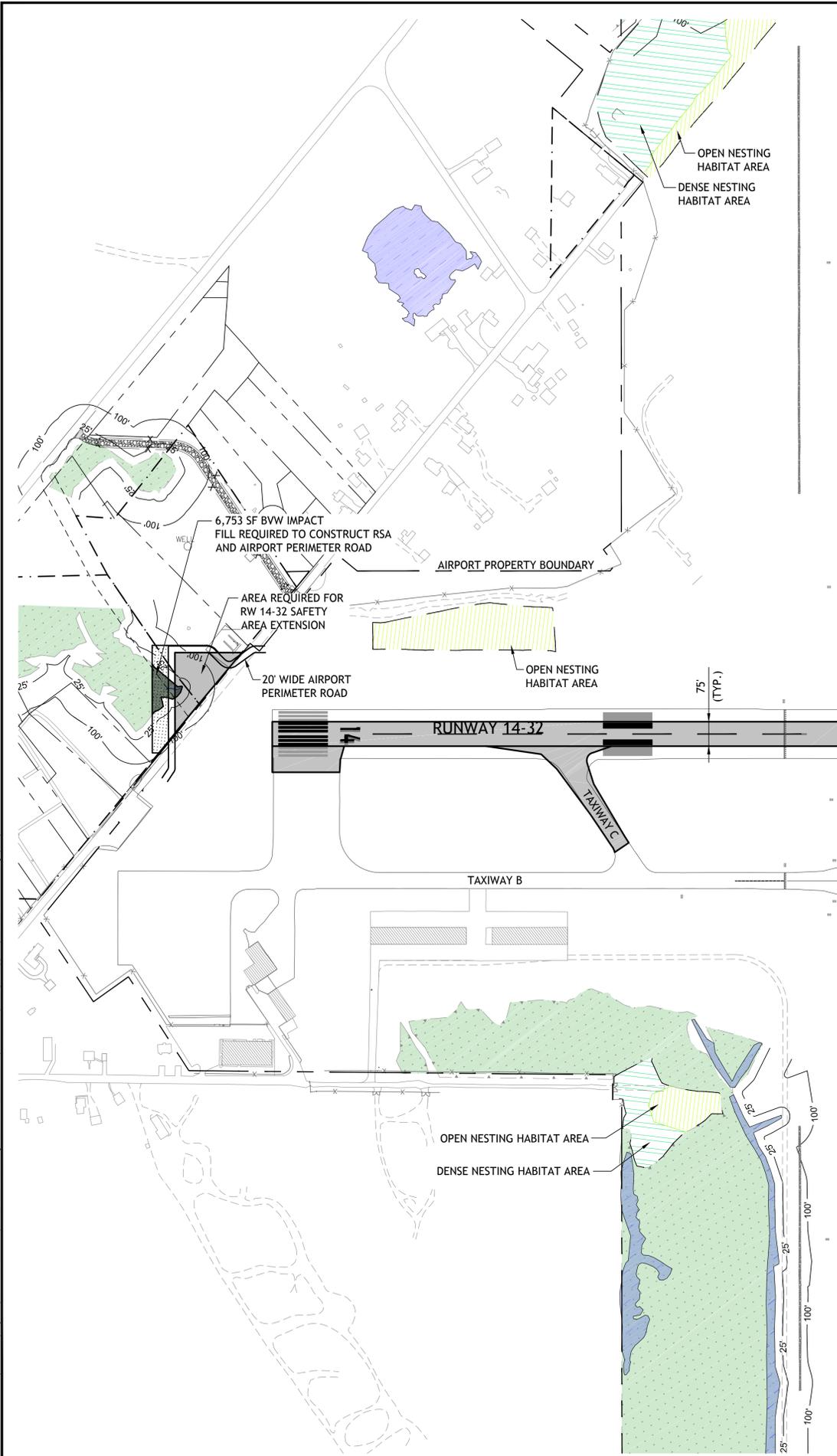
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- PROPOSED PAVEMENT
- BORDERING VEGETATIVE WETLANDS
- OPEN WATER

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PROJECT NO.	103-030
CADD FILE	GRAPHICS
DESIGNED BY	MKO
DRAWN BY	MKO
CHECKED BY	RAL
DATE	DECEMBER 2015
DRAWING SCALE	1" = 100'
SHEET TITLE	TAXIWAY B NORTH GENERAL LAYOUT PLAN
DRAWING NO.	1-4
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2015-12-23 SUBMISSION - NOT FOR CONSTRUCTION

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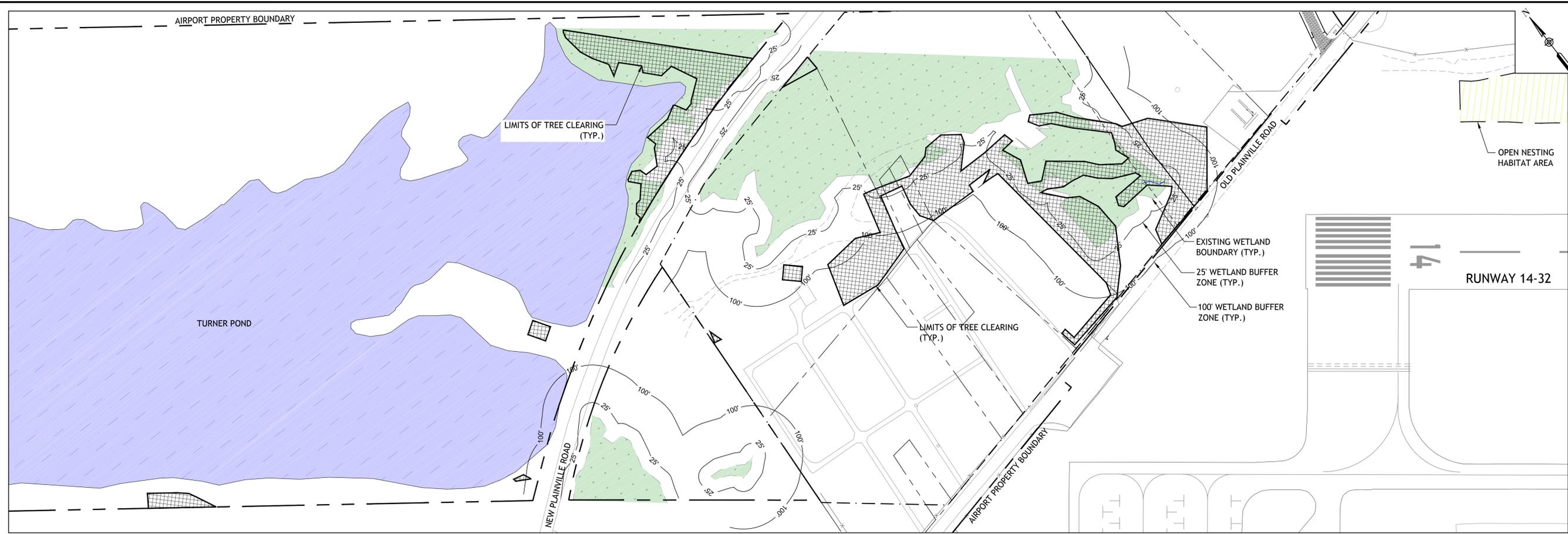
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	BORDERING VEGETATIVE WETLANDS
	OPEN WATER

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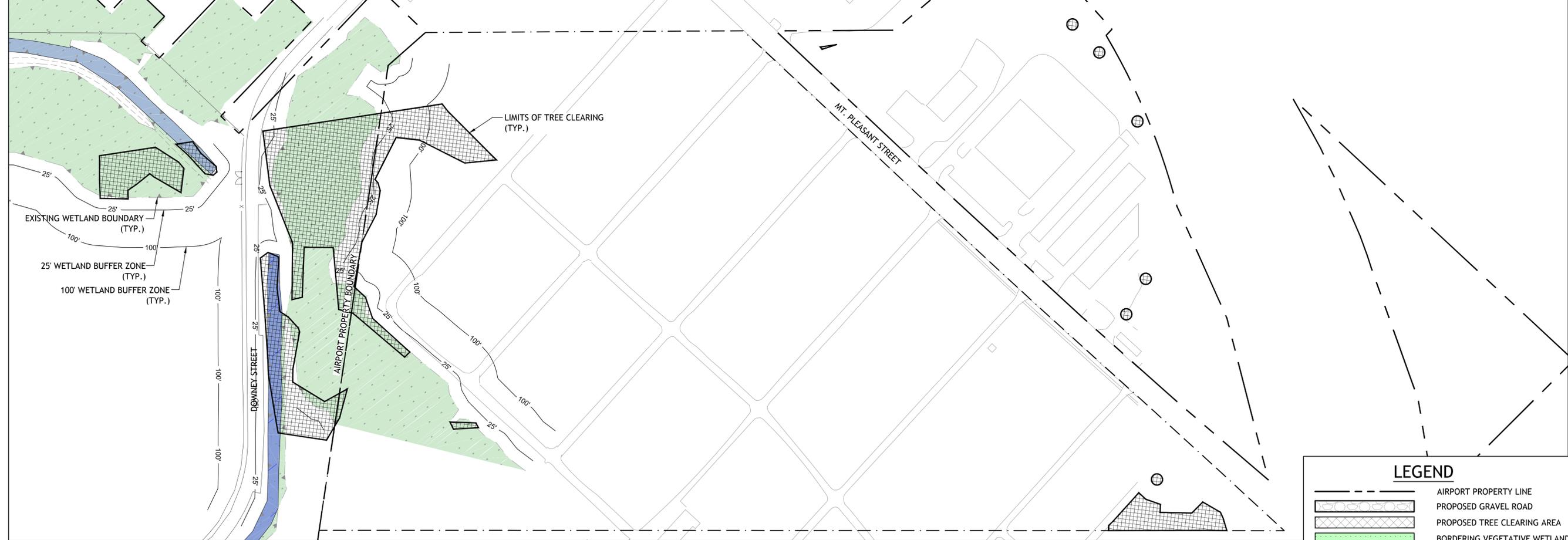


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RUNWAY 14 END - TREE CLEARING



