

ATTACHMENT A

RESPONSES TO COMMENTS ON THE FEIS

The FAA received five comment letters with a total of 34 new substantive comments on the FEIS. Comment letters were received from USACE, USEPA, RIHPHC, the Warwick Historical Cemetery Commission, and the City of Warwick. FAA carefully considered each of the comments. The comment letters and summaries of the comments and FAA's responses are provided below.

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

August 17, 2011

Regulatory Division
CENAE-R-PEB
Permit Number: NAE-2002-1925

Richard Doucette
Federal Aviation Administration
12 New England Executive Park
Burlington, MA 01803

Dear Mr. Doucette:

We have reviewed the Federal Aviation Administration's (FAA) Final Environmental Impact Statement (FEIS) for the T.F. Green Airport Improvement Project located in Warwick, Rhode Island proposed by the Rhode Island Airport Corporation. We previously commented on the Draft Environmental Impact Statement (DEIS) in a letter dated October 18, 2010.

We appreciate the time and effort the FAA and its consulting team has spent during the multi-year evaluation process. You have invited agency and public input and comment on a wide range of project issues.

Through this continuing review, several modifications to reduce impacts have been accomplished. Impacts to wetlands under Alternative B4 have been minimized to 5.0 acres and approximately 840 linear feet of waterways. Can these wetlands and waterways impacts be further minimized? Is the final mitigation package for replacing or otherwise mitigating the lost functions and values of the 5.0 acres of wetlands complete? My Regulatory Division staff would like to meet with you and the FAA's consultants to review this plan when it is ready.

1-1

Again, we appreciate the opportunity to review this project and look forward to continued close coordination. Please contact Michael Elliott of my staff at (978) 318-8131 if you have any questions.

Sincerely,

Robert J. DeSista
Chief, Permits & Enforcement Branch
Regulatory Division

Letter 1: U.S. Army Corps of Engineers

Comment 1-1

Through this continuing review, several modifications to reduce impacts have been accomplished. Impacts to wetlands under Alternative B4 have been minimized to 5.0 acres and approximately 840 linear feet of waterways. Can these wetlands and waterways impacts be further minimized? Is the final mitigation package for replacing or otherwise mitigating the lost functions and values of the 5.0 acres of wetlands complete? My Regulatory Division staff would like to meet with you and the FAA's consultants to review this plan when it is ready.

Response

As the Project design is further refined through the final design process, RIAC will continue to work with USACE through the Clean Water Act Section 404 permit process to attempt to further minimize impacts to wetlands and waterways and finalize the mitigation package.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100

BOSTON, MA 02109-3912

August 2, 2011

Richard Doucette
Federal Aviation Administration, New England Regional Office
12 New England Executive Park
Burlington, MA 01803

Re: Final Environmental Impact Statement for the T.F. Green Airport Improvement Program, Rhode Island (CEQ#20110213)

Dear Mr. Doucette:

The Environmental Protection Agency-New England Region (EPA) has reviewed the Federal Aviation Administration's (FAA) Final Environmental Impact Statement (FEIS) for safety and efficiency improvements at the T.F. Green Airport in Warwick, Rhode Island. This letter provides our comments on the FEIS in accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

2-1 EPA's comments on the DEIS requested that the FAA address deficiencies and concerns related to wetland impacts and mitigation, water and air quality impacts, and environmental justice. While we have no further comment on the FEIS regarding those issues, we anticipate continued involvement with the project through the Corps of Engineers' Clean Water Act Section 404 process.

We appreciate the time the FAA and its consulting team spent throughout the NEPA process inviting agency and public input and discussion on a range of project issues. Thank you for the opportunity to comment on the FEIS. Please contact Timothy Timmermann (617-918-1025) of EPA's Office of Environmental Review with any comments or questions.

Sincerely,

H. Curtis Spalding
Regional Administrator

Letter 2: U.S. Environmental Protection Agency

Comment 2-1

EPA's comments on the DEIS requested that the FAA address deficiencies and concerns related to wetland impacts and mitigation, water and air quality impacts, and environmental justice. While we have no further comment on the FEIS regarding those issues, we anticipate continued involvement with the project through the Corps of Engineers' Clean Water Act Section 404 process.

Response

Thank you for your comment. FAA and RIAC will continue to involve EPA through the Clean Water Act Section 404 permit process.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HISTORICAL PRESERVATION & HERITAGE COMMISSION

Old State House • 150 Benefit Street • Providence, R.I. 02903-1209

TEL (401) 222-2678 FAX (401) 222-2968
TTY (401) 222-3700 Website www.preservation.ri.gov

25 August 2011

Mr. Richard Doucette
Environmental Program Manager
Federal Aviation Administration
New England Region
12 New England Executive Park
Burlington, MA 01803-5299

Re: Final Environmental Impact Statement/Final 4(f) Evaluation
T.F. Green Airport Improvement Program
Warwick, Rhode Island

[This letter is a revision of a letter dated 27 July 2011]

Dear Mr. Doucette:

The Rhode Island Historical Preservation and Heritage Commission staff has reviewed the Final Environmental Impact Statement/ Final 4(f) Evaluation (FEIS) for the T.F. Green Airport Improvement Program. The FEIS identifies three alternatives: No Action; B2; and B4. B4 is identified as the Preferred Alternative. We have evaluated the FEIS with regard to its identification of historic and archaeological resources within the areas of potential effect, the assessment of potential direct and indirect impacts presented by the three alternatives and the proposed mitigation for those effects.

Identification of Historic and Archaeological Resources

3-1 | It is our conclusion that the FEIS adequately identifies the known historic and archaeological resources with the Area of Potential Effect for direct impacts for these three alternatives (APE)

The historic architectural resources that have been identified in the APE for direct impacts include the Rhode Island State Airport Terminal, which is listed on the National Register of Historic Places, as well as Hangar No. 1 and Hangar No. 2. All three buildings and the associated airfield setting are contributing resources in the Hillsgrove State Airport Historic District which the FAA and RIHP&HC have determined to be eligible for the National Register by consensus.

3-2 | The archaeological resources include one archaeological site, RI -2416 (Double L Site) in the APE for direct impacts for Alternative B2. Further Phase II is still needed to determine whether this site is eligible for the National Register of Historic Places. In addition, the corridor of the Fully Relocated Airport Road is in an area of high to moderate archaeological sensitivity, but no archaeological survey work has been done due to a lack of owner permission. We note that the FEIS in ES4.9.1 et seq. should reference that there are potentially other areas that would require

assessment for cultural resources due to the need for wetland mitigation measures under Alternatives B2 and B4.

There are four historic cemeteries identified within the APE for direct impacts for these alternatives - Warwick Historic Cemetery (WHC) 26, 76, 77, and 78. The protection of historic cemeteries is under Rhode General Law 23-18-1 et seq. and the reference in ES 4.9 should be corrected accordingly. In ES 4.9.1, ES 4.9.3, Chapter 4.7.2.4 and Chapter 5.8.2.1, the statement that the boundaries of WHC 26 or the other three cemeteries have been confirmed is not correct. As referenced in our June 16, 2011 letter to you, further work is needed to confirm the limits of all four of these cemeteries.

Evaluation of Impacts to Historic and Archaeological Resources

It is our conclusion that there would be no effect to the identified historic and archaeological resources under the No Action Alternative. We also concur that there will be no significant impacts to historic and archaeological resources in the APE for indirect impacts for Alternatives B2 and B4. Alternatives B2 and B4 would have adverse effects in the APE for direct impacts as follows.

We concur with the FEIS finding that both Alternatives B2 and B4 would have an adverse effect on the Hillsgrove State Airport Historic District through the demolition of Hangar No. 1 and modifications to runways and taxiways at the northern end of the airfield. Both alternatives would also adversely affect the setting of the Terminal and Hangar No. 2. Under Alternative B2, the proposed Fully Relocated Airport Road would have a visual impact on the Rhode Island State Airport Terminal (Operations Building), Hangar No. 2, and the proposed Historic District. The relocation would limit the public's view of the historic setting, resulting in an adverse effect because of the alteration of the historic setting. Alternative B4 would have a direct impact on the landscaping of the Rhode Island State Airport Terminal resulting in an adverse effect to this property. In addition, the split Integrated Cargo Facility would alter the historic setting and block the public view and access to the Terminal from Airport Road.

With regard to archaeological resources, Alternative B4 will have no effect on any known resources, though any potential wetland mitigation areas would need to be evaluated to determine if supplemental cultural resource investigations might be warranted. Alternative B2 has the potential to affect significant sites, including the Double L site, and any such sites that might be within in the relocated Airport Road corridor or potential wetland mitigation areas. A determination of effect for these unsurveyed locations cannot be made until additional archaeology is completed.

One historical cemetery may be affected by Alternative B2, WHC 26. Four historical cemeteries may be affected by Alternative B4, WHC 26, WHC 76, WHC 77 and WHC 78. All four

3-6 | cemeteries require machine-assisted archaeological boundary delineations to determine whether unmarked graves may be present, as referenced in our June 17, 2011 letter to you. Chapter 4.7.2.4 should be corrected accordingly.

Proposed Mitigation for Historic and Archaeological Resource Impacts

3-7 | The FEIS identifies the need to develop mitigation for impacts to resources that cannot be avoided. The development of mitigation measures would need to be undertaken with the input of the consulting parties and other interested parties, including the City of Warwick.

3-8 | With regard to the impacts to the Hillsgrove State Airport Historic District, we agree that archival documentation of Hangar 1 and the other affected areas in the historic district would be appropriate. The Historic American Buildings Survey/Historic American Engineering Record should be consulted to determine if Hangar No. 1 and the district are appropriate subjects for their archives; otherwise, the Rhode Island Historic Resources Archive would be the repository. Hangar No. 1 should also be assessed to determine whether the salvage of significant architectural fabric could provide additional mitigation. The development of a long-term commitment to preservation of the remaining resources in the historic district and public interpretation of the historic district through an exhibit and/or electronic format are also suitable mitigation measures. It would also be appropriate to investigate mitigation measures that would address the loss of public view and access to the Terminal, potentially through a program for public access.

