
SECTION 10.0 AGENCY COORDINATION AND PUBLIC PARTICIPATION

10.1 Agency Correspondence and Coordination

This section contains correspondence with agencies during preparation of the environmental documents and the minutes of agency meetings. Additional correspondence from NPS is provided in Section 13. Minutes of meetings with CCC are provided in Appendix 7.

This section contains the following items:

- Letter from US F&WS, February 23, 2005 (Page 10-3)
- Jurisdictional Determination, U.S. ACOE, January 8, 2007 (Page 10-5)
- April 2, 2007 Determination by Massachusetts Historical Commission,[on 3/05/07 EK letter] (Page 10-7)
- Letter to NPS regarding correspondence relative to historical review, April 11, 2008, with attachments. Note that the attachments are provided in black and white because similar figures are in the main document in color. (Page 10-9)
- Minutes of Meeting held at NHESP Office, December 13, 2007 (Page 10-27)
- Minutes of Meeting held at NPS CCNS Office, March 21, 2008 (Page 10-33)
- Letter from MA Office of Coastal Zone Management, April 2, 2008 (Page 10-37)
- 2005 Master Plan (MP) Advisory Group Membership (Page 10-39)
- Minutes of June 14, 2005 meeting of the MP Advisory Group (Page 10-41)
- Minutes of April 11, 2006 meeting of the MP Advisory Group (Page 10-45)
- Minutes of Meeting held at NHESP office, on December 18, 2008 (Page 10-47)
- Minutes of Meeting held at DEP Lakeville office, on February 26, 2009 (Page 10-51)
- Minutes of Meeting held at Army Corps of Engineers Concord office, on August 13, 2009 (Page 10-53)
- Minutes of Meeting held at DEP Lakeville office, on December 23, 2009 (Page 10-57)
- Minutes of Interagency Meeting held at CCC office, on January 6, 2010 (Page 10-59)

In addition to these meetings, there has been much coordination between NPS CCNS, CCC, FAA, MassDOT Aeronautics, and the Airport during 2010 to modify the document for NPS CCNS submission for their NEPA requirements.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087

February 23, 2005

Michael Garrity
Edwards and Kelcey
343 Congress Street
Boston, MA 02210

Dear Mr. Garrity:

This responds to your January 14, 2005 letter requesting information on the presence of federally-listed and/or proposed endangered or threatened species in relation to the Provincetown Municipal Airport Master Plan Update in Provincetown, Massachusetts. Our comments are provided in accordance with section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531-1533).

The beaches north and west of the project area are known to support federally-threatened piping plovers (*Charadrius melodus*). The information provided in your letter is insufficient to make a determination as to whether the projects proposed for consideration in the Master Plan Update will adversely affect piping plovers. Given the presence of plovers and the potential for impacts, we request copies of all environmental documents relating to the proposed projects under consideration in the Master Plan Update.

Thank you for your cooperation. Please contact me at 603-223-2541, extension 22, for further consultation and assistance regarding this project.

Sincerely yours,

Susanna L. von Oettingen
Endangered Species Biologist
New England Field Office

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE: New England District
FILE NUMBER & APPLICANT: Provincetown Airport Commission, NAE-2006-4281

PROJECT LOCATION INFORMATION:

State: Massachusetts
County: Barnstable
Center coordinates of site (latitude/longitude):
Approximate size of area (parcel) reviewed, including uplands: acres.
Name of nearest waterway: Cape Cod Bay
Name of watershed: Cape Cod Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date:
Site visit(s) Date(s): January 8, 2007

Jurisdictional Determination (JD):

- Preliminary JD - Based on available information, *there appear to be* (or) *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:
- There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .
- There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .
- There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
 The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
 (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 (2) The presence of interstate waters including interstate wetlands¹.
 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 (4) Impoundments of waters otherwise defined as waters of the US.
 (5) The presence of a tributary to a water identified in (1) - (4) above.
 (6) The presence of territorial seas.
 (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:*

