SECTION 13.0 MEPA / NEPA DOCUMENTS

13.1 Secretary's Certificate on the NPC/Draft EIR/EA and Responses

This section contains the Certificate of the Secretary of Energy and Environmental Affairs on the NPC/DEIR/EA (No. 13789), July 18, 2007, and responses to comments in the Certificate. The specific comments have been identified by a number in the left hand margin of the certificate. Responses are identified with a corresponding number.

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July 18, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT/NOTICE OF PROJECT CHANGE

PROJECT NAME	: Provincetown Municipal Airport Capital Improvements Plan
PROJECT MUNICIPALITY	: Provincetown
PROJECT WATERSHED	: Cape Cod
EOEA NUMBER	: 13789
PROJECT PROPONENT	: Provincetown Airport Commission
DATE NOTICED IN MONITOR	: June 11, 2007

As Secretary of Energy and Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR)/Notice of Project Change (NPC) submitted on the above project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). I am allowing the proponent to proceed with the reconstruction of the terminal apron and the easterly end of the parallel taxiway within the same footprint prior to the completion of the FEIR.

Project Description

According to the DEIR/NPC, the proposed project, the Capital Improvement Plan (CIP), consists of the following projects: 1) Westerly Taxiway (TW) System Improvements; 2) Relocation of the East End TW; 3) Reconstruction of the Easterly End of the Parallel TW within the same Footprint; 4) Reconstruction of the Terminal Apron within the same Footprint; 5) Installation of Edge Lights and Construction of an Electric Vault; 6) Rehabilitation or Replacement of the Sightseeing Shack; 7) Improvements to the Medium Intensity Approach Light System with Sequenced Flashing Lights (MALSF) Access Road; 8) Construction of Service Access Roads; 9) Installation of a Perimeter Safety/Security Fence; 10) Construction of a Turf Apron; 11) Expansion of the Auto Parking Area; and 12) Expansion of the Terminal Building. The CIP would be completed over a period of five to ten years. The proponent is seeking to comply with Federal Aviation Administration (FAA) safety, security, and design

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standards. These improvements will have minor impacts on the normal runway operations, and there will be no runway expansion and no increase in capacity.

The existing Provincetown Municipal Airport (PMA) contains approximately 13,316 square feet (sf) of airport structures that include a terminal building, aircraft hanger, a snow removal equipment building (SRE), sightseeing shack, a 3,500 foot long runway (Runway 7-25), a taxiway system, aircraft parking, an approach lighting system, navigational aids, and two auto parking areas. It is a public use, commercial service airport with scheduled airline passenger service to and from Logan International Airport, and it enplanes 10,000 or more passengers annually. PMA has a full Instrument Landing System runway approach capability. The PMA is located on 322 acres of federally owned land, which is within the Cape Cod National Seashore (CCNS) and is administered by the National Park Service (NPS). About 4-7 acres of land would be impacted by the project.

This project is subject to a mandatory EIR. The project may require Variances from the Water Quality Certification and the Wetlands Regulations. A Superseding Order of Conditions and a Section 401 Water Quality Certificate may be needed from the Department of Environmental Protection (MassDEP). The project will require review under the Massachusetts Endangered Species Act (MESA) by the Natural Heritage and Endangered Species Program (NHESP) to determine if it will require a Taking Permit and/or a Conservation and Management Permit. It will require a Notice of Intent to be filed with the Provincetown Conservation Commission. The project will need to obtain a Special Use Permit from the NPS. It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project will need a Section 404 Programmatic General Permit from the U.S. Army Corps of Engineers. The project will also come under review as a Development of Regional Impact (DRI) with the Cape Cod Commission (CCC), and is undergoing joint review with the CCC and the MEPA Office. Because an agency of the Commonwealth, the Massachusetts Aeronautics Commission (MAC) is providing a portion of the funding, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

Changes to the Project

The proponent has included a run-up pad prior to the West Entrance TW as part of the Westerly Taxiway System Improvements. However, this run-up pad was always considered as a component of the project by the proponent. The run-up pad was shown but not discussed in the ENF. The proponent is proposing to construct a turn-around for the FAA vehicles which use the access road to the MALSF approach lights. It has also requested permission to go forward with projects #3) the Reconstruction of the Easterly End of the Parallel TW and #4) the Reconstruction of the Terminal Apron, which will be constructed within their existing footprints. The terminal apron and easterly end of the parallel TW's pavement is over twenty years old and funding may be programmed prior to the completion of the FEIR. I am allowing both of these Replacement Projects to be completed prior to the completion of the FEIR

EOEEA #13789 DEIR/NPC Certificate July 18, 2007

Review of the DEIR/NPC

The DEIR provided a detailed project description with a summary/history of the project. It included existing and proposed site plans. The EIR described the existing (2004) and projected level of passengers and flights and airport operations (including general aviation) for the next twenty years (2024). It identified that Phase 1 included the reconstruction of the terminal apron and the easterly end of the parallel TW within their respective footprints.

The DEIR described each local, regional, state, and federal agency action required for the project. The DEIR discussed which of the projects within the CIP are safety improvement projects required by the FAA. However, more discussion is needed in the FEIR to determine which projects are solely to comply with required FAA regulations.

In addition to the Preferred Alternative, the No-Build Alternative, the DEIR summarized the alternatives for each of the CIP projects. The DEIR provided a comparative analysis that showed the differences between the environmental impacts associated with some of the CIP projects. The DEIR clarified some of the differences between FAA safety and design requirements and the recommendations for each project proposed within the CIP.

The proponent has identified that the project may impact the following wetland resource areas: 265,890 sf of permanent and 223,320 sf temporary impacts to Coastal Dune; 2,000 sf of permanent and 44,000 sf of temporary impacts to Bordering Vegetated Wetlands (BVW); and 64,215 sf of permanent and 53,360 sf of temporary impacts to Isolated Land Subject to Flooding (ILSF). Areas of isolated wetland and BVW along the fence alignment will be pruned to maintain an unobstructed area along the fence.

The DEIR addressed the significance of the wetland resources on the project site. There are no nearby public water supplies and wells. The DEIR identified the fencing proposed in tidal creek areas where tidal movements may encumber debris. The proponent has a plan to deal with the blockage of tidal flow material. Bordering vegetated wetlands that have been delineated in the field were surveyed, mapped, and located on the plans. The Provincetown Conservation Commission has accepted the resource area boundaries. The DEIR included a detailed wetlands replication plan for areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring.

The DEIR provided a summary of the proponent's site habitat assessment. The Natural Heritage Endangered Species Program (NHESP) required a habitat assessment for the Eastern Spadefoot Toad, the Vesper Sparrow, the Eastern Box Turtle, and the Broom Crowberry.

The DEIR evaluated potential drainage impacts on water resources from the project. It included a description of the existing runways' drainage system design in the construction area and identified any proposed changes. Proposed activities, including construction mitigation,

3

erosion and sedimentation control were evaluated. The DEIR discussed the consistency of the project with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from construction sites. It included discussion of best management practices employed to meet the NPDES requirements, and included a draft Pollution Prevention Plan in Appendix 3.1.

In Appendix 4, the DEIR provided the weekday morning, midday and evening peak hour traffic LOS analysis for the Route 6/Racepoint Road intersection, which included volume to capacity ratios, delays, and queues for the 95th percentile. The DEIR's LOS table included each movement for this intersection. It included a map of the traffic study area.

The DEIR identified the number of parking spaces recommended by the Institute of Traffic Engineers for an airport. The proponent has proposed pervious parking spaces.

The DEIR identified the existing Transportation Demand Management (TDM) measures, such as rental car availability, taxicabs, and bus service to the center of Provincetown.

There are no sidewalks along Race Point Road, and none are proposed. Walking is prohibited on the CCNS Bikeway that is adjacent to the airport.

The DEIR presented existing noise contours at the airport. It stated that estimated projected noise levels and contours for the next ten years (2014) would not increase from the CIP projects.

During the DEIR process, the proponent has consulted with the Massachusetts Historical Commission (MHC) and the Provincetown Historic Preservation Commission.

The DEIR included a visual resource assessment in Section 5. The visual resource assessment examined the visual impacts of the project included in the CIP, especially building expansions and vegetation clearing, on the Cape Cod National Seashore.

The DEIR did not identify any hazardous waste studies and remediation efforts undertaken at the project site by the proponent.

The FEIR should resolve all the remaining issues outlined below, as required by this Certificate. It should include a copy of this Certificate.

Project Description

The FEIR should provide a detailed project description with a summary/history of the project. It should carefully describe all elements of each of the twelve CIP projects. The FEIR should clarify which of the proposed CIP projects are required by FAA regulations vs. suggested by FAA guidelines. It should include existing and proposed site plans. The FEIR should

1

EOEEA #13789 DEIR/NPC Certificate July 18, 2007

investigate feasible methods of reducing wetland impacts and the creation of impervious areas. It should summarize the permits required for the project. The FEIR should demonstrate how each of the projects within the CIP is consistent with the applicable performance standards. It should contain sufficient information to allow the permitting agencies to understand the environmental consequences of their official actions related to the project. The FEIR should identify if the CIP is compatible with zoning, regional planning, and Executive Order 385.

The FEIR should describe how the twelve CIP projects would be phased over the anticipated five to ten years. It should detail how these projects or groups of projects would be phased to go forward. 2

Alternatives Analysis

The FEIR should demonstrate that the alternatives for the expansion of the turf apron, parking lot and the terminal building have been evaluated with the ability to avoid or minimize wetland related impacts. The analysis should clearly present the alternative configurations at the site and identify the advantages and disadvantages of the Preferred Alternative. The FEIR should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives for the turf apron, parking lot and terminal expansion CIP projects. 3

Wetlands

The Wetland Section of the FEIR should examine options that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. Wetland figures should identify buffer zones, riverfront areas, and 100-year flood plains. Where it has been demonstrated that impacts are unavoidable, the FEIR should illustrate that the impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). The FEIR should provide an accurate measurement of the wetland resource areas that will be affected by the project. 4

The FEIR should provide the information required by DEP when requesting a variance, as outlined in 310 CMR 10.05(b). According to MassDEP, the proposed expanded turf apron, auto parking lot and terminal building appear to be related to forecasted increases in airport capacity, and these non-safety related CIP projects will be required to be designed in conformance to the applicable wetlands regulations. The proponent needs to evaluate practicable alternatives, to explain why the preferred alternative is allowed under the regulations, and to describe the mitigation measures proposed to reduce the impacts. The FEIR should provide evidence of an overriding public interest that is associated with the project as stated in MassDEP's comment letter. The FEIR should include replication locations delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetland plant species, and the planned 5

5

construction sequence. It should outline how the proponent will provide additional wetland replication and restoration areas that are greater than 1:1.

Rare Species

The FEIR should identify if the project will impact any state-listed species. It should explain any proposed monitoring program. The FEIR should describe any habitat enhancements. Since the proposed fencing project will likely have the greatest impact on wildlife habitat (6) migration within the CCNS, the FEIR should specifically identify any potential impact from the proposed fencing project on rare or endangered species. The proponent should explain its proposed documentation procedures for its mowing practices of grasslands and its vegetation management program.

Drainage

The FEIR should address the performance standards of DEP's Stormwater Management (7) Policy. It should demonstrate that the project is consistent with this policy. The proponent should use the DEP Stormwater Management Handbook when addressing this issue.

Traffic

The FEIR should explain why it did not complete a Level-of-Service (LOS) analysis for the Race Point Road/Airport Driveway/Race Point Parking Area intersection. It should provide a traffic distribution map for the project that includes background growth from other proposed developments in the area. The FEIR should examine present and future (2014) build and no-(8) build traffic volumes for the intersections. The proponent should identify the land use Codes (LUC) used and how its trip generation estimates have been generated. In the FEIR, traffic accident problem areas should be identified, and solutions should be proposed. The FEIR should discuss the proponent's coordination efforts with MHD and Provincetown as they address regional and local traffic concerns within this area.

Parking

The FEIR should state how many parking spaces are required by local zoning. It should identify if the proponent will designate parking for shuttle buses, taxicabs, and long-term (9) parking. The FEIR should identify whether the proponent is considering controlling parking through fees or timed restrictions with enforcement.

Transportation Demand Management (TDM)

The FEIR should identify the proponent's TDM measures during peak periods, such as employee ridesharing, an automatic teller machine, shuttle bus service to the hotels and guest (10) houses, rental cars, a shared-car service (such as ZipCar), and taxicab service improvements that

EOEEA #13789 DEIR/NPC Certificate July 18, 2007

discourage single passenger trips to and from the airport.

Pedestrian Issues

The FEIR should identify the locations of sidewalks within the parking area now. It
11 should show where any proposed sidewalk improvements are proposed.

Construction Issues

The FEIR should include a construction management plan that describes the project's phasing, erosion and sedimentation controls, monitoring, and contingencies. It should describe the amount of fill material required and estimate the number of truck trips per day and the time
12 period involved for the different projects contained in the CIP. The FEIR should describe how the fence would be constructed within wetland areas, and construction staging areas should be identified on plans.

Sustainable Design

This project presents a good opportunity to successfully incorporate cost-effective sustainable design elements and construction practices into the project. These elements can minimize environmental impacts and reduce operating costs. The FEIR should summarize the proponents' efforts to ensure that this project includes Leadership in Energy and Environmental
13 Design (LEED) Certified buildings or the equivalent. Because this project may receive funds from the Massachusetts Aeronautics Commission (MAC), the FEIR should detail how this project will comply with Executive Order No. 484 - Leading by Example – Clean Energy and Efficient Buildings. I strongly encourage the proponent to consider incorporating elements, such as those noted below, into its project design, construction and management:

- water conservation and reuse of wastewater and stormwater;
- renewable energy technologies to meet energy needs;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- energy efficient HVAC and lighting systems, appliances and other equipment, and solar preheating of air;
- building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- easily accessible and user-friendly recycling system infrastructure incorporated into the building design;
- development of a solid waste reduction plan;
- development of an annual audit program for energy consumption, waste streams, and use of renewable resources;
- Low Impact Development (LID) principles that reduce stormwater, potable water, wastewater, and wetland impacts and that provide water conservation and the ruse of wastewater and stormwater; and

7

- LEED Certification.

Mitigation

14 The FEIR should include a separate chapter on mitigation measures. It should outline the proponent's wetland replication areas as part of its mitigation package.

15 This chapter on mitigation should include proposed Section 61 Findings for MassDEP, MAC, and NHESP. The proposed Section 61 Findings should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

In the DEIR, the proponent has committed to the following mitigation measures:

- Provide approximately 64,000 sf of isolated wetlands restoration in two areas;
- Restore 1,000 sf of Bordering Vegetated Wetlands;
- Monitor wetlands restoration twice annually for two years by a qualified wetland scientist;
- Restore approximately 32,000 sf of dune habitat in two areas;
- Restore approximately 192,000 sf of Cultural Grassland;
- Undertake an Invasive Species Management Plan using mechanical measures;
- Install bioretention areas for stormwater treatment for impervious surfaces;
- Implement a Habitat Creation and Restoration Plan;
- Implement an Erosion Control Plan;
- Install a ticket gate for validated parking in the parking lot;
- Provide a bicycle rack near the main entrance to the Terminal;
- Install additional parking lot landscaping to screen the area from the CCNS; and
- Implement TDM measures.

16 These above measures do not include all of the mitigation measures for the fencing, terminal, and parking CIP projects, which are unknown until preferred alternatives are selected by the proponent.

Response to Comments

17 The FEIR should include copies of all comment letters. It should provide a response to all comments within the scope of this project. I recommend that the response address the question and not just refer to a particular Section of the report as was done in the DEIR. The Response to Comments section should provide clear answers to the questions raised.

EOEEA #13789 DEIR/NPC Certificate July 18, 2007

Circulation

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to (18) Provincetown officials. A copy of the EIR should be made available for public review at the Provincetown Public Library.

July 18, 2007
DATE

Ian A. Bowles

Comments received:

Division of Marine Fisheries, 7/5/07
Jacobs Edwards and Kelcey (JEK), 7/5/07
Cape Cod Commission, 7/10/07
Association to Preserve Cape Cod (APCC), 7/11/07
DEP/SERO, 7/11/07
Mass Audubon, 7/11/07
National Park Service, 7/12/07
MassWildlife, 7/12/07
Jacobs Edwards and Kelcey, 7/16/07

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9

Response to comments in MEPA Certificate on the Draft Environmental Impact Report/Notice of Project Change, July 18, 2007.

1. A project description of each of the twelve CIP projects is provided in Section 6 and illustrated on the figures in Section 6. A summary of the projects with a description of work completed since the submission of the Draft document is provided in Section 1. Additional wildlife and wetland surveys have been completed, and additional alternatives have been developed for the auto parking lot, turf apron, and fence.

   Section 2, Purpose and Need, has been revised and expanded to provide additional information on FAA, TSA, and MassDOT Aeronautics regulations. The FAA publishes documents known as Advisory Circulars (AC) and Orders which while not regulations provide accepted operational safety design standards to meet responsibilities pursuant to the regulations. The use of these standards is mandatory for airport projects receiving Federal grant-in-aid assistance. AIP funded projects <u>are required</u> to comply with certain FAA Advisory Circulars (AC).

   The specific design standards that apply to each project are identified in Section 2.1. Table 2.1 lists all the regulations that pertain to the projects. The applicable portions of the referenced documents are provided in Appendix 6. Table 2.2 summarizes which elements have been proposed in response to safety and security requirements and which are capacity projects.

   Wetland impacts have been reduced with new alternatives for the fence, turf apron and auto parking. Wetland replication for direct IVW impacts is proposed at a 1:1 on-site ratio and BVW wetland impacts is proposed at a 2:1 on-site ratio. The preferred alternative for the Terminal project is the vertical expansion, which will not impact wetlands.

   The permitting performance standards and permitting phasing are discussed in Sections 6 and 8.

   The project is compatible with the applicable Minimum Performance Standards (MPS) of the Cape Cod Regional Policy Plan. Appendix 7 contains additional information. The Town of Provincetown Zoning Bylaw identifies the area as the Seashore District. The project meets the requirement to have a minimum of five parking spaces or one space per 350 SF of floor space under Miscellaneous Use for this zoning district.

2. Section 6 discusses the phasing of the projects. The Terminal Apron reconstruction project was approved by the Provincetown Conservation Commission and was constructed in the fall of 2008. It is expected that funding for the taxiway projects will be earmarked for the beginning of the 5-10 year planning period. Additional information can be found in Section 6.

3. Since the circulation of the Draft document, the alternatives analysis has been expanded and additional alternatives have been developed for the fence, turf apron and auto parking to respond to concerns about environmentally sensitive areas. Section 3 discusses the environmental impacts associated with each of the alternatives for the projects.

   All previously considered alternatives were revisited in order to fully quantify all potential environmental (e.g., wetland, wildlife habitat, etc.) impacts. New concepts were also designed and compared to older concepts in order create and/or identify the environmentally preferred alternative. Specifically, the vertical expansion of the Terminal building was identified as the preferred alternative and will have no direct wetland impacts. A new concept for the auto parking expansion was also developed and compared to previous alternatives. Now phased, the parking lot will not have any wetland impacts and will minimize alterations within coastal dune

habitats, while still meeting the project purpose. See Section 3.0 for a more detailed analysis and comparison of the parking alternatives. In addition, a reduced dimension for the turf apron has been designed to avoid direct wetland impacts.

4. Preferred alternatives that have been identified will avoid and minimize impacts to wetland resource areas and associated buffer zones to the fullest extent practicable as discussed in Sections 3, 5 and 6. Certain CIP projects that were developed to address FAA safety standards will result in unavoidable impacts to wetlands. These projects have an overriding public security/safety interest and include: safety/security fence, westerly taxiway system improvements, relocation of the east end taxiway, improvement to the access road to the MALSF approach lights, and the service access roads to the LES and to the AWOS. Mitigation measures were designed to address the Wetlands Protection Act and other mitigation guidelines to the extent practical. Wetland mitigation will occur at approximately a 1:1 on-site restoration rate for IVW impacts and 2:1 on-site restoration rate for BVW impacts. Table 5-3 summarizes resource areas to be impacted as well as the area to be mitigated.

   Several of the CIP projects will result in alterations within the 100-foot Buffer Zone of one or more wetland areas. In general, the existing Buffer Zone composition consists of one or more of the following: unaltered coastal dune, cultural/managed grasslands, impervious surfaces (buildings, pavement), or in some cases, where wetland areas are in close proximity to each other, the buffer zone to one wetland may encompass one or more of the adjacent wetlands.

5. On-site wetland mitigation is proposed in areas where existing impervious surfaces will be removed. The draft wetland restoration plans have been developed to comply with several regulations and permit performance standards that relate to wetlands, including the Wetlands Protection Act, the Provincetown Wetland Bylaw, Section 401 Water Quality Certification, Section 404 Army Corps of Engineers permit, and the CCC Regional Policy Plan (RPP).

   Additional mitigation measures, such as creation of dune habitat, are proposed. Mitigation measures proposed for stormwater treatment include infiltration swales and bioretention for the auto parking area, and implementation of wetland enhancement through management of invasive species.

   As discussed in Section 5.0, several of the CIP projects will result in unavoidable alterations to freshwater wetlands (isolated and/or bordering). These impacts have been avoided and minimized to the extent practicable as discussed in Sections 3, 5 and 6. The proposed onsite wetland restoration is shown on figures in Section 7. The proposed wetland restoration reflects a 2:1 on-site mitigation ratio for BVW impacts and 1:1 on-site mitigation ratio for all the direct impacts resulting from the IVW impacts.

   Relocation of the West End TW and East End TW will result in alterations to isolated freshwater wetlands, presumed to be Isolated Land Subject to Flooding (ILSF). Flood storage capacity of ILSF on-site will not be altered. Construction of the service access road to the AWOS will also result in a small amount of freshwater wetland alteration. The installation of the safety/security fence will also directly alter areas of isolated freshwater wetland as well as BVW. Subsequent abandonment of the existing paved areas provides an opportunity for wetland restoration within the footprint of the formerly paved areas as discussed in Sections 5 and 6. Between 64,000 and 78,000 SF of restored IVW and 5,000 SF of restored BVW wetlands are proposed within the Airport, as mitigation for direct impacts to IVW and BVW. On-site areas have been designated as restoration areas for mitigative efforts to compensate for impacts to isolated freshwater wetlands and BVW. All areas below elevation 10 are considered Land Subject to Coastal Storm Flowage (LSCSF), which has no associated performance standards under the MA WPA.