3-9 | With regard to archaeological resources, we concur that if significant archaeological resources are found following Phase I/II investigations within potential wetland mitigation areas (Alts B2 and B4), the relocated Airport Road corridor (Alt. B2) or at the Double L site (Alt. B2), and avoidance is not feasible, the FAA will need to consult further with the Rhode Island Historical Preservation and Heritage Commission (RIHP&HC) and Narragansett Indian Tribe Historic Preservation Office (NITHPO) to determine how to address the potential impacts. A data recovery program is one possible measure that could mitigate the adverse effect. Similarly, in the event that unanticipated and potentially significant archaeological sites are encountered during construction, FAA will need to consult further with RIHP&HC, NITHPO, and the Advisory Council on Historic Preservation (ACHP) on appropriate measures to address potential impacts.

3-10 | With regard to historic cemeteries, following archaeological boundary definitions for the four cemeteries to better characterize potential impacts, we concur that all measures dealing with potential impacts to cemeteries must be developed in consultation with the City of Warwick. Should there be impacts that need to be mitigated, the possible mitigation measures that are mentioned include laying headstones flat or relocating the cemetery. Another measure that should be included for consideration is creating a memorial outside of the area of impact.

In summary, it is our conclusion that with the addition of the information on the need for wetland mitigation archeology and the corrections to the discussion of cemeteries referenced above, the FEIS will provide a thorough and accurate statement on the TF Green Airport Improvement Program's identification, evaluation and mitigation of impacts to historic and cultural resources. These comments are provided in accordance with Section 106 of the National Historic Preservation Act. If you have any questions, please contact Jeffrey Emidy, Project Review Coordinator of this office.

Very truly yours,



Edward F. Sanderson

Executive Director

State Historic Preservation Officer

Cc: Susan Nichols, VHB
John Brown, NITHPO
Mark Carruolo, Warwick Director of Planning
Robert Kunz, Warwick Historic District Commission Chair

Letter 3: Rhode Island Historical and Preservation and Heritage Commission

Comment 3-1

It is our conclusion that the FEIS adequately identifies the known historic and archaeological resources with the Area of Potential Effect for direct impacts for these alternatives (APE).

Response

FAA, RIAC, and RISHPO have executed a Memorandum of Agreement (MOA) to mitigate project impacts, as required under the National Historic Preservation Act. The MOA can be found in Attachment B to this ROD.

Comment 3-2

The archaeological resources include one archaeological site, RI-2416 (Double L Site) in the Area of Potential Effect (APE) for direct impacts for Alternative B2. Further Phase II is still needed to determine whether this site is eligible for the National Register of Historic Places. In addition, the corridor of the Fully Relocated Airport Road is in the area of high to moderate archaeological sensitivity, but no archaeological survey work has been done due to a lack of owner permission. We note that the FEIS in ES 4.9.1 *et seq.* should reference that there are potentially other areas that would require assessment for cultural resources due to the need for wetland mitigation measures under Alternatives B2 and B4.

Response

FAA and RIAC committed to additional Phase II site examination of the Double L site (RI 2416) and Phase I(c) archaeological survey of Fully Relocated Airport Road if Alternative B2 were selected as the Preferred Alternative. Alternative B4 has been selected as the Preferred Alternative, therefore, impacts to the Double L Site will be avoided and Fully Relocated Airport Road is not a component of Alternative B4. Therefore, additional archaeological investigations of these two elements is not warranted. Section 10.6.1 and Table 10-1 of the ROD require RIAC to conduct archaeological investigations in areas of proposed direct impacts that have not previously been surveyed and specifically mention the wetland mitigation areas. Stipulation V of the MOA includes the same requirement. The MOA can be found in Attachment B to this ROD.

Comment 3-3

In ES 4.9.1, ES 4.9.3, Chapter 4.7.2.4 and Chapter 5.8.2.1, the statement that the boundaries of the WHC 26 or the other three cemeteries have been confirmed is not correct. As referenced in our June 16, 2011 letter to you, further work is needed to confirm the limits of all four of these cemeteries.

Response

We acknowledge that the exact boundaries of the historical cemeteries have not been fully defined. This has been corrected in the ROD and noted in the errata sheet to the FEIS. Three of

the four cemeteries that may be impacted under Alternative B4 are located on private property. The only cemetery which will likely be impacted by airport construction is WHC 26. Prior to any disturbance in the area around the cemeteries, additional investigations will be undertaken to determine the boundaries in consultation with the Cemetery Commission, as required by Warwick ordinance and specifically committed to in Stipulation VI of the MOA among FAA, RIAC, and the Rhode Island State Historic Preservation Office. The MOA can be found in Attachment B to this ROD.

Comment 3-4

It is our conclusion that there would be no effects to the identified historic and archaeological resources under the No Action Alternative. We also concur that there will be no significant impacts to historic and archaeological resources in the APE for indirect impacts for Alternatives B2 and B4. Alternatives B2 and B4 would have adverse effects in the APE for direct impacts as follows.

Response

Comment noted.

Comment 3-5

With regard to archaeological resources, Alternative B4 will not affect any known resources, though any potential wetland mitigation areas would need to be evaluated to determine if supplemental cultural resource investigations might be warranted. Alternative B2 has the potential to affect significant sites, including the Double L site, and any such sites that might be within in the relocated Airport Road corridor or potential wetland mitigation areas. A determination of effect for these un-surveyed locations cannot be made until additional archaeology is completed.

Response

Alternative B4 has been selected as the Preferred Alternative, therefore, impacts to the Double L Site will be avoided and Fully Relocated Airport Road is not a component of Alternative B4. Therefore, additional archaeological investigations of these two elements is not warranted. Section 10.6.1 and Table 10-1 of the ROD require RIAC to conduct archaeological investigations in areas of proposed direct impacts that have not previously been surveyed and specifically mention the wetland mitigation areas. Stipulation V of the MOA includes the same requirement. The MOA can be found in Attachment B to this ROD.

Comment 3-6

One historical cemetery may be affected by Alternative B2, WHC 26. Four historical cemeteries may be affected by Alternative B4, WHC 26, WHC 76, WHC 77 and WHC 78. All four cemeteries require machine-assisted archaeological boundary delineations to determine whether unmarked graves may be present, as referenced in our June 17, 2011 letter to you. Chapter 4.7.2.4 should be corrected accordingly.

Response

This has been corrected in the ROD and noted in the errata sheet to the FEIS. Three of the four cemeteries that may be impacted under Alternative B4 are located on private property. Once proposed impacts have been clearly defined through more detailed design, machine-assisted archaeological investigations will be conducted to define the boundaries of each of these cemeteries and assess the potential impacts as included in Stipulation VI of the MOA. Machine-assisted archaeological investigations have been conducted at WHC 26. FAA is currently in consultation with NITHPO and the Warwick Historical Cemetery Commission regarding these results.

Comment 3-7

The FEIS identifies the need to develop mitigation for the impacts to resources that cannot be avoided. The development of mitigation measures would need to [be] undertaken with the input of the consulting parties and other interested parties, including the City of Warwick.

Response

FAA and RIAC, in consultation with the appropriate parties, including the RIHPHC, NITHPO, and the City of Warwick, through the Warwick Historical Cemetery Commission, will implement the provisions of the MOA to mitigate for significant impacts to historical resources.

Comment 3-8

With regard to impacts to the Hillsgrove State Airport Historic District, we agree that archival documentation of Hangar 1 and the other affected areas in the historic district would be appropriate. The Historic American Buildings Survey/Historic American Engineering Record should be consulted to determine if Hangar No. 1 and the district are appropriate subjects for their archives; otherwise, the Rhode Island Historic Resources Archive would be the repository. Hangar No. 1 should also be assessed to determine whether the salvage of significant architectural fabric could provide additional mitigation. The development of a long-term commitment to preservation of the remaining resources in the historic district and public interpretation of the historic district through an exhibit and/or electronic format are also suitable mitigation measures. It would also be appropriate to investigate mitigation measures that would address the loss of public view and access to the Terminal, potentially through a program for public access.

Response

Stipulation I of the MOA requires FAA and RIAC to consult with the Historic American Buildings Survey/ Historic American Engineering Record (HABS/HAER) to determine if Hangar No. 1 and the eligible airport historic district are appropriate subjects for their archives. If HABS/HAER determines that the resources are not appropriate subjects, RISHPO will be consulted to determine if Hangar No. 1 and/or the eligible airport district are appropriate subjects and documentation shall be prepared for RISHPO to meet Rhode Island Historical Resources Archive standards. The MOA can be found in Attachment B to this ROD. Stipulation III of the MOA requires RIAC to prepare, in consultation with RISHPO, an inventory of significant architectural items or features that might be salvaged from Hangar No. 1 before the demolition of the building. Stipulation III also requires RIAC to provide an opportunity for local and regional historical museums, historical societies, or other public organizations to express an interest in significant salvageable architectural items or features for interpretation purposes and permanent display accessible to the public. Stipulation II of the MOA requires RIAC, in consultation with the RISHPO, to develop a display that interprets the historical significance of the eligible airport historic district for the public and includes details of what should be included in the display. FAA and RIAC will investigate measures to address the loss of public view and access to the Terminal, and will determine if a program of public access is appropriate.

Comment 3-9

Similarly, in the event that unanticipated and potentially significant archaeological sites are encountered during construction, FAA will need to consult further with RIHP&HC, NITHPO, and the Advisory Council on Historic Preservation (ACHP) on appropriate measures to address potential impacts.

Response

Stipulation VII of the MOA addresses unanticipated discoveries and requires RIAC to promptly notify FAA, RISHPO, NITHPO, and ACHP and submit to these parties a report evaluating the resource for purposes of determining eligibility for listing in the National Register.

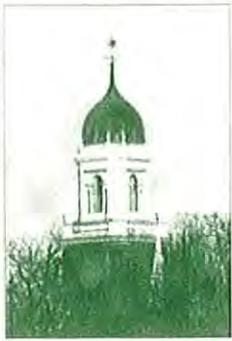
Comment 3-10

With regard to historic cemeteries, following archaeological boundary definitions for the four cemeteries to better characterize potential impacts, we concur that all measures dealing with potential impacts to cemeteries must be developed in consultation with the City of Warwick. Should there be impacts that need to be mitigated, the possible mitigation measures that are mentioned include laying headstones flat or relocating the cemetery. Another measure that should be included for consideration is creating a memorial outside of the area of impact.

Response

Stipulation VI of the MOA requires RIAC, per Rhode Island General Law 23-18-11 *et seq.* and Chapter 12 of the Code of Ordinances of the City of Warwick, to consult with the Warwick Historical Cemetery Commission to address potential impacts to the four historic cemeteries. The MOA further stipulates that if project impacts occur within, or within 25 feet of, any cemetery, RIAC will consult with the Warwick Historical Cemetery Commission to develop measures to avoid or mitigate the Project impacts. The MOA can be found in Attachment B to this ROD.