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- Ordinary High Water Mark indicated by:
- clear, natural line impressed on the bank
 - the presence of litter and debris
 - changes in the character of soil
 - destruction of terrestrial vegetation
 - shelving
 - other:
- High Tide Line indicated by:
- oil or scum line along shore objects
 - fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - tidal gages
 - other:
- Mean High Water Mark indicated by:
- survey to available datum; physical markings; vegetation lines/changes in vegetation types.
- Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

Basis For Not Asserting Jurisdiction:

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
 - Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
 - Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
 - Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
 - Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
 - Isolated, intrastate wetland with no nexus to interstate commerce.
 - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
 - Other (explain):

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
 - This office concurs with the delineation report, dated _____, prepared by (company):
 - This office does not concur with the delineation report, dated _____, prepared by (company):
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps:
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: _____ (NGVD)
- Aerial Photographs (Name & Date):
- Other photographs (Date):
- Advanced Identification Wetland maps:
- Site visit/determination conducted on: January 8, 2007
- Applicable/supporting case law:
- Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



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Fax 617.242.9824
www.ekcorp.com

RECORDED
MAR 06 2007
RECEIVED
9962

March 5, 2007

Brona Simon
Executive Director
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125

RE: Capital Improvements Plan
Provincetown Municipal Airport
MHC #RC.9962

Dear Ms. Simon:

The Provincetown Airport Commission (Commission) is preparing a draft Environmental Assessment / Draft Environmental Impact Report (draft EA/DEIR) for a Capital Improvements Plan of safety and facility improvements at the Provincetown Municipal Airport.

As the consultant to the Commission, we are requesting information regarding significant historic or archaeological resources within the project area. We are coordinating in response to the request in your letter of February 15, 2005 and the Certificate of the Secretary of Environmental Affairs on the Environmental Notification Form (EOEA NO. 13789).

The CIP projects are shown in concept on Figure 2, and include the following projects:

1. Relocate the West Entrance Taxiway (TW)
2. Widen to Realign the Westerly End of the Partial Parallel TW
3. Widen to Improve the Access Road to the Approach Lights
4. Install TW Edge lights and Construct an Electric Vault
5. Rehabilitate or Replace the Sightseeing Shack
6. Realign the Mid Entrance TW
7. Relocate the East Entrance TW
8. Reconstruct the Terminal Apron within the Existing Footprint
9. Reconstruct the Easterly End of the Partial Parallel TW within the Existing Footprint
10. Construct Additional Turf Apron
11. Construct Service Access Roads to the Localizer Equipment Shelter and to the Weather Station
12. Install a Perimeter Safety/Security Fence
13. Expand Auto Parking
14. Expand the Terminal Building
15. Purchase Maintenance Equipment (sweeper)

Alternatives for the various projects are being analyzed in terms of the purpose and need, FAA design standards and guidance, TSA security guidelines, environmental impacts, and cost. Most of the projects

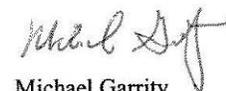
March 5, 2007
Massachusetts Historical Commission
Capital Improvements Plan, Provincetown Municipal Airport
Page 2 of 2

are located within, or directly adjacent to the developed airfield and airport operating areas. However, some of the alternatives being considered for the perimeter fence are located in undeveloped areas within the airport lease area.

Please note that the alternatives to rehabilitating the building referred to as the Sightseeing Shack include taking the building down and replacing it with a new building of similar style and size. The building is likely the original administration building constructed in the late 1940s and is in very poor condition. To our knowledge the building has not been deemed to be historically significant. The interior of the building contains electronic controls for the FAA navigation tower and electrical controls for the airfield lighting system. The exterior front porch area is currently used as a departure area for sightseeing tours in the summer.

Thank you very much for your attention to this request. If you have any questions regarding the project or need additional information, please contact Maryann Magner at 617-242-9222.

Very truly yours,



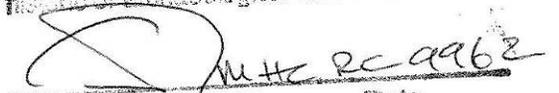
Michael Garrity
Project Manager

Enclosures:
Figure 1, Locust
Figure 2, CIP Projects
Figure 3, Fence Alternative Concepts
Photographs

cc: Chairman, Provincetown Historical Commission
Michael Leger, Provincetown Airport Commission
Arthur "Butch" Lisenby, Airport Manager
Denise Garcia, Massachusetts Aeronautics Commission
Michelle Ricci, Federal Aviation Administration
Maryann Magner, Senior Environmental Planner, Edwards and Kelcey



After review of MHC files and the materials
you submitted, it has been determined that
this project is unlikely to affect significant
historic or archaeological resources.