Wetland Restoration Area A will be located near the northwestern corner of the abandoned West End TW and the Runway 7 End, adjacent to portions of Wetlands C/J/FK and contiguous with Wetland I as shown on Figures 7.1 and 7.3. Wetland Restoration Area C is located within the footprint of the existing East End TW, south of the Terminal apron and contiguous with Wetland H, as shown on Figures 7.2 and 7.4. Wetland Restoration Area C is adjacent to Wetland C/J/FK at the end of Runway 7, as shown on Figures 7.1 and 7.3.

These areas are highly suitable for wetland restoration because they are adjacent to existing wetlands and are close to elevations within existing wetlands. A total of six monitoring wells have been installed in and around areas designated for mitigation, in order to confirm proper hydrologic conditions that will support wetland restoration and creation. Plant species are listed in a Table 7.1 in Section 7.0, along with preliminary planting specifications. Furthermore, restoration of BVW has been increased to achieve an approximately 2:1 on-site mitigation ratio. IVW restoration is shown as Mitigation Areas A and B in Figures 7.1, 7.2, and 7.3.

6. State-listed rare species mapped by NHESP at the Airport include: the Eastern Box Turtle, the Vesper Sparrow, Broom Crowberry, and the Eastern Spadefoot Toad. As part of the review of the Draft EA/EIR, NHESP indicated that the proposed improvement projects might result in a "Take" of the Eastern Spadefoot Toad, and the Eastern Box Turtle if construction avoidance methods were not developed. The NHESP also indicated that, with certain construction conditions, a "Take" may be avoided for the Vesper Sparrow and the Eastern Spadefoot Toad. NHESP emphasized that the Airport should try to avoid a "Take," if possible.

   Since the NPC/Draft EIR/EA, the Project Team has met with NHESP twice (see minutes provided in Section 10.1) to discuss ways to minimize impacts to all listed species. Additional design alternatives, construction phase measures, and operational mitigation measures have been developed to avoid a "Take" of any listed species at the Airport as a result of the CIP projects. This FEIR/EA reflects those measures. A MESA Project Review Checklist will be submitted to NHESP for their review and determination.

   A new fence concept has been developed to minimize habitat fragmentation and habitat degradation of the four state-listed species found at the Airport. The fence alignment has been developed to avoid the prime Spadefoot habitat. Gaps along the fence bottom are proposed, so as to avoid a "Take" of the Eastern Box Turtle as discussed further in Sections 5 and 6. Construction phase and operational mitigation measures have also been developed.

   Mitigation efforts involving habitat restoration, creation, or enhancement for the listed species are also proposed to provide a long term net benefit to the species. Construction will also be timed to avoid breeding times or other periods of peak activity if possible. Pre-construction turtle sweeps and/or a bird census will be conducted.

   The Vegetation Management Plan is discussed in Section 7.4.

7. The expansion of the Airport visitor auto parking area will result in approximately 6,660 SF of new impervious area (Phase 1 and 2). Currently, runoff from the paved aisles flows to the unpaved median and gravel parking spaces and infiltrates into the soil, similar to the other nearby parking lots for visitors to the CCNS beaches.

   Stormwater runoff in the Airport auto parking area has the potential to carry a moderate amount of contaminants typically associated with automobile usage. Mitigation measures have been developed for the auto parking area. The additional parking spaces will be gravel and only the

driveway and aisles will be paved. Bioretention systems are shown conceptually on in Section 5. Stormwater BMPs are proposed

Stormwater runoff volume from the three proposed access roads (MALSF, LES and AWOS) will be minimal and, similar to the runway and taxiways, the small volumes of runoff will infiltrate into the underlying soils within the adjacent unpaved areas.

8. The traffic study has been revised and expanded. Utilizing the TMCs collected for this project, the Study Team conducted a level-of-service (LOS) analysis of the signalized intersection of Route 6 at Conwell Street and Race Point Road and the unsignalized intersection of Race Point Road and Airport Drive.

   Under all conditions (2007 Existing, 2024 No Build and 2024 Build), the Signalized Intersection of Route 6 at Conwell Street and Race Point Road currently operates at LOS A during the weekday morning peak hour and at LOS B during the weekday midday, evening and Saturday midday peak hours.

   Under all conditions, the critical movements (all movements from the Provincetown Airport driveway) at the unsignalized intersection of Race Point Road and Airport Drive operate at LOS A during the weekday morning, midday, and evening and Saturday midday peak hours.

   A traffic distribution map is provided in Figure 4 of the Traffic Operation Report in the Traffic Appendix. Present and Future (2024) Build and No Build conditions have been examined. Anticipated 2024 traffic volumes were based on Passenger Enplanement projections published in the Provincetown Airport 2005 Master Plan. The forecasted enplanement totals were applied to a trip rate which was empirically calculated based on the existing amount of vehicular traffic entering and exiting the site. This methodology was suggested by CCC and is similar to one used to generate vehicular trips associated with the Terminal project at the Barnstable Airport. The projected number of trips was then subtracted from the existing traffic, in order to arrive at the increased amount of trips that were estimated to be generated by the Provincetown Airport in the future. A memo provided with the Traffic Report explains in more detail how the land use codes and trip generation estimates have been generated.

   Crash data was obtained from the MassHighway Crash Database for accidents occurring within the study area over the most recent three-year period, 2004-2006. The calculated rates for each intersection were compared with MassHighway's 2005 Average Accident Rates for District 5, which includes the South Shore and the Cape. The average MEV for District 5 is 0.84 for signalized intersections and 0.59 for unsignalized intersections. The calculated crash rate for the intersection of Route 6 at Race Point Road and Conwell Street is 0.33, lower than average for signalized intersections. There were no crashes at the intersection of Race Point Road and Airport Drive. Additional information is provided in the Traffic Appendix.

9. The Town of Provincetown Zoning Bylaw identifies the area as the Seashore District. The project meets the requirement to have a minimum of five parking spaces or one space per 350 SF of floor space under Miscellaneous Use. Spaces will be designated for rental cars. Taxicabs typically wait at the entrance when flights are expected or respond to calls for a cab. The Breeze shuttle bus makes a stop at the Airport and only briefly parks at the entrance. Parking will be controlled through time and use restrictions, with enforcement.

10. TDM measures such as employee ridesharing are not practical for the Airport given the very small staff that commute at different times and from several towns. ATM machines at small facilities are not economically feasible for financial institutions. ZipCar generally locates cars in

densely urban areas. Free phone service has been installed at the Airport to call a taxi or the shuttle. Rental cars are available at the Airport.

11. There are no sidewalks within the parking area and none are proposed. There is very little pedestrian circulation around the Terminal. The sidewalk at the Terminal entrance is shown on Figure 6.10.

12. A Construction Management Plan is provided in Section 7.5. It details measures to control erosion and sedimentation, special construction methods, and pre-construction monitoring for species. Measures taken to minimize wetland impacts during construction of the fence are included.

13. Opportunities to incorporate sustainable design into the Terminal building will be fully investigated during the design phase. Water conservation measures will include low flow fixtures and faucets with sensors. Water usage will be reduced through the use of draught tolerant native landscape plant materials. Hand dryers in lieu of paper towel dispensers will be evaluated. Building supplies and materials that are non-toxic, made from recycled materials, made with low embodied energy can be specified for new construction work. Energy efficient lighting systems will be specified in new construction work.

    The feasibility of directing roof runoff to planting areas or rain barrels will be investigated. The feasibility of the use of photovoltaic cells will be evaluated but this would need to be reviewed by the NPS for visual impacts.

    The Airport Commission Chairman is on the Town's Recycling and Reusable Energy Committee. The Chairman has supplied the Airport with multiple recycling receptacles, which have been successfully used to lower solid waste disposal. Since the Airport is at such a remote location and such a small generator of recyclables, it is not included on a commercial pick-up route. However, the Airport Manager and the Commission Chairman take the paper and plastic recyclables to the Town sorting facility themselves. This recycling is anticipated to continue to reduce solid waste at the facility by recycling at the Town's sorting facility.

14. Section 7.0 is devoted solely to mitigation. It details, both via text and figures, areas designated for restoration and the mitigation ratio that will be achieved. Wetland restoration areas are considered as part of the mitigation package. Wetland restoration will be conducted at approximately a 1.5:1 ratio. Wetland restoration is known to have a higher success rate that wetland replication because wetland areas will be restored and not created.

    Four areas have been identified for restoration efforts that will incorporate wetland restoration, coastal dune creation and cultural grassland creation to compensate for lost resources as a result of the improvement projects

13.2 Comment Letters on the Draft EIR/NPC and Responses

This Section contains the following comment letters submitted on the Draft EIR/NPC (No. 13789), and responses to comments. The specific comments have been identified by a number in the left margin of the comment letter. Responses are identified with a corresponding number. Some responses are procedural and do not require a response.

Division of Marine Fisheries, July 5, 2007	Page 13-23
Jacobs Edwards & Kelcey, July 5, 2007	Page 13-25
Cape Cod Commission, July 10, 2007	Page 13-27
Association to Preserve Cape Cod (APCC), July 11, 2007	Page 13-41
DEP/SERO, July 11, 2007	Page 13-53
Mass Audubon, July 11, 2007	Page 13-63
National Park Service, July 12, 2007	Page 13-67
MassWildlife, July 12, 2007	Page 13-69

Gage, Bill (EEA)

From: Malkoski, Vincent (FWE)
Sent: Thursday, July 05, 2007 3:12 PM
To: Gage, Bill (EEA)
Cc: Feeney, Eileen (FWE)
Subject: EOEA #13789, Provincetown Municipal Airport

Bill,

Given the project location, we have no recommendations for this project.

Vin

Vin Malkoski
MA Division of Marine Fisheries
838 South Rodney French Blvd
New Bedford, MA 02744
508-910-6318 Fax: 508-910-6342

MarineFisheries

7/6/2007

No response necessary.

Magner, Maryann

From: Magner, Maryann
Sent: Thursday, July 05, 2007 12:34 PM
To: bill.gage@state.ma.us
Cc: Garrity, Mike; Richardson, Bill
Subject: Provincetown Airport
Attachments: 27June07.PH.notice.pdf

Tracking:

Recipient	Delivery	Read
bill.gage@state.ma.us		
Garrity, Mike	Delivered: 7/5/2007 12:34 PM	
Richardson, Bill	Delivered: 7/5/2007 12:34 PM	Read: 7/5/2007 12:40 PM

Bill,
To follow up on our phone conversation, I have attached the CCC Public Hearing Notice.
The Hearing was held on Wednesday June 27th (I may have said the 25th on the phone).
Our understanding is that CCC will submit comments to MEPA by the July 11th deadline.
Thank you.
Maryann

Maryann T. Magner
Senior Environmental Planner

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3/12/2008

No response necessary, as this is a procedural email concerning the public hearing date.

CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

July 10, 2007

Secretary Ian A. Bowles
Massachusetts Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02114-2150

Attn: William Gage, MEPA Unit

Dear Secretary Bowles:

The Cape Cod Commission (Commission) has received a Draft Environmental Impact Report (DEIR) for the proposed Provincetown Municipal Airport Capital Improvements Plan (EOEA # 13789). The proposed development is required to prepare an Environmental Impact Report (EIR) pursuant to 301 CMR Section 11.03 of the Massachusetts Environmental Policy Act (MEPA) regulations. As a project requiring an EIR, it is categorically deemed to be a Development of Regional Impact (DRI) under the Cape Cod Commission Act, Section 12(i), and is subject to review by the Cape Cod Commission.

The applicant has elected to participate in a joint Cape Cod Commission/MEPA review process pursuant to a Memorandum of Understanding between the Cape Cod Commission and EOEA. The Commission Subcommittee (Subcommittee) conducting the review of this project held a public hearing on June 27, 2007 to discuss the adequacy of the Draft EIR. We recognize that the proposal raises challenging regulatory issues; we anticipate that these can be addressed during the joint MEPA/Commission review process.

Thank you for the opportunity to comment on this project

Project Description
Provincetown Municipal Airport is located within the Cape Cod National Seashore on approximately 322 acres of federally owned land administered by the National Park Service. The airport is a public use, commercial service airport with scheduled Cape Air airline passenger service to and from Logan Airport in Boston, serving about 10,000 passengers annually. The airport site consists of developed airside and landside areas used for airport operations and facilities, as well as undeveloped areas that consist of grasslands, coastal dunes, and wetlands.

The Provincetown Airport Commission (the applicant) proposes a Capital Improvement Plan that includes the following twelve safety and facility improvement projects:

- Westerly taxiway system improvements,
- Relocation of the east end taxiway;
- Reconstruction of the easterly end of the partial parallel taxiway;
- Reconstruction of the terminal apron;

- Installation of taxiway edge lights and construction of an electric vault;
- Rehabilitation or replacement of sightseeing shack;
- Improvements to access road to approach lights;
- Construction of service access roads;
- Installation of perimeter fence;
- Expansion of turf apron;
- Expansion of auto parking;
- Expansion of terminal building.

Wetlands and Wildlife

While we find the DEIR well written and well organized, we would recommend additional information and clarification of several issues in the Final Environmental Impact Report (FEIR). With its location inside a national park, amidst a sensitive and unusual ecological community, Provincetown Airport capital improvement planning presents a complex challenge for permitting agencies. It is within the context of seeking balance between the natural resource interests and air travel safety interests that we offer our recommendations.

Purpose and Need

Section 2 of the DEIR discusses the purpose and need for each of the proposed twelve airport improvements. The Subcommittee believes that this section could be clearer with regard to distinguishing between FAA requirements and FAA guidelines. The document does not reference the applicable FAA standard for each project or provide the relevant language of such standard. 1 For example, the document references Federal Aviation Regulations (FAR) Part 107 regarding fencing requirements but does not include the language of the requirements. We recommend that the applicable portions of FAA regulations referenced in the DEIR supporting each project be included in an appendix to the FEIR.

2 The Subcommittee requests additional clarification (provision of regulations and interpretation, as necessary) distinguishing between FAA requirements and recommendations for the westerly taxiway system improvements, relocation of the east end taxiway, and the fence installation.

3 With regard to the capacity improvements, including expansion of the turf apron and parking, the Subcommittee recommends that the applicant discuss any applicable FAA requirements for these projects, or indicate if there are none. We anticipate that in its consideration of these projects, the Commission will need to weigh the benefits of increasing the airport's plane and auto capacity (especially during the busy summer season) against any resulting potential permanent impacts to the natural environment; FAA obligations, if any, should be clearly identified and understood.

Impacts - General

The Subcommittee requests additional clarification in the FEIR document so that significant safety concerns can be fairly balanced against significant impacts to resources within the fragile and unique ecosystem found at the airport and the surrounding Cape Cod National Seashore. For all proposed projects, the FEIR should specify the anticipated alteration to wetland buffer areas in 4 addition to alterations to wetland resource areas. The RPP does not permit alterations to wetlands or to the 100 foot buffer to wetlands, but where the buffer has previously been altered, changes may be permitted so long as they have no greater impacts and there is no feasible alternative. Consequently, for DRI review, the applicant should quantify alterations proposed to disturbed and undisturbed buffer areas.

Impacts to rare species or their habitat are not permitted by the RPP, and consequently the projects' preferred alternatives should be designed to eliminate or minimize impacts to rare
5 species. The FEIR should address concerns that the Natural Heritage and Endangered Species Program identifies regarding impacts from each of the proposed projects. Mitigation of unavoidable impacts should be detailed in the FEIR.

Impacts – Adequacy of Alternatives Analysis for Individual Projects
Westerly Taxiway System
The DEIR does not provide analysis of the impacts to wetlands or buffers from taxiway reconstruction within the existing footprint to the Runway 7 end because the consultant determined that this alternative does not comply with FAA design standards. As discussed above,
6 the FAA requirement for the realignment and taxiway design standards should be provided to support this determination. In addition, the area of impact should be provided for comparison to the preferred alternative. The preferred alternative would impact 0.68 acres of wetlands and an undetermined amount of wetland buffer.

Relocating the East End Taxiway
As noted previously, establishing the need for the taxiway relocation is essential to the permitting
7 process. Have there been changes in FAA regulations that require this change, as it was not proposed during previous permitting of the runway safety areas (*Provincetown Airport-Short Term Improvements DRI decision, TR93007, April 13, 2000 as amended.*) The impacts to wetlands at this location are more than half an acre and an undetermined amount of wetland buffer.

Improve Access Road to MALSF Approach lights
While the area of proposed wetland alteration at this location is relatively small, 960 s.f., it
8 contributes to the total contemplated wetland impacts and the gradual alteration of the wetlands at the airport. The FEIR should address whether an ATV/golf maintenance cart may be used at this location in lieu of a truck, thereby avoiding the need for a turn-around.

Service Roads to LES and AWOS
Both of the proposed access roads would permanently alter small amounts of wetlands and would result in pavement within wetland buffer areas. The FEIR should address whether the area of
9 pavement could be reduced to the minimum required by FAA for taxiways and runways (300 ft, according to the DEIR), and whether an ATV/golf cart could be used to service these facilities, thereby further reducing the area of impact.

Perimeter Fence
The Subcommittee agrees with the assessment in the DEIR that of the five fencing alternatives examined, alternatives 4 and 5 are more feasible than alternatives 2 and 3 as they minimize impacts to wetlands and other habitat. As stated above, establishing the need for the fence and
10 distinguishing between safety and security issues is essential to the permitting process. The DEIR states that with alternatives 4 and 5, clearing around sections of fence would be reduced to 4 feet in width. Could the objectives for installing the fence be addressed without the cleared travel ways, or could all proposed travel ways be reduced in width by designing them for ATV/golf cart use?

11 As there appear to be benefits and impacts from both alternatives 4 and 5, the total impacts to wetlands, wetland buffers, coastal dune, rare species habitat, etc. for both alternatives should be

presented in the FEIR, along with plans detailing the proposed width of clearing along the fence, proposed grading, and calculations of the anticipated impacts from this work.

Mitigation
The Subcommittee notes that considerable wetland, wetland buffer, coastal dunes, and rare species habitat would be altered in conjunction with the twelve proposed improvement projects. The RPP does not permit alteration to any of these resources. The Commission permitted a small quantity of wetland (13,000 s.f.) and wetland buffer (91,224 s.f.) alteration at Provincetown Airport previously (*Provincetown Airport-Short Term Improvements DRI decision, TR93007, April 13, 2000 as amended*) but on the basis of several findings, including: the wetland alteration was significantly reduced through the permitting process; there were no feasible alternatives; the project provided significant public safety benefits and was necessary to meet FAA standards; and significant mitigation for the alterations was provided. In this case and in other rare instances where the Commission has allowed wetland and wetland buffer alteration, mitigation was provided in proportions that exceeded 2:1. 12

While the current Capital Improvement Projects proposal should be evaluated based on its own merits and impacts, the applicant should be aware of the significant natural resource concerns that will have to be addressed through the DRI review process. Staff recommends that the FEIR explore additional opportunities for wetland, wetland buffer, and coastal dune mitigation. Rare species habitat impacts should be mitigated as directed by NHESP. 13

Transportation
While the transportation information in the DEIR may be adequate for MEPA purposes, Commission DRI review may require additional analysis. The scope of any further transportation analysis would depend on the regulatory process the applicant pursues with the Commission. The Subcommittee recommends that project representatives meet with staff to discuss whether a full DRI review is appropriate or whether a DRI hardship exemption filing or other type of limited DRI review application may be appropriate. 14

A full traffic study would require an analysis of level of service and safety at several locations, depending on estimated trip generation and distribution. The scope of the transportation study could be narrowed or waived if the project were reviewed under a hardship exemption application or other type of limited DRI review. 15

The main issues for potential further analysis include the following:

- Further analysis of automobile trip generation may be necessary. Due to the unique characteristics of the airport (frequent general aviation operations/low commercial operation), it may benefit the applicant to use an alternative to Institute of Transportation Engineers trip generation data. 16
- The amount of parking necessary to serve the airport may require further review. Staff recommends further exploration of whether there is the possibility of shared parking with the Cape Cod National Seashore or any other existing parking areas. 17
- Re-examination of the possible need for shuttle bus transportation between the airport and other parts of Provincetown as well as other Outer Cape locations. 18
- The need to provide safe bicycle access between the airport and the existing bicycle path. 19
- The need to identify any potential safety impacts of added vehicular traffic traveling to/from the airport on nearby intersections. 20

21 • The possible need to review aircraft accidents and incidents to determine causal factors and the need for corrective measures.

Community Character

The DEIR briefly discusses the proposed airport terminal expansion, noting that design alternatives have not been identified at this point in the review process. The Subcommittee 22 encourages the applicant to submit conceptual design alternatives prior to DRI review, as building design will need to be consistent with RPP standards. In addition, the RPP requires maintenance of adequate buffers on the project site to ensure that the proposed parking area expansion would not be visible from the roadway.

Water Resources/Stormwater Management

Staff recommended in its ENF comment letter that the airport consider pervious surfaces for the 23 auto parking expansion, as this would eliminate generation of additional stormwater runoff. This recommendation has been incorporated into project plans and therefore no further review is required.

Conclusion

The Draft Environmental Impact Report for the Provincetown Municipal Airport Capital Improvements Plan presents the proposed security and facility improvements and includes discussion and analyses of the potential impacts and proposed mitigation strategies. Our comments are intended to clarify for the applicant what issues the Commission is likely to address during DRI review. We recognize that our comments raise several challenging regulatory issues, but we offer them within the context of seeking balance between the natural resource interests and air travel safety interests. We anticipate that most issues can be resolved during the joint MEPA/Commission review process.