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CITY OF WARWICK
PLANNING DEPARTMENT

CITY HALL ANNEX
3275 POST ROAD
WARWICK, RI 02886-7191

TELEPHONE: 401-738-2000 EX: 6289
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SCOTT AVEDISIAN
Mayor

MARK CARRUOLO
Director

Office of Planning

Office of Community
Development

Office of Landscape
Architecture

Planning Board

Warwick Station
Redevelopment Agency

Zoning Board

Conservation Commission

Harbor Management
Commission

Historic District
Commission

Historic Cemetery
Commission

July 18, 2011

Mr. Richard Doucette
Environmental Program Manager
US Dept of Transportation Federal Aviation Administration
12 New England Executive Park
Burlington, MA 01803

Dear Mr. Douchette:

Thank you for attending and participating in the July 5, 2011 Warwick Historical Cemetery Commission (WHCC) meeting. It was important that the Commissioners be able to ask their questions of both you and Kevin Dillon. This helped the Commissioners to better understand the process and proposals that the Federal Aviation Administration (FAA) and the RI Airport Corporation (RIAC) are working on and how they may affect Warwick's historical cemeteries.

During this meeting, a motion was passed that this letter be sent to you as a response to the EIS for the B4 runway expansion of TF Green Airport. We are requesting the following information and further studies. Many of these concerns were mentioned in the June 20, 2011 letter to you from both William DePasquale and me. As was reiterated several times during the meeting, both the FAA and the RIAC plan on working with the WHCC to resolve the WHCC concerns.

Cemetery #26, Peter Freeman Lot

There were two Native American areas of concern that were observed within 40 feet of the burial of Charles E. Bacon. The Commissioners asked that Anemone Mars be contacted to determine if she wants these areas of concern to be included in the Cemetery boundary. Alan Leveillee of the Public Archeology Lab has been in contact with her and they are scheduled to meet this week to discuss this matter.

If Ms. Mars does include these areas in the cemetery, the Commissioners would like an archeological mechanical topsoil removal investigation to continue out to 25 feet from these areas of concern.

If Ms. Mars does not wish to include these areas in the cemetery, the Commission would like the archeological mechanical topsoil removal investigation to continue out to 25 feet from the Cemetery boundary line illustrated on the PAL map (figure 3).

There is still a question as to whether the obelisk monument and other headstones will need to be removed. It is our understanding that this cemetery will be in the object free area. We have recently been informed that an object free area is not a legislated mandatory requirement, but rather more of a guidance document/ FAA suggested element. If this proves to be the case, the WHCC will require that the cemetery head stones remain intact for their cultural and social significance.

4-1

4-2



 The City of Warwick is committed to the promotion of fair housing and equal program access regardless of age, race, sex, national origin or physical handicap.

 Printed on recycled paper with non-toxic inks.

Cemetery #76 William J. Cole Lot

This cemetery was investigated using Ground Penetrating Radar (GPR). According to page 7 of the Ground Penetrating Survey "GPR is a non-intrusive investigation technique and may not fully detect all subsurface features depending upon site-specific conditions."

The GPR results for this cemetery revealed anomalies in an area of disturbance. The Commissioners have asked that further study be conducted on these anomalies.

Cemetery # 77 Northup Lot

This cemetery was investigated with GPR. The map provided as figure 5 illustrates several anomalies in a row that could represent additional grave shafts. The Commissioners have asked that further study be conducted on these anomalies.

4-3

Cemetery #78 Howard-Remington Lot

This cemetery was investigated with GPR. Many anomalies are evident between Main Avenue and the existing headstones. The Commissioners request that this area be stripped to further study these anomalies using archeological mechanical topsoil removal.

The Commissioners understand that the RI Airport Corporation does not want to invest additional money on this project until the Record of Decision is issued by the FAA and that will be in August or September, however we contend a proper record of decision on this matter cannot be completed to NEPA and CEQ standards without first disclosing all probable historic impacts. To this end, the existing physical analysis and ground penetrating radar exposed uncertainties as to the boundaries and contents of the cemetery not included within the FEIS. Considering these facts it cannot be assumed that the disclosures included with the FEIS as to extent of cemeteries boundaries cannot be considered to be probably accurate.

As discussed during the WHCC meeting, this document will state that the actual boundaries of the cemeteries listed above will be determined to the satisfaction of the WHCC, and that WHCC approval is needed prior to any disturbance within 25 feet of any cemetery.

4-4

The Commissioners would also like the RIAC to provide a right of way to the cemeteries and immediate public access to all of the above cemeteries upon the completion of the runway expansion and Main Avenue realignment project.

I look forward to working with you on this project. If you have any questions, I can be reached at 738-2000 ext 6286.

Sincerely,

A handwritten signature in cursive script that reads "Susan Cabeceiras".

Susan W. Cabeceiras, Planning Dept liaison
Warwick Historical Cemetery Commission

Cc: Mayor Avedisian
William DePasquale
Camille Vella-Wilkinson
Anemone Mars, Narragansett Tribal Historic Preservation Office
Kevin Dillon, RI Airport Corporation
Brenda Pope, RI Airport Corporation
Paul Robinson, State Historic Preservation & Heritage Commission
Jay Waller, Public Archeology Lab
Peter Mair, Public Archeology Lab
David Matteson

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Letter 4: Warwick Historical Cemetery Commission

Comment 4-1

There were two Native American areas of concern that were observed within 40 feet of the burial of Charles E. Bacon. The Commissioners asked that Anemone Mars be contacted to determine if she wants these areas of concern to be included in the Cemetery boundary. If Ms. Mars does include these areas in the cemetery, the Commissioners would like an archeological mechanical topsoil removal investigation to continue out to 25 feet from these areas of concern. If Ms. Mars does not wish to include these areas in the cemetery, the Commission would like the archeological mechanical topsoil removal investigation to continue out to 25 feet from the Cemetery boundary line illustrated on the PAL map (Figure 3).

Response

FAA has been in regular contact with the Narragansett Indian Tribal Historic Preservation Office (NITHPO) throughout the development of the EIS. This communication will be ongoing throughout the implementation of the various airport improvements, as needed. The Narragansett's interests and concerns will be given full consideration in FAA's decisions, as required by the executed Section 106 Memorandum of Agreement (MOA) and by RIAC, as required by Rhode Island law and Warwick Ordinance, as per Stipulation VI of the MOA. The MOA can be found in Attachment B to this ROD.

Comment 4-2

There is still a question as to whether the obelisk monument and other headstones will need to be removed. It is our understanding that this cemetery will be in the object free area. We have recently been informed that an object free area is not a legislated mandatory requirement, but rather more of a guidance document/FAA suggested element. If this proves to be the case, the WHCC will require that the cemetery head stones remain intact for their cultural and social significance.

Response

WHC 26 is located in the Object Free Area, and in the Part 77 Primary Surface. The Object Free Area is designated by FAA Advisory Circular 150/5300-13 - Airport Design. Part 77 is the FAA regulation pertaining to clear airspace around airports. Compliance with this Advisory Circular and regulation are mandatory for airports accepting FAA funds. There is very limited ability to vary from these requirements. Any such variance will require RIAC to show an "acceptable level of safety," which may not be possible to provide. Stipulation VI of the MOA among FAA, RIAC, and RISHPO requires RIAC, per Rhode Island General Law 23-18-11 *et seq.* and Chapter 12 of the Code of Ordinances of the City of Warwick, to continue to consult with the Warwick Historical Cemetery Commission to address potential impacts to the historical cemeteries located within the area of direct project impacts and to consult with the Cemetery Commission to develop measures to avoid or mitigate the Project impacts.

Comment 4-3

Regarding Cemeteries #76, 77 and 78 (paraphrased): These cemeteries were investigated with GPR. The GPR results revealed anomalies in each cemetery and as a result, the Commissioners ask that further study be conducted on these anomalies prior to the Record of Decision.

The Commissioners understand that the RI Airport Corporation does not want to invest additional money on this project until the Record of Decision is issued by the FAA and that will be in August or September, however we contend a proper record of decision on this matter cannot be completed to NEPA and CEQ standards without first disclosing all probable historic impacts. To this end, the existing physical analysis and ground penetrating radar exposed uncertainties as to the boundaries and contents of the cemetery not included within the FEIS. Considering these facts it cannot be assumed that the disclosures included with the FEIS as to extent of cemeteries boundaries cannot be considered to be probably accurate.

Response

Sufficient information to definitely determine the exact footprint of the Project and, therefore, the impact of the Project on Cemeteries 76, 77, and 78 is not available at this time. These cemeteries are located on private property.

The potential impacts to these cemeteries can be more clearly defined when the design of the Project is further advanced. These studies will not be performed prior to the ROD, but will be completed prior to any disturbance in the area around the cemeteries. The analysis conducted is sufficient for the Record of Decision because FAA and RIAC have committed in a Memorandum of Agreement (MOA) with the Rhode Island State Historic Preservation Office to determine the boundaries of the cemeteries in consultation with the Cemetery Commission, as required by Rhode Island General Law 23-18-11 *et seq.* and Chapter 12 of the Code of Ordinances of the City of Warwick (see Stipulation VI of the MOA). The MOA can be found in Attachment B to this ROD.

Comment 4-4

The Commissioners would also like the RIAC to provide a right of way to the cemeteries and immediate public access to all of the cemeteries upon the completion of the Runway expansion and Main Avenue realignment project.

Response

We understand the Commission's desire for public access to these public resources. FAA will carefully review any proposal by RIAC to allow the general public to access airport property. FAA will make whatever safety determinations are necessary to safeguard the flying public as well as visitors to the Airport's property.

EXECUTIVE CHAMBER

CITY OF WARWICK



RHODE ISLAND

August 3, 2011

SCOTT AVEDISIAN
MAYOR

Mr. Richard Doucette
Environmental Program Manager
Federal Aviation Administration
New England Region
12 New England Executive Park
Burlington, MA 01803

**RE: City of Warwick Objection - FEIS /Consideration -Record of Decision (ROD)
Final Draft Environmental Impact Study Statement (FEIS) for T.F. Green Airport (PVD) -Warwick
Rhode Island dated July 2011**

Dear Mr. Doucette:

I have reviewed the Final Draft Environmental Impact Statement (FEIS) along with its "Responses to Comments" appendices for T.F. Green Airport (PVD) located in the City of Warwick, Rhode Island dated July 2011 prepared by Vanasse Hangen Brustlin, Inc., (VHB) for the Federal Aviation Administration (FAA).