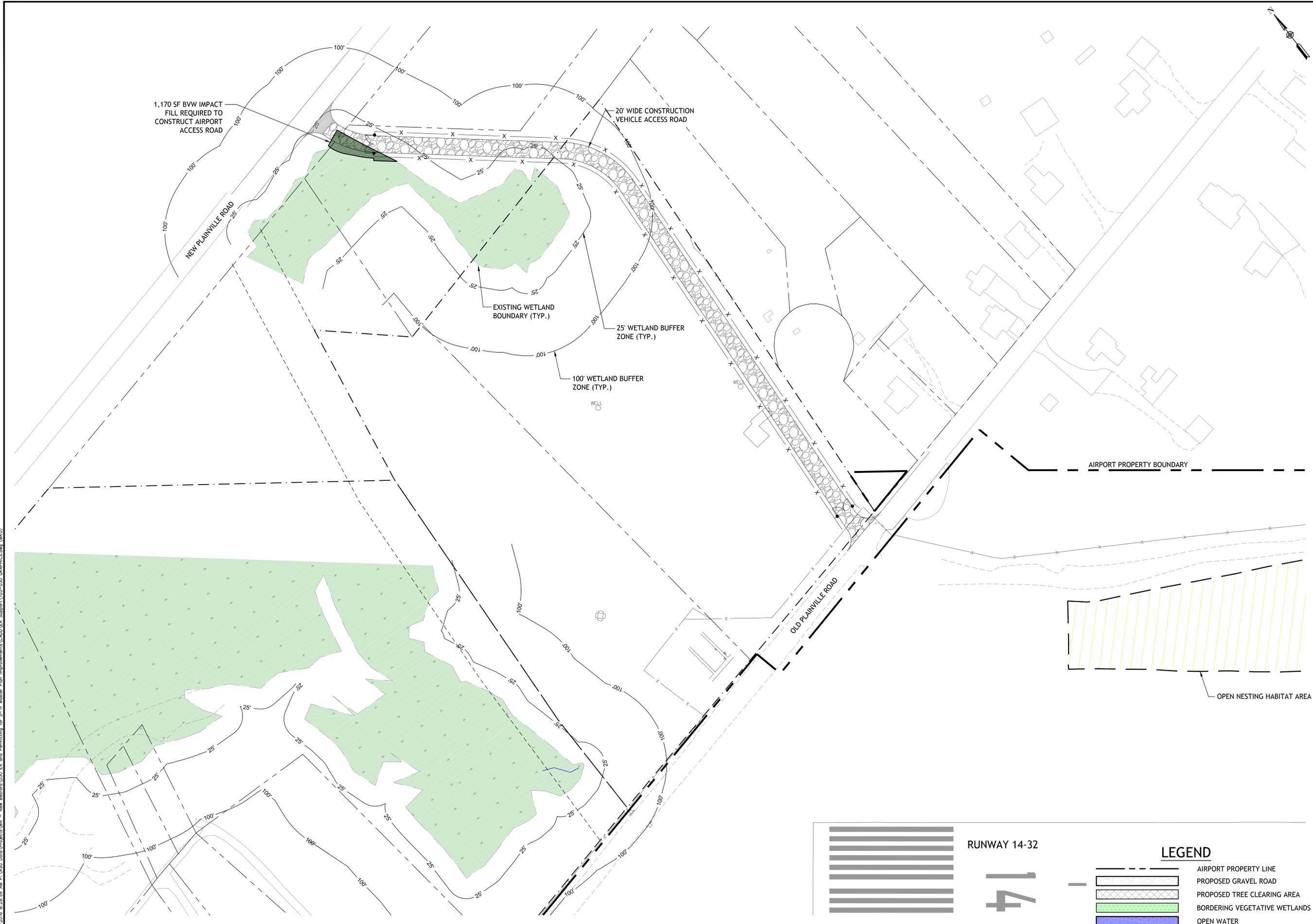
RUNWAY 32 END - TREE CLEARING

LEGEND

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- PROPOSED GRAVEL ROAD
- PROPOSED TREE CLEARING AREA
- BORDERING VEGETATIVE WETLANDS
- OPEN WATER

<p style="font-size: 8px; margin-top: 5px;"> AIRPORT SOLUTIONS GROUP 100 AIRPORT AVENUE, SUITE 200 NEW BEDFORD, MASSACHUSETTS 01903 PHONE (781) 491-0883 FAX (781) 491-0306 WWW.AIRPORTSOLUTIONSGROUP.COM © 2015 AIRPORT SOLUTIONS GROUP, LLC </p>			
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103-030	MKO	MKO	RAL
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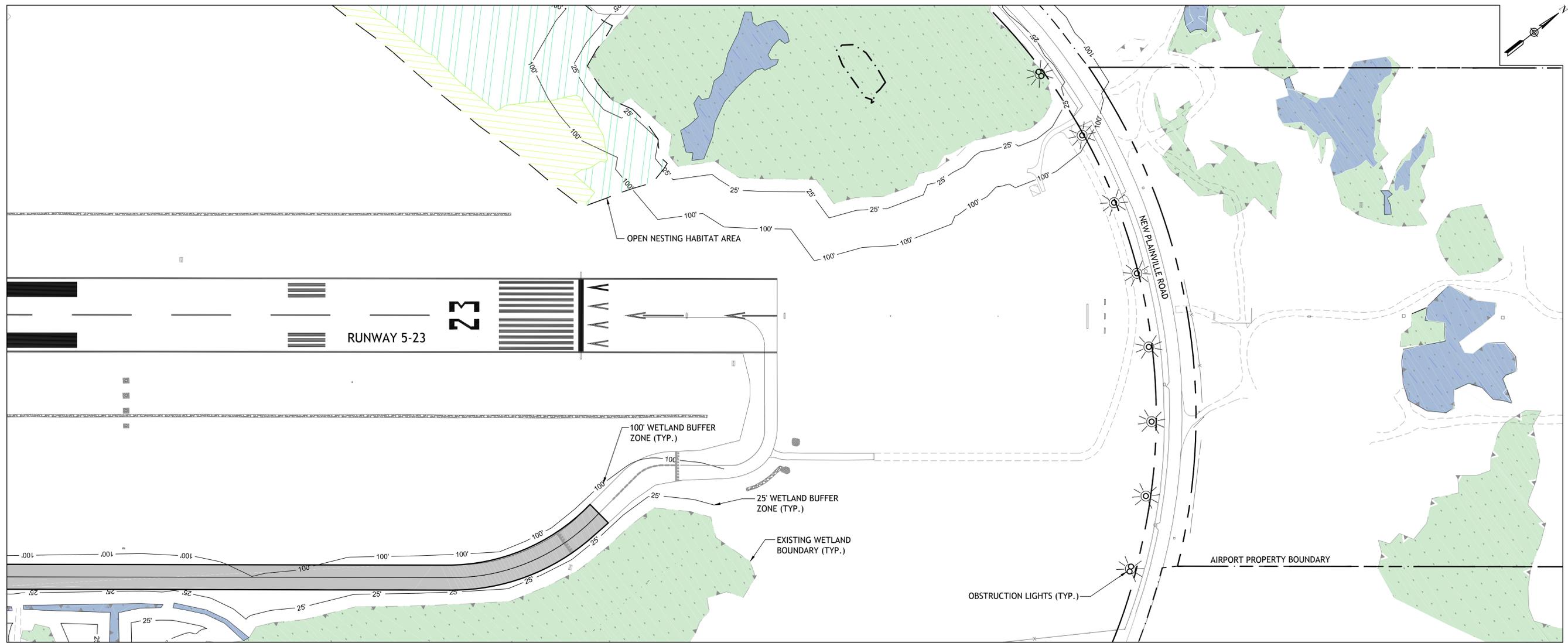
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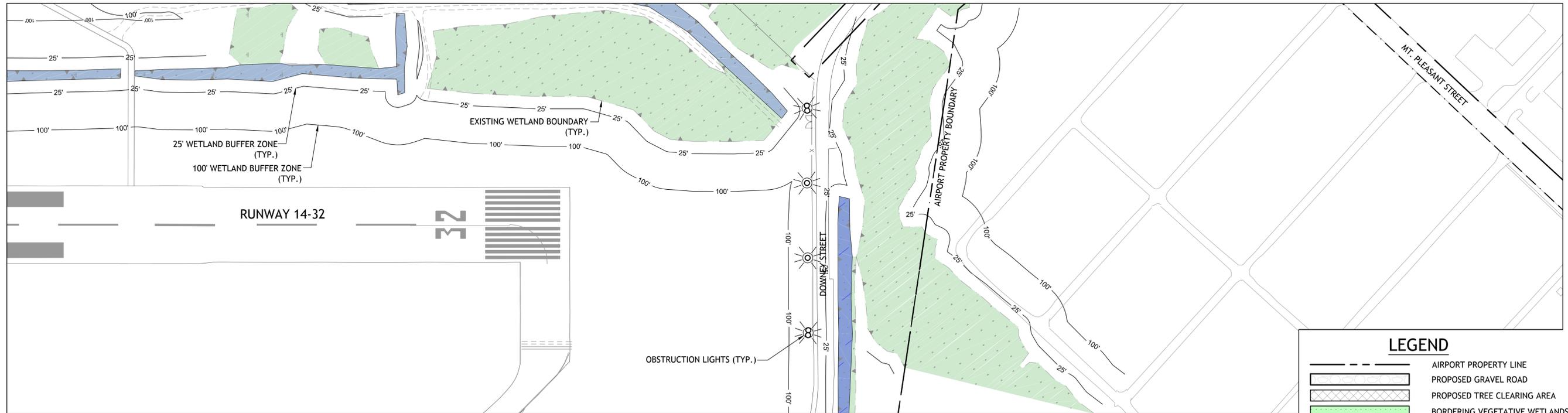
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- OPEN WATER

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PROJECT	ENVIRONMENTAL ASSESSMENT
OWNER	NEW BEDFORD AIRPORT COMMISSION NEW BEDFORD REGIONAL AIRPORT NEW BEDFORD, MASSACHUSETTS
PROJECT NO.	103-030
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RUNWAY 23 END - OBSTRUCTION LIGHTING



RUNWAY 32 END - OBSTRUCTION LIGHTING

LEGEND

- AIRPORT PROPERTY LINE
- PROPOSED GRAVEL ROAD
- PROPOSED TREE CLEARING AREA
- BORDERING VEGETATIVE WETLANDS
- OPEN WATER

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PROJECT	ENVIRONMENTAL ASSESSMENT
OWNER	NEW BEDFORD AIRPORT COMMISSION NEW BEDFORD REGIONAL AIRPORT NEW BEDFORD, MASSACHUSETTS
PROJECT NO.	103-030
CADD FILE	GRAPHICS
DESIGNED BY	MKO
DRAWN BY	MKO
CHECKED BY	RAL
DATE	DECEMBER 2015
DRAWING SCALE	1" = 100'
SHEET TITLE	OBSTRUCTION LIGHTING GENERAL LAYOUT PLAN
DRAWING NO.	1-8
	OF 6

2.0 AFFECTED ENVIRONMENT

This section describes existing conditions on and near the New Bedford Regional Airport. It identifies the resources may be affected by the proposed actions described above in Section 1.

The City of New Bedford is located in Bristol County in southeastern Massachusetts, approximately 50 miles south of Boston, Massachusetts and 28 miles southeast of Providence, Rhode Island. The City has a total area of approximately 24.1 square miles, comprised of approximately 20 square miles of land and 4.1 square miles of water. New Bedford is bordered on the west by Dartmouth, on the north by Freetown, on the east by Acushnet and Fairhaven, and on the south by Buzzards Bay. According to the United States Census Bureau 2010 Census, the City's population is approximately 95,072 making it the sixth largest city in Massachusetts by population, with a population density of approximately 4,760 people per square mile.