Sincerely,

Susan Kadar

Susan Kadar
Chair, Commission Subcommittee

cc: Joe Longo, Horsley Witten
Michael Garrity, Edwards and Kelcey
Butch Lisenby, Provincetown Airport
Michael Leger, Provincetown Airport Commission
CCC Subcommittee Members

Provincetown Airport Capital Improvements Plan
DEIR
July 10, 2007
Page 5

Response to comments in letter from Cape Cod Commission, (CCC), July 10, 2007

1. Section 2, Purpose and Need, has been revised and expanded to provide additional information on FAA, TSA and MassDOT Aeronautics regulations. The FAA publishes documents known as Advisory Circulars (AC) and Orders which while not regulations provide accepted operational safety design standards to meet responsibilities pursuant to the regulations. The use of these standards is mandatory for airport projects receiving Federal grant-in-aid assistance. AIP funded projects are required to comply with certain FAA Advisory Circulars (AC).

   The specific design standards that apply to each project are identified in Section 2.1. Table 2.1 lists all the regulations that pertain to the projects. The applicable portions of the referenced documents are provided in Appendix 6. Table 2.2 summarizes which elements have been proposed in response to safety and security requirements and which are capacity projects.

2. Please see response to comment #1.

3. The need for additional aircraft and auto parking was identified in the 2005 Master Plan. Design alternatives have been developed that avoid wetland impacts associated with these project elements, as discussed in Sections 3, 5 and 6.

4. Preferred alternatives have been identified that will avoid and minimize impacts to wetland resource areas and associated buffer zones to the fullest extent practicable as discussed further in Sections 3, 5 and 6. Certain CIP projects that were developed to address FAA safety standards will result in unavoidable impacts to wetlands. These projects have an overriding public security/safety interest and include: safety/security fence, westerly taxiway system improvements, relocation of the east end taxiway, improvement to the access road to the MALSF approach lights, and the service access roads to the LES and to the AWOS. Mitigation measures were designed to address the Wetlands Protection Act and other mitigation guidelines to the extent practical. Four areas have been designated for restoration and mitigation efforts. Wetland restoration, coastal dune creation, and cultural grassland creation will all occur in the restoration areas. On-site wetland mitigation at a 1:1 for IVW and at a 2:1 restoration rate is proposed for BVW. Table 5-3 summarizes areas to be impacted as well as the area to be mitigated.

   Several of the CIP projects will result in alterations within the 100-foot buffer zone of one or more wetland areas. In general, the existing buffer zone composition consists of one or more of the following: unaltered coastal dune, cultural/managed grasslands, impervious surfaces (buildings, pavement), or in some cases, where wetland areas are in close proximity to each other, the buffer zone to one wetland may encompass one or more of the adjacent wetlands.

5. State-listed rare species mapped by NHESP at the Airport include: the Eastern Box Turtle, the Vesper Sparrow, Broom Crowberry, and the Eastern Spadefoot Toad. As part of the review of the Draft EA/EIR, NHESP indicated that the proposed improvement projects might result in a "Take" of the Eastern Spadefoot Toad, and the Eastern Box Turtle if construction avoidance methods were not developed. The NHESP also indicated that, with certain construction conditions, a "Take" may be avoided for the Vesper Sparrow and the Eastern Spadefoot Toad. NHESP emphasized that the Airport should try to avoid a "Take," if possible.

   Since the NPC/Draft EIR/EA, the Project Team has met with NHESP twice (see minutes provided in Section 10.1) to discuss ways to minimize impacts to all listed species. Additional design alternatives, construction phase measures, and operational mitigation measures have been developed to avoid a "Take" of any listed species at the Airport as a result of the CIP

projects. This FEIR/EA reflects those measures. A MESA Project Review Checklist will be submitted to NHESP for their review and determination.

A new fence concept has been developed to minimize habitat fragmentation and habitat degradation of the four state-listed species found at the Airport. The fence alignment has been developed to avoid the prime Spadefoot habitat. Gaps along the fence bottom are proposed, so as to avoid a "Take" of the Eastern Box Turtle as discussed further in Sections 5 and 6. Construction phase and operational mitigation measures have also been developed.

Mitigation efforts involving habitat restoration, creation, or enhancement for the listed species are also proposed to provide a long term net benefit to the species. Construction will also be timed to avoid breeding times or other periods of peak activity if possible. Pre-construction turtle sweeps and/or a bird census will be conducted.

The Vegetation Management Plan is discussed in Section 7.4.

6. An analysis of the alternative that would reconstruct the existing TW footprint with a standard right angle within the existing footprint is included in Section 3. This alternative would have unavoidable impacts to approximately 935 SF of isolated wetland in Wetland I, and approximately 12, 730 SF of BVW in Wetland C/J/FK.

7. The relocation of the East End TW was not included in the previous permitting of the RW safety areas because it was not included in the design scope of work for the safety areas. The FAA design standard regarding the location of connector TWs has not changed. At the time of the previous project, operational issues relative to the Terminal Apron and the wetland permitting associated with the relocation of the East End TW were beyond the scope and schedule of work.

8. The alternative that would have FAA personnel transfer their equipment to an all terrain utility vehicle (such as a golf cart) small enough to eliminate the need to back down the access road has been evaluated in Section 3.

   The Utility Vehicle alternative has been deemed unfeasible in Section 3 because FAA personnel need access to all equipment in their vehicles during all weather conditions and cannot feasibly transfer all the equipment to a small utility vehicle. Since the runway needs to be shut down for some inspection or maintenance procedures, the vehicle, with all of the necessary equipment, needs to be close to the navigational facilities to minimize the time that the runway is closed.

9. The access road to the localizer shelter will not impact wetlands. The pavement for all the proposed access roads has been reduced to the minimum required by FAA, a length of 300 feet. Please see response to comment #8 regarding the feasibility of a golf cart.

10. A new alternative has been developed for the fence which eliminates the patrol road. Additional information is provided in Section 3, 5 and 6. Section 2 discusses the safety and security issues addressed by the fence.

11. Concept 6 has been developed to respond to concerns expressed by NPS and NHESP during coordination meetings relative to prime breeding habitat for the Eastern Spadefoot Toad, a State listed species which is also granted federal protection by NPS. Impacts to primary Eastern Spadefoot Toad breeding habitat and to movement of the Eastern Box Turtle have been minimized by revising the alignment and by providing gaps in the fence as shown in a detail on Figure 6.7 in Section 6.

12. On-site wetland mitigation is proposed in areas where existing impervious surfaces will be removed. The draft wetland restoration plans have been developed to comply with several regulations and permit performance standards that relate to wetlands; including the Wetlands Protection Act, the Provincetown Wetland By-Law, Section 401 Water Quality Certification, Section 404 Army Corps of Engineers permit, and the CCC Regional Policy Plan (RPP). Restoration of wetlands is recognized by the CCC as appropriate mitigation for altered wetlands.

    Additional mitigation measures, such as creation of dune habitat, are proposed. Mitigation measures are also proposed for stormwater treatment for the auto parking area, and implementation of wetland enhancement through management of invasive species.

    As discussed in Section 5 and 6, several of the CIP projects will result in unavoidable alterations to freshwater wetlands (isolated and/or bordering). These impacts have been avoided and minimized to the extent practicable. The proposed onsite wetland restoration is shown on Figures 7.1 - 7.4 in Section 7. The proposed wetland restoration reflects a minimum on-site mitigation ratio of 2:1 for BVW impacts and 1:1 for IVW impacts for all the direct (permanent) impacts resulting from the CIP projects.

    Relocation of the West End TW and East End TW will result in alterations to isolated freshwater wetlands, presumed to be Isolated Land Subject to Flooding (ILSF). Flood storage capacity of ILSF on-site will not be altered. Construction of service access roads to the AWOS will also result in freshwater wetland alteration. The installation of the safety/security fence will also directly alter areas of isolated freshwater wetlands. Subsequent abandonment of the existing paved areas provides an opportunity for wetland restoration within the footprint of the formerly paved areas. On-site areas have been designated as restoration areas for mitigative efforts to compensate for impacts to isolated freshwater wetlands.

    Wetland Restoration Area A will be located near the northwestern corner of the abandoned West End TW and the Runway 7 End, adjacent to portions of Wetlands C/J/FK and contiguous with Wetland I as shown on Figures 7.1 and 7.3. Wetland Restoration Area B is located within the footprint of the existing East End TW, south of the terminal apron and contiguous with Wetland H, as shown on Figures 7.2 and 7.4. Wetland Restoration Area C is adjacent to wetland C/J/K at the end of Runway 7, as shown on Figures 7.1 and 7.3.

    These areas are highly suitable for wetland restoration because they are adjacent to existing wetlands and are close to elevations within existing wetlands. A total of six monitoring wells have been installed in and around areas designated for mitigation, in order to confirm proper hydrologic conditions that will support wetland restoration and creation. Plant species are listed in a Table 7.1 in Section 7.0, along with preliminary planting specifications. Furthermore, restoration of BVW has been increased to achieve a 2:1 on-site mitigation ratio. BVW will be impacted by improvements to the MALSF Access Road and construction of the fence. Restoration Area C is for BVW restoration.

13. The Airport will mitigate for impacts to rare species habitat through a combination of habitat restoration, design and construction phase measures. Specific measures, such as incorporating wildlife “tunnels” within sections of the proposed fence, and implementing strategic maintenance schedules are designed to minimize impacts to rare species habitat. Vegetation management will help to maintain natural habitat areas, such as Cultural Grassland, and will foster the stability and proliferation of Broom Crowberry. Vegetation management will also help to maintain adequate ground-nesting areas for the Vesper Sparrow.

Strategic timing of construction activities will also help to avoid direct and indirect impacts to rare species. Additionally, a field reconnaissance would be carried out just prior to construction activities to determine if Vesper Sparrows or other species are within the impact areas. The majority of the project impacts would occur within actively maintained portions of the Airport. To the extent practicable, construction will be timed to avoid peak activity for these species. Also, efforts to restore and re-create impacted natural resource areas (i.e., wetlands, coastal dune, and Cultural Grassland), may result in overall habitat enhancement. Net improvements in habitat quality may also be achieved through the proposed invasive species management, which will restore and maintain the natural, native vegetative communities.

14. A request for a Hardship Exemption will be submitted as discussed in Section 6.1

15. A meeting was held with CCC staff to discuss this issue. Minutes are provided in Appendix 7.

16. The traffic study has been revised and expanded. A traffic distribution map is provided in Figure 4 of the Traffic Operation Report in the Traffic Appendix. Present and Future (2024) Build and No Build conditions have been examined. Anticipated 2024 traffic volumes were based on Passenger Enplanement projections published in the Provincetown Airport 2005 Master Plan. The forecasted enplanement totals were applied to a trip rate which was empirically calculated based on the existing amount of vehicular traffic entering and exiting the site. This methodology was suggested by CCC and is similar to one used to generate vehicular trips associated with the Terminal project at the Barnstable Airport. The projected number of trips was then subtracted from the existing traffic, in order to arrive at the increased amount of trips estimated to be generated by the Provincetown Airport in the future. A memo provided with the Traffic Report explains in more detail how the land use codes and trip generation estimates have been generated.

17. Additional data collection was carried out during summer of 2008 regarding parking lot use and is provided in Appendix 4. Shared parking could be explored with staff of NPS, but the cost of a shuttle service between a NPS lot and the Airport would be prohibitive.

18. The Breeze shuttle is currently operating between downtown Provincetown and the Airport.

19. The existing bike path intersects with Airport Drive with stop signs for the bicyclists. Access for bikes to the Terminal is by means of the Airport Drive, following standard rules of the road. A bicycle rack is provided at the entrance of the Airport Terminal.

20. The traffic study has been revised and expanded. Utilizing the TMCs collected for this project, the Study Team conducted a level-of-service (LOS) analysis of the signalized intersection of Route 6 at Conwell Street and Race Point Road and the unsignalized intersection of Race Point Road and Airport Drive. Under all conditions (2007 Existing, 2024 No Build and 2024 Build), the Signalized Intersection of Route 6 at Conwell Street and Race Point Road currently operates at LOS A during the weekday morning peak hour and at LOS B during the weekday midday, evening and Saturday midday peak hours. Under all conditions, the critical movements (all movements from the Provincetown Airport driveway) at the unsignalized intersection of Race Point Road and Airport Drive operate at LOS A during the weekday morning, midday, and evening and Saturday midday peak hours.

21. Aircraft accidents or incidents are related to the weather conditions at the Airport and deer incursions. The proposed TW improvements and the perimeter fence will address these conditions.

22. The Terminal expansion will match the exterior design of the existing building. Conceptual design will be submitted to the CCC as part of the DRI submission. Landscaping is proposed for the parking lot so that the lot will not be visible from the roadway.

23. The parking spaces will be pervious gravel.

BG

APCC
Association to
Preserve Cape Cod

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July 11, 2007

Ian A. Bowles, Secretary
EOEEA, Attention: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Attention: William Gage, EOEA # 13789

Dear Secretary Bowles:

The Association to Preserve Cape Cod (APCC), a nonprofit environmental education and advocacy organization dedicated to the protection of Cape Cod's natural resources, submits the following comments regarding the Notice of Project Change/Draft Environmental Impact Report/Environmental Assessment (NPC/DEIR/EA) for the Provincetown Municipal Airport Capital Improvements Plan, EOEA # 13789.

The Provincetown Municipal Airport Commission is proposing several capital improvement projects for the purpose of upgrading safety and improving facilities at the airport, which is located on 322 acres of federally owned land within the Cape Cod National Seashore (CCNS). The project applicant is proposing the following projects:

- Realign and Reconstruct Westerly Taxiway System (wetland impacts, coastal dune impacts, cultural grassland impacts, rare species habitat)
- Relocate East End Taxiway (wetland impacts, coastal dune impacts, cultural grassland impacts, rare species habitat)
- Reconstruct Easterly End of Parallel Taxiway (wetland buffer zone impacts)
- Reconstruct Terminal Apron (wetland buffer zone impacts)
- Install Taxiway Edge Lights and Construct Electric Vault (cultural grassland impacts)
- Replace or Rehabilitate Sightseeing Shack
- Improve Access Road to Approach Lights (wetland impacts)
- Construct Service Access Roads to the Localizer Equipment Shelter and to the Weather Station (wetland impacts, coastal dune impacts, cultural grassland impacts, rare species habitat)
- Install Perimeter Safety/Security Fence (wetland impacts, coastal dune impacts, rare species habitat)

1

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- Expand Turf Apron (wetland impacts, cultural grassland impacts, rare species habitat)
- Expand Auto Parking (wetland impacts, coastal dune impacts, rare species habitat)
- Expand Terminal Building (possible wetland impacts)

In 2006, APCC submitted written comments following the release of the Environmental Notification Form (ENF) for the project. In those comments, APCC acknowledged the need to address issues that affect the safety and security of airport operations. However, APCC also expressed its concern over likely significant impacts the projects would have on wetlands, coastal dunes and rare species habitat located at the airport, as well as the project's visual impacts to the CCNS.

In its written comments on the ENF, APCC called for the project applicant to study alternatives that would reduce the potential for impacts to the environment, and to provide detailed information about proposed mitigation for any remaining environmental impacts. The DEIR does provide significantly more information than the ENF in regard to alternatives analysis and possible mitigation, but APCC still worries that impacts to wetlands, coastal dunes and rare species will remain considerable, and that mitigation, which relies largely on replication or restoration of wetlands and dunes, may not be sufficient given the size and habitat value of the impacted area.

Wetland Impacts and Proposed Mitigation

According to the DEIR, the combined airport projects will impact approximately 64,000 square feet of wetlands. This figure does not include wetland impacts as a result of installing a perimeter safety/security fence around the airport, as the exact location of the fence has yet to be determined.

The DEIR has identified the extensive wetlands within the project area as mostly isolated freshwater wetlands, consisting of seasonally-flooded shrub/scrub coastal interdunal wetland marsh, along with areas of interdunal forested wetland swales ~~where pitch~~ pine is the indicator species. A portion of bordering vegetated wetlands associated with the tidally influenced Hatches Harbor wetland will also be impacted by the project.

Although the DEIR provides approximate square footage of wetland that will be impacted by each of the proposed projects, APCC could not find any information that reported what *percentage* of an individual wetland area will be impacted for each project. For example, the Westerly Taxiway System realignment and reconstruction project would impact 33,225 sq ft of wetland in what is identified as Wetland Area I. But, the total square footage of wetland in Wetland Area I is not provided, and therefore the percentage of Wetland Area I that will be impacted is unknown. This information is valuable in helping determine how significant a specific project impact will be on any particular wetland area. The FEIR should provide more information on the anticipated severity of each project impact on a wetland system.

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Also, in the case of the Westerly Taxiway System project, APCC notes that a section of Wetland Area I will be bisected from the rest of the wetland as a result of the proposed project, as shown in Figure 3.1 in the DEIR. The DEIR does not provide any information about if, or how, this fragmentation of the wetland will affect the hydrology, habitat value (2) or other functional aspects of either the smaller isolated piece or the larger piece. It appears from the DEIR that other wetland areas are similarly fragmented by other proposed airport projects. The FEIR should address how projects occurring in wetland areas may indirectly impact those wetlands.

To mitigate wetland impacts, the applicant proposes to restore and/or replicate additional wetlands in areas where existing paved surfaces are to be removed. In the MEPA Certificate for the ENF, the Secretary directed the applicant to provide a detailed wetlands replication plan in the DEIR that must include "replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, (3) groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring." APCC could not find information in the DEIR regarding elevations, cross sections, test pits/soil boring logs, groundwater elevations, and the hydrology of altered areas. This specific information should be included in the FEIR.

The project applicant states that wetland mitigation will conform to Massachusetts DEP and U.S. Army Corps of Engineers wetland mitigation guidelines, as well state and local (4) wetlands regulations. Despite these assurances, APCC remains concerned that the proposed mitigation will be insufficient to address the impacts to such a high value resource area.

Both the Environmental Protection Agency and the Massachusetts DEP report that historically many wetland replication efforts are not successful. According to the Buzzards Bay National Estuary Program Web site, "Many scientists and managers are concerned with the use of wetlands replication as a routine management tool for two reasons. First, wetlands replication projects have a high failure rate. In New England it has been estimated that 50% of all replication efforts fail because of inadequate design or (5) maintenance (Ed Reiner, EPA, personal communication). Second, many functions performed by natural wetlands may not be performed by artificial or replicated wetlands. Although it may be possible to replicate the flood control, sediment trapping, and waterfowl values of some wetlands, scientists have identified at least 75 complex ecological relationships among soils, hydrology, water quality, vegetation, and wildlife, many of which take centuries to develop."

The DEIR states that the proposed wetland mitigation represents an approximately 1:1 restoration. If the project is approved and the proposed wetland restoration and replication is permitted as mitigation, a 1:1 restoration should be required <u>at a minimum</u>.

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(6) Impacted square footage should be carefully calculated against square footage of areas to be restored or replicated, and this exact calculation should be included in the Final Environmental Impact Report (FEIR).

(7) The DEIR also indicates that additional, off-site wetland restoration is a possibility, if deemed necessary. Any off-site wetland mitigation should be identified in the FEIR.

(8) Any wetlands replicated or restored on-site or off-site as project mitigation should match the environmental characteristics of impacted wetlands in terms of functionality and plant communities. For example, a diverse shrub/scrub interdunal wetland plant community should not be replaced by a replicated wetland that is largely dominated by cattail. The FEIR should provide specific information on how this should be accomplished, and the Cape Cod Commission Development of Regional Impact (DRI) process should further refine and guide this mitigation procedure, if it is determined to be acceptable.

Wetland Impacts from Parking Lot Expansion

(9) APCC believes that alternatives for the proposed expanded auto parking lot should be studied further in the FEIR. The project applicant presented several parking lot configurations in the DEIR, and identified Option 1 as the preferred alternative. As proposed, Option 1 would fill in or otherwise permanently impact 4,650 sq ft of isolated scrub-shrub/forested wetland. Option 1 would increase parking spaces from 64 spaces for visitors and 20 for employees that currently exist to a total of 119 spaces. The DEIR states that these additional spaces are needed for future airport demand in the peak use season. APCC recommends that the applicant continue to study alternative configurations that would avoid this impact, and also to pursue additional parking demand reduction measures that could reduce the total number of spaces needed.

Coastal Dune Impacts and Proposed Mitigation

(10) According to the DEIR, combined airport projects would impact approximately 42,200 sq ft of coastal dune. As with wetland impacts from the project, this number does not include coastal dune impacts as a result of the proposed perimeter fence installation.

(11) The DEIR proposes to mitigate coastal dune impacts by creating new coastal dunes elsewhere in the project area where pavement is to be removed, and through an invasive plant species management program within coastal dune habitat. Newly created dunes would be planted with native vegetation. Total new dune creation proposed (excluding perimeter fence mitigation) is approximately 32,000 sq ft of new dune for the 42,000 sq ft impacted. The FEIR should explain how the applicant proposes to mitigate impacts to the remaining 10,000 sq ft of impacted coastal dune.

(12) APCC would like to see determinations by appropriate state environmental agencies and the Cape Cod Commission as to whether creating new dunes is acceptable mitigation for permanent impacts to naturally occurring coastal dunes in such an environmentally sensitive area. If this is acceptable mitigation, the FEIR should provide detailed

information about the expected survival rate of the plantings and contingency plans for addressing any created dune habitat that fails to become established.

Regarding the invasive species management plan proposed in the DEIR, APCC supports
(13) invasive species control programs and looks forward to reviewing additional information about this mitigation proposal as the project review process moves forward.

Rare Species Habitat Impacts
The Massachusetts Natural Heritage and Endangered Species Program has identified the entire airport area as Priority Habitat of Rare Species and Estimated Habitat of Rare Wildlife and Certified Vernal Pools. Specifically, the airport contains habitat for the eastern box turtle, eastern spadefoot toad, vesper sparrow and broom crowberry. The DEIR states that proposed airport projects will permanently or temporarily impact habitat for all four species.

A population of broom crowberry was identified during field surveys conducted by the
(14) project applicant, according to the DEIR. The applicant should reconfirm in the FEIR that the broom crowberry population will not be impacted by the proposed projects.