Introduction

The City of Warwick finds the FEIS and its response to public comments to be incomplete and noncompliant with the procedural standards of National Environmental Policy Act (NEPA) Policies & Guidance and the Council on Environmental Quality Guidelines. The progression of this study is also inconsistent with the principles of NEPA as the process presented is incomplete with the CEQ promulgated regulations [40 CFR Parts 1500-15081] implementing NEPA. The study's outmoded data and inaccurate analysis creates a false need for Preferred Build Option B4, which will unnecessarily, adversely impact the host community.

The FEIS did adequately address a small number of components presented within the City of Warwick's 1,750 page broad range analysis and commentary on the DEIS, but in aggregate it falls short of sufficient amendments, updates and analysis that are crucial in order to conform with NEPA and CEQ promulgated regulations. It also does not remove or sufficiently minimize critical detriments to our community from Option B4. **Except for those issues described herein as being suitably addressed, this correspondence is merely a summary of the apparent shortcomings of the FEIS and is intended to be the official statement of objection by the City of Warwick to the issuance of an affirmative record of decision for the Preferred Build Option B4.** Specific reference to the FEIS's deficiencies are described in detail in our record of objections filed with the FAA against the DEIS and should be referenced for reconsideration.

Overview – FEIS Incomplete/Inadequate

The FEIS presentation of environmental impacts is unreasonably narrow and does not present creditable data or study of existing, cumulative impacts from years of federally-funded airport improvement projects. The segmented discussion of land use, environmental and fiscal impacts and an outright failure to consider long-term social and health concerns raised by the City results in less than full disclosure regarding the extent of Option B4's impact on the community, denying the general public and host community meaningful opportunity to understand the immediate and long-term effects of the proposed action or to sufficiently and thoroughly discuss measures for their mitigation.

As with the DEIS, the FEIS does not provide adequate study of strategies to limit the destruction of affordably priced, single family homes or consider remedies for those residents whose properties are not eligible for the noise compatibility program funding but will be severely, adversely affected by a growing airport infrastructure and operations, with decreased quality of life and decreased property values. Long-term impacts on the City from the Rhode Island Airport Corporation's cumulative property takings and real estate value destruction are simply disregarded from meaningful analysis. The FEIS's simple reference, cataloging and deceptive and skewed economic impact statement are not sufficient means to disclose to the public the significant, adverse impacts, as required by NEPA/CEQ guidelines.

Most notable are the issues ignored in the FEIS that pose increasing danger to the host community both in the immediate and long term such as: air toxins, noise, environmental degradation, value destruction, erosion of tax base, traffic congestion, fragmentation of neighborhoods and bifurcation of the City's road/service system. These subjects are either not addressed because of a lack of regulatory threshold or are merely carefully compartmentalized as individual actions with minimal impact, when their cumulative or collective impact on the community should be assessed.

Just as apparent is this study's refusal to recognize the marked transformation, changing fundamentals and altered market strategies that have changed the air service industry. The fiscal and market challenges have resulted in improved and more efficient fleet utilization with the use of more fuel-efficient, capable aircraft and higher load factors that have often resulted in consolidation, elimination of service routes and reduced seat availability, all of which are drastic changes from this FEIS' assumptive database, which relies on four-year-old information.

The FEIS' failure to properly account for these alterations in air service creates a misleading database and skewed statements that promote and support outmoded assumptions of service and need. This is an apparent attempt to promote Option B4, an unnecessary build action based on obsolete fleet utilization, aircraft and a nonexistent non-stop long haul market at T.F. Green Airport. It also is based on a smaller catchment area and lower load factors that are not, in 2011, considered cost effective by the air carriers in developing their future market service plans.

The study also lacks a legitimate cost benefit study of construction and job creation, as well as the long-term comparative cost benefit of other alternatives, and the ability to fund the mitigation associated with those alternatives in the context of the prolonged economic downturn throughout the country.

Response to Public/City Comment

As with the DEIS, the FEIS generally disregards the City of Warwick's commentary regarding full disclosure of the scope and breadth of adverse health effects placed on the host community. Our repeated requests for a study of air toxins, black carbon and particulate matter go ignored. Environmental/water quality degradation, wetlands/resource protection, infrastructure, historic resources and housing are parceled off individually and apportioned to the appropriate regulating agencies, implying that their "sign off" is a note of compliance that trumps the broader and more complex issues raised by the host community.

The FEIS does little to address the City's and public's comments on asymmetrical noise contours, home acquisition inequities and divergent flight departure paths. No progress was made in addressing "logical breaks" within neighborhoods to improve the continuity of place and aid in providing City services. As presented, the FEIS simply relies on the random land acquisition program that will insure that fragmented destruction of neighborhoods will continue unabated.

The City's repeated requests for an update of the assumptive database and fleet utilization have gone largely unanswered, as was its appeal to reexamine alternative build options that were more in harmony with the community and today's air service marketplace. The FEIS continues with its firm and stubborn disregard to integrate real world challenges into the infrastructure needs assessment and ignores fiscal constraints, plummeting aircraft operations, reduced seat capacity, increased load factors, consolidated route selection and wholesale strategic business plan changes such as Southwest Airlines' entrance into Boston's Logan International Airport.

The NEPA statute mandates that an EIS should "build off" public and official City commentary as opposed to responding as a mere "exercise" in satisfying the public hearing requirement. Ignoring this regulation, this FEIS simply reiterates the DEIS' outmoded analysis and findings, offering only a perfunctory response in the form of reference to minimum regulatory thresholds and simplistic citation of the DEIS' obsolete data, design aircraft and spurious assumptions of service. The responses offered in the FEIS to the myriad citizen, business and City

comments are generally fragmentary and at times repetitive, lacking deliberative, equitable and contemplative consideration of prevailing market and economic constraints while not improving upon its deficiency in cumulative impact assessment from multiple airport improvement projects completed over the last two decades. Inquiries regarding long term environmental degradation, nuisances, public health, quality of life, social, land use and fiscal impacts are either dismissed outright without complete, fair and equitable assessment or are brushed off with reference to inadequate and disjointed mitigation strategies. The deficiencies in the document are acute and the volume of new information and analysis needed are so apparent that amending the DEIS would be more appropriate than considering changes to the FEIS.

Lack of Disclosure and Inadequate Mitigation

This FEIS does not fully disclose the extent of immediate, long-term and cumulative adverse impacts imposed by Option B4 on: neighborhood fragmentation, real-estate value destruction, historic cemetery resources, eroding tax base, long term impacts on the City's services and finances, bifurcated land use and infrastructure, traffic congestion and environmental and health impacts on children using John Wickes School playground. At the same time, it excludes from meaningful examination health impacts associated with exposure of ambient air toxin/fine particulate matter and noise exposure on the community and social justice consequences on the low to moderate income population dependent on affordably priced single-family housing that will be permanently removed without just replacement or mitigation.

The FEIS relies upon a narrow interpretation of Federal Aviation Administration (FAA) guidance documents air quality and noise exposure on the community and offers only a half-hearted noise mitigation program and an Integrated Noise model that dilutes individual figures in a time weighted analysis (INM) or, in the case of Air Quality, a dispersion model that uses a larger pool of air pollutant sources (dispersion) as reasoned "mitigation" for adverse impacts imposed by the preferred build option. Following several persistent appeals by the City, the FEIS did update the Integrated Noise Model (INM) software which resulted in a larger area of noise exposure within the most elevated of noise contours. However, the FEIS remains unclear as to how this larger noise exposure was compared against other practicable build alternatives that would have avoided or minimized this significant noise impact. The FEIS did not take advantage of the study's flaws brought to light by the City to take a "fresh look" at the validity of the outmoded assumptions, data and analysis that was based on a previous air service marketplace that did not have to address reduced federal funding, ever increasing fuel and operating cost along with a constrained economy that exists today and most believe will extend into the planning horizon of this EIS.

5-1 | The FEIS does improve upon its wetland impact/mitigation associated with the 16/34 runway safety enhancements by reducing total wetland impacts. Nevertheless, the mitigation falls short of addressing the full scope of the City's commentary in managing, measuring and assessing mitigation performance and how effective those measures would be to lessen the adverse impacts cited in the study. The FEIS does address the mitigation proposed for complying with Section 4(f) requirements with its relocation of Winslow Park to the Lakeshore Drive area but falls short of disclosing important details that may cause conflict such as noise, lighting, traffic and connectivity concerns with the adjacent neighborhood which itself may require some form of mitigation.

Changes in the Air Service Market at PVD

The FEIS fails to acknowledge, appropriately account for, or adjust to the substantive changes in the air service market and service at T.F. Green Airport (PVD) that have taken place since the DEIS' 2007-based analysis, even with slight modifications, was completed. Moreover, the FEIS still does not account for, or acknowledge, the fiscal realities confronting the State, airport operator and future funding of discretionary airport projects.

The City of Warwick has long requested an update of the air service market, air carrier aircraft utilization, seat availability and service trends as fundamental factors in assessing future infrastructure needs at PVD in a manner that is in harmony with the host community's needs and cost effective.

Instead, the FEIS holds firm to its antiquated 2007 assumptive database and operational growth/service data offering the same unsubstantiated, optimistic assumptions of operational increases that were present in a time of growth. These growth assumptions are statistically at odds with recent years of declining passenger traffic at PVD and future trends in this air service market that has seen erosion from PVD to Logan International Airport.

Runway Length

At T.F Green Airport, runway length is a very minor factor in determining an air carrier's service plans. It is much more likely that the airlines' cost-per-emplanement (per-passenger cost of using the airport), market catchment, demand and efficiency are the determinants in an air carriers' decision to schedule and establish new origin and destination service routes than the length of the main runway. These "real" market forces were present in July 2011 when Southwest Airlines announced that they would eliminate four daily flights to and from Philadelphia because of low performance. In this case performance is also related to meeting regional demand with Southwest Airlines' service from Logan, a factor that contradicts many of the DEIS' growth-based premises, a fact that is simply ignored within this FEIS. In spite of the contemporary and fundamental changes in the air service industry, the FEIS downplays these dramatic changes as affecting the 2007 projected assumptions of service and operations all but discounting the entrance of Southwest Airlines into Boston Logan International Airport market and its long term impact on assumed growth of operations, loss of passenger seats and erosion of service destinations at T.F. Green Airport.

