



#4509/New Bedford Permitting

**PRINCIPALS**

January 25, 2019

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**Subject: Request for Extension Variance Order of Conditions (DEP File No. 049-0635) and 401 Water Quality Certification (X230347) for the New Bedford Regional Airport Runway 5-23 Safety Improvements Project; New Bedford**

Dear Ms. Rhodes:

On February 26, 2010 the Massachusetts Department of Environmental Protection issued a Wetland Variance Decision and Water Quality Certification Variance Decision for the New Bedford Regional Airport Runway 5-23 Safety Areas and Associated Improvements, New Bedford, Massachusetts under the above referenced file numbers. The Variance and Water Quality Certification remains valid until February 26, 2019.<sup>1</sup> An amended Variance Order (SE 015-2193) and Amended Water Quality Certificate was granted on May 31, 2013 for the same Project which included vegetation removal work in Dartmouth, MA.

While construction has been completed, mitigation measures have been constructed and the project disturbances have been stabilized completely, the Applicant is responsible for one additional year of mitigation monitoring for a portion of the Project. As you may recall, the Project was phased for monetary and construction purposes. The project commenced in November 2010 and was completed by

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<sup>1</sup> 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. With limited exceptions, the Act automatically extended, for four years beyond its otherwise applicable expiration date, any permit or approval that was "in effect or existence" during the qualifying period beginning on August 15, 2008 and extending through August 15, 2012.

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October 2014. A description of the work conducted over this approximately 4 year period is provided below.

Phase 1 involved obstruction removal activities (i.e., vegetation clearing) near Runway 5-23. Approximately 200 acres of trees were removed from forested wetlands and upland environments between November 2010 and March 2011.

Phase 2 of the project involved construction of approximately 19 acres of new freshwater wetlands (Sites 5, 6 and 10), compensatory flood storage, new vernal pool habitat, eastern box turtle habitat management areas (~7 acres), relocation of the West Ditch, restoration plantings along the banks of the Paskamansett River and wetland fill activities for the proposed Runway 5 safety area. This phase also included approximately 2 acres of obstruction removal (i.e., vegetation clearing) that was not completed under Phase 1. This phase began during the fall of 2011 and was substantially complete by early December 2012.

Phase 3 overlaps the Phase 2 wetlands and rare species mitigation work and commenced in October 2012. This phase included work associated with runway construction, utility connections, stormwater management, and the installation of a wildlife exclusion fence around the end of the Runway 5 safety area. Construction was substantially completed in August 2013.

Phase 4 commenced in April 2014. This final phase included work associated with the reconstruction of Runway 23 and upgrades to the Airport's existing stormwater management system. This phase also included vegetation clearing work on approximately 37.5 acres of Airport-owned land in the Town of Dartmouth and the creation of 0.23 acre wetlands mitigation for approximately 0.11 acre wetlands filled by the constructed Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights ("MALSR") light stations. Construction was substantially completed in October 2014.

In accordance with SE 015-2193 Special Condition 26, New Bedford Airport has completed four of the five monitoring years by the end of 2018 in the Dartmouth obstruction removal area. Vegetation removal in Dartmouth proceeded once the land was acquired and the amended Variance Order was issued prior to Phase 4 of the Project, completed in 2014. As such, survey and reporting for year five will be completed by the end of 2019.

Additionally, a fourth wetland replication area was created in 2014 to account for fill as a result of construction within the MALSR light stations. These monitoring requirements are identified within SE 049-0635 Special Conditions 30, 31, 32, 33 and 34. The Airport has completed four of the five monitoring years for the MALSR site by the end of 2018. Survey and reporting for year five will also be completed by the end of 2019.

On behalf of the Airport, we respectfully request an extension of the Variance and Water Quality Certification of two years from the current permit expiration date of February 26, 2019 in order to meet remaining administrative requirements associated with post-construction monitoring Special Conditions and apply for a Certificate of Compliance. If you have any questions regarding this request please contact me at 978-461-6227 or via email at [aatwell@epsilonassociates.com](mailto:aatwell@epsilonassociates.com)

Sincerely,  
EPSILON ASSOCIATES, INC.



Amanda Atwell, CPSS, CESWWI  
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Encl.

CC: Scot Servis, New Bedford Regional Airport  
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