Nearly all of the area encompassing the airport has been designated as habitat suitable for
(15) eastern box turtle. While no box turtles were observed in field surveys of the area, APCC looks to the FEIR to provide details on proposed methods to ensure that there is no "taking" of the eastern box turtle as a result of the airport improvement projects.

The eastern spadefoot toad is known to inhabit the dune country found in this area of the CCNS. The Outer Cape Cod region, which includes Provincetown, holds the greatest concentration of spadefoot toads in the northeast. Individuals only emerge from underground burrows on certain rainy nights to feed and reproduce, and are therefore not
(16) easily observed during most of the year. According to the DEIR, various attempts were made to locate the presence of spadefoot toads during likely heavy rain events and in temporary pools in dune areas. However, the DEIR also indicates that during the time period of the surveys, the region was experiencing lower than average rainfall, which may be a factor in the absence of spadefoot toad sightings. APCC sees the need for further field studies to determine whether eastern spadefoot toads utilize the project area.

The cultural grassland habitat consisting of the mown areas around the airfield has been identified as potential habitat for the state-listed vesper sparrow. The DEIR states that
(17) there will be no net loss of cultural grassland habitat, due to mitigation that entails creation of new grassland or restoration of other areas, although total square footage of area impacted and area to be restored or created were not evident in the DEIR. This information should be provided in the FEIR.

(18) No vesper sparrows were found during initial field surveys, according to the DEIR. The FEIR should confirm that an additional survey will be conducted prior to any project

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activity that impacts vesper sparrow habitat in order to verify that no sparrows are present.

Terminal Building

More information on a preferred alternative for expanding the terminal building should be provided in the FEIR. A preferred alternative was not identified in the DEIR, but the DEIR did discuss two general options. The first would maintain the same building (19) footprint but increase the height from one story to two stories, which would create visual impacts in the CCNS. The second option involves expanding the building horizontally, which would impact approximately 560 sq ft of isolated wetland. Assuming that additional space is validated in the course of the project review process, information on a preferred alternative for expanding the terminal should also include detailed analysis of how wetland impacts can be minimized or avoided.

Safety/Security Fence

A fence encircling the area of airport activity has been proposed as one of the airport projects. The purpose of the fence is to maintain airport safety and security by keeping humans and large animals such as deer and coyote from encroaching on the airfield and other secure areas.

In the ENF, the project applicant proposed that eight-foot high black chain link fence topped with barbed wire run the entire circumference of the airport lease area. According to the ENF, the fence would have impacted approximately 62,000 sq ft of bordering vegetated wetland, 6,000 sq ft of isolated wetland, and 418,000 sq ft of coastal dune. It would also impact eastern box turtle and eastern spadefoot toad habitats.

In the DEIR, the applicant studied several alternatives for the placement of the perimeter fence in an effort to reduce the significant environmental impacts reported in the ENF. APCC is encouraged by the effort of the applicant thus far in analyzing alternatives with fewer environmental impacts. Of the concepts studied in the DEIR, two have been identified as warranting further study as potential preferred alternatives. Still, one of those concepts would impact 43,620 sq ft of bordering vegetated wetland and 5,720 sq ft of isolated wetlands, while the second possible concept would impact 44,840 sq ft of bordering vegetated wetland and 21,425 sq ft of isolated wetland. The DEIR does not identify the square footage of coastal dune that would be impacted, although it is presumed to be less than stated in the ENF due to reductions in fence circumference. Even so, the fence likely remains the single largest source of impacts to coastal dunes of all the projects proposed, and both concepts would still impact wetlands and rare species habitat.

APCC recommends that the alternative fence concepts be refined in the FEIR in an attempt to further reduce impacts to wetlands, dunes and habitat. The FEIR should also (20) provide specific square feet calculations for the impacts to coastal dunes and other environmental resources.

(21) Because a preferred alternative for the safety/security fence has not been identified, complete mitigation details were not offered in the DEIR. A specific mitigation proposal should be included in the FEIR.

Visual Impacts

Most of the visual impacts of the proposed projects will result from the safety/security fence, additional parking spaces and the terminal expansion. These projects will have visual impacts on certain areas within the CCNS. The DEIR states that efforts to minimize the fence's impacts on dunes and wetlands by attempting to run the installation strategically along certain topography will also help to minimize visual impacts. Increased parking lot size will be screened by plantings, which will also help screen the terminal building, according to the DEIR. The degree to which the terminal building creates visual impacts depends upon whether the horizontal or vertical expansion concept is selected as the preferred alternative.

(22) The FEIR should provide accurate visual simulations of the proposed projects as seen from key locations within the CCNS in order to help gauge the extent of visual impacts and the effectiveness of proposed screenings and other mitigation.

Conclusion

The DEIR for the Provincetown Airport capital improvements plan has provided much information about proposed project details, alternatives analysis, environmental impacts and possible mitigation. However, APCC believes that more information and study is warranted for a project that has the potential for significant impacts to sensitive habitat and state-listed species. APCC therefore calls on the Secretary to require the applicant to provide additional information on the outstanding issue areas identified in this comment letter. As was stated in its written comments on the ENF, APCC recognizes and supports the need for airport facilities that provide safety and security. But, APCC remains concerned by the extent of the project's environmental impacts, and whether the proposed mitigation will be sufficiently effective or acceptable.

APCC thanks the Secretary for this opportunity to comment.

Sincerely,

Maggie Geist
Executive Director

Don Keeran
Assistant Director

7

Response to Comments in letter from Association to Preserve Cape Cod, July 11, 2007.

1. Although many of the wetland areas are classified as isolated vegetated wetlands, the areas are hydrologically connected. The mosaic pattern of wetland areas intermixed with coastal dunes is a natural characteristic of the Airport wetland resources. In some cases, the complete perimeter of wetland areas was not delineated because it was well outside of the potential project impact area. Some of the wetland areas have naturally developed in response to the airfield configuration and the proposed TW projects will simply shift this configuration. Section 7 discusses further the suitability of the area for wetland restoration.

2. The existing mosaic of small and larger isolated wetlands will be maintained with the proposed wetland restoration. Wetland Restoration Area A will be located near the northwestern corner of the abandoned West End TW and the Runway 7 End, adjacent to portions of Wetlands C/J/FK and contiguous with Wetland I as shown on Figures 7.1 and 7.3. Wetland Restoration Area C is located within the footprint of the existing East End TW, south of the terminal apron and contiguous with Wetland H, as shown on Figures 7.2 and 7.4. Wetland Restoration Area C is adjacent to wetland C/J/FK at the end of Runway 7.

   These areas are highly suitable for wetland restoration because they are adjacent to existing wetlands and are close to elevations within existing wetlands. A total of six monitoring wells have been installed in and around areas designated for restoration, in order to confirm proper hydrologic conditions that will support wetland restoration and creation. Plant species are listed in a Table 7-1 in Section 7.0, along with preliminary planting specifications. Furthermore, restoration of BVW has been increased to achieve an approximately 2:1 ratio. BVW will be impacted by improvements to the MALSF Access Road and construction of the fence. Restoration Area C is for BVW restoration.

3. Successful wetland restoration will require sufficient hydrologic conditions. Specifically, groundwater should be close enough to the surface such that saturated soils exist within one foot of the final elevation during the growing season. These elevations should provide 4-12” of standing water during the winter and spring, as observed within other seasonally flooded wetland areas at the Airport. Six monitoring wells have been installed to observe groundwater elevations within the existing wetland areas as close as possible to the proposed restoration areas. Depth to water was recorded on two separate dates. No significant difference in depth to water was observed across all six wells, suggesting that removal of existing impervious materials will result in sufficient hydrological conditions.

4. On-site mitigation is proposed in areas where existing impervious surfaces will be removed. The draft wetland restoration plans have been developed to comply with several regulations and permit performance standards that relate to wetlands; including the Wetlands Protection Act, the Provincetown Wetland Bylaw, Section 401 Water Quality Certification, and Section 404 Army Corps of Engineers permit.

5. A qualified wetland scientist will oversee all aspects of the wetland restoration activities including installation of sedimentation control barriers, excavation of salvaged plant materials, removal of impervious surfaces and excavation of sub-base materials, installation of monitoring wells, soil augmentation, revegetation, and implementation of a monitoring plan.

   Wetland restoration areas will be monitored twice annually for a minimum of five growing seasons to determine the relative success of the restored wetlands. Semi-annual site inspections conducted during late spring and late summer will include an assessment of the

relative health and integrity of the salvaged vegetation and newly planted individuals, percent cover of vegetation, percent cover of wetland species, and general compliance with the performance standards under 310 CMR 10.55(4)(b)(1 through 7) and in accordance with Army Corps of Engineers (ACOE) Compensatory Mitigation Guidance. Randomly distributed vegetative test quadrats will be established within the wetland restoration areas to provide consistent data regarding the relative success of the wetland plant communities. Additional measures will be taken during construction and monitoring of wetland restoration areas to discourage establishment of invasive species within the newly disturbed soils, as described in Section 7.3.

Written reports detailing the findings of each monitoring event will be submitted to the Provincetown Conservation Commission, DEP, and the Corps, as well as other regulatory agencies overseeing the wetland restoration activities. Photographic documentation will be incorporated within the monitoring reports. Recommendations will be made for the replacement of dead or dying plants, and any additional remediation, as necessary.

6. Since the Draft EA/EIR, additional wetland delineation and project development has further refined the impact calculations. Any further refinement will be included in the design plans submitted with permit applications.

7. On-site areas have been identified for project mitigation.

8. Mitigation plans are provided in Section 7.

9. Further evaluation and assessment of the parking lot options was completed. A fourth option has been identified that avoids wetland impacts. Additionally, Concept 4 can be built in phases. More information can be found in Sections 3, 5 and 6.

10. Coastal dune impacts associated with the proposed fence are included in Section 5.

11. Some of the alterations within coastal dune will be mitigated through creation of additional coastal dune within Restoration Area A in Mitigation Option 1, and Restoration Area A and B in Mitigation Option 2. Management of invasive species within coastal dune habitat is also proposed.

12. The Provincetown Conservation Commission as well as the DEP, the CCC, and ACOE will review the mitigation plans

13. Section 7.3 contains additional information on the invasive species management plan.

14. The population of Broom Crowberry will not be impacted by the proposed projects. According to preliminary discussions with NHESP, a “Take” will likely not occur on Vesper Sparrow habitat or Broom Crowberry habitat. The proposed net gain in Cultural Grassland will serve to enhance Vesper Sparrow habitat at the Airport. Cultural Grassland management also enhances habitat quality for the Broom Crowberry.

15. A single female Eastern Box Turtle was observed at the Airport in June 2007. Gaps along the fence bottom are proposed, to avoid of a “Take” of the Eastern Box Turtle.

16. At the direction of NHESP, additional field analyses of Eastern Spadefoot Toad breeding habitat have been conducted in order to better quantify potential effects on the species. Field biologists identified prime and potential breeding habitat for the Eastern Spadefoot Toad. This new information has allowed project alternatives, particularly the fence, to be

located away from areas of prime (ideal) habitat. A separate report has been created documenting observations of Eastern Spadefoot Toad habitat, which is provided in Appendix 2.

17. Cultural Grassland will be created for the TW safety areas, or restored after pavement removal as discussed above. Newly created Cultural Grasslands will be located adjacent to the restored wetland area as discussed in Section 7.

    Areas of created or restored Cultural Grasslands will be maintained by the Airport in accordance with an established mowing schedule.

18. A Construction Management Plan will be implemented as discussed in Section 7.5 to protect rare species. This plan will be reviewed by NHESP and will include all measures necessary to avoid a “Take” of species.

19. Adding a second floor to the existing building has been identified as the preferred alternative. The building will be designed to comply with NPS and CCC landscaping/exterior building requirements, and wetland impacts will be avoided.

20. A new alternative for the safety/security fence has been developed that avoids impacts to Hatches Harbor and minimizes impacts to state listed species and their habitats. Additional information about the Concept 6 fence alignment can be found in Sections 3, 5, and 6. Specific project impacts to coastal dunes, Buffer Zone as well as wetland resources are provided in Section 5.

21. A preferred alternative for the fence has been identified. Detailed mitigation plans are provided in Section 7, including a Construction Management Plan.

22. Visual impacts from the parking lot will be mitigated with landscaping. The Terminal building will match the current exterior design details.

MEMORANDUM

TO: William Gage, Environmental Reviewer, MEPA Unit

THROUGH: Jonathan Hobill, Acting Deputy Regional Director, Bureau of Resource Protection
David Johnston, Deputy Regional Director, BWP
Millie Garcia-Serrano, Deputy Regional Director, BWSC
Gary Moran, Regional Director

CC: Elizabeth Kouloheras, Chief, Wetlands and Team Leader, Cape Cod Watershed
Jeffrey Gould, Chief, Water Pollution Control
Richard Rondeau, Chief, Water Supply
Richard Keith, Chief, Municipal Services
Richard Lehan, Acting Deputy Associate Commissioner/Operations

FROM: Sharon Stone, SERO MEPA Coordinator

DATE: July 11, 2007

RE: NPC/DEIR EOEA #13789 – PROVINCETOWN – Municipal Airport Capital Improvements Plan

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"For Use in Intra-Agency Policy Deliberations"

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Notice of Project Change (NPC)/Draft Environmental Impact Report (DEIR) for the proposed capital improvements plan project for the municipal airport to be located at Provincetown, Massachusetts (EOEA #13789).

The Cape Cod Watershed Team has reviewed the NPC/DEIR and offers the following comments:

Wetlands and Waterways Program Comments:
The project proposes to implement the Provincetown Municipal Airport's capital improvement plan consisting of various safety and facility improvements. According to Summary Impact Table 6-3 in the DEIR, the proposed work would directly impact 1,500 square feet of Bordering Vegetated Wetland (BVW), indirectly impact approximately 43,560 square feet of BVW, directly impact 63,465 square feet of Isolated Vegetated Wetland (IVW), and indirectly impact 5,670 square feet of IVW. The total proposed impact to BVW is approximately 45,060 square feet and to IVW is approximately 69,135 square feet. The proposed work would also impact 45,950 square feet of Coastal Dune, not counting the impact of the proposed security fence that will be quantified in the Final

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Environmental Impact Report (FEIR). The property is also mapped as habitat for rare and endangered wildlife.

Due to the proposed impacts to BVW, the project does not conform to the Wetlands Protection Act Regulations performance standards for BVW. As a result, the proposed project will require a variance from the Wetlands Protection Act. In addition, pursuant to 314 CMR 9.00, the wetlands proposed to be impacted are defined as Outstanding Resource Waters (ORWs). In accordance with 314 CMR 9.06(3), the proposed project does not conform to the regulations since no discharge of fill material is allowed in an ORW unless specified in 314 CMR 9.06(3)(a) through (i). As a result, the proposed project will also require a variance from the Water Quality Certification (WQC) Regulations unless the project receives a variance under 310 CMR 10.05 (10) where consideration has been given to the Outstanding Resource Water designated in the variance analysis as provided for in 314 CMR 9.06 (3) (h).

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A variance from the Wetlands Protection Act may be granted if the proponent demonstrates that there are no reasonable alternatives that would allow the project to proceed in compliance with the regulations, that mitigating measures are proposed that will allow the project to be conditioned so as to contribute to the protection of the interests identified in the Act and that the variance is necessary to accommodate an overriding community, regional, state or national public interest. As noted in the Department's comment letter on the ENF, a variance may be appropriate to alleviate airport safety concerns but may not be appropriate for other normal airport maintenance projects. Many of the proposed capital improvements are related to various FAA-mandated safety issues, however, the proposed expanded turf apron, auto parking lot and terminal building appear to be related to forecasted increases in airport capacity. As a result, these non-safety related elements of the capital improvement plan will be required to be designed in conformance with the applicable regulations. All other proposed work will need to be designed to avoid, minimize and mitigate for those unavoidable wetland impacts.

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The proposed relocation of the West End and East End Taxiways and subsequent abandonment of the existing paved areas in those locations provide an opportunity for on-site wetland restoration. The Mitigation Plans in Section 7.0 indicate that a total of approximately 64,000 square feet of freshwater wetlands will be created in two locations. Although the proposed wetland mitigation is commendable it doesn't provide the greater than 1:1 replacement of all lost wetlands associated with the variance (i.e. overriding public safety requirements associated with airport safety improvements), including all direct and indirect loss of bordering and isolated vegetated wetlands portion of the project and mitigation of at least 1:1 for the non-variance portions of the project (i.e. the "non-safety" facility and capacity improvement). The Department expects the proponent to explore and identify other mitigation opportunities in order to fully mitigate for all wetland losses on at least a 1:1 basis. To that end, the Department would suggest that the proposed 5000 square feet of coastal dune restoration in Wetland Restoration Area B be changed to restoration of additional freshwater wetlands.

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In the ENF, the proposed construction of a new electrical vault would impact approximately 2,500 square feet of wetland in area C. The DEIR has identified an (4) alternative location adjacent to the sightseeing shack that is within managed upland (Alternative 1). The Department concurs that this is the preferred alternative.

The service roads to access the Automated Weather Observing Station (AWOS) and the localizer equipment shelter have been reduced from a 12 feet wide road in the ENF to a (5) 10 feet wide road in the DEIR. The Department commends the reduction in wetland impacts in this area.

The preferred expanded auto parking option (Option 1) would impact approximately 4,650 square feet of wetland area A. As stated earlier, non-safety related elements of the capital improvement plan must be designed in compliance with applicable regulations. In (6) the Department's judgment, the preferred alternative is not designed in conformance with the WQC regulations. As a result, the Department recommends that alternative locations for expanded auto parking be explored and identified outside vegetated wetland areas.

A preferred alternative for the design of the proposed expanded terminal building has not been identified in the DEIR. However, in Section 4.0 (Alternative Analysis) of the DEIR, a vertical expansion is evaluated and could be designed to stay within the footprint (7) of the existing terminal building. As a non-safety related element of the capital improvement plan this alternative would avoid wetland impacts and therefore would be the Department's preferred alternative.

The proposed expanded turf apron would result in the loss of approximately 1,250 square feet of wetland area C. It should be noted that the Department's variance in 2001 allowed the expansion of turf apron parking. The DEIR indicates that the existing turf apron parking has already been deemed inadequate during peak demand. In the (8) Department's judgment, the DEIR fails to justify why additional wetland impacts associated with an expansion of the turf apron parking is necessary to accommodate an overriding community, regional, state or national public interest. As a result, the Department recommends that alternative locations for expanded turf parking be explored and identified outside vegetated wetland areas.

In addition to the three alternatives evaluated in the ENF, the DEIR evaluates two more alternatives for the proposed perimeter fence. Concepts 4 and 5 describe a perimeter fence that would include a four-foot wide area on the outside of the fence that would be cleared of trees and shrubs. In the ENF, the proposed perimeter fence had an associated ten foot wide maintained area (where vegetation would be cut/maintained) on the outside of the fence and a ten foot wide vehicle travel path on the inside of the fence. Concept 4 would impact approximately 1 acre of BVW and approximately 0.13 acres of IVW. Concept 5 would impact approximately 1.03 acre of BVW and approximately 0.49 acres of IVW. Although an improvement over the preferred alternative in the ENF (fence along the lease line), concepts 4 and 5 are still the single largest wetland impact of the overall capital improvement plan. Concept 4 has less wetland impact compared to Concept 5 but Concept 4 also encompasses a larger area thereby reducing the local available wildlife

habitat. In order to better assess which concept is the preferred alternative, the FEIR needs to provide more detail. For example, the FEIR should depict where a 10-foot wide patrol road is necessary on a plan. Is it necessary to extend the perimeter fence all the way to the lease line in the vicinity of Hatches Harbor? If so, the FEIR should quantify the impact to salt marsh. In addition, if the fence extends into the tidal marshes of Hatches Harbor, the fence may obstruct tidal flow during spring high tide events and the proponent will need to develop a management plan to keep the fence free of vegetative debris. Further, the FEIR should describe how the fence would be constructed within wetland areas. For example, would cement trucks be limited to firm ground (upland or pavement) to prevent compaction of wetland soils. What type of equipment will be used in wetland areas? How will construction materials be delivered to wetland areas? Also, impacts to wildlife passage associated with construction of the perimeter fence should be reviewed as part of the wildlife habitat evaluation. Finally, the DEIR didn't quantify the impact of the perimeter fence to Coastal Dune areas. The proponent will need to provide that information in the FEIR.

The Department expects the proponent to fully explore alternatives in the FEIR to avoid vegetated wetland impacts for those non-safety related elements of the capital improvement plan, minimize those unavoidable impacts and provide mitigation on at least a 1:1 (and greater than 1:1 for those impacts associated with the variance portion of the project) basis that will allow the project to be conditioned so as to contribute to the protection of the interests identified in the Act.

Construction Activities - EPA

The project construction activities may disturb one or more acres of land and therefore, may require a NPDES Stormwater Permit for Construction Activities. The proponent can access information regarding the NPDES Stormwater requirements and an application for the Construction General Permit at the EPA website: http://cfpub.epa.gov/npdes/stormwater/cgp.cfm

Bureau of Waste Site Cleanup

Based on the information provided in the EIR, the Bureau of Waste Site Cleanup (BWSC) searched its database for disposal sites and release notifications. There is one former disposal site located in the vicinity of the project. Release Tracking Number (RTN) 4-1111, located on Race Point Road, submitted a permanent Waiver Completion Statement on April 23, 1999.

The Project Proponent is advised that, if oil and/or hazardous material is identified during the implementation of this project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) may be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary or prudent if contamination is present. The BWSC may be contacted for guidance if questions regarding cleanup arise.

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The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed project. If you have any questions regarding these comments, please contact Sharon Stone at (508) 946-2846.

Response to comments in letter from DEP Southeast Regional Office (SERO), July 11, 2007

1. A Notice of Intent will be submitted to the PCC for all project elements that will alter wetland resources or occur within the Buffer Zone to wetland resources. The Commission will be asked to issue an Order of Conditions for the elements that meet the performance standards of the WPA and local bylaw regulations.