Design Aircraft

Despite the City of Warwick's persistent pleas, the FEIS continues to use the aberrant and fuel inefficient B767-300 with a Pratt and Whitney JT9D-7R4D/7R4E engine configuration as the design aircraft for this study. The City can only conclude that including this outdated model as the basis for analysis is simply to skew the analytical calculation of runway length to support the B4 Option and support the claim of efficiency improvement, as it is assumed that this outdated, inefficient aircraft requires the longest runway length supported by this FEIS. These calculations are made even though the market proves that this large, old, fuel-consuming aircraft will not be the aircraft used at PVD in the future. Aircraft that will be used, predominately B737 or A320, would be effortlessly accommodated by the City's proposed, practicable alternative 8,300 lf runway 5/23.

Outright Change in the Project's "Purpose and Need"

The City's repeated requests to amend the purpose and need to reflect today's pared down project have gone unaddressed. The fact is the original purpose and need has been quietly changed to that of a claim of efficiency and safety as the last means of support for these costly infrastructure improvements. The project's original, and oft-stated intent, to provide runway infrastructure to capture the long-haul, nonstop market at T.F Green, was based upon the 2004 and 2007 operational forecasts/service that were shown to be an embarrassing illusion of grandeur that is not supported by current and future air service operational data.

The Preferred Build Alternative B4 Does Not Represent the Least Damaging Cost Effective Practicable Alternative

Early on in the DEIS process, the FAA preselected alternative B4 as the preferred alternative and "backed into" the data and analysis necessary to support this option. The FEIS continues with the DEIS' premature removal of a less damaging, practicable alternative. In aggregate, the City judges the FEIS to be substandard with respect to its failure to consider practicable alternative build options that would meet the stated safety and efficiency needs with less cost and adverse impact and that are more realistic in light of the fiscal limitations of the airport operator, reduced allocation of federal resources and growing fuel and operating costs of the air carriers that reflect current and future trends in air service at T.F Green Airport.

While the City's commentary has long raised these issues the FEIS does not reassess practicable, less costly alternatives such as that offered by the City – an 8,300 lf runway 5/23 that would be a viable option that meets today's and future airports needs with less overall adverse impact on the community than the preferred build option.

Presented with a proper independent update of design aircraft, aircraft fleet usage and amended service routes and seat capacity the analysis would find that the 8,300 lf runway 5/23 alternative would provide nearly the same efficiency and long haul service in today's market than that established in the original purpose and need developed years ago while saving \$15 million not including reduced mitigation costs and a smaller footprint of incompatibility.

This 8,300 alternative is also more affordable and in line with the ability of the airport operator to bond for the improvements to complete runway 5/23 while reducing the overall project impacts on area land use, housing, social, fiscal and historic cemetery resources and lessening the overall adverse environmental and noise exposure on the host community.

Objection

Even as the purpose of an EIS is to "provide full and fair discussion of significant environmental impacts and [to] inform the decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts" CEQ PART 1502--ENVIRONMENTAL IMPACT STATEMENT, it appears the FAA made its mind up a long time ago to change from independent arbiter of the proposal guided by NEPA and CEQ federal regulations, to an advocate for the B4 Option, which primarily fulfills the goals of the New England/Boston Region of the FAA, no matter the impact on the local community or the cost benefit and effectiveness of the proposal in this time of scarce federal funding

While we in the host City appreciate the areas of amendments contained within the FEIS, the City is deeply concerned that the Final Draft DEIS does not adequately disclose the full extent of adverse impacts on public health, quality of life, fiscal and environmental harm from Option B4. In areas where the DEIS has determined significant impact will occur the FEIS does not appropriately mitigate the impact on a cumulative basis or adjust existing mitigation programs to correct known deficiencies such as those contained in the land acquisition and airport noise mitigation programs.

In spite of hundreds of pages of comments and concerns submitted by the City and its citizenry over the last decade (masterplan, scoping and DEIS) very few substantive changes have been made to the FEIS. Glaring omissions regarding noise impact, air toxins, children's health, land use fragmentation, fiscal impact, housing and social burdens are summarily dismissed except to address those minimal threshold requirements and regulations required by law. The study's long-term and cumulative impact analyses are fragmented and provide no substantive information on real, measurable impacts to disclose to the community, its citizens and businesses. The FEIS does not contain sufficient supplementary information or substantive review of current data and conditions to assess practicable alternatives and avoidance measures. Nor does the document fully disclose the entirety of adverse impacts or explain the manner in which the mitigation strategies used will minimize these impacts.

We contend that the Final EIS dated July 2011 does not satisfy the purposes of an EIS as it does not sufficiently disclose all adverse impacts resulting from the selection of the preferred alternative and fails in its assessment of reasonable and practicable avoidance measures while proposing deficient mitigation based on erroneous and outmoded data and assumptions, service, markets and fleet utilization.

Based upon our record of objections contained within in the DEIS as well as the aforesaid review of the Final EIS and consistent with the Council on Environmental Quality (CEQ) and National Environmental Policy Act (NEPA) the City of Warwick objects to the issuance of a record of decision (ROD) supporting the preferred alternative B4 in this final environmental impact statement (FEIS) as the issuance of a ROD cannot/did not adequately:

- 5-2 | ➤ Disclose the extent of immediate, long-term and cumulative adverse impacts imposed by the Option B4 on neighborhood fragmentation, real-estate value destruction, bifurcated land use and infrastructure, traffic congestion and environmental impacts on children using John Wickes School playground, and excludes from meaningful examination health impacts associated with exposure of ambient air toxin/fine particulate matter and noise exposure on the community.
- 5-3 |
- 5-4 | ➤ Disclose the entirety of adverse impacts placed on the community and as such the FEIS cannot state that all practicable means of avoidance and minimization of harm were completed hence mitigation measures adopted within the FEIS are assumed to be inclusive.
- 5-5 | ➤ Mitigate or study the long term fiscal, infrastructure and services consequences on the host community's eroding tax base and real estate value destruction resulting from past, present and future land acquisitions and noise mitigation projects.

Cannot/did not adequately:

- 5-6 | ➤ Identify the full extent and boundaries of environmental impact and historic cemetery resources making it impossible to determine the extent of the effect on the environment and cemeteries. As such, it is impossible to determine if the mitigation proposed is sufficient or if avoidance/minimization was achieved.
- 5-7 | ➤ Consider the larger macro issues raised by the host community concerning environmental/water quality degradation, wetlands/resource protection, infrastructure, historic resources and housing. These issues were parceled off individually “signed off” by appropriate regulating agencies, indicating that their approval trumps the concerns raised by the host community.
- 5-8 | ➤ Defend the use of imperfect regulatory thresholds for air quality and noise exposure on the community offering only a clumsy noise mitigation program and unsettled Integrated Noise model that dilutes individual figures in a time weighted analysis (INM) or in the case of Air Quality a dispersion model that uses a larger pool of air pollutant sources (dispersion) as reasoned “mitigation” for adverse impacts imposed by the preferred build option.
- 5-9 | ➤ Determine how the larger noise exposure resulting from the update the Integrated Noise Model (INM) software was compared against other practicable build alternatives that would have avoided or minimized this significant noise impact.
- 5-10 | ➤ Explain why the mitigation measures proposed were selected and how monitoring and enforcement would assure success of the adopted mitigation.
- 5-11 | ➤ Explain how it will address the social and environmental justice concerns relating to how the removal of affordably priced, single-family homes will affect the low-to-moderate income population. The study acknowledges it would require \$3.7 million in subsidies to developers in order to build new rental and homeownership units serving the same price point to house displaced families – funds that neither the FAA nor RIAC have promised to disburse.
- 5-12 | ➤ Satisfactorily address the public comments or discuss resolution of objections from business interests, city officials and the general public.
- 5-13 | ➤ Find compliance with Section 640 of the State Guide Plan considering that, as of this writing, the Rhode Island Division of State Planning has not amended the State Guide Plan language that changes the State Airport from a medium-haul to a long-haul airport.
- 5-14 | ➤ Amend the “purpose and need” that has changed from a stated primary need to accommodate long-haul nonstop flights to the west coast, to limited “on paper” efficiency improvements that are falsely based on the use of large, obsolete, fuel-inefficient aircraft to obtain the “loss of passengers” argument associated with not selecting preferred build option B4.
- 5-15 | ➤ Explain the decision of supporting the preferred build option B4 when the analysis lacks appropriate consideration of substantive changes in the air service market, air carrier’s business strategies, updated fleet utilization, data and fiscal constraints that were not factored into the selection of the preferred alternative.
- 5-16 | ➤ Consider a complete study of practicable alternatives that are environmentally and fiscally more prudent than the preferred alternative B4 considering today’s air service market is provided for by the air carriers in a very different manner than that present when the purpose and need was first being developed from 2005-2007.
- 5-17 | ➤ Consider removal of the aberrant and fuel inefficient B767-300 with a Pratt and Whitney JT9D-7R4D/7R4E engine configuration as the design aircraft for this study. This outdated, inefficient aircraft requires the longest runway length supported by this FEIS even though the market proves that this large old fuel consuming aircraft will not be the aircraft flown to support the assumed growth at PVD which will be predominately B737 or A320 that is effortlessly accommodated by the City’s practicable alternative 8,300 lf runway 5/23.
- 5-18 | ➤ Determine that the preferred alternative B4 poses the least adverse impact because the FEIS does not appropriately consider a practicable alternative offered by the host community, (namely, 8,300 lf. R5/23) as

5-18 |

an avoidance measure that complies with today's stated modified purpose and need of safety and efficiency.

Should you have any questions or comments regarding this matter please contact William J DePasquale Jr., AICP, Planning Director, at (401) 738-2000, ext 6297.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Avedisian". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Scott Avedisian
Mayor

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Letter 5: City of Warwick

Comment 5-1

The FEIS does address the mitigation proposed for complying with Section 4(f) requirements with its relocation of Winslow Park to the Lakeshore Drive area but falls short of disclosing important details that may cause conflict such as noise, lighting, traffic and connectivity concerns with the adjacent neighborhood which itself may require some form of mitigation.

Response

Based upon FAA and RIAC's meeting with the City of Warwick Planning Department on January 20, 2011, FAA evaluated access and parking, noise, and wetlands impacts at the Cedar Swamp Road site, which is provided Appendix J of the FEIS. A preliminary evaluation of wetlands impacts also concludes that there would be no impacts to wetlands at the proposed park relocation site. Appendix J provides a preliminary evaluation of vehicular, bicycle, and pedestrian access modes to the proposed park. Based upon input from the City of Warwick at the January 20, 2011, meeting, RIAC redesigned the primary access to the park to originate from Airport Road instead of Lakeshore Drive to minimize traffic and traffic noise impacts on residential areas. The outdoor recreational activities at Cedar Swamp Road would be compatible with anticipated noise levels under the Project. RIAC's final selection of this site over another site was, to a great extent, based upon a preference expressed by the City of Warwick.