Edward L. Bell
Senior Archaeologist
Massachusetts Historical Commission
Date 02 April 2007

X ← John Silve, FAA



343 Congress Street
Boston, Massachusetts 02210 U.S.A.
1.617.242.9222
Fax 1.617.242.9824

April 11, 2008

National Park Service
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

Attn: Carrie Phillips, Chief, Natural Resource Management

Subject: Record of Coordination with MHC
Capital Improvements Plan
Provincetown Municipal Airport

Dear Ms Phillips:

Please find enclosed the following copies of correspondence with the Massachusetts Historical Commission (MHC) and the TPHOs:

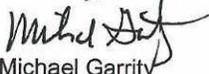
1. Letter to MHC dated January 14, 2005
2. Letter to Wampanoag Tribe of Gay head (Aquinnah), dated January 14, 2005
3. Letter from MHC, dated February 15, 2005
4. Letter to MHC, dated March 5, 2007 with MHC Determination stamp dated April 2, 2007
5. Letter to MHC dated December 7, 2007
6. Letter to Mashpee Wampanoag Tribal Council, dated December 7, 2007
7. Letter to Wampanoag Tribe of Gay head (Aquinnah), dated December 7, 2007.

Maryann Magner of our office spoke by phone with Jonathan Patton, project reviewer at MHC on April 10, 2008. Mr. Patton confirmed that the Determination by MHC dated April 2, 2007 is still valid.

Based on the April 2, 2007 Determination by MHC, it is our understanding that no further historical review of the sightseeing shack is necessary for the CIP EA/ EIR.

Please call if you have any questions.

Sincerely,


Michael Garrity
Project Manager

Enclosures

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

Jacobs Engineering Group, Inc.

**Edwards
AND Kelcey**

ENGINEERS
ARCHITECTS
PLANNERS
CONSTRUCTORS

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January 14, 2005

Project Reviewer
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125

RE: Executive Order No. 12372 Coordination
Provincetown Municipal Airport
Airport Master Plan Update
Environmental Review

Dear Reviewer,

As the consultant to the Provincetown Airport Commission, we are forwarding the attached information.

Pursuant to Executive Order 12372, *The Presidential Intergovernmental Review of Federal Programs* and as required by the Federal Aviation Administration (FAA), the Provincetown Municipal Airport is issuing this notice that the Airport has submitted an Application for Federal Assistance for airport improvements. A copy of the Application is attached.

The Airport will complete a Master Plan Update and environmental documents for the following improvement projects:

- Realign western end of the parallel taxiway
- Construct perimeter security fence
- Additional auto parking (passenger and employee)
- Terminal apron reconstruction
- Terminal building improvements
- Runway extension

Coordination will continue throughout the planning process. State, regional, and local agencies will have additional opportunities to review and comment on the projects included in the Master Plan.

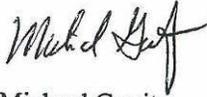
January 14, 2005

Page 2 of 2

Additional information will be sent to you as part of the Agency Coordination for the Master Plan Process.

Thank you very much for your attention to this matter. You may submit comments to the above address. If you have any questions during your review process, please contact me at 617-242-9222 or mgarrity@ekmail.com.

Very truly yours,



Michael Garrity
Project Manager

Attachments: Application for Federal Assistance
Locus Map

cc: Richard Silva, Chairman, Provincetown Airport Commission
Scott MacLeod, Massachusetts Aeronautics Commission
John Silva, Federal Aviation Administration



Edwards
AND
Kelcey

**Edwards
AND Kelcey**

ENGINEERS
ARCHITECTS
PLANNERS
CONSTRUCTORS

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Boston, Massachusetts 02210

Voice 617.242.9222
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www.ekcorp.com

January 14, 2005

Project Reviewer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA 02535-1546

RE: Executive Order No. 12372 Coordination
Provincetown Municipal Airport
Airport Master Plan Update
Environmental Review

Dear Reviewer,

As the consultant to the Provincetown Airport Commission, we are forwarding the attached information.