The fence project and the improvements to the MALSF access road would directly (permanently) alter a total of 2,460 SF of Bordering Vegetated Wetland (BVW).

Wetland resources within the entire CCNS are classified as Outstanding Resource Waters (ORWs). Any alteration to wetlands requires at an minimum, an Individual Water Quality Certification (WQC). Pursuant to CMR 9.06(3)(c), some of the projects would be classified as "*Maintenance, repair, replacement, or reconstruction, but not substantial enlargement of lawfully located structures or facilities including buildings, roads, railways, utilities and coastal engineering structures.*"

2. Since the circulation of the NPC/Draft EIR/EA, the alternatives analysis has been expanded and additional alternatives have been developed for the turf apron and auto parking lot that avoid impacts to wetlands. The preferred alternative for the Terminal is the vertical expansion which will not impact wetlands.

3. Direct alterations within BVW and IVW will be mitigated through the proposed on-site wetland restoration which reflects an approximately 1:1 restoration of isolated vegetated wetlands in two locations (Restoration Areas A, and C), and an approximately 2:1 for BVW impacts (on-site Restoration Area B).

   Relocation of the West End TW and East End TW and subsequent abandonment of the existing paved areas allow for wetland restoration within the footprint of the existing paved areas. A total of between 69,000 SF and 83,000 SF of restored freshwater wetlands is proposed within the Airport in three locations.

   Wetland Restoration Area A will be located near the northwestern corner of the abandoned West End TW and the Runway 7 End, contiguous with Wetland I as shown on Figures 7.1 and 7.3. Wetland Restoration Area C is located within the footprint of the existing East End TW, south of the terminal apron and is contiguous with Wetland H, as shown on Figures 7.2 and 7.4. These areas are highly suitable for wetland restoration due to their proximity to existing wetlands, connectivity to groundwater and existing elevations. The BVW Restoration Area B would provide approximately 5,000 SF of wetland restoration as shown on Figure 7.1.

4. This location has been identified as the Preferred Alternative.

5. Since the NPC/Draft EIR/EA, the amount of impervious surface has also been reduced.

- A fourth option has been identified that avoids wetland impacts. Additional information can be found in Sections 3, 5 and 6.

- The vertical expansion has been identified as the preferred alternative.

- A reduced dimension alternative has been developed for the turf apron that avoids wetland impacts. Additional information is provided in Sections 3, 5 and 6.

- An additional fence alternative alignment (Concept 6) has been developed. Concept 6 would maintain a four foot wide area on the both sides of the fence to be clear of trees and shrubs. This area would be either mowed or trimmed but not graded. No patrol roads are proposed for this alignment. Additionally, Concept 6 eliminates fencing at the west end around the ILS within Hatches Harbor. Gaps along the fence bottom are proposed, so as to avoid a "Take" of the Eastern Box Turtle. Additional information is provided in Section 3.

- A Construction Management Plan has been developed and is provided in Section 7. Impacts to coastal dunes have been calculated and are in included in Section 6.

- All previously considered alternatives were revisited in order to fully quantify all potential environmental impacts (e.g., wetland, wildlife habitat, etc.). Newer concepts have been compared to previous concepts in order to identify the environmentally preferred alternative. New concepts have been developed for the parking lot expansion, the safety/security fence alignment, and the turf apron. The new parking expansion alternative has no wetland impacts, unlike the previous parking expansion concepts. Vertical expansion of the terminal building is proposed, which will remain within the existing footprint. The turf apron has been redesigned so that it will not impact any portion of Wetland C. The new concept for the fence alignment considers all resource areas, including wildlife habitat and wildlife corridors in its alignment. The Preferred Alternative for the fence will avoid these critical areas to the fullest extent possible.

  Section 7.0 is devoted solely to mitigation. It details, both via text and figures, areas designated for restoration and the mitigation ratio that will be achieved. On-site wetland restoration will be at approximately a 1:1 ratio for IVW and 2:1 ratio for BVW. Wetland restoration is known to have a higher success rate than wetland replication because wetland areas will be restored and not created.

  Three areas have been identified for restoration efforts that will incorporate wetland restoration, coastal dune creation and Cultural Grassland creation to compensate for lost resources as a result of the improvement projects.

12. The NPDES Storm Water Program requires operators of large and small construction sites to obtain authorization to discharge storm water under an NPDES construction storm water permit. This program is administered jointly by EPA and DEP. A Notice of Intent will be filed with the U.S. Environmental Protection Agency for an NPDES Construction Management General Permit 72 hours prior to the start of construction. The contractor will be required to prepare a Stormwater Pollution Prevention Plan and adhere to the plan to control stormwater and prevent the movement of sediment from the construction site.

    Operation of the Airport is subject to the NPDES Stormwater Multi-Sector General Permit. According to the NPDES Program, airports are listed under Category vii "Transportation facilities with Standard Industrial Codes 40, 41, 42, 43, 44, 45, and 5171, which have Cleaning Operations or Airport Deicing Operations." The Airport is Sector S, Air Transportation Facilities, and its Standard Industrial Code is 4580, "airports, flying fields, and surfaces." Those areas of the airport that discharge to "waters of the United States" are subject to NPDES jurisdiction. For Provincetown Municipal Airport, this means those areas that are tributary to the wetlands on-site.

In compliance with the NPDES Program, the Airport developed a SWPPP in October 2000, revised in July 2002. The SWPPP describes the drainage system at the Airport, identifies potential pollution sources that might enter the drainage network and impact downstream receiving waters, and lists BMPs for decreasing impacts.

13. If oil and /or hazardous material is identified during construction, DEP will be notified, and all regulations will be followed.

BG

Mass Audubon
Protecting the Nature of Massachusetts

July 11, 2007

Ian A. Bowles, Secretary
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
William Gage, EOEA # 13789
100 Cambridge Street, Suite 900
Boston MA 02114

RECEIVED
JUL 12 2007
MEPA

Re: **Capital Improvements Plan, Provincetown Municipal Airport**

Dear Secretary Bowles:

On behalf of Mass Audubon, I submit the following comments on the Notice of Project Change/Draft Environmental Impact Report/Environmental Assessment for proposed improvements to Provincetown Municipal Airport.

This project involves a series of safety and facility improvements to the Provincetown Municipal Airport. The environmental setting of this project is extraordinarily sensitive, as the airport is located within the Cape Cod National Seashore and involves impacts to several state listed rare species, coastal wetlands and associated habitats. Mass Audubon recommends that the project planners work further with the Federal Aviation Administration (FAA) and the Cape Cod National Seashore to refine the plans and associated mitigation prior to submission of the Final Environmental Impact Report (FEIR) in order to ensure that all impacts are avoided and minimized to the fullest extent possible, and that adequate mitigation is provided for unavoidable impacts that are essential to public safety and operation of the airport.

Several of the project elements will impact state listed rare species. Impacts to the Eastern Box Turtle and Eastern Spadefoot Toad in particular warrant further analysis, especially in regards to the proposed perimeter fence, service access roads, and auto parking expansion. The surveys conducted by project consultants provide a limited understanding of actual rare species habitats and activities on the site. Substantial additional consultation with Cape Cod National Seashore staff and the Natural Heritage and Endangered Species Program (NHESP) should be conducted to more fully evaluate the effects in relation to all available information on rare species at the site as well as science regarding the habitat and life cycle characteristics of the species in question. 1

As requested by the Cape Cod Commission, the proponent should fully clarify which of the proposed improvements are required by FAA regulations vs. suggested by FAA guidelines, and those which are proposed for expansion or convenience and efficiency of operations. Alternatives should be examined in further detail, particularly for project elements that are not mandated by the FAA. For example, further consideration of off-site parking and/or the use of a shuttle bus should be considered as an alterative to expansion of on-site parking. 2

EOEA # 13789 Capital Improvements Plan, Provincetown Municipal Airport
Mass Audubon comments on NPC/DEIR/EA July 11, 2007

For truly unavoidable impacts, the proponent should work closely with the Cape Cod National Seashore and local, state, and federal environmental permitting agencies to develop detailed and specific mitigation plans that will effectively protect the rare species populations on the site, assuring their continued viability for both the short and long term. A comprehensive mitigation package should be prepared addressing all aspects of design, construction, and ongoing operation and maintenance of the airport facilities that may affect rare species, wetlands, and native seashore habitats. (3)

The level of analysis presented thus far provides only a broad-brush understanding of the impacts and potential approaches to mitigation. While this may suffice at a Draft EIR stage of review, it is vital that the Final EIR fully demonstrate that every possible measure to avoid and minimize impacts is being pursued, and that effective mitigation measures will be implemented, with specific provisions for timelines and adequate resources in place. (4)

Thank you for considering these comments.

Sincerely,

E. Heidi Ricci
Senior Policy Analyst

cc: Michael Garrity, Jacobs Edwards and Kelcey
Lauren McKean, National Parks Service
John Portney, CCNS NPS
Michelle Ricci, FAA
Sarah Haggerty, NHESP
Martha Hevenor, Cape Cod Commission

TOTAL P.02

Response to Comments in letter from Mass Audubon, July 11, 2007

1. State-listed rare species mapped by NHESP at the Airport include: the Eastern Box Turtle, the Vesper Sparrow, Broom Crowberry, and the Eastern Spadefoot Toad. As part of the review of the NPC/Draft EIR/EA, NHESP indicated that the proposed improvement projects might result in a "Take" of the Eastern Spadefoot Toad, and the Eastern Box Turtle if construction avoidance methods were not developed. The NHESP also indicated that, with certain construction conditions, a "Take" may be avoided for the Vesper Sparrow and the Eastern Spadefoot Toad. NHESP emphasized that the Airport should try to avoid a "Take," if possible.

   Since the NPC/Draft EIR/EA, the Project Team has met with NHESP twice (see minutes provided in Section 10.1) to discuss ways to minimize impacts to all listed species. Additional design alternatives, construction phase measures, and operational mitigation measures have been developed to avoid a "Take" of any listed species at the Airport as a result of the CIP projects. This FEIR/EA reflects those measures. A MESA Project Review Checklist will be submitted to NHESP for their review and determination.

   A new fence concept has been developed to minimize habitat fragmentation and habitat degradation of the four state-listed species found at the Airport. The fence alignment has been developed to avoid the prime Spadefoot habitat. Gaps along the fence bottom are proposed, so as to avoid a "Take" of the Eastern Box Turtle as discussed further in Section 6.10. Construction phase and operational mitigation measures have also been developed.

   Mitigation efforts involving habitat restoration, creation, or enhancement for the listed species are also proposed to provide a long term net benefit to the species. Construction will also be timed to avoid breeding times or other periods of peak activity if possible.

   The Vegetation Management Plan is discussed in Section 7.4.

2. Section 2, Purpose and Need, has been revised and expanded to provide additional information on FAA, TSA and MassDOT Aeronautics regulations. The FAA publishes documents known as Advisory Circulars (AC) and Orders, which while not regulations, provide accepted operational safety design standards to meet responsibilities pursuant to the regulations. The use of these standards is mandatory for airport projects receiving Federal grant-in-aid assistance. AIP funded projects <u>are required</u> to comply with certain FAA Advisory Circulars (AC).

   The specific design standards that apply to each project are identified in Section 2.1. Table 2.1 lists all the regulations that pertain to the projects. The applicable portions of the referenced documents are provided in Appendix 6. Table 2.2 summarizes which elements have been proposed in response to safety and security requirements and which are capacity projects.

   Wetland impacts have been reduced with new alternatives for the fence, turf apron and auto parking. The preferred alternative for the Terminal project is the vertical expansion, which will not impact wetlands. On-site wetland replication for direct IVW impacts, including coastal dune, is proposed at a 1:1 ratio, while on-site BVW impacts will be restored at an on-site 2:1 ratio.

3. Section 7.0 is devoted solely to mitigation. It details, both via text and figures, the areas designated for restoration and the mitigation ratio that will be achieved. On-site IVW mitigation ratio for IVW is 1:1, while the on-site mitigation ratio for BVW is 2:1.

   Three areas have been identified for restoration efforts that will incorporate wetland restoration, coastal dune creation and Cultural Grassland creation to compensate for lost resources as a result of the improvement projects

4. Environmentally preferred alternatives that have been identified will avoid and minimize impacts to wetland resource areas and associated Buffer Zones to the fullest extent practicable as discussed further in Sections 3, 5 and 6. Certain CIP projects that were developed to address FAA safety standards will result in unavoidable impacts to wetlands. These projects have an overriding public security/safety interest and include: safety/security fence, westerly taxiway system improvements, relocation of the east end taxiway, improvement to the access road to the MALSF approach lights, and the service access roads to the LES and to the AWOS. Mitigation measures were designed to address the Wetlands Protection Act and other mitigation guidelines to the extent practical. Three discrete areas have been designated for restoration and mitigation efforts. Wetland restoration, coastal dune creation, and Cultural Grassland creation will all occur in the restoration areas. On-site wetland mitigation will occur at a 1:1 restoration rate for IVW impacts and 2:1 for BVW impacts. Table 5-3 summarizes impacts and proposed mitigation.

   Several of the CIP projects will result in alterations within the 100-foot Buffer Zone of one or more wetland areas. In general, the existing Buffer Zone composition consists of one or more of the following: unaltered coastal dune, managed/Cultural Grasslands, impervious surfaces (buildings, pavement), or in some cases, where wetland areas are in close proximity to each other, the Buffer Zone to one wetland may encompass one or more of the adjacent wetlands.

Garrity, Mike

From: Carrie_Phillips@nps.gov
Sent: Thursday, July 12, 2007 11:28 AM
To: michelle.ricci@faa.gov
Cc: bill.gage@state.ma.us; Garrity, Mike; Lauren_McKean@nps.gov; George_Price@nps.gov
Subject: Provincetown Airport CIP: EOEA No 13789