Comment 5-2

Disclose the extent of immediate, long-term and cumulative adverse impacts imposed by the Option B4 on neighborhood fragmentation, real-estate value destruction, bifurcated land use and infrastructure, traffic congestion.

Response

FAA Order 5100.38 provides guidance on how FAA may consider additional properties eligible for noise mitigation: "...projects within DNL 65 dB may be expanded beyond the DNL 65 dB contour to include a reasonable additional number of otherwise ineligible parcels contiguous to the project area, if necessary to achieve equity in the neighborhood. Neighborhood or street boundary lines may help determine what is reasonable, in addition to numbers of properties." As described in Chapter 6, *Mitigation*, of the FEIS and Section 10, *Mitigation*, of the ROD, in order to avoid neighborhood fragmentation, this concept of "neighborhood equity," also referred to as "neighborhood rounding," has been applied where FAA identified some residential parcels outside the DNL 70 dB noise contour as eligible for federal noise mitigation funding (voluntary participation in a land acquisition program) as part of the FEIS. This includes homes where any portion of the lot is within the DNL 70 dB noise contour, homes that would have been the few remaining residences on the block (or

dead-end street) after the Project, or homes that would be left isolated or surrounded by non-residential land use.

Comment 5-3

Environmental impacts of children using John Wickes School playground and excludes from meaningful examination health impacts associated with exposure of ambient air toxin/fine particulate matter and noise exposure on the community.

Response

Please refer to Volume 4 of the FEIS and to response to Comment C-002-0019 for noise assessment and to Comment C-002-0599 for air quality impacts regarding John Wickes School.

Comment 5-4

Disclose the entirety of adverse impacts placed on the community and as such the FEIS cannot state that all practicable means of avoidance and minimization of harm were completed hence mitigation measures adopted within the FEIS are assumed to be inclusive

Response

Chapter 5, *Environmental Consequences*, of the FEIS discloses the adverse impacts placed on the community, as required by NEPA and Chapter 6, *Mitigation*, identifies measures to mitigate for all adverse impacts. For example, under the Project, sound insulation will be provided for eligible residences that would experience a noise increase of at least DNL 1.5 dB at or above DNL 65 dB compared to the No-Action Alternative, and for residences exposed to noise levels between DNL 65 dB and 69.9 dB. Under the Project, there would be acquisition of residences exposed to noise levels of DNL 70 dB and above on a voluntary basis. In addition, based upon direct impacts to the existing Winslow Park, RIAC will develop a new park in the vicinity of Cedar Swamp Road that will include the same facilities to those impacted.

Comment 5-5

Mitigate or study the long term fiscal, infrastructure and services consequences on the host community's eroding tax base and real estate value destruction resulting from past, present and future land acquisitions and noise mitigation projects.

Response

Please refer to Chapter 5, *Environmental Consequences*, of the FEIS, where land acquisitions are addressed with regard to noise, land use, and socioeconomic impacts and cumulative impacts are addressed for each of these types of impacts. Also, please see responses to DEIS Comments C-002-0147 through C-002-0152 in the FEIS, which address fiscal, infrastructure, and services consequences. Previous land acquisition is listed in FEIS Chapter 4, *Affected Environment*, in Table 4-2 and in greater detail in the DEIS Land Use Technical Report in Table 3-1. Additional analysis of cumulative impacts can be found in the DEIS *Social and Socioeconomic*,

Environmental Justice, and Children's Health and Safety Risks Technical Report, in Section 5.3.4.1, Social Cumulative Impacts, through Section 5.3.4.3 Economic Cumulative Impacts.

Comment 5-6

Identify the full extent and boundaries of environmental impact and historic cemetery resources making it impossible to determine the extent of the effect on environment and cemeteries. As such, it is impossible to determine if the mitigation proposed is sufficient or if avoidance/minimization was achieved.

Response

Sufficient information to definitely determine the exact footprint of the Project and, therefore, the impact of the Project on Cemeteries 76, 77, and 78 is not available at this time. Three of the four cemeteries that may potentially be impacted under Alternative B4 are located on private property. The fourth, Cemetery 26, is located on Airport property. While the boundaries of Cemetery 26 have been defined (see Section 4.7.2.4 of the FEIS), additional work remains to define the boundaries of the other cemeteries to the satisfaction of the Warwick Historical Cemetery Commission. The potential impacts to these cemeteries can be more clearly defined when the design of the Project is further advanced. These studies will not be performed prior to the ROD, but will be completed prior to any disturbance in the area around the cemeteries, as committed to in Stipulation VI of the MOA among FAA, RIAC, and RISHPO. The MOA can be found in Attachment B to this ROD.

Comment 5-7

Consider the larger macro issues raised by the host community concerning environmental/water quality degradation, wetlands/resource protection, infrastructure, historic resources and housing. These issues were parceled off individually "signed off" by appropriate regulating agencies indicating that their approval trumps the concerns raised by the community

Response

Chapter 5, *Environmental Consequences*, of the FEIS discloses adverse impacts placed on the community, as required by NEPA. During the development of the EIS, FAA worked with a Coordination Group of agencies with jurisdiction over various resources. This effort helped craft an EIS that better protected those resources. As documented in Chapter 8, *Coordination and Consultation*, of the FEIS and summarized in Section 8, *Public and Agency Involvement*, of the ROD, the community, including the City of Warwick, had many opportunities to voice their concerns. The EIS fully complies with the requirement of NEPA for addressing environmental consequences and providing opportunities for public involvement.

Comment 5-8

Defend the use of imperfect regulatory thresholds for air quality and noise exposure on the community offering only a clumsy noise mitigation program and unsettled Integrated Noise model that dilutes individual figures in a time weighted analysis (INM) or in the case of Air Quality a

dispersion model that uses a larger pool of air pollutant sources (dispersion) as reasoned "Mitigation" for adverse impacts imposed by the preferred build option.

Response

Air quality is governed by state and federal requirements. Congress enacted the federal Clean Air Act (CAA), which requires USEPA to set National Ambient Air Quality Standards (NAAQS), under 40 CFR Part 50, as thresholds for pollutants considered harmful to public health and the environment. The Emissions and Dispersion Modeling System (EDMS) is FAA's required methodology for performing air quality analysis modeling for aviation sources. USEPA accepted EDMS as a formal EPA preferred guideline model in 1993. EDMS also offers the capability to model other airport emission sources that are not aviation-specific, such as power plants, fuel storage tanks, and ground access vehicles. FAA requires that the air quality analysis be prepared using the most recent EDMS model available at the start of the environmental analysis process. USEPA and RIDEM approved the Air Quality Protocol analysis, methodology, and results.

FAA requires use of the Integrated Noise Model (INM) to determine noise levels and impacts. In 1979 the Federal Interagency Committee on Urban Noise (FICUN) was formed to develop federal policy and guidance on noise. Members included USEPA, FAA, Department of Defense (DOD), and Department of Housing and Urban Development (HUD). In June 1980, FICUN issued its report entitled Guidelines for Considering Noise in Land Use Planning and Control. This report established the federal government's DNL 65 dB standard and related guidelines. The Aviation Safety and Noise Abatement Act of 1979 adopted the DNL metric and the 65 dB land use compatibility guideline. In 1991, FAA and USEPA initiated the Federal Interagency Committee on Noise (FICON) to review technical and policy issues related to assessment of noise impacts around airports. Membership included representatives from DOD, DOT, HUD, Department of Justice, Department of Veteran's Affairs, and the Council on Environmental Quality. With respect to DNL, FICON found that there are no new descriptors or metrics of sufficient scientific standing to substitute for the present DNL cumulative noise exposure metric. FICON reaffirmed the methodology employing DNL as the noise exposure metric and appropriate dose-response relationships to determine community noise impacts.

Comment 5-9

Determine how the larger noise exposure resulting from the update of the Integrated Noise Model (INM) software was compared against other practicable build alternatives that would have avoided or minimized this significant noise impact.

Response

The noise analysis was updated in the FEIS for Alternatives B4 (the Project) and B2. Overall, the noise impacts are slightly less than reported in the DEIS. This was due not only to the use of updated INM, but also the updated forecast. The noise exposure impacts for both of these alternatives are shown in Tables 5-110 and 5-111 of the DEIS and Tables 5-131 and 5-132 of the

FEIS. While Alternative B-2 would result in fewer housing units being impacted by noise than Alternative B4, Alternative B2 would result in a far greater number of residential acquisitions for the full relocation of Airport Road. Alternative B2 would also displace a greater number of businesses than Alternative B4, as well as the related jobs, personal income, business revenue, state sales and income tax revenue, and local property tax revenue.

The results of the updated noise analysis are summarized in Section 3.9.3.2 of the FEIS. Footnote 139 in this section (page 3-44) reports that FAA reanalyzed Alternative B3 South with a Runway 5-23 extension to 8,300 feet under the FEIS forecast conditions and determined that the potential for significant noise impacts was substantially the same as Alternative B4. This analysis was conducted using the updated INM.

Comment 5-10

Explain why the mitigation measures proposed were selected and how monitoring and enforcement would assure success of the adopted mitigation.

Response

Chapter 6, *Mitigation*, of the FEIS describes why mitigation measures are proposed. To facilitate the monitoring and success of proposed mitigation measures, FAA will impose special grant conditions on RIAC and will review with RIAC annually the EIS mitigation implementation.

Comment 5-11

Explain how it will address the social and environmental justice concerns relating to how the removal of affordably priced, single-family homes will affect the low-to-moderate income population. The study acknowledges it would require \$3.7 million in subsidies to developers in order to build new rental and homeownership units serving the same price point to house displaced families- funds that neither FAA nor RIAC have promised to disburse.

Response

While the EIS acknowledges in the *Social and Socioeconomic, Environmental Justice, and Children's Health and Safety Risks Technical Report* appended to the DEIS that subsidies would be needed if developers were to build new rental and homeownership units serving the same price points as the housing units that would be acquired, it also notes that subsidies are not required for mitigation. In addition, as stated in the FEIS (Volume 5) in response to the City's Comment C-002-0016 on the DEIS, the total reduction in both affordable and market rate housing units in Warwick equals 0.37 percent of the estimated total housing stock in Warwick, as concluded in the revised Affordable Housing Analysis in Appendix G.2 to the FEIS. USEPA stated in its September 10, 2010, comment letter on the DEIS that it was satisfied with FAA's environmental justice methodology and findings in the EIS.