Environmental concerns and possible hazards are an important consideration for any public use airport. This environmental overview takes as its guide the requirements of FAA Order 1050.1F. The following sections describe the existing conditions of the NEPA review factors that potentially may be affected by the proposed actions.

2.1 Air Quality

2.1.1 Criteria Pollutant Ambient Air Quality Data

To estimate background pollutant levels representative of the area, the most recent data obtained from the EPA's AirData database were reviewed. Typically, the use of the latest three years of available monitoring data is representative of the project site. The closest most representative monitoring locations are the monitors on Globe Street in Fall River, Commercial Street in Brockton, Johnson & Wales Library in Providence, RI, and the Francis School in East Providence. A summary of the background air quality concentrations is presented in Table 2-1.

For short-term averages (24 hours or less), the highest of the yearly observations will be estimated to be the background concentration, with the exception of the PM_{2.5} 24-hour value where the average of the 98th percentile concentrations was used, consistent with the short-term ambient air quality standards. The short-term ambient air quality standards are not to be exceeded more than once per year. For long-term averages, the highest yearly observation was used as the background concentration. Again, with PM_{2.5}, the annual background concentration is the average of the three years.

Table 2-1 Observed Regional Ambient Air Quality Concentrations

Pollutant	Avg. Time	Form	2012	2013	2014	Back-ground Conc. ($\mu\text{g}/\text{m}^3$)	NAAQS	Percent of NAAQS
SO ₂ ⁽¹⁾⁽⁶⁾	1-Hr ⁽⁵⁾	99th %	171.3	162.2	35.1	122.9	196.0	63%
	3-Hr	H2H	130.7	155.4	33.0	155.4	1300.0	12%
	24-Hr	H2H	53.2	30.7	13.1	53.2	365.0	15%
	Ann.	H	6.3	6.2	3.9	6.3	80.0	8%
PM-10	24-Hr	H2H	32	29	31	32.0	150.0	21%
	Ann.	H	13.9	14.7	14.1	14.7	50.0	29%
PM-2.5	24-Hr ⁽⁵⁾	98th %	21.5	16.7	12.2	16.8	35.0	48%
	Ann. ⁽⁵⁾	H	7.9	6.6	5.7	6.7	12.0	56%
NO ₂ ⁽³⁾	1-Hr ⁽⁵⁾	98th %	61.5	71.8	69.9	67.7	188.0	36%
	Ann.	H	12.2	14.1	13.7	14.1	100.0	14%
CO ⁽²⁾	1-Hr	H2H	1719.0	2337.8	1879.4	2337.8	40000.0	6%
	8-Hr	H2H	1375.2	1489.8	1375.2	1489.8	10000.0	15%
Ozone ⁽⁴⁾	8-Hr	H4H	153.1	153.1	117.8	153.1	147.0	104%
Lead	Rolling 3-Month	H	0.013	0.016	0.016	0.016	0.15	11%

Notes:

From 2012-2014 EPA's AirData Website

SO₂ and O₃ from Globe St Fall River; PM10 from J&W Library Providence; PM2.5 from Commercial St, Brockton; NO₂, CO & Pb from Francis School E. Providence.

¹ SO₂ reported ppb. Converted to $\mu\text{g}/\text{m}^3$ using factor of 1 ppm = 2.62 $\mu\text{g}/\text{m}^3$.

² CO reported in ppm. Converted to $\mu\text{g}/\text{m}^3$ using factor of 1 ppm = 1146 $\mu\text{g}/\text{m}^3$.

³ NO₂ reported in ppb. Converted to $\mu\text{g}/\text{m}^3$ using factor of 1 ppm = 1.88 $\mu\text{g}/\text{m}^3$.

⁴ O₃ reported in ppm. Converted to $\mu\text{g}/\text{m}^3$ using factor of 1 ppm = 1963 $\mu\text{g}/\text{m}^3$.

⁵ Background level is the average concentration of the three years.

⁶ The 24-hour and Annual standards were revoked by EPA on June 22, 2010, Federal Register 75-119, p. 35520.

2.1.2 Attainment Status

Section 107 of the 1977 Clean Air Act Amendment requires that the U.S. Environmental Protection Agency ("EPA") publish a list of all geographic areas in compliance with the National Ambient Air Quality Standards ("NAAQS") and those areas not attaining the NAAQS. Areas not in NAAQS compliance are deemed non-attainment areas. Areas that

have insufficient data to make a determination are deemed unclassified, and are treated as being attainment areas until proven otherwise. An area's designation is based on the data collected by the state monitoring network on a pollutant-by-pollutant basis.

New Bedford Regional Airport is located in Bristol County. The attainment status for each pollutant is shown in Table 2-2.

Table 2-2 Bristol County Attainment Status

Pollutant	Status
Sulfur Dioxide (SO ₂)	Better than national standards (all averaging times)
Carbon Monoxide (CO)	Unclassifiable/Attainment (1- and 8-hour)
Ozone (O ₃)	Nonattainment/Serious (1-hour) Nonattainment/Moderate (8-hour)
Particulate Matter (PM ₁₀)	Unclassifiable (24-hour)
Nitrogen Dioxide (NO ₂)	Unclassifiable/Attainment (1-hour) Better than national standards (Annual)
Particulate Matter (PM _{2.5})	Unclassifiable/Attainment (annual and 24-hour)
Lead (Pb)	Unclassifiable/Attainment (3-month)

Source: 40 CFR 81.322

³The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in Massachusetts.

2.1.3 State Implementation Plan

Massachusetts is currently designated as nonattainment for ozone. States with nonattainment areas are required to prepare plans outlining realistic methods to do so in the required timeframe, to show their intent to meet the NAAQS in a timely manner. Massachusetts has an approved State Implementation Plan for 1-hour ozone (from 2002) and an approved State Implementation Plan for 8-hour ozone (from 2008).

2.2 Coastal Resources

The New Bedford Regional Airport does not contain nor is within any regulated coastal resources or the coastal zone.

2.3 Surrounding Land Uses

Land uses surrounding the Airport are generally consistent with the City's existing zoning. The Airport itself is zoned Industrial A, Industrial B, or Mixed Use Business – all of which are generally compatible with airport operations. Land uses to the north, west and east of

the Airport are zoned residential (primarily Residence B and Residence A) with some Mixed Use Business, Industrial A and Residential C also present. Lands south and southeast of the Airport are zoned, primarily Industrial B, Mixed Use Business with some residential use (Residential B & C).

Although mapped as Residential B, current land use north of New Plainville Road is undeveloped. Additionally, land zoned as Industrial B and Mixed Use Business south of the Airport and west of Shawmut Ave, includes the closed Shawmut Avenue municipal solid waste landfill.

2.4 Department of Transportation Act: Section 4(f)

Section 4(f) of the Department of Transportation Act of 1966 protects certain land uses from DOT projects. The one “4(f) lands” located in the vicinity of the Airport is Acushnet Cedar Swamp located north of the Airport, and separated from the Airport by new Plainville Road and residential development. Acushnet Cedar Swamp is a 1,100 acre State Park managed by the Massachusetts Department of Conservation and Recreation (“DCR”). It was designated a National Natural Landmark by the National Park Service in June 1972.

2.5 Farmlands

There is no active farmland on the Airport, thus there will be no conversion of farmland to any other use.

The Farmland Protection Policy Act (7 U.S.C. 4201-4209) (PL 97-98 amended by section 1255 of the Food Security Act of 1985, PL 99-198) addresses the conversion of farmland to non-agricultural uses. In Massachusetts, Executive Order 193 (March 19, 1981) is likewise intended to avoid or minimize the conversion of farmland to non-agricultural uses. Three locations on the Airport are classified as Prime farmland in the October 1981 Soil Survey of Bristol County, Massachusetts (by Rino J. Roffinoli and Peter C. Fletcher), however none of those areas are in, or have been in, agricultural production since the Airport started operating.

2.6 Biological Resources (Fish, Wildlife, and Plants)

Fish, wildlife, and plants at the Airport are protected under the following federal and state statute and regulations.

2.6.1 Federally Listed Species

Prior consultation with the U.S. Fish and Wildlife (“USFWS”) indicated that, no federally-protected species are known to be present on the Airport. Subsequent to that consultation the USFWS issued the Final Rule on the Northern Long-Eared Bat (*Myotis septentrionalis*) (“NLEB”) in the January 14, 2016 edition of the Federal Register (V. 81, No. 9, page 1900 – 1922) titled “Endangered and Threatened Wildlife and Plants; 4(d) Rule for the Northern

Long-Eared Bat” (i.e., the “Final Rule”). The purpose of the Final Rule is to prohibit the intentional, or purposeful, take of NLEB throughout its range; except for specific instances to protect human health, property, or for scientific and conservation purposes. Take of NLEB is prohibited in hibernacula throughout its range, in areas affected by white nose syndrome, unless permitted by the USFWS. Incidental take of NLEB outside of hibernacula from otherwise lawful activities, other than tree clearing, is not prohibited by the Final Rule. Incidental take of NLEB resulting from the removal of hazardous trees to protect human life and property also is not prohibited. Incidental take caused by tree removal is prohibited under two circumstances:

- ◆ tree clearing within a ¼-mile (0.4-kilometer) radius of known NLEB hibernacula; and
- ◆ cutting or destroying known occupied maternal roost trees, or any other tree within a 150-foot (45-m) radius of a known maternal roost tree during the pup season. The pup season is June 1 through July 31.

The NLEB range includes much of the eastern and north central United States, and all Canadian provinces from the Atlantic Ocean west to the southern Yukon Territory and eastern British Columbia. NLEB spend winter hibernating in caves and mines, called hibernacula. They use areas in various sized caves or mines with constant temperatures, high humidity, and no air currents. During the summer, NLEB roost singly or in colonies underneath bark, in cavities or in crevices of both live trees and dead trees (snags). Northern long-eared bats seem to be flexible in selecting roosts, choosing roost trees based on suitability to retain bark or provide cavities or crevices. The majority of Airport property is free of forest stands and thus lacks summer tree roosting habitat.

Breeding begins in late summer or early fall when males begin to swarm near hibernacula. After copulation, females store sperm during hibernation until spring. In spring, NLEB emerge from their hibernacula, females ovulate and the stored sperm fertilizes an egg. After fertilization, pregnant females migrate to summer areas where they roost in small colonies and give birth to a single pup. Most bats within a maternity colony give birth around the same time, which may occur from late May or early June to late July, depending where the colony is located within the species’ range. Young bats start flying by 18 to 21 days after birth.