Hi Michelle -
Very sorry that we have not been able to get our comments to you on the Draft EIR/EA as this is an incredibly busy time for us. We do plan, within the next week, to get a letter to you clarifying our role as the property owner and a federal action agency in need of an NPS-sufficient NEPA document (rather than an interested agency, abutter, or the public commenting through the MEPA/NEPA public comment process). And within a month or so after, we should be able to get you our comments on the document itself - those comments will focus on what we would need to see for the draft EA to satisfy the NPS's NEPA needs.
Thanks
-Carrie

~~~~~~~~~~~~~~~~~~~~~~~~~
Carrie Phillips
Chief, Natural Resource Management
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667
508-349-3785 x 216

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~~~~~~~~~~~~~~~~~~~~~~~~~

No response necessary to email from National Park Service CCNS, July 12, 2007. Refer to Section 13.3 for NPS comment letter and responses.

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

MassWildlife

Wayne F. MacCallum, *Director*

July 11, 2007

Ian A. Bowles, Secretary
Executive Office of Environmental Affairs
Attention: MEPA Office
William Gage, EOEA # 13789
100 Cambridge St.
Boston, Massachusetts 02114

Project Name:	*Provincetown Municipal Airport Capital Improvements Plan*
Proponent:	*Provincetown Airport Commission*
Location:	*Provincetown, MA*
Document Reviewed:	*Notice of Project Change (NPC)/DRAFT Environmental Impact Report (DEIR)/Environmental Assessment (EA)*
EOEA No:	*13789*
NHESP Tracking No:	*04-15716*

Dear Secretary Bowles:

The Natural Heritage & Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife has reviewed the Notice of Project Change (NPC)/DRAFT Environmental Impact Report (DEIR)/Environmental Assessment (EA) for the proposed Capital Improvements Plan for the Provincetown Municipal Airport. At this time, the NHESP would like to offer the following comments in regard to state-listed rare species and their habitats.

The project site is located within *Priority Habitat* and *Estimated Habitat* as indicated in the 12th Edition of the *MA Natural Heritage Atlas*, which went into effect October 1, 2006. Based on a review of the information that was provided and the information contained in our database, the proposed project occurs **within the actual habitat** of the following species:

Scientific Name	Common Name	Taxonomic Group	State Status
Scaphiopus holbrookii	Eastern Spadefoot Toad	Amphibian	Threatened
Terrapene carolina	Eastern Box Turtle	Reptile	Special Concern
Pooecetes gramineus	Vesper Sparrow	Bird	Threatened
Corema conradii	Broom Crowberry	Plant	Special Concern

These species are state-listed in accordance with the Massachusetts Endangered Species Act (MESA, MGL c131A) and its implementing regulations (321 CMR 10.00).

The Eastern Spadefoot Toad is a fossorial species that requires dry sandy soil for burrowing and may be found up to eight feet below ground when overwintering. The Spadefoot Toad breeds in temporary pools which may hold water for as little as two weeks. The Eastern Box Turtle is a terrestrial species which utilizes a wide variety of both upland and wetland habitats for feeding, nesting, dispersing, overwintering,

www.masswildlife.org

Division of Fisheries and Wildlife
Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7891
An Agency of the Department of Fish and Game

breeding, estivating, and shelter. The Vesper Sparrow inhabits open areas with scattered vegetation and well-drained soils where they breed, nest, and forage. Broom Crowberry is a low-growing bushy evergreen shrub that inhabits dry sandy flats. It often occurs in few to several clumps or in scattered patches in low shrub or moor communities.

The project proponent has been consulting with NHESP regarding state-listed species concerns, and the proponent has conducted field surveys and a habitat assessment of the site to determine the impacts of the proposed activities on the species listed above. The proponent has not formally filed with the NHESP pursuant to the MESA (321 CMR 10.18), but the NHESP anticipates reviewing such a filing once plans have been finalized. Based on a review of the information submitted, the information in our database, and a site visit by NHESP staff on June 12, 2007 the NHESP would like to offer the following preliminary opinion:

- Eastern Spadefoot Toad: Potential breeding habitat for the Eastern Spadefoot Toad has been identified by Horsley Witten Group, Inc. as occurring extensively throughout the site, particularly south and southeast of the existing structures and pavement. Many of these potential sites would be impacted by the project as currently proposed (see Figure 5.3 of the DEIR and see page 21 of the "Summary of Natural Resources and Rare Species Habitat Assessments" found in Appendix 2 of the DEIR). Impacts to potential breeding sites of the Eastern Spadefoot Toad should be eliminated or minimized wherever possible. For example, choosing fenceline and parking expansion alternatives which remove or reduce wetland impacts. The degradation of breeding habitat for this species would be considered a "take" of the Eastern Spadefoot Toad and would require a Conservation and Management Permit from the NHESP (321 CMR 10.23). 1

- Eastern Box Turtle: Potential habitat for the Eastern Box Turtle has been identified by Horsley Witten Group, Inc. as occurring extensively throughout the site (see Figure 5.3 of the DEIR and see page 21 of the "Summary of Natural Resources and Rare Species Habitat Assessments" found in Appendix 2 of the DEIR). In fact, a female Eastern Box Turtle was discovered on site by NHESP staff during a site visit on June 12, 2007. Because the Eastern Box Turtle is a habitat generalist, much of the proposed work has the potential to directly harm Box Turtles during construction activities without appropriate oversight and/or construction conditioning. 2 In addition, the NHESP is concerned about the proposed fenceline impeding normal movements of Box Turtles across the site. The NHESP has suggested to the proponent to include a gap of 6-8 inches at the bottom of the fenceline which would allow turtles to migrate normally onto and off of the site, but would not impact the integrity of the fenceline for security and safety. 3 The proponent should continue to consult with the NHESP to devise appropriate fence designs and construction conditions to avoid impacts to the Eastern Box Turtle. 4

- Vesper Sparrow: Potential habitat for the Vesper Sparrow is found primarily in the maintained grasslands surrounding the runways (see Figure 5.3 of the DEIR and see page 21 of the "Summary of Natural Resources and Rare Species Habitat Assessments" found in Appendix 2 of the DEIR). Construction activities within this area have the potential to disrupt any Vesper Sparrows nesting in the vicinity. Provided all construction activities in grasslands occur outside the breeding season of the Vesper Sparrow (March 15-August 31), a "take" of the Vesper Sparrow can be avoided. If work must occur during this time period, it may be possible to conduct surveys for the Vesper Sparrow between late April and the end of May and begin work in June if no evidence of Vesper Sparrows is found. However, if evidence of Vesper Sparrows is found, no work may occur in the grasslands until after August 31. Based on the information submitted, there may be an overall net gain of grassland habitat, as existing pavement is removed, which may benefit the Vesper Sparrow in the long run. 5

- Broom Crowberry: Broom Crowberry has been identified on site, however, most project activities will occur outside of the area where the Broom Crowberry has been found (see Figure 5.3 of the DEIR and see page 21 of the "Summary of Natural Resources and Rare Species Habitat Assessments"

NHESP Tracking No. 04-15716; EOEA File No. 13789, Page 3 of 3

6 found in Appendix 2 of the DEIR). One fenceline alternative (alternative 2) is likely to impact this population, therefore, alternative 2 would result in a "take" of Broom Crowberry.

The NHESP has not yet received a formal MESA filing on this project and we continue to be available to consult with the proponent as they develop plans to avoid and minimize potential impacts to state-listed species and their habitats. Once the NHESP receives a complete MESA filing, we will determine whether or not the proposed project will result in the "take" of state-listed rare species. If the project is determined 7 to result in a "take," then it may be possible to redesign the project to avoid a "take." If such revisions are not possible, the applicant should note that projects resulting in a "take" may only be permitted if they meet the performance standards for a "Conservation and Management Permit" under MESA (321 CMR 10.04(3)(b)).

Regarding the request for permission to proceed with footprint pavement reconstruction, the NHESP is 8 not concerned about the repaving of existing paved areas. However, if there will be impacts to grassland bird habitat (i.e. any access, stockpiling of materials, staging of equipment in grasslands), work should not occur between March 15 and August 31 to avoid impacts to breeding Vesper Sparrows.

We appreciate the opportunity to comment on this project. If you have any questions about this letter, please contact Sarah Haggerty at (508) 389-6367, (sarah.haggerty@state.ma.us).

Sincerely,

Thomas W. French

Thomas W. French, Ph.D.
Assistant Director

cc: Provincetown Municipal Airport
Michael Garrity; Jacobs Edwards and Kelcey
Amy Ball; Horsley Witten Group, Inc.
Michelle Ricci; Federal Aviation Administration
Denise Garcia; Massachusetts Aeronautics Commission
Provincetown Planning Board
Provincetown Board of Selectmen
Provincetown Conservation Commission
DEP Southeast Regional Office, MEPA Coordinator

Response to comments in letter from Division of Fisheries & Wildlife, (NHESP), July 11, 2007.

1. Additional field analyses of Eastern Spadefoot Toad breeding habitat have been conducted in order to better quantify potential effects on the species. Field biologists identified prime and potential breeding habitat for the Eastern Spadefoot Toad. This new information has allowed project alternatives, particularly the fence, to be located away from areas of prime (ideal) habitat. A separate report has been created documenting observations of Eastern Spadefoot Toad habitat, which is provided in Appendix 2.

2. A Construction Management Plan has been developed and a draft is provided in Section 7.5. The Plan includes environmental oversight during construction.

3. The fence will have gaps along the bottom of the fence (per discussions with NHESP) to allow for the movement of box turtles and other small animals. Figure 6.7 provides a detail.

4. Ongoing consultation is planned with NHESP.

5. As discussed throughout the document, construction will be conditioned to avoid a Take of Vesper Sparrow.

6. The Preferred Alternative for the fence (Concept 6) will not impact Broom Crowberry.

7. The proponent appreciates the consultations with the NHESP Staff and guidance they have provided. Project alternatives and construction activities have been modified to avoid a "Take" of the listed species.

8. The Terminal Apron reconstruction project was issued an Order of Conditions (DEP File No. 058-0440) by the Provincetown Conservation Commission (PCC) and coordination was also carried out with the NHESP. Construction was completed in the fall of 2008, after the summer peak season.

13.3 October 2007 Comment Letter from National Park Service and Responses

This section contains the letter, dated October 31, 2007 from the National Park Service on the NPC/Draft EIR/EA and responses to comments in the letter. The specific comments have been identified by a number in the left hand margin of the certificate. Responses are identified with a corresponding number.

United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:
L7617

October 31, 2007

Secretary Ian A. Bowles
EOEA, Attn: MEPA Office
William Gage, EOEA NO. 13789
100 Cambridge Street, Suite 900
Boston, MA 02114

Michelle Ricci
RE: EOEA 13789
Federal Aviation Administration
12 New England Executive
Burlington, MA 01803

Dear Mr. Bowles and Ms. Ricci:

The staff of Cape Cod National Seashore (CCNS), a unit of the National Park Service (NPS), has reviewed the Draft Environmental Assessment/Environmental Impact Report (Draft EA/EIR) for the Provincetown Municipal Airport (Airport) Capital Improvements Plan (CIP) Draft EA/EIR. The plan proposes twelve safety and facility improvement projects, all of which are proposed to be constructed on property owned by the United States, managed by CCNS and permitted to the Airport.

The arrival of this Draft EA/EIR reminds us that a new process is necessary in order to secure long-term permitted use of the property by the airport. Discussions were held and draft agreements developed several years ago yet never completed. The current Special Use Permit (SUP) authority is not sufficient. I will be contacting the Provincetown Town Manager and airport officials to inform them of the need to re-engage in these important discussions. 1

As a federal agency, our evaluation of a request from the Airport for an agreement must comply with the National Environmental Policy Act (NEPA) and be documented by an 2

Environmental Assessment (EA). The Federal Aviation Administration (FAA), also a federal agency, is also required to comply with NEPA, and the Draft EA/EIR indicates this document was prepared in accordance with the FAA's NEPA guidelines in order to meet this requirement. As the Permittee of NPS property, NEPA guidelines which also are in accordance with NPS requirements will be a condition of a new agreement. It was our understanding that a Draft EA/EIR would be constructed to satisfy both the FAA's and CCNS's NEPA obligations; however, this is not the case. We regret this misunderstanding. The comments below are offered to provide initial guidance for revising the current Draft EA/EIR to support CCNS decision-making on a permit or (3) agreement for the Capital Improvement Plan (CIP), and to ensure CCNS compliance with NEPA in accordance with National Park Service guidelines, policies, and requirements.

General Comments:

1. We recommend that the Airport's request for a permit or agreement be accompanied by a proposed schedule for completing NEPA in a manner that satisfies NPS guidelines, policies, and requirements. This schedule should include adequate time for the following steps with the responsible parties noted in parentheses:

(4) a. preparation and delivery of an internal draft EA in Microsoft Word plus four hard copies for NPS use (Airport);
(5) b. review and comment by CCNS, NPS Regional staff, and the Department of Interior (DOI) solicitor (NPS);
(6) c. development of a distribution list for hard copies of the Final EA (NPS);
(7) d. preparation and delivery of a 2nd internal draft EA in Microsoft Word incorporating NPS and DOI comments, with a draft press release to accompany anticipated distribution for public review (Airport);
(8) e. brief review and approval for production and public distribution of the Final EA (NPS);
(9) f. delivery of a Final EA in pdf format broken into chapters as needed to enable the public to easily download and review from the park web site, and seven hard copies for NPS use (Airport);
(10) g. distribution of hard copies of the Final EA to the list developed by CCNS (Airport);
(11) h. delivery of all public and agency comments after the close of the 30-day public comment period (NPS);
(12) i. preparation and delivery of a report summarizing public and agency comments (Airport);
(13) j. resolution of any outstanding comments, concerns, or objections from consulting and other permitting agencies (Airport and CCNS);
(14) k. delivery of an internal draft Finding of No Significant Impact prepared in accordance with NPS guidelines.

(15) CCNS will review the proposed schedule, and propose any changes necessary to provide the Airport with a realistic timeline given CCNS and Regional NPS staff workload.

2. EAs prepared for the National Park Service are required to specifically address key issues that are not evident in the current Draft EA/EIR. The following sections should be added to the EA prepared for the NPS:

- alternatives considered but rejected;
- identification of the environmentally preferred alternative;
- (16) relationship to other planning efforts;
- cumulative effects; and
- impairment to park resources.

(See the park planning website at www.parkplanning.nps.gov for several CCNS documents for reference.)

(17) 3. The revised EA needs to include a chapter similar to Section 8.0 in the current Draft EA/EIR. When revising this section for CCNS, the following should be added:

- Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands)
- Federal Endangered Species Act
- National Historic Preservation Act of 1966, as Amended
- Archeological Resources Protection Act of 1979
- Clean Air Act, as amended (42 USC 7401 et seq.)
- Americans with Disabilities Act

(18) DOT Act Section 4(f) review is also required for this CIP so that NPS can determine if approval can be given based on whether 1) there is no prudent and feasible alternative to using that land; and 2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use. Pages 4-2, 5-20, and 6-1 appear to assert that Section 4(f) is not relevant; however we believe that this is not the case. The NPS will need to concur with the Section 4(f) findings and cannot support the summary statement on page 6-17 until we have further discussions in development of the EA for NPS purposes and agree that the conditions above are met. Please change the terminology to clarify that the property is permitted, not leased, as needed in various places.

(19) 4. The Draft EA/EIR should be revised to address cultural resources, particularly in the Alternatives Analysis, Affected Environment, and Environmental Impacts and Mitigation Measures for Proposed Improvements sections. Please also see specific comments below.

(20) 5. In general, we found the comments on the Draft EA/EIR provided by the Cape Cod Commission (Cape Cod Commission Staff Report, June 21, 2007) to be thorough and well founded. The Commission comments should be addressed thoroughly addressed in the revised EA. We also concur with the comments from the Massachusetts Audubon Society and believe that the level of analysis is not specific enough in many areas, and more attention to mitigations is needed.

(21) 6. It should be noted that NPS Management Policies direct parks to " . . . protect and strive to recover all species . . . listed under the Endangered Species Act . . . and manage state and locally listed species in a manner similar to its treatment of federally listed species to the greatest extent possible." Toward this end, determination of effects, appropriate avoidance and minimization measures, and if necessary, mitigation measures

Page 3 of 10

relating to state endangered, threatened, and special concern species should be resolved in a manner acceptable to the NPS and the Massachusetts Natural Heritage and Endangered Species Program prior to development of the revised EA.

Similar to the Cape Cod Commission, NPS staff had trouble discerning the difference between FAA standards, requirements or guidelines. The document mentions waivers for (22) some elements, such as tree clearing on page 2-3, and it would be particularly useful to understand which elements of the requirements and guidelines have more flexibility through the possibility of waivers. This is of particular interest for the fencing scheme since Page 2-4 indicates that the fencing is subject to "recommended security guidelines."

ENF Certificate discussion

Page 3, paragraph 4 mentions impacts of the project on the "Hatches Harbor restored earthen berm". There is apparently some confusion about this structure. NPS agreed to (23) construct and maintain this berm to protect the Airport ILS from tide heights above 10 ft-MLLW once tides were restored to Hatches Harbor. It is more appropriate to recommend that the EIR address impacts to the Hatches Harbor salt marsh restoration project itself, not to the berm.

Please note that this berm breached in late 2006, prompting further analysis of whether it is still needed given improvements in the ILS since the tidal restoration project began ten (24) years ago. In spring 2007, CCNS produced water level data showing that the ILS reflectance area is unaffected by high-tide heights, even during storm-tide conditions and even with the berm breached. Therefore, airport management has agreed that repair of this berm is now unnecessary. Please see our letter of July 17, 2007 to the Provincetown Airport Commission for more details.

Purpose and Need

(25) We essentially second each of the Cape Cod Commission's staff report comments on this section of the document.

Please clearly define the 100' wetland buffer area to be disturbed as well as the direct (26) disturbed wetlands. A description of new versus previously disturbed areas would also be useful. (This could be included in the impacts section.)

Clearing Width, Page 2-3

The restoration of tide heights and salinity in Hatches Harbor since the new culverts were installed in 1999 has killed much of the tall woody vegetation that impeded visibility (27) along the airport approach. This process continues, and will likely be hastened by a prescribed burn by CCNS Fire Management staff this fall (2007). The EIS/EIR should consider this development in recommending vegetation removal because, as low salt-marsh grasses replace tall shrubs, it may become unnecessary.

Taxiway and lighting road improvements

This includes west and east end taxiway improvements, connections, reconstructing the
(28) terminal apron, new edge lights and electric vault, access road to LES and AWOS, MALSF access road improvements. The cumulative impact of the impervious surfacing proposed is a major concern for the NPS.

Please acknowledge the discussion with CCC and NPS staff during a kickoff meeting and airport tour over a year ago during which both agencies requested that paved aprons be
(29) considered to reduce the possibility for gravel to be transported to the taxiways versus paving the entire length of each of these access roads. The paving alternatives, as presented, are all or nothing versus this possible "middle of the road" solution. This sound environmental mitigation measure would greatly reduce the extent of impervious surfaces now proposed.

Golf cart style service vehicles should be considered to reduce the need for the widening
(30) and paving of access to equipment areas that is contemplated. The NPS may be able to assist the airport in acquiring such a vehicle via a surplus program.

Perimeter Fence

The proposed perimeter fence and associated clearing and roadway, stands out as one of the most potentially damaging proposed actions to this particular sensitive environment.
(31) The Hatches Harbor is a 90-acre sensitive salt marsh in a unit of the National Park System and we believe should require a much closer scrutiny to alternatives before such an invasive solution is implemented.

The Draft EA/EIR dismisses alternative approaches to satisfying the objectives of the chain link fence, 10-foot wide denuded area, and 10-foot wide patrol road as unfeasible
(32) since they would not meet safety and security needs. However, it is unclear why less impacting measures would not meet the project purpose and need. The revised EA should include evaluation of alternatives such as signage, cable fencing, hunter education, visitor outreach, and other measures alone or in combination with sections of chain link fence.

Analysis of the impacts associated with construction of the fence and patrol road should
(33) also include evaluation of habitat fragmentation. The tables in Section 4.9 should include a column identifying acres of habitat fragmented from the surrounding landscape.

Depending on the final alignment, a chain-link fence could trap debris and otherwise interfere with tidal flow across the restored Hatches Harbor salt marsh. To avoid this, the fence line should not extend onto the marsh plain subject to flooding during normal
(34) spring high tides; i.e. it should be kept above elevations 6 ft-NAVD-88 and as close to the already impacted airport footprint as allowable. We expect this revision to the proposed fence alignments will be possible since the only rationale provided for extending the fence into the floodplain along the lease line is to protect the approach light system (bottom of page 4-15) - an objective not noted in the Purpose and Need section of the document.

Inadvertent transgressions of hikers, horseback riders, hunters etc. onto the runway or taxiway could be avoided by simple signage and perhaps a cable ("symbolic fence") around the airport perimeter, thus avoiding disturbance to water movement, a major visual intrusion in a park natural area, and expense to the airport. Regarding coyotes, it will likely be very difficult to exclude these animals regardless of how the fence is constructed. 35

Section 3.10 prescribes regular patrolling and removal of debris from the fence to prevent impedance to tidal flow. How often will debris be removed? This seems hardly workable over the long term, i.e. indefinitely, and should be completely avoided by keeping the fence out of the tidal flood plain. 36

Regardless of the fence alignment, can a fence extend a few inches up from the ground to allow passage of small fauna underneath, e.g. turtles and toads. We concur that coated chain link fence should be considered to reduce reflectivity. Mitigations such as these should be thoroughly explored. 37

38 Fence Concept 1 should be identified as an alternative that was considered but rejected.

Affected Environment

Rare species, page 5-7

It can be reasonably assumed that state-listed protected species of box turtles and spadefoot toads occur commonly throughout the project area. Importantly, the dunes landscape around the airport probably has the highest density of spadefoot toads in Massachusetts. 39

In addition to impacts associated with construction of the fence, associated cleared area, and patrol road, this section should evaluate the potential for direct mortality to migrating spadefoot toads from patrol vehicles, particularly if patrols could occur on rainy nights spring through late summer. 40

As noted earlier, assessment of impacts resulting from the fence should include habitat loss through exclusion and habitat fragmentation, particularly to sensitive species that will not be able to pass through the fence such as the Eastern box turtle. 41

Floodplain, section 5.7

The text states that the airport was built on "the filled floodplain behind the dike". This begs the question: how did the flood plain get filled? It would be more forthright to state that portions of the tidal flood plain were filled, after 1930 diking, for construction of the airport. 42

Wetland Restoration Planting, page 7-3

We strongly object to, and question the need for, the introduction of "organic-rich soils" from elsewhere for wetland plantings. If final land-surface elevations are within 1 foot of groundwater during the growing season, as is the plan, native wetland species will 43

establish without the addition of organic matter. In addition, obtaining "weed-free" material seems highly unlikely. Park staff has personal experience with a number of recent projects with poor results attempting to use "weed-free" material. Two projects have required a total resurfacing. We would have no expectation that such material would be satisfactory in this sensitive environment.)

Cultural Resources sections

In Appendix 2, 2.1 "cultural grassland" is discussed and this is included on maps. We have never heard of the term used this way but instead see it used related in cultural terms (44) to the heathland goals of the park, i.e. of having an open landscape for the public to experience. We recommend substitution with a term such as "maintained grassland" or "maintained landscape" to be more accurate.

(45) Section 3.0: NPS suggests that the 1940s (possibly older) sightseeing shack, which was likely the original administration building for the airport, be evaluated for historical significance and to determine if it has integrity because this improvement could be (46) technically construed as in federal ownership on the permitted land. If NPS doesn't own it, it should still be formally evaluated as it is over 50 years old.

(47) In 5.12 Historical/Archeological, add the Dune Shacks of the Peaked Hill Bars Historic District to language to recognize that the district is in the vicinity of the airport facility.

Sections 5.12 Historical and Archaeological

This section could be modified to include that although Pre-Contact period sites have not (48) been reported within the area of the PMA, there are Native American archeological sites of that period in the former Province Lands and Pilgrim Springs areas, near Pilgrim Lake in Truro.

While the shifting of sand toward and around the toe of Cape Cod was occurring in late (49) prehistory, it is likely that hunting and fishing were carried on by native peoples around the wetlands formed in the new lands next to the highlands of the Cape.

In addition to the historical resources noted in this section, one could add the Race Point (50) Bathhouse of 1953, as a first building for this use in the State of Massachusetts, may be a building of architectural worth and merits further study.

There is an interesting discussion in 5.10 on noise and 5.8 on visuals as they relate to the Province Lands Visitor Center view towards the airport. We did not read anything that (51) would cause alarm on either of these issues. However, the visual impact section in 6.7 is too general to be useful.

Section 8.0 National Historic Preservation Act should be referenced in this section.

(52) Cultural/Archeology issues with the Fence Concepts - If Lease Line Fence is accepted, that of complete fencing, then much more archeology will be necessary, as wetland areas

Page 7 of 10

and hunting for freshwater fish and animal resources were desirable to both Native and early EuroAmericans. Visual impacts would also be significant. Archeological survey work may be needed for any of the fence alternatives.

Parking expansion

The scale of the parking and parking visibility and location in wetland areas are issues of great concern. The new parking is proposed closer to Race Point Road and directly in wetlands, which we expressed uneasiness about in your early project planning, so we do not feel our concerns have been properly considered. 53

Further, we are quite apprehensive about the methodology and level of study concerning parking demand. 54