Comment 5-12

Satisfactorily address the public comments or discuss resolution of objections from business interest city officials and the general public.

Response

Volumes 3 and 4 of the FEIS contain responses from FAA to all comments submitted on the DEIS, including oral comments and written comments from agencies, NGOs, state officials, community members, and the City of Warwick.

Comment 5-13

Find compliance with Section 640 of the State Guide Plan considering that, as of this writing, the Rhode Island Division of State Planning has not amended the State Guide Plan language that changes the State airport from a medium-haul to a long-haul airport.

Response

The Project is consistent with the general goals and policies of the MPO, the State Guide Plan and with the September 15, 2011 Element 640 of the Guide Plan, the State Airport System Plan. Specifically, the Project is consistent with the Guide Plan's goals for an airport system that is safe, efficient, meets applicable FAA design standards, and meets current and projected demand within the context of the natural, social, and economic environment.

Comment 5-14

Amend the "purpose and need" that has changed from a stated primary need to accommodate long-haul nonstop flights to the west coast, to limited "on paper" efficiency improvements that are falsely based on the use of large obsolete, fuel-inefficient aircraft to obtain the "loss of passengers" argument associated with not selecting preferred build option B4.

Response

The purpose and need statement as shown in Chapter 2, *Purpose and Need*, of the EIS and in Section 5, *Purpose and Need*, of this ROD has not changed since November 8, 2005, when it received the concurrence of the Inter-Agency/Tribal Coordination Group.

Comment 5-15

Explain the decision of supporting the preferred build option B4 when the analysis lacks appropriated consideration of substantive changes in the air market, air carrier's business strategies, updated fleet utilization, data and fiscal constraints that were not factored into the selection of the preferred alternative.

Response

The analysis of Alternatives B4 and B2 used updated information that accounted for the substantive changes in the airline industry. The DEIS recognized the shifts in aviation activity

at T.F. Green and across the nation, as illustrated in DEIS Section 2.2.1.2 and Appendix D.2. FAA updated its forecast of future operations and passengers in the DEIS to reflect a decrease in future aviation activity at T.F. Green Airport. When the forecasts were developed, it was predicted that T.F. Green Airport would have 8.9 million passengers in 2020. In the DEIS, that number was reduced to 6.6 million. The downward trend in aviation activity continued between 2009 and 2010 and, as a result, FAA again updated its forecasts for 2020. The FEIS estimated that T.F. Green Airport would see 5.8 million passengers in 2020 with no improvements; see FEIS Page 2-6, Table 2-2, and Appendix E.1. The DEIS and FEIS forecasts take into account changes in the market, business strategies, and reflects the current economic situation. In a related effort, FAA re-examined its fleet mix assumptions using data from 2009. It found the 2009 data was consistent with the assumptions used in 2004, as noted in the DEIS, Appendix D at page D.2-11. This information can be found in FEIS Chapter 2, *Purpose and Need*, and in Appendix E of the FEIS. As indicated in Chapter 2, FAA performed updated environmental analyses in the FEIS with a forecast scenario consistent with the most recent FAA aviation forecast available at the time of the analysis.

Comment 5-16

Consider a complete study of practicable alternatives that are environmentally and fiscally more prudent than the preferred alternative B4 considering today's air service market is provided for by the air carriers in a very different manner than that present when the purpose and need was first being developed from 2005-2007.

Response

The evaluation of the changing market did not change the purpose and need, as indicated in Chapter 2, *Purpose and Need*, and Appendix E of the FEIS, nor did it change the results of the alternatives analysis, which is documented in Chapter 3, *Alternatives Analysis*, of the FEIS.

Comment 5-17

Consider removal of the aberrant and fuel inefficient B767-300 with a Pratt and Whitney JT9d-7R4D/7R4E engine configuration as the design aircraft for this study. This outdated, inefficient aircraft requires the longest runway length supported by this FEIS even though the market proves that this large old fuel consuming aircraft will not be the aircraft flown to support the assumed growth at PVD which will be predominately b737 or A320 that is effortlessly accommodated by the City's practicable alternative 8,300 lf Runway 5/23.

Response

Starting in 2005 and continuing through this ROD, FAA followed Advisory Circular 150/5325-4B and considered all West-Coast capable aircraft when determining the runway length requirements for T.F. Green Airport. The B767-300 was identified as the critical design aircraft meaning it required the longest takeoff and landing runway length requirements of all the West-Coast capable aircraft. The B767-300 requires a 10,700-foot runway length. The B767-300 was one of many other aircraft that were considered in the runway length determinations. As

FAA worked through the planning and NEPA processes, it became clear that a 10,700-foot runway was not practicable or appropriate because of the significant environmental and community impacts. Starting in 2009, FAA began to focus its consideration for runway length on the four most probable aircraft that were West-Coast capable (considering recent trends in the airline industry), the A319, A320, B737-700, and B737-800. These aircraft all require less runway length than the B767-300 (see Chart 2-5 on page 2-26 of the FEIS). As this chart demonstrates, the Airbus aircraft can operate on a runway length of less than 8,700 feet, but the Boeing aircraft require at least 8,700 feet and in some cases more than 8,700 feet. The discussion of the B767-300 is part of the history of this project, but is not a defining aircraft in selecting the Project, a runway extension of 8,700 feet.

Comment 5-18

Determine that the preferred alternative B4 poses the least adverse impact because the FEIS does not appropriately consider a practicable alternative offered by the host community, (namely, 8,300 lf R5/23) as an avoidance measure that complies with today's stated modified purpose and need of safety and efficiency.

Response

Alternative B3 (the 8,300-foot runway extension alternative) was evaluated during Level 5, Step 3, of the alternatives screening. In Level 5, Step 3, Alternatives B4 and B3 South were developed. Alternative B3 South was eliminated because while it had substantially similar impacts to Alternative B4, it did not meet the purpose and need as fully as Alternative B4. Please refer to FEIS Chapter 3, *Alternatives Analysis*.

ATTACHMENT B

SECTION 106 MEMORANDUM OF AGREEMENT

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**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL AVIATION ADMINISTRATION,
RHODE ISLAND STATE HISTORIC PRESERVATION OFFICE, AND
RHODE ISLAND AIRPORT CORPORATION**

**REGARDING THE THEODORE FRANCIS GREEN AIRPORT
IMPROVEMENT PROGRAM**

WHEREAS, the Rhode Island Airport Corporation (RIAC) is proposing the Theodore Francis Green Airport (T.F. Green Airport) Improvement Program (undertaking); and

WHEREAS, the undertaking seeks to enhance safety and efficiency at T.F. Green Airport, and consists generally of safety improvements to Runway 16-34; extending Runway 5-23; expansion of the passenger terminal and fuel farm; and construction of a new cargo facility, terminal gates, parking facilities, and on and off Airport roadway improvements (“Project”); and

WHEREAS, the Federal Aviation Administration (FAA) is supplying funding and approvals for the undertaking and is the lead federal agency pursuant to the National Environmental Policy Act of 1969 (NEPA, 42 USC § 4321 et seq.) and is responsible for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 USC § 470f) and its implementing regulations 36 CFR part 800; and

WHEREAS, the FAA has established the undertaking’s area of potential effect (APE) pursuant to 36 CFR § 800.16(d) as depicted on Attachment A; and

WHEREAS, the FAA, in consultation with the Rhode Island Historical Preservation and Heritage Commission (RIHPHC), which is the State Historic Preservation Office (SHPO) for Rhode Island, has determined that the following buildings and structures are eligible for listing in the National Register of Historic Places (National Register) as a historic district: the State Terminal Building (individually listed in the National Register in 1983), Hangar 1 and Hangar 2 (each determined to be individually eligible for listing in the National Register in 2008), the remaining sections of the original Runway/Taxiway Complex, the Engine 8 Fire Station, and Hangar 3 (all contributing resources, not individually eligible for the National Register), and Hangar at 596 Airport Road (a non-contributing building), collectively referred to for purposes of this Memorandum of Agreement as the “Hillsgrove State Airport Historic District” or the “eligible airport historic district” (Attachment B); and

WHEREAS, if the Preferred Alternative (Alternative B4) is selected, FAA determined the undertaking will have an adverse effect, as defined in 36 CFR § 800.5(a), on the State Terminal Building, Hangar 1, and the eligible airport historic district, and no adverse effect on Hangar 2; and

WHEREAS, the adverse effect consists of changes to the setting of the historic State Terminal building, the removal of Hangar 1, and further alterations to the original pattern of the runways and taxi ways; and

WHEREAS, FAA has consulted with the RISHPO pursuant to 36 CFR § 800, regulations implementing Section 106 of the National Historic Preservation Act of 1966, as amended (16 USC 470f), and the RISHPO concurs with the FAA's determination of effect; and

WHEREAS, pursuant to Section 101(d)(6)(B) of NHPA, FAA has consulted with the Narragansett Indian Tribe, represented by the Narragansett Indian Tribal Historic Preservation Officer (NITHPO) regarding potential impacts to archaeological properties of cultural significance; and

WHEREAS, RIAC has participated in the consultation and has been invited to be a signatory to this Memorandum of Agreement (Agreement); and

WHEREAS, RIAC and the FAA have, as of the date of this Agreement, performed archaeological identification and evaluation surveys with respect to potential belowground historic properties that may be impacted by the Project, which surveys are described in archaeological reports included in Attachment C of this Agreement, and have determined that the Project may also affect currently unidentified historic properties in areas that have not been subject to prior cultural resource investigations. Such areas may include, but are not limited to, areas that may be impacted by design modifications, wetland mitigation sites, and areas of staging; and

WHEREAS, RIAC and the FAA have identified four historic cemeteries (Warwick Historical Cemeteries 26, 76, 77, and 78) that do not meet National Register criteria for eligibility but may be impacted by the Project and have committed to addressing these impacts through state and local regulations protecting historic cemeteries, specifically, Rhode Island General Law 23-18-11 *et seq.* and Chapter 12 of the Code of Ordinances of the City of Warwick; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), FAA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, FAA and RIAC have informed and involved the public through public meetings conducted as part of the NEPA review process to solicit comment on the undertaking, including its potential effects on historic properties;

NOW, THEREFORE, FAA, RISHPO and RIAC agree that the following stipulations will be implemented in order to mitigate the adverse effect of the undertaking on historic properties.