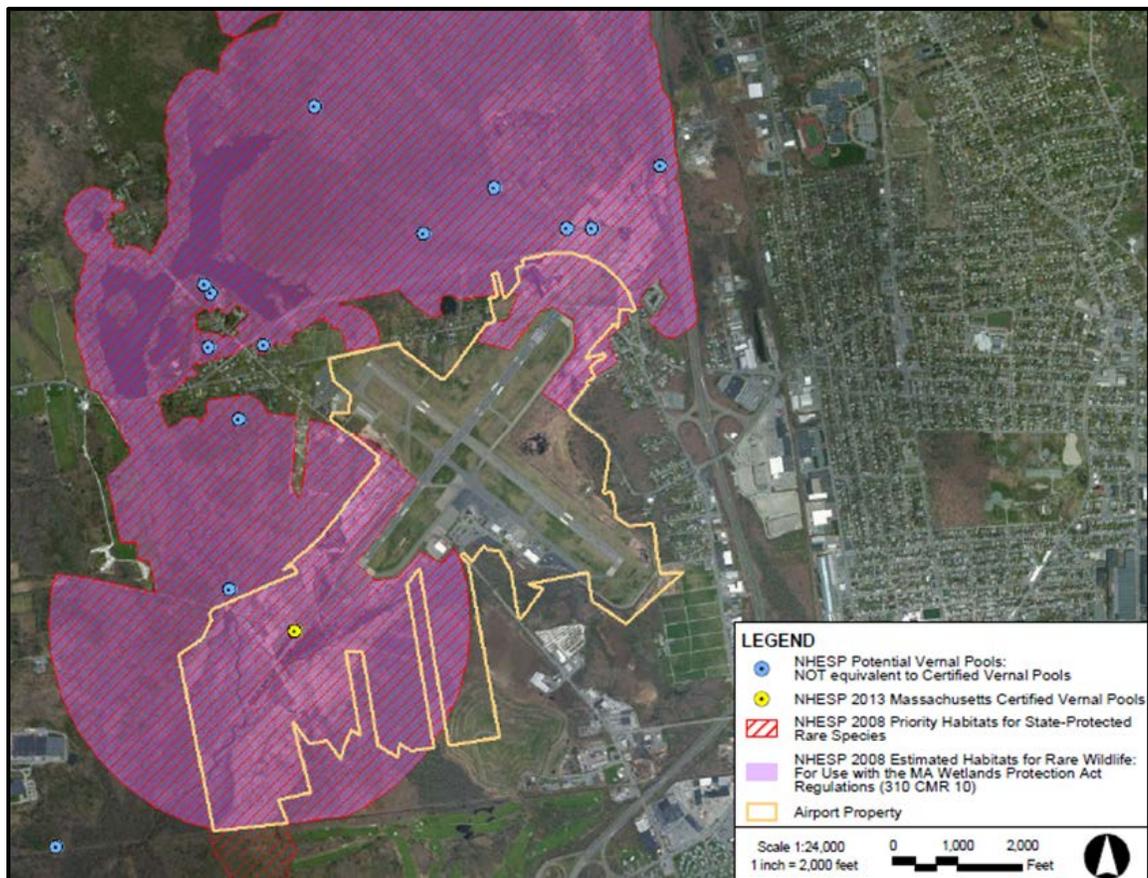
The USFWS does not require private landowners to conduct surveys on their lands for hibernacula and maternity roost trees. Location information for known hibernacula and maternity roost trees is generally kept in state Natural Heritage Inventory databases, thus consultation with state Natural Heritage Inventory databases is encouraged (see discussion below).

2.6.2 State Listed Species

The Massachusetts Natural Heritage and Endangered Species Program (“NHESP”) has mapped portions of the Airport for two state-listed species, the Eastern Box Turtle and Coastal Swamp Amphipod. Land in the vicinity of Turner’s Pond, located north of the Airport and New Plainville Road, may also contain suitable habitat for a state-listed dragonfly and moth species. The NHESP has not identified the NLEB as being present on Airport property, and the consultation process that has occurred to date (including issuance of a Conservation and Management Permit for other airport activities including VMP work) is consistent with the due diligence protocols USFWS has established in the Final Rule.

Eastern Box Turtles are known to occur on the Airport, and the Airport has recently constructed Eastern Box Turtle nesting habitat. Coastal Swamp Amphipod is known to occur on the Airport. Habitat suitable for the Coastal Swamp Amphipod occurs on the Airport and individuals have been identified in wetlands at the ends of Runway 23 and Runway 5.

Figure 2-1 Mapped Priority and Estimated Habitat for State Listed Species



2.7 Floodplains

According to Federal Emergency Management Agency (“FEMA”) mapping (see Figure 2-2 and Figure 2-3), a portion of the Airport off the end of Runway 5 and north of New Plainville Road and the Runway 14 end is located in the floodplain.

Figure 2-2 FEMA Floodplain Mapping #1 in the Vicinity of the Airport



Figure 2-3 FEMA Floodplain Mapping #2 in the Vicinity of the Airport



2.8 Hazardous Materials, Pollution Prevention, and Solid Waste

Review of on-line MassGIS data² the following solid and hazardous materials facilities are documented on Airport Property:

- ◆ Solid Waste Landfill – Shawmut Avenue municipal waste landfill located approximately 1/2-mile south of the Airport Terminal Building. Airport property extends onto a small portion of the closed and capped City landfill.
- ◆ Underground Storage Tanks – Two tanks are located on Airport property at: Sandpiper Air and Northeast Aviation Services.

² http://maps.massgis.state.ma.us/map_ol/oliver.php (accessed 25 FEB 2016)

Based on review of the MassGIS there are no reported Activity and Use Limitations placed on Airport property, nor are there any documented tier classified sites pursuant to the Massachusetts Contingency Plan.

2.9 Historical, Architectural, Archaeological, and Cultural Resources

Section 106 of the National Historic Preservation Act (36 CFR 800 [Section 106]) requires federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation reasonable opportunity to comment on such undertakings. Projects subject to Section 106 must consult with the State Historic Preservation Officer (“SHPO”) to determine if the project has the potential to affect historic properties listed on or eligible for listing on the National Register of Historic Places and what, if any, alternatives exist to avoid, minimize or mitigate the adverse effect(s) to National Register and National Register-eligible properties.

State Register Review (950 CMR 71.00) requires Massachusetts state agencies take into account the effects of their undertakings on historic properties listed in the State Register of Historic Places. Projects subject to State Register Review must consult with the Massachusetts Historical Commission (“MHC”), which in Massachusetts is also the SHPO, and consulting parties (including Native American tribes and local historical commissions) to determine if the Project has the potential to affect historic properties listed on the State Register, and what, if any, alternatives exist to avoid, minimize or mitigate the adverse effect(s) to State Register-listed properties. State Register Review may be undertaken concurrently with the Section 106 Review process.

The Airport’s archaeology consultant, Public Archaeology Lab (“PAL”), conducted an *Intensive (Locational) Archaeological Survey* of the Project area described in this EA and findings are presented in Section 3.9. The proposed action does not involve impacts to National Register or National Register-eligible properties. The proposed action does not involve the destruction of a State Register or Inventoried property or any other building facility.

2.10 Noise

Existing noise conditions in the vicinity of the proposed action are typical of areas containing the surrounding land uses, which include industrial, business and residential land uses.

2.11 Socioeconomic Impacts, Environmental Justice, and Children’s Environmental Health and Safety Risks

Based on MassGIS data, Environmental Justice populations are located to the northeast, east, and south of the Airport. The Environmental Justice population northeast of the Airport is approximately two-thirds of a mile from the property boundary at the Runway 23 end.

The Environmental Justice populations located east and south of the Airport are closer but are generally separated from the Airport by Route 140 and Interstate 195. The proposed uses are similar to existing uses on the Airport, therefore, the proposed action will not present environmental health or safety risks not already occurring in relation to the Airport. Economic impacts of the proposed action are anticipated to be positive, with additional revenue accruing to both the Airport and the larger community.

2.12 Water Quality

Based on EPA data reported by the Commonwealth of Massachusetts in accordance with Section 305(b) and 303(d) of the Clean Water Act, two water bodies located within the vicinity of the Airport are identified. Review of the Massachusetts Year 2012 Integrated List of Waters listed the following waters adjacent to the Airport:

- ◆ Turner Pond located northwest of the Airport, listed as Category 4 and assessed for mercury in fish tissue; and
- ◆ Paskamansett River located west of the Airport, listed as Category 3.

States choosing this option can list each Assessment Unit (i.e., water body or segment thereof) in one of the following five categories:

1. Unimpaired and not threatened for all designated uses;
2. Unimpaired for some uses and not assessed for others;
3. Insufficient information to make assessments for any uses;
4. Impaired or threatened for one or more uses, but not requiring the calculation of a Total Maximum Daily Load ("TMDL"); or
5. Impaired or threatened for one or more uses and requiring a TMDL.

Waters listed in Category 5 constitute the 303(d) List and, as such, are reviewed and approved by the EPA. The remaining four categories are submitted to fulfill the requirements of Section 305(b).

Review of Massachusetts GIS data identifies a medium yield aquifer present beneath Airport property. This aquifer is not a drinking water supply source.

2.13 Wetlands

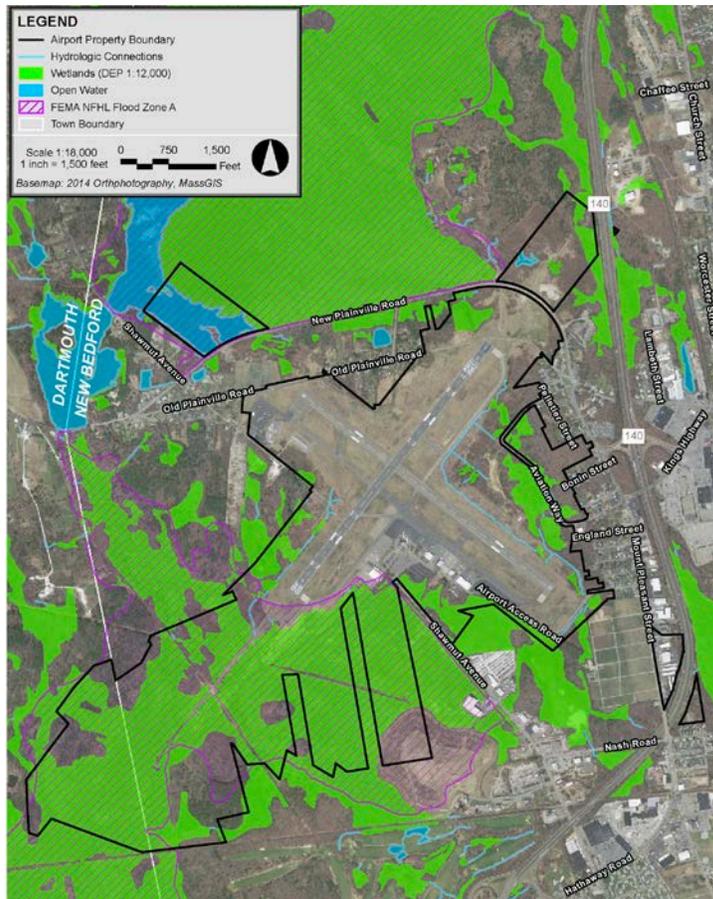
Wetland resource areas are located throughout the Airport, as depicted on Figure 2-4. On-site vegetated wetlands are regulated through the Clean Water Act as waters of the United States (“waters of the U.S.”) and by the Massachusetts Wetlands Protection Act as BVW. The limits of BVW are coincident with the limits of federal jurisdictional vegetated wetlands, i.e. waters of the U.S.