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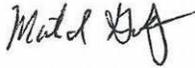
January 14, 2005

Page 2 of 2

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Very truly yours,



Michael Garrity
Project Manager

Attachments: Application for Federal Assistance
Locus Map

cc: Richard Silva, Chairman, Provincetown Airport Commission
Scott MacLeod, Massachusetts Aeronautics Commission
John Silva, Federal Aviation Administration

**Edwards
AND
Kelcey**





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

February 15, 2005

Michael Garrity
Edwards and Kelcey
343 Congress Street
Boston, MA 02210

RE: Airport Master Plan Update, Provincetown Municipal Airport, Provincetown, Massachusetts,
MHC #RC.9962

Dear Mr. Garrity:

Staff of the Massachusetts Historical Commission have reviewed the Application for Federal Assistance for the proposed project referenced above, received by the MHC on April 3, 2001. MHC requests the opportunity to review a draft of the updated plans and studies as they become available and to consult with project planners in order to assess potential effects to significant historic or archaeological resources and determine the need for archaeological investigations.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800) and Massachusetts General Laws, Chapter 9, Sections 26-27C, as amended by Chapter 254 of the Acts of 1988 (950 CMR 70-71). If you have any questions, please feel free to contact me at this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric S. Johnson".

Eric S. Johnson
Archaeologist/Preservation Planner
Massachusetts Historical Commission

xc: Richard Silva, Chairman, Provincetown Airport Commission
Scott MacLeod, Massachusetts Aeronautics Commission
John Silva, Federal Aviation Administration
Provincetown Historical Commission

220 Morrissey Boulevard, Boston, Massachusetts 02125
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RECORDED
MAR 06 2007
REC'D. HIST. COMM.
09962

JP

March 5, 2007

Brona Simon
Executive Director
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125

RE: Capital Improvements Plan
Provincetown Municipal Airport
MHC #RC.9962

Dear Ms. Simon:

The Provincetown Airport Commission (Commission) is preparing a draft Environmental Assessment / Draft Environmental Impact Report (draft EA/DEIR) for a Capital Improvements Plan of safety and facility improvements at the Provincetown Municipal Airport.

As the consultant to the Commission, we are requesting information regarding significant historic or archaeological resources within the project area. We are coordinating in response to the request in your letter of February 15, 2005 and the Certificate of the Secretary of Environmental Affairs on the Environmental Notification Form (EOEA NO. 13789).

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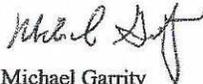
March 5, 2007
Massachusetts Historical Commission
Capital Improvements Plan, Provincetown Municipal Airport
Page 2 of 2

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Please note that the alternatives to rehabilitating the building referred to as the Sightseeing Shack include taking the building down and replacing it with a new building of similar style and size. The building is likely the original administration building constructed in the late 1940s and is in very poor condition. To our knowledge the building has not been deemed to be historically significant. The interior of the building contains electronic controls for the FAA navigation tower and electrical controls for the airfield lighting system. The exterior front porch area is currently used as a departure area for sightseeing tours in the summer.

Thank you very much for your attention to this request. If you have any questions regarding the project or need additional information, please contact Maryann Magner at 617-242-9222.

Very truly yours,

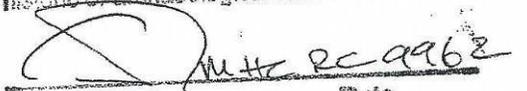


Michael Garrity
Project Manager

Enclosures:
Figure 1, Locus
Figure 2, CIP Projects
Figure 3, Fence Alternative Concepts
Photographs

cc: Chairman, Provincetown Historical Commission
Michael Leger, Provincetown Airport Commission
Arthur "Butch" Lisenby, Airport Manager
Denise Garcia, Massachusetts Aeronautics Commission
Michelle Ricci, Federal Aviation Administration
Maryann Magner, Senior Environmental Planner, Edwards and Kelcey

After review of MHC files and the materials
you submitted, it has been determined that
this project is unlikely to affect significant
historic or archaeological resources.