Free short- and long-term parking causes no disincentive to use a taxi or public transit. We know of no other airport that provides free parking. Although it presents challenges for operating a fee system, it is not acceptable that ways of managing the parking fee operation be excluded from the analysis (page 3-6). Free parking as a baseline condition skews the projected future demand. 55

No quantification or analysis of current and future taxi and public transit use/ridership has been included. 56

We suggest a more incremental parking increase versus almost a doubling based on maximum aviation forecasts to 2024. Parking estimates did not include the availability of a much improved public transit system, which could be even better by 2024. The current public transit system is a viable, and reliable program. By the end of this fiscal year, the NPS will have contributed over $2 million toward studies and bus shuttle equipment for Provincetown and NPS sites, which includes airport stops. In addition, Provincetown supports a year-round, dependable taxi fleet. 57

Furthermore, we indicated early on that parking solutions that included use of a portion of Province Lands Visitor Center (PLVC) parking area or off-site parking lots in town should be considered. There was no discussion with the NPS about the nighttime lot closure that excluded the airport planners from considering the PLVC lot any further as noted on page 3-6. 58

Terminal expansion

Extensive discussions between PMA and the NPS over the previous 1990s master plan and its environmental documents resulted in agreement that the new terminal building height did not exceed the height of the existing hangar building. In this new expansion concept, that height limit is not being respected, but it is unclear if it could be with a different roof pitch. This limits the alternatives. This section should discuss the overall building height proposed, the prior understanding with the NPS, and also include a discussion of the town zoning height limits. 59

60 The TSA trailer should not be relocated to the parking lot, reducing the available parking, and causing other problems for the proposed improvements. The picnic area could much more easily be relocated. The site plan does not indicate why the trailer would need to be relocated due to the horizontal expansion alternative.

Alternatives Analysis and Environmental Impacts sections

These comments on alternatives and impacts are in addition to comments in other sections of this letter that span the chapters of the environmental document.

61 As depicted in Table 4-1, environmental categories should not exclude:
DOT Act Section 4(f)
Floodplains
Historic, Architectural, Archeological, and Cultural Resources
Traffic

62 Topics identified above under Alternatives Analysis will need to be included in Chapter 6 environmental impact discussions to satisfy the NPS NEPA compliance needs.

63 A summary of each alternative of all twelve proposed projects and their impacts on the wetland buffer area and wetlands is needed to inform the reader of the cumulative impacts on protected wetland areas.

64 For the Fence impact analysis, please identify that the cross-runway from the original airport layout has not been constructed and is not projected to be needed in any of the airport master planning documents. Identifying the percentage of the airport permitted 65 area proposed to be fenced is irrelevant once this fact is presented. There is no discussion of why FAA design standards would not be met for concept 2, so it should not be 66 precluded from further analysis; this more practical approach based on the sensitive environment of the airport should be fully considered.

In Section 6.1 traffic is not quantified and only subjective comments are made. Of more concern is the extremely limited parking data from one day in August 2006. The data collected is not discussed, and the reader is to assume that the reference to the ITE 67 manual is sufficient to justify the forecasting of parking demand used. The lack of analysis does not justify the proposed parking expansion. Also see concerns expressed earlier in this letter concerning other means of getting to the airport and the impact of free parking to further inform your discussion on projections of parking, taxi and transit use and mitigations. The parking mitigation discussion on page 6-3 does not support a defendable position.

<u>Compliance and consultation</u>

68 We did not see a discussion of interagency involvement in Section 10.1 or inclusion of the notes from the site visit associated with the kickoff meeting and tour, but perhaps we overlooked them. If they are not there, we believe that they should be included.

69 The Stormwater Pollution Prevention Plan and the Spill Prevention Control and Countermeasures Plan appear complete. Will the final plans signed by the engineers be included in the FEIR/EA?

Conclusion

In closing, we would like to work with the planning and compliance team in improving this document to satisfy our agency's concerns and NEPA and NHPA compliance issues. We can be contacted at any time to begin that effort.

Sincerely,

George E. Price, Jr.
Superintendent

cc:
Provincetown Municipal Airport Commission
Cape Cod Commission
Massachusetts Audubon Society
Massachusetts Natural Heritage and Endangered Species Program
Massachusetts Historical Commission
Town Manager, Town of Provincetown

Response to comments in letter from United States Department of the Interior, (NPS, CCNS), October 31, 2007.

1. The Airport Commission and other Town officials are conducting the discussions with NPS relative to the issue of the Special Use Permit.

2. The Airport Commission is working with the NPS staff to prepare the Final EA/EIR so that it complies with NPS and FAA NEPA requirements. A 1st Internal Draft was prepared for review in September 2008. A 2nd Internal Draft was submitted in January 2009.

3. A follow-up meeting was held with NPS staff on March 21, 2008 to discuss NEPA compliance and a schedule to complete the document. The minutes of the meeting are provided in Section 10.1.

4. The 1st Internal Draft was submitted to NPS on September 26, 2008.

5. Comments on the 1st Internal Draft were provided by NPS in a letter dated December 15, 2008, included in Section 13.5.

6. A distribution list will be developed by NPS.

7. A 2nd Internal Draft, submitted in January 2009, responds to NPS and DOI comments. A draft press release will be prepared and submitted to NPS.

8. Comments on the 2nd Internal Draft were reviewed and incorporated into the Final EA/EIR document.

9. The Final EA/EIR document will be delivered in PDF format.

10. The Final EA will be distributed to the NPS distribution list when it is available.

11. To be completed during MEPA review.

12. To be completed after MEPA review.

13. To be completed after MEPA review.

14. To be completed after resolution of any outstanding issues.

15. A schedule was submitted to NPS.

16. Revisions and additions were made to the document to reflect the requirements as listed.

17. Section 8 has been revised to incorporate the items as listed.

18. A 4(f) Evaluation has been prepared and is included in Section 9.

19. The MHC has made a determination regarding historical resources at the Airport. All correspondence has been sent to NPS and is included in Section 10.1. Impacts to cultural resources are not anticipated. Section 1 has been revised, and includes additional discussion.

20. Additional analysis has been completed. All comments by the CCC and Mass Audubon have been carefully reviewed.

21. Coordination has been carried out with NHESP and NPS regarding state-listed species. Additional fieldwork has been completed and has been incorporated into Sections 3, 5, and 6 and Appendix 2. Minutes of the coordination meeting(s) are included in Section 10.1.

22. Section 2, Purpose and Need, has been revised and expanded to provide additional information on FAA, TSA and MassDOT Aeronautics regulations. The FAA publishes documents known as Advisory Circulars (AC) and Orders, which while not regulations, provide accepted operational safety design standards to meet responsibilities pursuant to the regulations. The use of these standards is mandatory for airport projects receiving Federal grant-in-aid assistance. AIP funded projects <u>are required</u> to comply with certain FAA Advisory Circulars (AC).

    The specific design standards that apply to each project are identified in Section 2.1. Table 2.1 lists all the regulations that pertain to the projects. The applicable portions of the referenced documents are provided in Appendix 6. Table 2.2 summarizes which elements have been proposed in response to safety and security requirements and which are capacity projects.

23. Potential impacts to Hatches Harbor have been eliminated with the new Concept 6 fence alignment.

24. This issue is being resolved by the NPS and Airport Commission and staff.

25. Please see response to comment #22.

26. Several of the CIP projects will result in alterations within the 100-foot Buffer Zone of one or more wetland areas. In general, the existing buffer zone composition consists of one or more of the following: unaltered coastal dune, managed/Cultural Grasslands, impervious surfaces (buildings, pavement), or in some cases, where wetland areas are in close proximity to each other, the Buffer Zone to one wetland may encompass one or more of the adjacent wetlands.

27. Although restoration of tide heights and salinity in Hatches Harbor is changing the vegetation, the area within the ILS critical area must be managed per FAA standards.

28. Overall, there will be a net decrease in impervious surface at the Airport. This is discussed in more detail in Section 5.

29. The proposed access roads will be paved for the first 300 feet only.

30. The alternative that would have FAA personnel transfer their equipment to an all-terrain utility vehicle (such as a golf cart) small enough to eliminate the need to back down the access road has been evaluated in Section 3 of the FEIR/EA.

    The utility vehicle alternative has been deemed unfeasible because FAA personnel need access to all equipment in their vehicles during all weather conditions and cannot feasibly transfer all the equipment to a small utility vehicle.

31. Concept 6 eliminates fencing at the west end around the ILS.

To address safety issues relative to the unfenced area around the ILS, which is within the permitted hunting area at the CCNS, the NPS will be asked to help develop a cooperative program of education and signage to assure that hunters and other visitors to the CCNS do not enter the airfield by way of ILS area. The effectiveness of the fence to deter deer will need to be evaluated after construction.

32. Fence Concept 6 eliminates patrol roads. Hunters are not deterred by the current signage and information in the hunting pamphlets distributed by the NPS. A unauthorized deer blind was constructed adjacent to the runway.

33. Habitat fragmentation has been minimized with design details such as the gaps in the fence and location of the fence alignment. The information regarding acres enclosed within the various perimeter fence alignments has been provided in Section 3.

34. The new fence alignment will not interfere with water movement and will not be visible from most of the public vantage points.

35. A symbolic fence would not address the deer issue and those who would ignore such signage.

36. The new alignment eliminates the fence within the area of tidal flow.

37. Gaps will be installed in the fence as shown in Figure 6.7 in Section 6.

38. Fence Concept 1 has been identified as an alternative that was considered but dismissed from further review.

39. The Project Team observed an individual female Eastern Box Turtle at the Airport. Eastern Spadefoot Toad potential breeding habitat has been identified as discussed in Section 5 and Appendix 2.

40. The preferred alignment for the fence does not include patrol roads, thus eliminating the potential for direct mortality to migrating toads. Strategic timing of construction activities will also help to avoid direct and indirect impacts to rare species. Additionally, a Construction Management Plan would be implemented to avoid impacts to Vesper Sparrows and other species as discussed in Section 7.

41. The fence has been designed to allow for passage of species such as the Eastern Box Turtle, as shown in the detail on Figure 6.7 in Section 6.

42. In the past, the value of wetlands was not understood or recognized. Extensive areas of wetland were frequently filled for highways and airports.

43. The wetland planting details have been revised and do not include the addition of organic matter. Additional information and plant lists are provided in Section 7.1.

44. Impacts to Cultural Grasslands are identified as impacts to the human-created grassland that occurs at the Airport adjacent to the taxiway system and runway. These areas are mowed frequently to maintain aviation safety areas and navigational surfaces. The term "Cultural Grassland" is applied by the Massachusetts Division of Fisheries & Wildlife, to describe a "*human-created and maintained open community dominated by grasses, normally maintained by mowing.*" This community often occurs at airfields and is "*a grassland community that generally occurs on sand or other droughty, low-nutrient soils*." In general, the mowed grass communities observed at the Airport that meet these criteria are dominated by various grass and herbaceous species that are mowed an average of three to four times annually.

45. The MHC has made a determination that the CIP projects are unlikely to affect significant historic or archaeological resources. All related correspondence is provided in Section 10.1. The CCNS concurs with MHC that no historic structures are present in the immediate area of potential effect. The CCNS park archaeologist has determined that no archaeological testing is necessary for the fence or taxiway lights project. Agency correspondence is included in Section 10. NPS comments letters are provided in Section 13.

46. It is our understanding that the building is owned by the Town of Provincetown.

47. The referenced language has been added.

48. The referenced language has been added.

49. The referenced language has been added.

50. The referenced language has been added.

51. The visual impact discussion in Section 5 has been revised and reflects the preferred alternatives for the projects with potential to impact the visual environment.

52. The Lease Line alternative (Concept 1) for the fence has been dismissed from further review. It is not anticipated that the preferred alternative (Concept 6) for the fence will impact archaeological resources since it is within the developed airfield area.

53. A new concept has been developed for the parking lot, which avoids wetlands and would be built in phases. Landscaping is proposed to shield the view of the lot.

54. Supplemental parking data has been collected. This supplemental parking memo is provided in Appendix 4.2. The supplemental parking memo includes data collected during July 2008.

55. It is the desire of the Airport Commission to not have paid parking because it is not economically feasible to operate a paid parking lot. The Airport would enforce the parking with ticketing.

56. The supplemental parking study includes interviews with cab service and rental car agency personnel. The Airport encourages the use of taxi and public transit service.

57. Since the Draft EA/EIR, a new concept for the parking lot has been developed and includes phased construction. Phase 1 will provide 28 additional spaces, an increase of 45 percent, rather than 100 percent. Building the project in phases will address the immediate existing need for additional parking and will include efforts to encourage use of the shuttle and taxis. Phase 2 would go forward after additional parking studies have been completed and approved by NPS.

58. Shared parking could be explored with staff of NPS, but the cost of a shuttle service between a NPS lot and the Airport would be prohibitive.

59. The Airport Commission coordinated with NPS during planning for the current Terminal building. The Commission agreed to revise the exterior design of the building to eliminate a cupola and not exceed the height of the hangar. The Airport Commission is not aware of a long term agreement to limit the height of any future terminal building design. To

accommodate a second floor, the height of the Preferred Alternative at this stage of conceptual design is approximately 10 feet above the hangar.

60. The TSA trailer will not be moved to the parking lot. The vertical expansion of the Terminal building will not require relocation of other facilities since it will remain in the existing footprint.

61. The discussion of environmental categories has been revised.

62. The document has been revised.

63. Sections have been revised. Table 5.3 in Section 5 provides a summary of impacts for preferred alternative of all of the CIP projects that provides information of the cumulative impacts on wetlands and other resources.

64. The cross runway was one of the two original grass runways constructed for the Airport. It has not been maintained since the primary runway was paved. It is not shown on the current airport layout plan and was not considered during preparation of the 2005 Master Plan.

65. The use of a percentage has been eliminated. Information on the number of acres within each fence alternative has been provided.

66. A modification of Concept 2 (Concept 6) has been developed and has been identified as the Preferred Alternative.

67. Additional parking demand data has been collected. The supplemental parking memo is provided in Appendix 4.2.

68. The interagency meeting referenced in the comment was part of the Master Plan coordination. Minutes from that meeting have been included in Section 10.1

69. The plan with signatures is provided in the Appendix.

13.4 July 2008 Comment Letter from National Park Service and Responses

This section contains the letter, dated July 9, 2008, received from the National Park Service on revised Sections 2 and 4 (Section 4 is now Sections 3 and 5 in the FEIR/EA) of the document and responses to comments in the letter. The specific comments have been identified by a number in the left hand margin of the certificate. Responses are identified with a corresponding number.

United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:
L7617

July 9, 2008

Michael Garrity
Project Manager
Jacobs Engineering Group, Inc.
343 Congress St
Boston, MA 02210

Dear Mr. Garrity:

The staff of Cape Cod National Seashore (CCNS), a unit of the National Park Service (NPS), has reviewed section 2 and section 4 of the revised Draft Environmental Assessment/Environmental Impact Report (Draft EA/EIR) for the Provincetown Municipal Airport (Airport) Capital Improvements Plan (CIP) Draft EA/EIR.

We appreciate the efforts that were made to incorporate many of the changes and recommendations made by CCNS staff after review of the original draft document to satisfy the National Environmental Policy Act (NEPA). You will find below additional comments about the overall document and a summary of the park staffs current position on each of the twelve proposed safety and facility improvement projects. We believe the sections of the revised draft are much improved documents and we appreciate the continued consultation and dialogue with your organization on this matter.

Overall Observation and Recommended Improvements:

We would like to see a table that summarizes gross changes. It would useful to have an enumeration of total change. How much pavement added, how much removed, square feet of wetlands impacted, square feet of wetlands restored? It is not the desire of the NPS to dictate construction guidelines, but we are interested in the cumulative effects of the individual elements of the project, which is a key element of an EA. Many of the particulars of the operational area changes are clearly dictated by FAA and safety directives. 1

1

Table 4-1 List of Environmental Categories

This table indicates by "*" which elements on the table were included in Alternatives Analysis. CCNS requests that the following categories be added to the analysis. (2)

1. Department of Transportation Act: Sec. 4(f)
2. Floodplains
3. Historical, Architectural, Archeological and Cultural Resources
4. Traffic – to include parking.

Table 2-1 Summary of Regulations Pertaining to CIP Projects

(3) The second column on the table is labeled "Regulations". The Airport's 2005 Master Plan is listed as a regulation. We are not aware of any regulatory authority garnered by a master plan. Additionally, the Master Plan lacked NEPA analysis.

Discussion of Alternatives:

1. Westerly Taxiway System: Current CCNS Position: Support Preferred Alternative

This component of the project has 3 distinct elements.

A. West End Connector Taxiway
B. Westerly End of Parallel Taxiway

Section 4.1 of the document indicated that the parallel runway will be realigned to remove a turn required by the pilots and that its overall width will be reduced from 60' to (4) 40'. (page 4-7) The Figure 7.1 of the original draft document shows "impervious area to be removed". It does not show this section of pavement being removed. It is, however, reflected in the figure 3.1.

C. Mid Connector Taxiway

2. Relocate East End Taxiway: Current CCNS Position: Support Preferred Alternative

Section 4.2 of the document indicates that 24, 000 sf of wetland would be removed and "provided an opportunity for approximately 21,000 sf of wetland restoration in (5) Restoration Area II as shown on Figure 7.2 in Section 7." Figure 7.2 indicates that 15, 000 sf would be restored, not 21,000 as indicated in the narrative, a net loss of 9,000 sf. The narrative indicates that the loss is further off set by restoration shown in figure 7.1, the West end project. 50,000 sf are restored there. Without a project wide comparison, it is difficult to discern if this is an acceptable trade off.

3. Reconstruct Easterly End of Parallel Taxiway: Current CCNS Position: Support Preferred Alternative

4. Reconstruct Terminal Apron: Current CCNS Position: Support Preferred Alternative

5. Install Taxiway Edge Lights and Electric Vault: Current CCNS Position: Support Pending Archeology

2

Part 1: Install Edge Lighting
This calls for an 8 inch wide, 2 foot deep trench to be dug 10 feet off pavement of taxiway. Does this include parallel taxiway and all connectors? Is the lighting installed on both sides of the taxiway? We need this lighting plan illustrated on a map so that CCNS staff can determine if an archeological survey is needed. 6

Part2: Electric Vault: Support Preferred Alternative

6. Replace Sightseeing Shack: Current CCNS Position: Support Preferred Alternative

7. Access Road to MALSF Approach Lights: Current CCNS Position: Support Preferred Alternative

8. Service Roads to LES and AWAS: Current CCNS Position: Further Discussion Required

Localizer Equipment Shelter (LES)

Additional Alternative: Would there be merit in evaluating an access road coming in from Race Point Rd? It would require an additional cross over driveway of the bike path and an additional gate in the Airport fence. It would be a shorted paved surface – less impervious area. We believe the proposed preferred alternative a 10' wide, 475' long paved access road would be less preferred to a 10', 150' long paved driveway. We need the overall comparison to help determine this. Does the preferred alternative presented follow an already disturbed footprint? Is this the current access route? 7

Weather Station (AWOS)

On page 4-18 in section 4.8 of the document, the document states, "Since the runway needs to be shut down for some inspection or maintenance procedures; the vehicle, with all the necessary equipment, needs to close to the navigational facilities." This statement is made in reference to the alternative utility vehicle alternative and is made in support of rejecting that alternative. Under the AWOS road alternatives, no alternative is made that brings a paved surface in from the runway. Since the runway needs to be shutdown anyway for work in this area to occur, it should be explored. A road in from the runway would impact no wetlands and would be shorter than the preferred alternative. 8

9. Install Perimeter Safety / Security Fence: Current CCNS Position: Needs Discussion

The Preferred Alternative is a vastly improved alternative and it takes into account the objections previously raised by CCNS staff. There still remain some areas of concern. The narrative discussion does not seem to be accurately represented by the perimeter delineation in figure 4.8b. On the south side of the airport, there are two areas where the fence deviates from a relatively straight line. We could not find a description as to why

3

the fence diverts to enclose these areas. Also on the south side of the airport, the narrative discussed the fence following the pre-existing tree line. The fence line on the map seems to show the fence going directly through the wetland. Is there a FAA requirement that the fence must be a minimum distance off the runway? Such a requirement would explain the straight line of the fence, but it does seem to be inconsistent with the narrative. 9

The use of the natural barrier at the end of runway 7 as identified in the preferred alternative is recognized as a compromise on the part of the airport and is much appreciated. Once again, the map of the fence in figure 4.8b at that Northwest end of the property does not seem to match the narrative. It seems like the fence could be ended at the edge of the disturbed area for the same effect rather than pushed out in the wetland. This would also minimize the potential for tidal debris to accumulate and impede tidal flow and decrease the potential of the same to do damage to the fence. Some of these questions may be best answered by a site visit and walk through of the proposed fence line with NPS staff members. As we have previously stated, we have significant concerns about an incursion into the Hatches Harbor Salt Marsh and we require all steps be taken to minimize those incursions wherever possible. 10

We would like to re-state the position of the CCNS staff from the October 31, 2007 letter stating that Archeological Survey work may be needed for any of the fence alternatives. This is not acknowledged in the discussion in section 2 or the alternatives in section 4. 11

10. Expand Auto Parking: Current CCNS Position: Needs more discussion

The assertion that the parking is not adequate is not sufficiently documented in either the Airport Master Plan of 2005 or the "Traffic operation report and parking analysis" dated March 2008. The Master Plan references a 2005 survey as the basis for more parking. The document acknowledges the sample size was too small to be statistically significant. In that survey, half of the passengers were dropped off and the need the passengers identified was for more drop-off space, not additional parking. Seventy-five percent of the passenger either took the taxi or were dropped off, only ¼ of the passengers parked.

The Traffic Operation Report prepared by the contractor uses a similarly negligible sample size. The data included in the report is from one day, August 24, 2006. Three parking lot counts were taken on this one Thursday in the peak season. At the highest period in that day only 82.3 % of the parking lot was utilized. The report also references 2007 data being collected but it is not included in the report. Section 3.3 of the traffic report uses a model to reach projections of parking lot needs during peak periods. For an accurate representation of use, it would be necessary to have actual peak period data and observations collected. This summer season presents the opportunity for the missing data to be collected. 12

CCNS staff would like additional data collection to include use of taxis or other alternative methods of transportation by airport users. As stated in the aforementioned October 31, 2007 letter, the parking estimates in the airports management plan did not

4

include the availability of a much improved public transit system, which should continue to improve over time. The current public transit system is a viable and reliable program. The NPS has contributed over $2 million toward studies and bus shuttle equipment for Provincetown and NPS sites, which include airport stops.

It is also referenced both in the Airport Master Plan and the Traffic Operations plan that the airport parking is being used by non-airport users. The documents also assert that airport users are parking along Race Point Road; an observation is not shared by the CCNS fee collection or Law Enforcement staff in the area. However, if parking by non-airport users were proven, the misuse of the lot can and should be corrected and does not substantiate the need to build a larger parking lot.

If we put aside the discussion of the deficiencies in the data and the analysis for the time being and accept the need for additional parking, Phase 1 of the preferred alternative could be supported, as a long term plan. We also continue to maintain that a parking fee at least for the relatively short summer season be explored to reduce parking demand in July and August.

11. Expanded Terminal: Current CCNS Position: Needs Further Review

The preferred alternative identified in the document is for vertical expansion. In the October 31, 2007 letter, we restated our concern over terminal building height. The NPS has an agreement with the PMA from the discussions around the 1990s master plan and its environmental documents that the new terminal building height would not exceed the height of the existing hangar. By selecting the vertical expansion alternative, this agreement is ignored. The drawings illustrate the roof line to be above the height of the hangar. We could not find the specifications for exactly how high the roof line will be, or if a reduction in the roof pitch and height can still accommodate the second floor as per our comments. The CCNS staff can not support this alternative without the additional information of how high the roof will be and a discussion as to whether an alternative roof line could bring the roof line back in concert with the roofline of the hangar. We restate our request to see this section discuss the overall building height proposed, the prior understanding with the NPS, and to include a discussion of the town zoning height limits.