Wetlands on the Airport were delineated in accordance with the U.S. Army Corps of Engineer’s *“1987 Wetland Delineation Manual”* (USACE, 1987) and the *“Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)”* (USACE, 2009) and the Massachusetts Wetlands Protection Act and implementing regulations (310 CMR 10.00); the MassDEP handbook entitled *“Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act”* (MassDEP, 1995).

Many of the boundaries have been reviewed and approved by the New Bedford Conservation Commission and the MassDEP in accordance with the Massachusetts Wetlands Regulations. The boundaries of wetland resource areas were reviewed and approved by the New Bedford Conservation Commission and the MassDEP in February 26, 2010 as part of the Variance for the Runway 5-23 Safety Area Improvements Project (MassDEP File Number SE 049-0635). The Variance as written was valid for five years, due to the Permit Extension Act of 2012³; it is extended by four years to February 26, 2019. Additional wetland resource area boundaries were reviewed and approved by the New Bedford Conservation Commission under an Order of Conditions (MassDEP File Number SE 049-0729) dated March 18, 2016. The approved delineation boundary associated with the Order of Conditions will remain valid until March 18, 2019.

³ The Permit Extension Act was created by [Section 173 of Chapter 240 of the Acts of 2010](#) and extended by Sections 74 and 75 of Chapter 238 of the Acts of 2012.

Figure 2-4 Wetlands



The sections below describe the vegetated wetlands within or adjacent to each Airport improvement project described herein.

2.13.1 Reconstruct Terminal Parking Apron

BVW within the vicinity of the Reconstruction of Terminal Parking Apron Project includes three distinct wetland areas.

Vegetation along the existing dirt access way, east of the Colonial Air hangar supports forested and shrub wetlands. The forested wetland east of the access road are dominated by sweet pepperbush (*Clethra alnifolia*), northern arrowwood (*Viburnum recognitum*) and red maple (*Acer rubrum*), with sensitive fern (*Onoclea sensibilis*), tussock sedge (*Carex stricta*), greenbriar (*Smilax rotundifolia*), and poison ivy (*Toxicodendron radicans*) in the understory.

An open water feature is present immediately south of the Colonial Air hangar, between the apron and the dirt access road, at the point where the access road turns west and into the fenced Airport environment.

The area adjacent to the taxiway, south of the access road and east of the taxiway, is actively managed through the Airport's VMP. This is characterized as a wetland dominated herbaceous vegetation such as wool grass (*Scirpus cyperinus*), soft rush (*Juncus effusus*) and goldenrod (*Solidago* sp.).

2.13.2 Relocate Taxiway "B" North

No BVW is located in close proximity to the proposed Taxiway B North relocation Project.

2.13.3 Reconstruct Runway 14-32, Runway Object Free Area and Approach Tree Clearing

BVW within the vicinity of the Runway 14 approach was delineated at the toe-of-slope wetland off the runway to New Plainville Road. This wetland system is hydrologically connected to wetlands across New Plainville Road via multiple culverts. The BVW is well defined and appears to be largely created by high groundwater conditions. Generally this wetland was dominated by shrub or herbaceous vegetation. The shrub portion of the BVW is comprised primarily of willow (*Salix* spp.), red maple, gray birch (*Betula populifolia*), silky dogwood (*Cornus amomum*), meadowsweet (*Spiraea latifolia*), multiflora rose (*Rosa multiflora*), cinnamon fern (*Osmunda cinnamomea*), sensitive fern, poison ivy, common reed (*Phragmites australis*), woolgrass (*Scirpus cyperinus*) and other similar wetland plants. Herbaceous vegetation are comprised primarily of common reed, rattlesnake grass (*Glyceria canadensis*), cattail (*Typha latifolia*), purple loosestrife (*Lythrum salicaria*) and woolgrass. It appears that the majority of this area was previously cut within the last 20 to 30 years likely through other vegetation management activities; the trees are generally 15 to 30 feet tall.

The wetland northwesterly of New Plainville Road borders on Turner Pond and is primarily forested. This wetland is comprised of primarily red maple, Atlantic white cedar (*Chamaecyparis thyoides*), blackgum (*Nyssa sylvatica*) in the overstory and highbush blueberry (*Vaccinium corymbosum*), swamp azalea (*Rhododendron viscosum*), sweet pepperbush and poison ivy in the understory.

2.13.4 Construct Gravel Access Road

BVW within the vicinity of the proposed access road Project area was delineated at the toe-of slope to New Plainville Road. The BVW is well defined and appears to be largely created by high groundwater conditions. This wetland system is hydrologically connected to wetlands across New Plainville Road via a culvert. The wetland complex is predominantly forested and comprised primarily of red maple, white pine (*Pinus strobus*),

swamp white oak (*Quercus bicolor*), highbush blueberry, maleberry (*Lyonia ligustrina*), sweet pepperbush, with cinnamon fern, sensitive fern, greenbriar and poison ivy in the understory. Soils are organic.

2.13.5 *Obstruction Lighting*

BVW within the vicinity of the proposed obstruction lighting for the Runway 23 end approach, generally easterly of the runway end, supports herbaceous and shrub wetland communities containing pockets of open water. The area adjacent and partially within the Runway 23 Safety Area is actively managed through the Airport's VMP and dominant herbaceous vegetation includes wool grass, soft rush and goldenrod. Dominant shrub vegetation outside of the safety area includes sweet pepperbush, greenbriar, and red maple saplings.

BVW within the vicinity of the proposed obstruction lighting for Runway 32 end approach, generally northeasterly of the runway end and on Airport property, is a herbaceous wetland with pockets of surface water. This wetland also is actively managed through the Airport's VMP. Dominant emergent vegetation includes common reed, wool grass, soft rush and goldenrod. These two wetland units drain to an intermittent channel / drainage ditch, flow is conveyed under Downey Street via a culvert.

The BVW across Downey Street from Runway 32 is a herbaceous and shrub wetland containing pockets of open water. Dominant herbaceous vegetation includes common reed, boneset (*Eupatorium perfoliatum*), sensitive fern, jewelweed (*Impatiens capensis*), sedges (*Carex* spp.) and goldenrod. This wetland borders on the intermittent stream/ drainage ditch along the southerly side of Downey Street.

2.14 Wild and Scenic Rivers

There are no designated Wild and Scenic Rivers located on or near the Airport. The only currently designated Wild and Scenic Rivers in Massachusetts are the: Sudbury, Assabet and Concord Rivers; Taunton River; and Westfield River.

3.0 ENVIRONMENTAL CONSEQUENCES AND MITIGATION

As noted above, the Airport finalized its Master Plan in 2014 which recommended multiple projects to (1) enhance the margin of safety at a busy airport, and (2) comply with FAA planning and design standards. Proposed capital improvements include the following:

- ◆ Reconstruct Terminal Parking Apron;
- ◆ Relocate Taxiway "B" North;
- ◆ Reconstruct Runway 14-32, Runway Object Free Area, and Approach Tree Clearing;
- ◆ Construct Gravel Access Road; and
- ◆ Obstruction Lighting.

The Airport proposes to implement these project elements over a five year period. As described in Section 1 the following project elements meet criteria for review as CATEX and thus are not analyzed further herein⁴:

- ◆ Reconstruction of the Terminal Parking Apron
- ◆ Relocating Taxiway "B" North;
- ◆ Constructing the Gravel Access Road; and
- ◆ Constructing Obstruction Lighting.

The following sections address the potential environmental affects and proposed mitigation measures for:

- ◆ Reconstructing Runway 14-32, Runway Object Free Area, and Approach Tree Clearing projects.

3.1 Air Quality

The FAA has produced guidance⁵ on the necessary steps to perform an air quality analysis for airports undergoing changes as part of a federal action. Since the project is not an FHWA/FTA project, nor is it regionally significant, a Transportation Conformity determination is not necessary. Additionally, the Commonwealth of Massachusetts does not require indirect source permits, so that review is also not necessary. However, New Bedford Regional Airport is located in a nonattainment area for 1-hour and 8-hour (1997) Ozone. Therefore, a General Conformity determination must be made.

⁴ Proposed wetland impacts are described herein for context but do not exceed Extraordinary Circumstances thresholds cited in FAA Order 1050.1F

⁵ Federal Aviation Administration (FAA) Air Quality Procedures For Civilian Airports and Air Force Bases, FAA-AEE-97-03 AL/EQ-TR-1996-0017, April 1997.

3.1.1 *General Conformity*

Section 176 (c) of the Clean Air Act requires that any entity of the federal government that engages in, supports, or in any way provides financial support for, licenses or permits, or approves any activity must demonstrate that the action conforms to the area's commitment of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of those standards.

General conformity applies to all actions in nonattainment or maintenance areas not specifically covered by transportation conformity. To determine whether general conformity requirements apply to an action, the agency in charge must consider the nonattainment and maintenance status of the area, the exemptions from and presumptions to conformity, the project's emissions, and the regional significance of the project's emissions. The conformity rule applies only to actions located in nonattainment and maintenance areas.

Some airport improvement actions are considered "exempt actions," or are considered actions "presumed to conform" due to typically low emissions. For all other actions, an estimate of net emissions must be made. If these emissions are below "de minimis" thresholds, then the project is determined to be below significance and a General Conformity determination is made.

The proposed airport actions including reconstruction of terminal parking apron, relocation of Taxiway "B" North, and reconstruction of Runway 14-32 can be considered "presumed to conform", under the list of exemptions presented in (72 Fed. Reg. 145 Section II.2). The rule states that "Airport maintenance, repair, removal, replacement, and installation work that matches the characteristics, size, and function of a facility as it existed before the replacement or repair activity typically qualifies as routine maintenance and repair for purposes of general conformity. Such activity does not increase the capacity of the airport or change the operational environment of the airport." The proposed land swaps associated with the Runway Object Free Area and gravel access road can be considered actions "presumed to conform" and are identified under the list of exemptions (72 Fed. Reg. 145 Section II.4 and 5). Therefore, these proposed actions are "presumed to conform" and are deemed to comply with all requirements of General Conformity. Construction of the obstruction lighting is listed action under "presumed to conform" identified in (72 Fed. Reg. 145 Section III.5- Lighting Systems). The rule states that "...other lighting systems can be installed in less than two weeks; therefore, project construction emissions are well below *de minimus* and presumed to conform."

The *de minimis* levels for General Conformity are published as part of 40 CFR Section 51.853 [93.153]. Since Bristol County is designated as "serious" nonattainment for ozone, the applicable *de minimis* levels are 50 tons per year for VOC and NOx. Since the area is designated to be "in attainment" for the remaining pollutants, there are no applicable *de minimis* thresholds for CO, SO2, PM10, Lead, and NO2 (NOx).