STIPULATIONS

I. HISTORIC RESOURCES ARCHIVE DOCUMENTATION

The FAA and RIAC will consult with the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) to determine if Hangar 1 and the eligible airport historic district are appropriate subjects for their archives. If Hangar 1 and/or the eligible airport historic district are appropriate subjects;

RIAC will prepare appropriate HABS/HAER documentation of the eligible airport historic district. The documentation will be completed by a qualified professional who meets the standards and regulations provided in the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* [48 FR 190 (1983)], and shall include a narrative report, large format photographs, and other graphic materials, all prepared to meet archival standards. Unless otherwise agreed to by HABS/HAER or RISHPO, the FAA shall ensure that all documentary recording is completed and accepted prior to the initiation of construction, and that copies of this documentation are made available to the appropriate federal, state and local archives designated by HABS/HAER or RISHPO.

If HABS/HAER determines that the resources are not appropriate subjects, the RISHPO may determine that that Hangar 1 and/or the eligible airport district are appropriate subjects and documentation shall be prepared for the RISHPO to meet Rhode Island Historical Resources Archive standards.

II. INTERPRETIVE DISPLAY

RIAC, in consultation with the RISHPO, shall develop a display that interprets the historical significance of the eligible airport historic district for the public. The display will be in a panel format and will incorporate images of historic views, plans, and/or historic documents; archival documentation photographs; and narrative information describing the history and significance of the airport. Themes that will be addressed will include, but may not be limited to, the events leading up to the establishment of the Hillsgrove State Airport as the first state airport in the nation, its use by the military during World War II and the Cold War; significant events in its physical evolution over time, including information about the T.F. Green Airport Improvement Program; and the architectural and engineering significance of the buildings and structures within the eligible airport historic district.

Prior to the production of the display, RIAC will forward a design plan to the RISHPO that provides an outline of the content to be included, specifications for the fabrication of the display panel(s), and a proposed location where the display will be installed within the main terminal at T.F. Green. Upon approval of the design plan, RIAC will produce a draft of the display in an appropriate format and submit it to RISHPO for review and comment. Upon the approval of the draft, or subsequent drafts as necessary, RISHPO will notify RIAC of its acceptance of the display and RIAC shall proceed with its fabrication and installation.

RIAC shall also develop an electronic version of the interpretive display for publication and viewing on the internet. RIAC will consult with the RISHPO on the format of the presentation and the appropriate web site for the presentation.

III. ARCHITECTURAL SALVAGE

Before the demolition of Hangar 1, RIAC shall, in consultation with the RISHPO, prepare an inventory of significant architectural items or features that might be salvaged from the building. The inventory will be compiled by a qualified professional who meets the standards and regulations provided in the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* [48 FR 190 (1983)]. It will consist of a list of the items or features along with photographs and a site plan showing their location within the building. Subject to federal grant, state property and purchasing requirements, and subject to the consent of the property owner, the Rhode Island Department of Transportation, RIAC shall provide an opportunity for local and regional historical museums, historical societies, or other public organizations to express an interest in significant salvageable architectural items or features for interpretation purposes and permanent display accessible to the public. RIAC shall compile a list of organizations to be contacted in consultation with the RISHPO.

IV. ONGOING REVIEW

The FAA and RIAC shall continue coordination with the RISHPO throughout the course of this project. The RISHPO will be afforded the opportunity to review plans for all phases of the project to ensure that the effects of the project on historic resources are minimized or mitigated.

V. PROTECTION OF ARCHAEOLOGICAL RESOURCES

FAA shall consult with the RISHPO and NITHPO to develop appropriate archaeological surveys to identify archaeological sites and evaluate their significance and eligibility to the National Register in areas of potential effect that have not been previously surveyed. If a site is determined eligible for listing in the National Register, FAA will further coordinate with RISHPO and NITHPO to review avoidance and/or mitigation options in accordance with Stipulation VII below.

VI. HISTORIC CEMETERIES

Per Rhode Island General Law 23-18-11 *et seq.* and Chapter 12 of the Code of Ordinances of the City of Warwick, RIAC shall continue to consult with the Warwick Historic Cemeteries Commission to address potential impacts to four (4) historic cemeteries (Warwick Historical Cemeteries 26, 76, 77, and 78) located within the area of direct project impacts. The limits of each cemetery that may be impacted will be defined through archaeological investigations and the location of project impacts viz. a viz. cemetery boundaries will be assessed. If project impacts occur within, or within 25 feet of, any cemetery RIAC will consult with the Warwick Historic Cemeteries Commission to develop measures to avoid or mitigate the project impacts.

VII. UNANTICIPATED DISCOVERIES

In the event that previously unidentified historic or archaeological resources are discovered which may be affected by the Project in accordance with the criteria of Adverse Effect under 36 CFR Part 800, the RIAC shall promptly notify the FAA, RISHPO, and NITHPO, and shall submit to these parties a report evaluating the resource for purposes of determining eligibility for listing in the National Register.

The FAA, RISHPO, NITHPO, and RIAC will consult promptly on the eligibility of the resources and the FAA will promptly determine whether such resources are historically significant under 36 CFR Part 800. If an affirmative determination is made by FAA, RIAC shall promptly thereafter submit to the FAA, RISHPO and concurring parties a written report describing the nature of the effects which the Project will have on the historic properties, measures to resolve effects to such properties, and measures to resolve adverse effects which RIAC proposes to include as part of the Project's design and engineering documents.

RIAC shall ensure that in responding to previously unidentified discoveries, the protocol developed in consultation with RISHPO attached hereto at Attachment C is followed.

RIAC shall ensure in that if any human remains or unmarked human burials are identified during construction activities associated with the undertaking, work will cease immediately and the procedures under Rhode Island General Law (R.I.G.L.) 23-18-11 et. seq. will be implemented, as further described in Attachment E. RIAC shall insure that in responding to the discovery of any such human remains, the protocol developed in consultation with RISHPO and NITHPO attached hereto at Attachment E is followed.

VIII. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time during the term of this MOA to any actions proposed or the manner in which the terms of this MOA are implemented, FAA shall consult with such party to resolve the objection. If FAA determines that the objection cannot be resolved, FAA will:

- A. Forward all documentation relevant to the dispute, including the FAA's proposed resolution, to the ACHP. The ACHP shall provide FAA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FAA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them with a copy of this written response. FAA will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute with the thirty (30) day time period. FAA may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, FAA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

- C. FAA's responsibility to carry out all other actions subject to the terms of the MOA that are not the subject of the dispute remain unchanged.

IX. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

X. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, FAA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation IX above.

XI. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VII above. If within thirty (30) days (or other time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FAA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FAA shall notify the signatories as to the course of action it will pursue.

**APPROVAL AND SIGNATURE PAGE FOR
MEMORANDUM OF AGREEMENT**

**AMONG THE FEDERAL AVIATION ADMINISTRATION,
RHODE ISLAND STATE HISTORIC PRESERVATION OFFICE, AND
RHODE ISLAND AIRPORT CORPORATION**

**REGARDING THE THEODORE FRANCIS GREEN AIRPORT
IMPROVEMENT PROGRAM**

Execution of this MOA by the FAA, RISHPO and RIAC and the implementation of its terms evidence that the FAA has taken into account the effects of the undertaking on historic properties and afforded the ACHP an opportunity to comment.

FEDERAL AVIATION ADMINISTRATION

By: Bryon H. Rakoff Date: 5/5/11
Bryon H. Rakoff
Acting Airports Division Manager

RHODE ISLAND STATE HISTORIC PRESERVATION OFFICE

By: Edward F. Sanderson Date: 5/9/2011
Edward F. Sanderson
Executive Director/State Historic Preservation Officer

RHODE ISLAND AIRPORT CORPORATION

By: Kevin A. Dillon Date: 5/18/2011
Kevin A. Dillon A.A.E
President and CEO

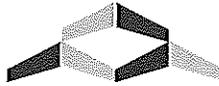
List of Attachments

- A. *Area of Potential Effect (APE), Theodore Francis Green Airport Improvement Program*
- B. *Hillsgrove State Airport Determination of Eligibility Documentation*
- C. *Phase I(c) Archaeological Survey: T.F. Green Airport Improvement Program Environmental Impact Statement, Warwick, Rhode Island* (Leveillee and Mair, 2007, PAL Report No. 1751.01-1). Prepared for the Federal Aviation Authority, Burlington, MA and the Rhode Island Airport Corporation, Warwick, RI. *Phase II Archaeological Site Examination: Double L and Striped Feather Sites, T.F. Green Airport Improvement Program Environmental Impact Statement, Warwick, Rhode Island* (Leveillee et. al. 2008, PAL Report No. 1751.02). Prepared for the Federal Aviation Authority, Burlington, MA and the Rhode Island Airport Corporation, Warwick, RI.
- D. *Unanticipated Discoveries Plan for the Theodore Francis Green Airport Improvement Program.*
- E. *Procedures Guiding the Discovery of Unmarked Burials and Human Remains for the Theodore Francis Green Airport Improvement Program.*

ATTACHMENT C

AIRPORT SPONSOR CERTIFICATION

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Rhode Island Airport Corporation

September 21, 2011

Mr. Richard Doucette
Environmental Program Manager
Federal Aviation Administration
12 New England Executive Park
Burlington, MA 01803

Re: T. F. Green Airport

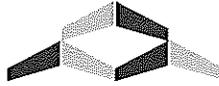
Dear Mr. Doucette:

On behalf of the Rhode Island Airport Corporation, I hereby certify that the attached letter was sent to Rhode Island Statewide Planning on September 21, 2011.

Sincerely,

Kevin A. Dillon, A.A.E.
President and CEO

Attachment



Rhode Island Airport Corporation

September 21, 2011

Mr. Jared L. Rhodes II
Chief, Statewide Planning Program
One Capital Hill
Providence, RI 02908

Re: T. F. Green Airport

Dear Mr. Rhodes,

As required by the National Environmental Policy Act, this letter is being sent to notify Rhode Island Statewide Planning that the Master Plan and draft Airport Layout Plan reflecting the FEIS are available for review. An electronic copy may also be provided. Please contact Ann Clarke at (401) 691-2419 if you have further questions or require any further information regarding this matter.

Sincerely,

Kevin A. Dillon, A.A.E.
President and CEO