The horizontal expansion was ruled out based on environmental concerns (560 sf of isolated wetlands would be disturbed and the need to relocate a trailer and an access road). The CCNS staff requests a conversation about the trade off. Is the potential impact of a two story structure with pitched roofline to the view shed or the loss of 560 sf of wetlands of more impact to the park? At this point in the process, we are not prepared to say that the loss of an additional 560Sf of wetland is the park resource with the greatest weight in this matter. There is already 59,725 sf of impacted wetland with 67,000 sf restored. We need the additional data to weigh the two alternatives in terms of both natural and cultural resource costs.

5

12. Expand Turf Apron: Current CCNS Position: Support Preferred Alternative

(14) Expanding the turf apron would require that 1,250 sf of wetland be filled in. It would a non-impervious surface (turf) that would allow for drainage and runoff. The wetland lost is included in the mitigation plan, however, again, there are no net results included in the report so it is difficult to determine if a one-for-one trade off is in place.

Thank you for the opportunity to review the draft materials. Please call my office to arrange for further discussions.

Sincerely,

George E Price, Jr.
Superintendent

CC: Michelle Ricci, Federal Aviation Administration
Michael Leger, Chairman, Provincetown Airport Commission
Arthur "Butch" Lisenby, Airport Manager
Rachel Schohn, Massachusetts Aeronautics Commission
Sharon Lynn, Town Manager, Provincetown

6

Response to comments in letter from United States Department of the Interior, (NPS, CCNS), July 9, 2008.

1. These sections have been revised.

2. These sections have been revised.

3. The table has been revised.

4. The figures have been revised. Also, a new figure has been added to clarify the changes in pavement.

5. The text and figures have been corrected and revised.

6. Figure 6.4 has been added that depicts where the lights will be installed. An alternative construction method has been identified that will reduce the impacts to grassland during installation. Section 5.6.2.5 discusses the cable plowing method that was successfully used at Nantucket Airport.

7. This alternative is discussed in Section 3.

8. Section 3 has been revised to discuss these alternatives.

9. Notes have been added to the figure that explain the alignment.

10. The alignment has been revised.

11. The text has been revised to recognize that CCNS staff has made an independent determination regarding the need for archeological survey work for the fence and TW light projects.

12. Additional data was collected in July 2008 and is discussed in a memo in appendix 4.2.

13. The Airport Commission coordinated with NPS during planning for the current Terminal building. The Commission agreed to revise the exterior design of the building to eliminate a cupola and not exceed the height of the hangar. The Airport Commission is not aware of a long term agreement to limit the height of any future terminal building design. To accommodate a second floor, the height of the proposed building at this stage of conceptual design is approximately 6 feet above the hangar.

14. Wetland impacts have been avoided with a reduced dimension alternative that is discussed in Section 3, 5, and 6.

13.5 December 2008 Comment Letter from National Park Service and Responses

This section contains the letter, dated December 15, 2008, received from the National Park Service on the 1st Internal Draft of the Final EIR/EA, and responses to comments in the letter. The specific comments have been identified by a number in the left hand margin of the certificate. Responses are identified with a corresponding number.

United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:
L7617

December 15, 2008

Michelle Ricci
Federal Aviation Administration
New England Region, Airports Division
12 New England Executive park
Burlington, Massachusetts 01803

Dear Ms. Ricci:

The staff of Cape Cod National Seashore (CCNS), a unit of the National Park Service (NPS), has as reviewed the 1st Internal Draft of the final Environmental Assessment/Environmental Impact Report (EA/EIR), prepared by the Federal Aviation Administration (FAA), for the Provincetown Municipal Airport (Airport) Capital Improvements Plan (CIP). The plan proposes twelve safety and facility improvement projects proposed to be constructed on property owned by the United States, managed by CCNS, and permitted to the Airport. As the entity leasing the land, the Airport is (1) required to obtain a Special Use Permit (SUP) from CCNS before proceeding with the activities proposed in the CIP. Our evaluation of any request for an SUP must comply with the National Environmental Policy Act (NEPA). This can be accomplished by making the FAA's EA/EIR consistent with NPS guidelines and requirements, or can be accomplished by preparing a separate EA for CCNS's use at a later date.

To facilitate completion of the EA/EIR, we have provided comments to assist you in meeting the NPS's NEPA requirements, and comments focused on the technical aspects of the Draft EA/EIR.

NPS NEPA Requirements:

It continues to be our understanding that the FAA and Airport desire to make the current EA/EIR satisfy both the FAA's and CCNS's NEPA obligations. However, the current (2) draft does not make that clear. Several elements identified in our letters of October 31, 2007, and July 9, 2008, and discussed in NPS NEPA guidance and Director's Order 12 (provided to your consultant via e-mail on April 11, 2008, and again on May 12, 2008)

1

are still not addressed in the document. Please refer back to this guidance and previous correspondence as you prepare any subsequent drafts to ensure that CCNS's NEPA requirements are met.

Please note that one of the NPS's NEPA objectives is to provide the public with clear descriptions, analysis, and rationale regarding:

- the decision being considered;
- the potential impacts associated with each alternative regardless if effects are equal among two or more alternatives;
- full disclosure regarding the impact topics and alternatives identified; and
- equal and balanced presentation and analysis of the alternatives being analyzed in detail.

3 Toward that end, we request that the Introduction in the 2nd draft include a clear and concise description of the decision CCNS is considering and that is evaluated by this EA. We also request that the 2nd draft include all the impact topics noted in our previous correspondence. If analysis indicates that impacts associated with each topic do not differ substantially among alternatives, the nature of the impacts must still be described. Further, those impact topics that do not warrant analysis must be identified along with a 4 brief summary of why additional analysis is not warranted. Similarly, alternatives that were considered but rejected must also be identified with a brief explanation of why they were eliminated from further analysis.

We request that all subsequent drafts of this EA include all the elements required to meet NPS NEPA guidelines and requirements. In recent e-mail with my staff, you indicated that there is a timeline for completion of the EA/EIR that affects the availability of funding for the CIP. Following your consideration of these comments, we recommend meeting to discuss how best to meet NPS NEPA requirements without jeopardizing CIP funding.

Technical comments

The following comments address specific areas of the 1st Internal Draft of the final EA/EIR.

1. We note that the EA/EIR uses the terms "restoration" and "replication" when referring to freshwater wetland mitigation. Since this area historically was a salt marsh, compensatory mitigation for isolated freshwater wetlands is not restoration. 5 Please delete the terms "restoration" and "replication" in all applicable text, tables, and figures. Additionally and incidentally, we also note the repeated use of "Eastern Spadefoot" to refer to Eastern spadefoot toads. We recommend including the word toad with each reference.

2. In Figure 7-1 we noted a new coastal dune creation area and are unsure what is 6 intended to be accomplished. Please clarify the purpose of the new dune. Please also

2

identify the source of the sand to be used. The source will need to be certified that it does not contain archeological resources or non-native plant seed.

3. We find Sections 3 and 4 to be confusing. It appears that Section 3 is a description of the Preferred Alternative interspersed with discussion of alternatives considered but rejected, while Section 4 describes the alternatives being analyzed within the context of the Alternatives Analysis, and also included alternatives considered but rejected. To provide clarity for the public, we recommend revising Section 3 to include a summary of the alternatives considered but rejected followed by clear descriptions of the alternatives analyzed in detail, including the Preferred Alternative. Section 4 should then focus solely on evaluating the impacts of the alternatives selected for detailed analysis as described in Section 3. (7)

4. Section 5.12 has been reviewed by park cultural resource staff and minor changes are needed. We suggest you remove the first word of that section. "State" implies that these are state-owned resources, which they are not. Additionally, please change "Race Point" bathhouse to "Herring Cove" bathhouse in the first paragraph. The list of archeological sites should include the remains of fisherman shacks near Herring Cove and Race Point. Our park archeologist has determined that no archeological testing is necessary for fence or taxiway light projects. Therefore, the text in Section 5.12 can be revised to reflect the park's determination, as well as in other sections where archeology for those two projects is discussed. (8)

5. Section 6.11 also discusses cultural resources and two additional sentences are needed. Please include the following sentence under *Cultural Landscape*: "Impacts to the adjacent Dune Shacks of the Peaked Hill Bars Historic District will be negligible, depending on the final height of new structures and their affect on viewshed from the district." Under *Structures* please include: "CCNS concurs with MHC that no historic structures are present in the immediate area of potential effect." (9)

6. We noted your addition of four environmental categories in Table 4-1 and Table 6-1. However, several of these impact topics are not evaluated in the text of the EA/EIR. Note that only "No Impact" categories do not require evaluation. Even if there is no significant difference between alternatives, the impacts must be covered within the EA/EIR - addressing these impact topics in the appendices as a reply note to the NPS letter is inadequate. The purpose of these tables and sections are to inform the public and all other agencies of the impacts. For example in Table 6-1, Construction Impacts and Water Quality are listed as being impacted but are not discussed in the section that follows. However, Air Quality and Noise have no impacts but are explained. Additionally, we do not see the reason for the omission of Floodplains in Section 6. Please see Executive Order 11988, Floodplain Management. There is a difference as per Table 4-1 in floodplain impacts, so these impacts must be addressed. In addition, the impact categories need to include those identified in NPS guidance (previously provided in our letters and emails) as well as all other applicable Executive Orders on wetlands and floodplains, etc. (10)

3

7. Additionally, the regulatory compliance section needs additional work. Section 8 needs more discussion of what has been done, what the content of the compliance was, and what still will be done. Each law or regulation section should be double checked, however, we specifically noted the following:
   - (11) Section 8.7. and 8.8 - Discuss Statement of Findings requirements in the executive orders on floodplains and wetlands. Tell the reader if these projects require such statements, and when they will be done.
   - Section 8.11 - Describe what the nature of the consultations and any conclusions reached.

8. Thank you for the additional information on the taxiway edge lights. We have an obligation to protect archeological resources within park boundaries. The park archeologist has determined that no archeological testing is necessary for the fence and the taxiway lighting projects. However, in your response to our July 9th letter, (12) you indicate a cable plowing method that may be used to install the lights. Please describe which method you intend to use, what the equipment is and what it entails specifically in terms of width and depth of ground disturbance, and its impacts on potentially unknown archeological resources.

9. We would like to address the alternative of an AWOS and LES access road from Race Point Road which would cross over the bike trail. Our concerns were not (13) addresses from the 1st internal draft of the alternatives and we feel that this issue requires a meeting to discuss all possible alternatives so they meet the project purpose and need and comply with FAA standards while minimizing environmental impacts.

10. We appreciate the addition of Fence Concept 6 to this draft of the EA/EIR. This alternative substantially reduces impacts, and responds to several of our earlier concerns. We also offer the park archeologist's concurrence with the conclusion in the EA/EIR that no archeological testing is needed for this fence alignment. We request that subsequent drafts address the following with respect to Fence Concept 6:
    - (14) Please include a brief description of how the wildlife passage gaps will be monitored and maintained.
    - (15) In the text and on figure 4.9, please clarify the location of the one-way gate intended to allow deer to exit the airfield.
    - (16) Please describe the purpose and need for the two bump-out sections along the southeast side of the fence alignment.

    We appreciate the efforts to reduce the extent of fencing in the tidal wetland portion of Hatches Harbor. However, we note that details regarding the specific location of (17) the terminus of the fence adjacent to Hatches Harbor remain to be determined. We concur with your suggestion (Item 10, Page 13-101) that we conduct a field visit to determine the best possible approach in this sensitive area.

(18) 11. The alternatives for parking expansion still need a discussion between us, and it is unclear if such a discussion is to take place in time as the consultants are now talking about completing a next draft. We are pleased to see phasing considered. At this point we are receptive of the numbers associated with Phase One but not with Phase Two if

4

there are no parking demand management activities to be put in place, e.g. summer season parking fee at a minimum, or building in a parking fee that does not require an electronic gate. Plus, transportation behavior may have changed by the time of Phase Two and there may be less reliance on the private auto and more taxi and transit options.

The parking assessment used to support such strong findings is weak. The text in Section 4.10 needs elaboration about what "further evaluation and assessment of the parking lot options was completed." The document needs to inform the reader about what was done and when. We continue to be concerned about the level of analysis for such an important decision. In Section 6.0 it states that auto parking observations in 2007 and 2008 were done. But the text needs elaboration on page 6-3 rather than referral to an appendix. And, in particular, it should be clarified that no data was collected in 2007; just anecdotal analysis or the reference to 2007 should be deleted.

Similarly, the two-page "Supplemental Parking Study" sounds like more than it was - non-specific observation on two days of the July 4 weekend culminating with an impressive summary chart showing that the parking lot is over 100% full, and an interview with the rental car agency staff and one cab driver. There is still no bus data, and the bus is routed to stop at the airport. This was minor data collection versus a study, and it deserves to be renamed supplemental parking data collection at the most. Additional parking data can and should be taken this winter and spring during development of the final EA/EIS.

We would again suggest that Appendix 4.2 not be termed a Supplemental Parking Study. Two days in July 2008 is not a significant sample size. Plus, it was only over the July 4th weekend, which traditionally has a big influx of visitation to the area. We suggest you consider the situation over the course of the ten weeks of summer season and off season. Also see comments above concerning Section 6.0.

19 12. The terminal building alternatives in Section 4.11 still needs a discussion between our agencies. More information is deferred until the next draft again and our concerns appear to continue to be disregarded or unanswered. Responses to some basic questions are needed. Our questions include the following: What is the ceiling height of the first floor? the second floor? and what is dictating those ceiling heights and roof pitches? The window expanse on the second level seems to be oriented for viewing planes and the landscape versus having a true ceiling height-related purpose. Please see the Airport's files for correspondence and meeting notes on the terminal building construction project during the previous master plan & EIS work in the 1990s. We have been consistent in saying the overall hangar height is what is expected as the maximum roof height.

13. Finally, we support the updated preferred alternative for the Turf Apron to reduce the proposed dimensions since it will eliminate direct impact on wetlands.

Thank you for the opportunity to review and comment on this internal draft of the Final EA/EIR. While significant progress has been made, we note that there are still a few issues that warrant discussion in person and on-site. I look forward to hearing from you

5

regarding potential meeting dates and times to discuss this important project for the Provincetown Municipal Airport within Cape Cod National Seashore.

Sincerely,

George E. Price, Jr.
Superintendent

cc: LaVerne Reid, Federal Aviation Administration
Michael Leger, Chairman, Provincetown Airport Commission
Arthur "Butch" Lisenby, Airport Manager
Rachel Schohn, Massachusetts Aeronautics Commission
Sharon Lynn, Town Manager, Provincetown
Michael Garrity, Jacobs Engineering Group, Inc

6

Response to comments in letter from United States Department of the Interior, (NPS, CCNS), December 15 2008.

1. The Airport Commission is discussing this issue with NPS.
2. It is the intent of FAA and the Airport Commission to make the FAA's NEPA document consistent with NPS guidelines and requirements. Revisions have been made to the document.
3. Section 1.1 describes the federal actions for both FAA and NPS.
4. Section 1 has been revised to identify which impact categories have been dismissed from further analysis and why.
5. The terms restoration, replication, and mitigation are used interchangeably in this document as noted in Section 7. Because of the various permitting regulations, no one term will suffice for all reviewers. Specific permit applications will use the term specific to the particular need. We note that NPS used the term "restored" when referring to wetland mitigation on page 1 of the July 9, 2008 letter. The wetlands within the project area are freshwater wetlands, either isolated or bordering. Similar wetlands will be constructed. The word toad has been used with each reference to the Eastern Spadefoot.
6. The coastal dune creation area is the same as the area shown in the May 31, 2007 NPC/Draft EIR/EA. In addition to providing coastal dune mitigation, the dune area maintains the existing separation between wetland areas I and C/J/FK as discussed in Section 7.2. The contract documents will require that the source of the sand be certified that it does not contain archaeological resources or non-native plant seed.
7. The document has been revised.
8. The changes have been made. We note that the term "Race Point" bathhouse was suggested by the October 31, 2007 NPS letter. The bathhouse is now referred to as the Herring Cove bathhouse as directed by the December 15, 2008 NPS letter.
9. The text has been revised.
10. The document has been revised to address these comments.
11. Section 8 has been revised.
12. The cable plowing method is described in Section 5.6.2.5.
13. The LES service road alternative that would come in from Race Point Road and cross the bike path has been re-evaluated and dismissed as discussed in Section 3.
14. NHESP has provided initial guidance on the location and inspection of the proposed gaps in the fence to facilitate movement of turtles and toads. The gaps would be inspected at least once a year in the spring as part of the Airport's operational mitigation plan. Since the graded patrol road has been eliminated, NHESP will include in their determination required mitigation relative to access to, location of, and methods of maintaining the gaps.
15. The one-way gate has been eliminated for operational and security reasons. The existing gate near the SRE building will be used for any deer who can not exit the airfield towards the west.
16. The bump-out section at the Runway 25 End is necessary to avoid the approach surface. The fence alignment extends a little beyond the approach surface in order to minimize wetland impacts in wetland area E/DD. The bump-out section at the Runway 7 End enclosed the non-directional beacon shelter. This bump-out has been eliminated and a gate will be installed to allow access to the shelter. The fence alignment on the south side has been further revised to avoid critical Eastern Spadefoot toad breeding habitat as shown on Figures 6.8 and 6.9.
17. The terminus of the fence has been revised as shown on Figure 6.8.
18. The Airport Commission would like to discuss this and other issues with the NPS. Various reports have been submitted to the CCC and renaming the documents would be confusing for agency project files.
19. The Airport Commission coordinated with NPS during planning for the current Terminal building. The Commission agreed to revise the exterior design of the building to eliminate a

cupola. The Airport Commission is not aware of a long term agreement to limit the height of any future terminal building design. To accommodate a second floor, the height of the Preferred Alternative at this stage of conceptual design is approximately 6-12 feet above the hangar as discussed in Section 5.

13.6 January 30, 2009 Comment Letter from National Park Service

This section contains the letter, dated January 30, 2009, received from the National Park Service on the 2nd Internal Draft of the Final EA/EIR. Several meetings and conference calls were held to discuss the issues in the letter. The document has been reorganized to meet NPS standards for NEPA documents.

United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:
L7617

January 30, 2009

LaVerne Reid, Director of Airports
Federal Aviation Administration New England
12 New England Executive Park
Burlington, MA 01803

Dear Ms Reid:

Cape Cod National Seashore (CCNS) has received the 2nd Internal Draft of the Final EIR/EA for the Provincetown Municipal Airport (PMA) Capital Improvements Plan (CIP). We appreciate the efforts to incorporate our comments in the previous drafts of this document and modifications of some of the alternatives, however substantive issues and questions remain unresolved. In our previous letters we proposed continued consultation and dialogue with your organization and request that again at this time.

We received the 2nd Internal Draft on January 20, 2009. Your consultant's transmittal letter requested comments by February 2nd and indicated your intent to release this document to the public through the MEPA process on February 15th; the consultants continue to indicate a desire to combine the MEPA and FAA and NPS NEPA processes. Before an NPS EA can be released to the public, the seashore must be confident that the final internal draft is correct, complete, meets NPS standards, and that all substantive issues are resolved. CCNS must then forward the final internal draft to out Regional office for review and approval and to the Department of Interior (DOI) solicitor's office to ensure legal sufficiency. Several issues discussed in our previous comment letters remain unanswered and unresolved. As a result, CCNS cannot not find the current draft to be meet NPS standards or reflect resolution of all substantive issues. Consequently, we can not forward this draft for the required NPS regional office and DOI solicitor's reviews, nor can we agree to release this draft to the public. Further, we are reluctant to commit the staff time necessary to provide a detailed line-by-line review until we are confident this EA process will incorporate NPS comments and requirements and that all substantive issues are resolved.

FEB 0 2 2009

Integrating our agencies' NEPA processes is one of the issues we had hoped to discuss with your staff and consultants at the meeting we requested in our last letter, dated December 15, 2008. We had also hoped to discuss other issues raised in our previous comment letters but still not adequately resolved in the draft EA. These include the AWOS and LES access road, the perimeter fence, parking expansion, and terminal building expansion. In our review of the 2nd Internal Draft we note that authors of the EA recognize these issues require additional discussion between our agencies (Section 4, pages 4-23, 4-24, 4-35, 4-36, 4-38, and 4-41 of the draft document).

Given the importance of these issues to both the PMA and CCNS, the complexity of integrating our agencies' NEPA processes, and the elements of the CIP that still need to be resolved, I recommend strongly that we meet prior to preparation of any more drafts of this EA. We made good progress when we met last year and I feel confident that a meeting can resolve a number of issues. I look forward to hearing from you regarding potential meeting dates.

Sincerely,

George E. Price, Jr.
Superintendent

cc: Michelle Ricci, Federal Aviation Administration
Michael Leger, Chairman, Provincetown Airport Commission
Arthur "Butch" Lisenby, Airport Manager
Rachel Schohn, Massachusetts Aeronautics Commission
Michal Garrity, Project Manager, Jacobs Engineering Group
Sharon Lynn, Town Manager, Provincetown

13.7 November 5, 2010 Comment Letter from National Park Service

This section contains the letter, dated November 5, 2010, received from the National Park Service on the Revised 4th Internal Draft of the Final EA/EIR. Several meetings and conference calls were held to discuss the issues in the letter. The mitigation mentioned in the letter has been referenced and included in the Mitigation Section of the document, as requested in the NPS letter.

United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667
508.771.2144
508.349.9052 Fax

IN REPLY REFER TO:

L7617

November 5, 2010

LaVerne Reid, Director of Airports
Federal Aviation Administration New England
12 New England Executive Park
Burlington, Massachusetts 01803

Subject: Mitigation for wetland impacts of the Environmental Assessment for the Capital Improvements Plan, Provincetown Municipal Airport

Dear Ms. Reid:

We have revised our earlier comments regarding proposed wetland mitigation measures for the Internal Draft of the Environmental Assessment (EA) for the Capital Improvements Plan, Provincetown Municipal Airport. This revision is a result of additional information contained in the following documents:

1. April 28, 1997 Memorandum of Understanding (Hatches Harbor Saltmarsh Restoration Project) between the National Park Service (NPS) and the Town of Provincetown, signed by Cape Cod National Seashore Superintendent and Provincetown Board of Selectmen. page 2, item 9. states "The Park Service agrees that the Project will be classified as mitigation for the wetlands impacts of required present AND FUTURE airport safety improvements. The regulatory agencies responsible for wetlands protection must approve of mitigation (This mitigation would satisfy most of the agencies as exceeding a one to ten mitigation)".
2. August 28, 1998 Cape Cod National Seashore Finding of No Significant Impact for Hatches Harbor Salt Marsh Restoration. page 3 "NPS understands that the FAA (Federal Aviation Administration) intends to use restored salt marsh habitat at Hatches Harbor as mitigation for wetland impacts of airport construction projects. Presently, the airport plans to harden the safety areas at the end of the runway, a project that no longer needs wetland mitigation. Subject to approval by the federal state and local agencies, with responsibility for wetland protection, the NPS agrees that the Hatches Harbor Restoration project can provide mitigation for the planned runway apron expansion to occur in 2000. This apron expansion will impact 2800 square feet and is the only runway improvement planned by the Federal Aviation Administration unless runway expansion is necessary."
3. November 28, 2001 NPS Record of Decision and Statement of Findings related to issuance of special use permits to allow for safety improvements at Provincetown Airport. Based on the Final Environmental Impact Statement April 7, 2000 and Section 4(f) Statement prepared by FAA for

airport improvements. bottom of page 10: "The proposed development will have adverse impacts on a total of 0.50 acres of wetlands. The $77,000 contribution by FAA to the Hatches Harbor restoration project accounts for 20% of the restoration project cost, which computes to funding 12-18 acres of the 60-90 acres of wetland habitat estimated to be restored/created by the project. Therefore, the NPS finds that this project is fully in compliance with NPS wetland protection procedures, including the required sequence of avoiding, mitigating, and compensating for wetland impacts."

Since future airport safety improvement projects identified in these documents were not actually completed, Cape Cod National Seashore agrees that FAA's contribution to salt marsh restoration at Hatches Harbor can be applied as off-site mitigation for activities covered in the current Capital Improvements Plan.

Please note that the concepts and proposals contained in this letter solely reflect assessment and analysis of the situation by Cape Cod National Seashore staff. Further review and discussion with the Army Corps, MA DEP, MA Natural Heritage, and the Cape Cod Commission is necessary and may result in alternative mitigation strategies or higher mitigation ratios and acreage requirements.

If you have questions regarding this topic, please contact Shelley Hall, Chief of Natural Resources, at (508) 957-0737.

Sincerely,

George E. Price, Jr.
Superintendent

cc: Heath Gatlin, Chairman, Provincetown Airport Commission
Sharon Lynn, Town Manager, Town of Provincetown
Arthur "Butch" Lisenby, Airport Manager
Michelle Ricci, Federal Aviation Administration
✓ Michael Garrity, Project Manager, Jacobs Engineering Group
CCNS central files