The general conformity threshold emission levels are based on the proposed project's net annual emissions (proposed federal action emission levels minus the no action emission levels), which is the sum of direct (including construction) and indirect emissions. Similar to indirect source requirements, the conformity regulations limit the inclusion of indirect emissions to those that "are caused by the federal action, but may occur later in time and/or may be farther removed in distance from the action itself but are still reasonably foreseeable" and "the federal agency can practicably control and will maintain to control over due to a continuing program responsibility of the Federal agency." 40 C.F.R. Section 51.853 [93.152].

Non-runway pavement projects are "presumed to conform" if they are not intended to increase airport capacity. Most of these projects include apron areas for the purposes of loading passengers or cargo, refueling, or aircraft parking. The FAA has published limits on non-airfield work (in square feet) by which construction emissions would not exceed "*de minimis*" thresholds. This limit is 1,096,929 square feet of area to be presumed to conform to the NOx threshold of 50 tons per year.⁶

3.1.2 Conformity Determination

The proposed Runway Object Free Area action includes 82,000 square feet of grading to create a grassed and maintained surface and the proposed access road includes 25,500 square feet of grading to create a gravel road, the total area for both of these actions are well below the threshold of 1,096,929 square feet. Thus it is assumed (by rule) that emissions of NOx and VOC are below the 50 ton per year "*de minimis*" thresholds; therefore, the proposed actions do not require a conformity determination, and these proposed actions are also presumed to conform with the SIP, provided that the action is not "regionally significant."

If the total of direct and indirect emissions of any pollutant from a federal action represent ten percent or more of a maintenance or non-attainment area's total emissions of that pollutant, the action is considered to be a "regionally significant" activity and conformity rules apply. If an action in a nonattainment area is below the thresholds or presumed to conform and not regionally significant, then the conformity requirements do not apply and no official reporting is required. It is unlikely that an airport or air base action that is presumed to conform would be regionally significant.

Therefore the proposed project is deemed to comply with all requirements of General Conformity.

⁶ "Federal Presumed To Conform Actions Under General Conformity; Final Action," 72 Federal Register 145 (July 30, 2007), pp41565-41580

3.1.3 Construction Period Air Quality

The proposed projects would have a potential, albeit temporary, effect on air quality resulting from construction vehicles and equipment emissions, dust from earth moving operations, and installation of fresh asphalt for the new taxiways, aircraft aprons and narrowing of Runway 14-32. Air quality impacts are minimal due to the relatively short duration of the proposed projects and the limited amount of earth disturbance associated with each project. In addition, air quality impacts are not expected to extend beyond the immediate vicinity of each project area and no impacts are expected following completion of the projects.

The applicable mitigation measures identified in FAA AC 1505370-10, *Standards for Specifying Construction at Airports*, will be followed during the proposed projects. In addition, FAA specifications included in FAA AC 1505370-10, Item P-156 *Temporary Air and Water Pollution, Soil Erosion, and Siltation Controls* will be included in the project contract documents to ensure that construction impacts to air quality are minimized.

To mitigate construction period air quality impacts the proposed measures include:

- ◆ Recommend contractors install an emission control device on each piece of diesel construction equipment to reduce emissions, including a diesel oxidation catalyst or diesel particulate filter;
- ◆ Recommend the use of ultra-low sulfur diesel (“ULSD”) fuel, sulfur content less than 15 parts per million (ppm), in all diesel-fired construction equipment used on these projects; and
- ◆ Prohibit motor vehicle engines from idling more than five minutes, in compliance with the Massachusetts 5-minute idle law (310 CMR 7.11), unless the engine is being used to operate a lift or refrigeration unit.

Construction fugitive dust impacts are generally considered temporary. Measures that will be used to mitigate fugitive dust include:

- ◆ Use water dust suppressant spraying on exposed soils;
- ◆ Cover trucks hauling dust generating materials to and from the Site;
- ◆ Wash wheels and underbodies of construction vehicles prior to departure from the Site; and
- ◆ Routinely clean paved areas to lessen the amount of dust available to be re-suspended.

3.2 Coastal Resources

The proposed actions will not affect coastal resources.

3.3 Compatible Land Use

All of the proposed improvement projects are located on existing Airport property and are consistent with existing aviation uses. Off-site impacts are expected to be *de minimus* and consistent with ongoing activities. The proposed action will not result in community disruption, business relocations, or negative induced socioeconomic impacts.

3.4 Construction Impacts

The proposed actions will have typical impacts during the construction period. Impacts will result from grading, paving, and construction equipment generated noise and exhaust emissions. Land disturbance and soil stockpiling could result in dust emissions. Alterations to wetlands, without mitigation, could affect water quality in the wetland to be crossed.

Potential environmental impacts will be minimized and mitigated to the extent feasible using, among others, the measures listed below:

- ◆ Compliance with a Storm Water Pollution Prevention Plan (“SWPPP”) prepared pursuant to the National Pollutant Discharge Elimination System (“NPDES”) Construction General Permit;
- ◆ Implementation of MassDEP and EPA Best Management Practices for wetlands and groundwater protection including as necessary wetland replication;
- ◆ Equipment maintenance to minimize noise and pollutant emissions;
- ◆ Low sulfur or ultra-low sulfur diesel fuel use by contractors;
- ◆ Designated truck routing;
- ◆ Limit truck idling;
- ◆ Site housekeeping, such as water use for dust suppression and interim stabilization of land surfaces not being worked; and
- ◆ Recycling and waste reclamation where possible.

3.5 Department of Transportation Act: Section 4(f)

The proposed actions will not affect Section 4(f) lands.

3.6 Farmlands

The proposed actions will not affect farmlands.

3.7 Biological Resources (Fish, Wildlife, and Plants)

The proposed actions will not affect federally-listed fish, wildlife, or plants protected by the U.S. Endangered Species Act. Prior due diligence with the NHESP did not identify the presence of NLEB or other federal-listed species on or in the vicinity of Airport property.

With regard to state-listed species, the NHESP has determined that the proposed gravel access road and obstruction lighting project will not result in a Take provided the following condition is met during construction:⁷

Prior to any work, the Applicant shall submit an Eastern Box Turtle Protection Plan for the construction of the gravel access road. Said Protection Plan must be approved in writing by the NHESP prior to the start of Work. The Division is available for consultation on the development of the plan.

The NHESP has similarly indicated to the Airport that the proposed VMP work at the Runway 14 end can be permitted via a simple update to the previously issued Conservation and Management Permit (“CMP”), Permit No. 010-158.DFW.⁸ Work at Runway 14 and 32 was previously approved in the Airport’s existing VMP, conceptual impacts and mitigation were contemplated as part of the CMP referenced above. The CMP establishes conditions and mitigation measures to provide a long-term Net Benefit to the conservation of the state-listed species. Tree clearing will occur within approximately 3.8 acres of uplands, 2.2 acres of wetlands, and 0.73 acres in Priority Habitat. The VMP work at the Runway 32 end is not located in mapped Priority Habitat.

The other project elements are largely located in previously developed areas and are not therefore expected to have an adverse effect on state-listed species or result in a Take.

A Summary of projects and NHESP determinations is presented below in Table3-1.

⁷ See Appendix B, NHESP comment letter to the New Bedford Conservation Commission dated February 10, 2016.

⁸ Personal communication with Mr. David Paulson of the NHESP on February 22, 2016.

Table 3-1 Summary of Potential Impacts to State-Listed Species and/or Habitats

Project	NHESP Review Status	
	No Take or No Review Required	CMP
Reconstruct Terminal Parking Apron	✓	
Relocate Taxiway B North	✓	
Reconstruct Runway 14-32 and Runway Object Free Area	✓	
Runway 14-31 Approach Tree Clearing*		✓
Construct Gravel Access Road	✓	
Obstruction Lighting	✓	

3.8 Floodplains

Based on the FEMA Flood Insurance Rate Maps (“FIRM”), see Figures 2-2 and 2-3, work within FEMA floodplain is associated with; (1) Reconstruction of Terminal A Parking Apron; and (2) Runway 14 Approach Tree Clearing adjacent to Turner Pond.

In addition to the federal Orders protecting floodplain, floodplain is regulated in Massachusetts as a wetland resource area, i.e. Bordering Land Subject to Flooding (“BLSF”), pursuant to the Wetlands Protection Act and the Massachusetts Wetlands Protection Regulations (“Wetland Regulations”) [310 CMKR 10.00 *et seq.*]. Work in BLSF will require approval through the Wetland Regulations, and that approval will condition work in BLSF to prevent the loss of flood storage, avoid any increases in the vertical extent of flooding, and avoid any downstream flooding increases. All of which are consistent with the federal Orders relative to floodplain management.

3.9 Hazardous Materials, Pollution Prevention, and Solid Waste

The regulated sites identified above in Section 2.8 are not within the footprint or immediate vicinity of any of the proposed Projects subject to this EA.

Waste disposal during project construction will be managed separately from normal airport solid waste management operations, and will not generate solid waste during post-construction period, i.e. long-term. The proposed projects are not expected to introduce new sources of hazardous material storage or discharges, and do not require the use of hazardous materials for the long-term.

Construction will require storing, handling and using fuels, oils and other potentially hazardous materials. These materials will be managed per industry standards and applicable federal and state laws to avoid and minimize accidental releases to the environment. A

detailed spill prevention and control plan will be included in the SWPPP. Elements of the plan relative to spill prevention will include, at a minimum, the following mitigation measures:

- ◆ Routine vehicle and equipment maintenance and re-fueling will occur only in designated areas, outside of ecological wetland resource areas and sensitive habitats. At each designated area, spill clean-up equipment will be stored for use in the event of an accidental spill.
- ◆ All fuel, oil, solvents, etc., will be stored in original containers, or in containers manufactured for storing such material and that are clearly labeled with contents.
- ◆ The contractor(s) will immediately clean up any and all spills of fuel, oil, or other potentially hazardous materials. Any and all reportable spills will be reported to the proper authorities (New Bedford Fire Department, New Bedford Board of Health, MassDEP, etc.).
- ◆ The SWPPP will include the contact information for hazardous materials release response including the New Bedford Fire Department, New Bedford Board of Health, and MassDEP.

3.10 Historical, Architectural, Archaeological, and Cultural Resources

The Airport's archaeology consultant, Public Archaeology Lab ("PAL"), conducted an *Intensive (Locational) Archaeological Survey* of the Project area described in this EA and found that the proposed on-airport improvements (including the proposed gravel access road and obstruction lighting) will have no impact on potentially significant archaeological resources and no further archaeological survey is warranted. Similarly, with regard to the VMP tree clearing work, PAL recommended certain Best Management Practices ("BMPs") to be employed by the Airport to avoid effects to any potential archaeological deposits. These BMPs include specialized tree removal techniques and conducting the work when the ground is sufficiently frozen, dry, or otherwise stable to support the equipment being used.

The proposed action does not involve the destruction of a State Register or Inventoried property or any other building facility.

Massachusetts Historical Commission accepted the Survey document and concurred with its findings and recommendations. A copy of Massachusetts Historical Commission is attached (Appendix C). The FAA is consulting with Massachusetts Historical Commission regarding these findings and recommendations and it is expected that the proposed action will result in a no effect determination.

Based on the review by the Massachusetts Historical Commission and surveys conducted by the Airport's archaeological consultant (PAL), the proposed action will not affect historical, architectural, archaeological, or cultural resources.

3.11 Light Emissions and Visual Impacts

There are no special purpose laws for light impacts and visual impacts. The Reconstruction of Runway 14-32, Runway Object Free Area and Approach Tree Clearing projects are unlikely to have significant light emission or visual impacts. No additional mitigation is proposed.

3.12 Natural Resources and Energy Supply

Other than the wetland and biological impacts described on other sections, the proposed actions are not anticipated to impact other natural resources. Energy supply impacts will be limited to FAA required lighting. No additional mitigation is proposed.

3.13 Noise

Noise impacts related to the proposed action will include sounds typical of the operation of runways, taxiways and aprons, including aircraft and motor vehicle engine noise. No increases in operation or aircraft type are anticipated to result from the proposed actions. Construction noise will be generated by construction vehicles and construction equipment performing earth work, paving and delivering construction materials.

Measures to mitigate construction noise are anticipated to include:

- ◆ Requiring all construction equipment to be equipped with exhaust mufflers, and requiring mufflers to be maintained to minimize engine noise;
- ◆ Specifying site construction hours of normal daytime hours 7 AM to 5 PM to avoid early morning, evening, and night time periods to minimize disturbing the adjacent receptors; and
- ◆ Ensuring construction vehicle operators abide by the Massachusetts 5-Minute idle Law.

3.14 Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks

All work is proposed on Airport property to meet FAA requirements, and not to facilitate increased Airport operations or growth; thus impacts to nearby EJ communities and other potential socioeconomic impacts are not expected. The proposed Project will not modify existing Airport uses, therefore, the proposed action will not modify environmental health or safety risks from existing conditions.

3.15 Water Quality

The proposed action is not anticipated to have negative impacts on water quality. Because it will disturb more than one acre of land, it will need to be conducted in accordance with the NPDES Construction General Permit. The proponent will prepare and implement a SWPPP pursuant to the NPDES Construction General Permit to protect the quality of receiving waters during construction. The built conditions will include stormwater best management practices to control the quality and quantity of runoff directed to receiving waters for the long-term.

3.16 Wetlands

The majority of the proposed action will be located more than 100 feet from vegetated wetlands. Unavoidable alteration to vegetated wetlands, regulated as waters of the U.S. and BVW, is proposed for a subset of the proposed projects as summarized in Table 3-2 below, and depicted on Drawings 1-2 through 1-8.

Table 3-2 Summary of Work in Wetlands

Project Element	Wetland Alteration	
	Approximate Wetland Fill (s.f.)	Approximate Wetland Tree Cutting (acres)
Reconstruct Terminal Parking Apron	1,500	0
Relocate Taxiway B North	0	0
Reconstruct Runway 14-32, Runway Object Free Area, and Approach Tree Clearing	4,400	2.2 ⁹
Construct Gravel Access Road	1,170	0
Obstruction Lighting	0	0

3.17.1 Regulatory Standards - Sections 401 and 404 of the U.S. Clean Water Act

All work in vegetated wetlands will require authorization from the U.S. Army Corps of Engineers pursuant to Section 404 of the CWA, and concomitantly from the New Bedford Conservation Commission pursuant to the Massachusetts Wetlands Protection Act. Those approvals will condition work in vegetated wetlands to avoid and minimize vegetated wetland impacts, and also require construction of replacement wetlands to yield no net loss of wetlands. The details of how the proposed projects will comply with all the terms and

⁹ Work at Runway 14 and 32 was previously identified in the Airport's current VMP and approved by the New Bedford Conservation Commission and MassDEP in February 26, 2010 as part of the Variance for the Runway 5-23 Safety Area Improvements Project (MassDEP File Number SE 049-0635).

conditions of the respective programs, and details of the wetland replacement areas will be the subject of the future wetland permits to be secured in accordance with Section 401/404 of the CWA and the Massachusetts Wetlands Protection Act.

Because of the proposed action's limited wetland impact, it will not require an Individual Permit from the U.S. Army Corps of Engineers. Instead, it will be eligible for review and approval through the Corps' General Permits for Massachusetts. The proposed actions are designed to comply with the terms and conditions of the General Permits.

3.17.2 Mitigation Measures

3.17.2.1 Erosion Control Measures

An erosion and sedimentation control program will minimize the risk of impacts to wetland resource areas during construction. The program will incorporate Best Management Practices specified in guidelines developed by the MassDEP and the EPA and will comply with the requirements of the NPDES 2012 Construction General Permit. These measures will include the installation of temporary erosion and sediment controls and construction sequencing. Areas of exposed soil will be kept to a minimum, and a permanent vegetative cover will be established as soon as practicable after final grading. The following erosion and sedimentation control devices will be implemented to prevent erosion both during and after construction.

- ◆ An erosion control barrier, consisting of trenched silt fence and staked hay bales, or mulch tube will be installed along the entire limit of work.
- ◆ Gravel construction entrance aprons will be located at construct entrances to public streets to prevent the tracking of sediment on vehicle tires from transport onto adjacent streets. The roadway will be inspected frequently and cleaned of sediment as necessary by the site contractor.
- ◆ During construction, exposed will be stabilized upon completion of grading with loam, hydro-seeding, and erosion control blankets or mulch and tackifier as deemed necessary by the design Engineer.
- ◆ Catch basin inlet protection will be installed in all existing catch basins that will receive runoff from the construction zone. Catch basin inlet protection will be maintained throughout the duration of construction to prevent silt from entering the drainage system.

3.17.2.2 De-Watering Measures

Should the need for de-watering arise, groundwater will likely be pumped directly into temporary settling basins located in upland areas. These basins will act as sediment traps during construction. Alternatively, groundwater to be pumped into a filter bag or frac tank.

Groundwater discharge points will be located at least 100 feet from the BVW edge and will be monitored by qualified personnel. Using these practices, suspended and settleable solids that would impair the functions of the BVW will be removed from discharges.

3.17.2.3 Soil and Construction Material Stockpile Locations

There will be no storage of soil, gravel, or construction debris within wetland resource areas. Solid waste generation during the construction period will primarily consist of construction debris. The debris will include scrap lumber (e.g. pallets and other shipping containers), waste packaging materials (plastic sheeting, cardboard), scrap cable and wire, and scrap pipe. These materials will typically be placed in large roll-off containers (or dumpsters) and removed by a contract hauler. The roll-off containers will be covered with secured tarps before the hauler exits the site.

3.17 Wild and Scenic Rivers

The proposed projects will not affect Wild and Scenic Rivers.

4.0 AGENCIES, ORGANIZATIONS AND PERSONS CONSULTED

Federal Aviation Administration, Richard Doucette (Environmental Program Manager);

Massachusetts Department of Transportation – Aeronautics Division, Nathan Rawding (Environmental Analyst III);

New Bedford Regional Airport, Erick D’Leon, Airport Manager;

United States Fish and Wildlife Service, protected species database;

Massachusetts Natural Heritage and Endangered Species Program, Natural Heritage Atlas and David Paulson (Endangered Species Review Biologist);

MassGIS [Massachusetts Geographic Information System];

Massachusetts State Historic Preservation Officer;

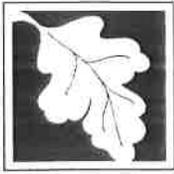
Tribal Historic Preservation Officer(s); and

New Bedford Conservation Commission Agent, Ms. Sarah Porter.

APPENDIX A

ORDER OF CONDITIONS

(Gravel Access Road and Obstruction Lighting)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 49-0729
 MassDEP File #
 eDEP Transaction #
New Bedford
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Bristol
- | | |
|---|--|
| a. County | b. Certificate Number (if registered land) |
| 1012; 930; 1152; 1057; 1528; 1294; 1157 | 22; 214; 182; 418; 266; 564; 424 |
| c. Book | d. Page |
7. Dates: 1/7/2016 3/1/2016 3/18/2016
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 See Attached List of Approved Plans
- a. Plan Title
- b. Prepared By
- c. Signed and Stamped by
- d. Final Revision Date
- e. Scale
- f. Additional Plan or Document Title
- g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- | | | |
|---|--|---|
| a. <input type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 49-0729
 MassDEP File # _____

eDEP Transaction # _____
 New Bedford
 City/Town

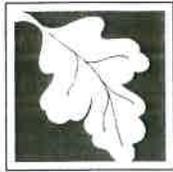
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	1,175 s.f. a. square feet _____	1,175 s.f. b. square feet _____	1,790 s.f. c. square feet _____	1,790 s.f. d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____ e. c/y dredged _____	b. square feet _____ f. c/y dredged _____	c. square feet _____	d. square feet _____
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
Cubic Feet Flood Storage	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
Cubic Feet Flood Storage	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet _____	b. total sq. feet _____		
Sq ft within 100 ft	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
Sq ft between 100-200 ft	g. square feet _____	h. square feet _____	i. square feet _____	j. square feet _____



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Bureau of Resource Protection - Wetlands**

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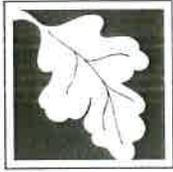
New Bedford

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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 3/18/2019 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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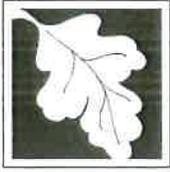
New Bedford

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number SE49-0729 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

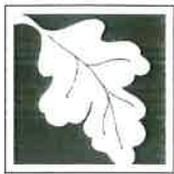
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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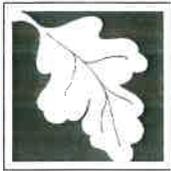
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):
See attached Special Conditions 21 through 58

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The New Bedford Conservation Commission hereby finds (check one that applies):

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Wetlands Ordinance _____ Sec. 15-101
 1. Municipal Ordinance or Bylaw _____ thru 15-112

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):
 MADEP General Conditions 1 through 20 are Special Conditions under the local Wetlands Ordinance. In addition see attached Special Conditions 21 through 58.



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

3/18/16
 1. Date of Issuance

Please indicate the number of members who will sign this form.

4
 2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Handwritten signatures on lines]

by hand delivery on _____

by certified mail, return receipt requested, on _____

Date

Date 3/18/16

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

List of Property Owners
SE49-0729

Applicant: Erick D'Leon, Airport Manager-New Bedford Regional Airport
1569 Airport Road, New Bedford, MA 02740

City of New Bedford Airport Commission: Map 123-Lot 3, Map 124-Lots 28 & 82, Map 125-Lot 22,
131 William Street
New Bedford, MA 02740
Map 128-Lot 32

Sheila M. Callaghan c/o the City of New Bedford: Map 124-Lot 14
133 William Street
New Bedford, MA 02740

Avahath Achim Congregation, Inc
145 Brownell Ave.
New Bedford, MA 02740
Map 124-Lot 113

**CITY OF NEW BEDFORD
MASSACHUSETTS****CONSERVATION COMMISSION****133 WILLIAM STREET, ROOM 304****NEW BEDFORD, MA 02740****Tel: (508) 991-6188; Fax: (508) 961-3045; TYY: (508) 979-1661****List of Approved Plans****SE49-0729****Applicant: Erick D'Leon, Airport Manager – New Bedford Regional Airport****1469 Airport Road, New Bedford, MA 02746****Map 123 Lot 3, Map 124 Lots 14, 28, 82 & 113, Map 125 Lot 22, Map 128, Lot 32****All plans were prepared Airport Solutions Group and stamped by Craig A Schuster, P.E.**

Drawing No.:	Date	Scale
G1.1	1/4/2016	Not To Scale
G1.2	1/4/2016	Not To Scale
G1.3	1/4/2016	Not To Scale
G1.4	1/4/2016	1"=300'
C1.1	Revised Dated 1/14/2016	1" = 40'
C2.1	Revised Dated 1/14/2016	1" = 40'
C3.1	1/4/2016	Not to Scale
C4.1	1/4/2016	Not to Scale
L1.1	Revised Dated 1/18/2016	1"=60'
W1.1	Revised Dated 1/20/2016	Various



**CITY OF NEW BEDFORD
MASSACHUSETTS**

CONSERVATION COMMISSION

133 WILLIAM STREET, ROOM 304

NEW BEDFORD, MA 02740

Tel: (508) 991-6188; Fax: (508) 961-3045; TTY: (508) 979-1661

ORDER OF CONDITIONS

SPECIAL CONDITIONS

SE49-0729

Applicant: Erick D'Leon, Airport Manager – New Bedford Regional Airport

1469 Airport Road, New Bedford, MA 02746

Map 123 Lot 3, Map 124 Lots 14, 28, 82 & 113, Map 125 Lot 22, Map 128, Lot 32

21. No activity shall occur prior to obtaining all necessary and required permits, licenses, and approvals; and until copies of the same have been furnished to the Conservation Commission.
22. Any design modifications, alterations, amendments, or additions shall be subject to the approval of the New Bedford Conservation Commission. Requests for any changes shall be made in writing and shall be accompanied by a revised plan.
23. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
24. Contours shall remain unchanged except as permitted by this Order of Conditions.
25. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
26. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
27. All wetland areas not to be altered shall be kept clear of rubbish, debris, and construction material.
28. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.
29. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
30. No runoff shall be caused to drain on to adjoining property or on any public ways.
31. All excess material shall be removed from the site.

32. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.
33. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
34. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act and Regulations 310 CMR 10.00 et seq.
35. Certain conditions, such as maintenance or monitoring are on-going and are not to expire at the end of three years or with the issuance of a Certificate of Compliance.
36. This Order of Conditions shall apply to any successor in interest or successor in control.
37. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
38. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is subject to this Order of Conditions, and procure all required permits or approvals before work commences. These reviews, permits and approvals may include but are not limited to:
 - The Army Corps of Engineers
 - The MA Department of Environmental Protection
 - The MA Natural Heritage and Endangered Species program
 - Review by local Planning Boards, Zoning Boards, Board of Health and Building Department
39. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
40. Any fill and/or construction materials shall be placed in upland areas.
41. All fill material shall be clean material and not contain materials such as asphalt, brick or concrete.
42. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. Silt fence and hay bales shall be trenched into the ground. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.

43. In accordance with Condition number fourteen (14), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.
44. Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, and the Conservation Commission Agent to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
45. All erosion control barriers shall be constructed of snow fencing, silt fencing, staked hay bales, and/or wattles and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent.
46. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
47. Wetland flagging is to remain in place until the project has been completed and a Certificate of Compliance issued.
48. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
49. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
50. All wetland flags shown on the approved plans which are within 100' of the proposed work, shall be re-established in the field via survey prior to any other work commencing on site.
51. The erosion controls shall be established in the field following re-establishment of the wetland flags and prior to any other work commencing on site. The Conservation Agent shall then be contacted to inspect the flagged wetland boundary and the erosion control boundary prior to any other work commencing on site.
52. If underground trenching for conduit installation is proposed adjacent to Wetland K, erosion controls shall be placed at the limit of work for the trenching and inspected by the Conservation Agent prior to trenching.
53. In as much as practicable, this Order of Conditions requires that the construction of the wetland replication area be completed prior to the filling of the Bordering Vegetated Wetland. Complete is defined as all activities leading up to and including, the wetland plantings, the submission of the certification of the final elevations of the wetland replication area and the verification of the seasonal high groundwater elevation.
54. The resume of the Applicant's Wetland Professional who shall oversee the

construction of the wetland replication area, is to be submitted to the Conservation Commission, or its designated agent, for acceptance two weeks prior to initiation of replication activities

55. The final elevations of the excavated wetland replication area shall be shown on an as-built plan and Stamped by a Massachusetts Professional Land Surveyor. A copy of the stamped as-built shall be provided to the New Bedford Conservation Commission for acceptance prior to the planting of the wetland replication area.
56. The seasonal high groundwater table in the wetland replication area shall be verified by a Certified Soil Scientist or Professional Civil Engineer prior to planting. A stamped plan showing the elevation of the seasonal high groundwater table shall be provided along with verification that it will support the proposed wetland plantings.
57. In compliance with 310 CMR 10.55 (4), the wetland scientist shall submit monitoring reports documenting the success of the wetland replication areas. These reports will document the establishment of at least 75% coverage of indigenous wetland plants within the replication areas. These reports will be provided at the end of construction and once a year (on July 31st) for two years. The Conservation Commission reserves the right to request additional seeding or planting to guarantee the success of the replication areas. Proposed shrub & tree plantings that die during this time period shall be replaced. The reports shall also document the presence of invasive species within the replication area and recommend control methods.
58. If dewatering is required for the construction of the replication area, a dewatering plan is to be submitted to the Conservation Commission, or its designated Agent, for acceptance prior to commencement of dewatering.

32. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.
33. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
34. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act and Regulations 310 CMR 10.00 et seq.
35. Certain conditions, such as maintenance or monitoring are on-going and are not to expire at the end of three years or with the issuance of a Certificate of Compliance.
36. This Order of Conditions shall apply to any successor in interest or successor in control.
37. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
38. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is subject to this Order of Conditions, and procure all required permits or approvals before work commences. These reviews, permits and approvals may include but are not limited to:
 - The Army Corps of Engineers
 - The MA Department of Environmental Protection
 - The MA Natural Heritage and Endangered Species program
 - Review by local Planning Boards, Zoning Boards, Board of Health and Building Department
39. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
40. Any fill and/or construction materials shall be placed in upland areas.
41. All fill material shall be clean material and not contain materials such as asphalt, brick or concrete.
42. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. Silt fence and hay bales shall be trenched into the ground. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.

43. In accordance with Condition number fourteen (14), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.
44. Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, and the Conservation Commission Agent to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
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construction of the wetland replication area, is to be submitted to the Conservation Commission, or its designated agent, for acceptance two weeks prior to initiation of replication activities

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58. If dewatering is required for the construction of the replication area, a dewatering plan is to be submitted to the Conservation Commission, or its designated Agent, for acceptance prior to commencement of dewatering.

APPENDIX B

NHESP CORRESPONDENCE

(Gravel Access Road and Obstruction Lighting)



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

February 10, 2016

New Bedford Conservation Commission
Room 304
133 William Street
New Bedford MA 02744

Erick D'Leon
New Bedford Regional Airport
1569 Airport Road
New Bedford, MA 02746

RE: Applicant: Erick D'Leon, Airport Manager
 Project Location: 1569 Airport Road
 Project Description: Gravel Access Road and Obstruction Lighting
 DEP Wetlands File No.: 049-0729
 NHESP File No.: 16-35217

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans entitled "CONSTRUCT GRAVEL ACCESS ROAD AND CONSTRUCT OBSTRUCTION LIGHTS NOI PERMIT DRAWINGS" (dated January 2016) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **must be conditioned to avoid a prohibited "take"** of state-listed rare species. Therefore, in order to avoid a prohibited "take" of state-listed species, the following conditions must be met:

www.mass.gov/nhesp

Division of Fisheries and Wildlife

Temporary Correspondence: 100 Hartwell Street, Suite 230, West Boylston, MA 01583

Permanent: Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

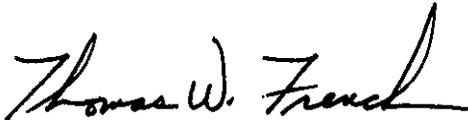
An Agency of the Department of Fish and Game

- Prior to any work, the Applicant shall submit an Eastern Box Turtle Protection Plan for the construction of the gravel access road. Said Protection Plan must be approved in writing by the NHESP prior to the start of Work. The Division is available for consultation on the development of the plan.

Provided the above-noted condition is implemented and there are no changes to the project plans, this project will not result in a "take" of state-listed species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the NHESP pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact David J. Paulson, Endangered Species Review Biologist, at (508) 389-6366 or david.paulson@state.ma.us.

Sincerely,

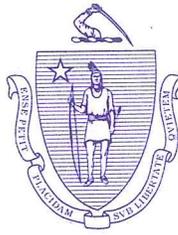
A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive, flowing style.

Thomas W. French, Ph.D.
Assistant Director

cc: MA DEP Southeast Region
Amanda Atwell, Epsilon Associates Inc.

APPENDIX C

MASSACHUSETTS HISTORICAL COMMISSION CORRESPONDENCE



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

March 7, 2016

Deborah C. Cox
President
PAL
26 Main Street
Pawtucket RI 02860

Attn. Peter Mair

RE: New Bedford Regional Airport Five-Year Improvement Program, including: Vegetation Management Areas at End of Runway 14 ("VMA -1") and End of Runway 32 ("VMA-2"); Access Road & Related Wetland Impact Mitigation Between Old Plainville Road and New Plainville Road in Vicinity of End of Runway 14; Reconstruction / Repaving of Runway 14/32 & Taxiway C; Safety Area Extension Work (Regrading/Clearing) Off Old Plainville Road in Vicinity of End of Runway 14; Reconstruction / Upgrades to Airport Parking Ramps and Aprons & Related Wetlands Impact Mitigation; Reconstruction / Repaving of Existing Taxiway B; New Bedford, MA. MHC #RC.14896. PAL #3128.01.

Dear Deborah:

Staff of the Massachusetts Historical Commission (MHC), office of the State Historic Preservation Officer, have reviewed the draft report, Intensive (Locational) Archaeological Survey, New Bedford Regional Airport 5-Year Short-Term Improvements Program, New Bedford, Massachusetts.

Please revise Figure 1-2 to clearly show and label the locations and boundaries of the survey areas.

Please provide the MHC with: (1) a revised Figure 1-2 punched to insert into the copy of the draft report; (2) one copy of the revised report with the revised Figure 1-2; and, (3) a CD that includes the report author, date, title, page count, and an archaeological abstract.

These comments are offered to assist in compliance with 950 CMR 70. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward L. Bell".

Edward L. Bell
Deputy State Historic Preservation Officer
Senior Archaeologist
Massachusetts Historical Commission