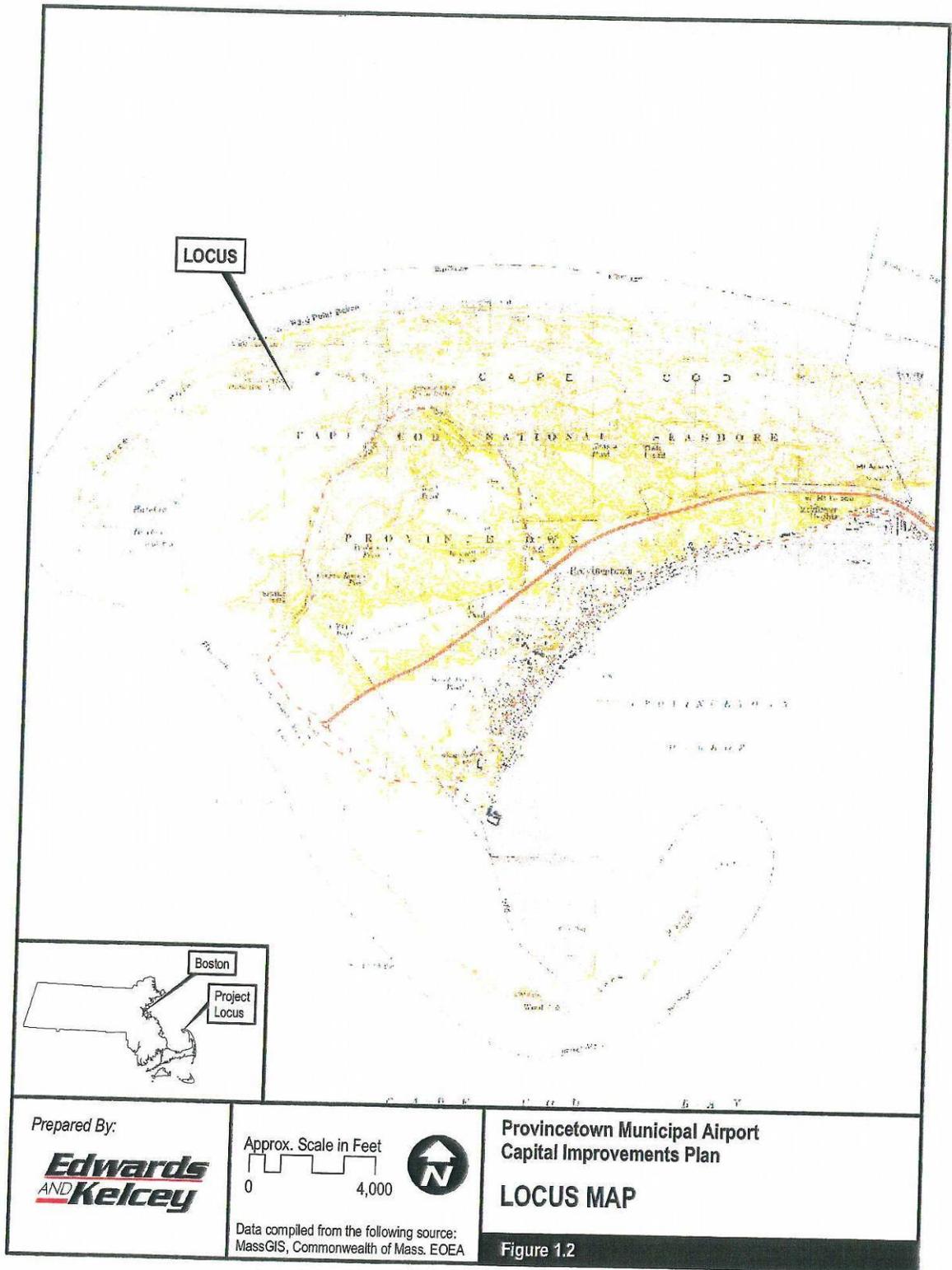


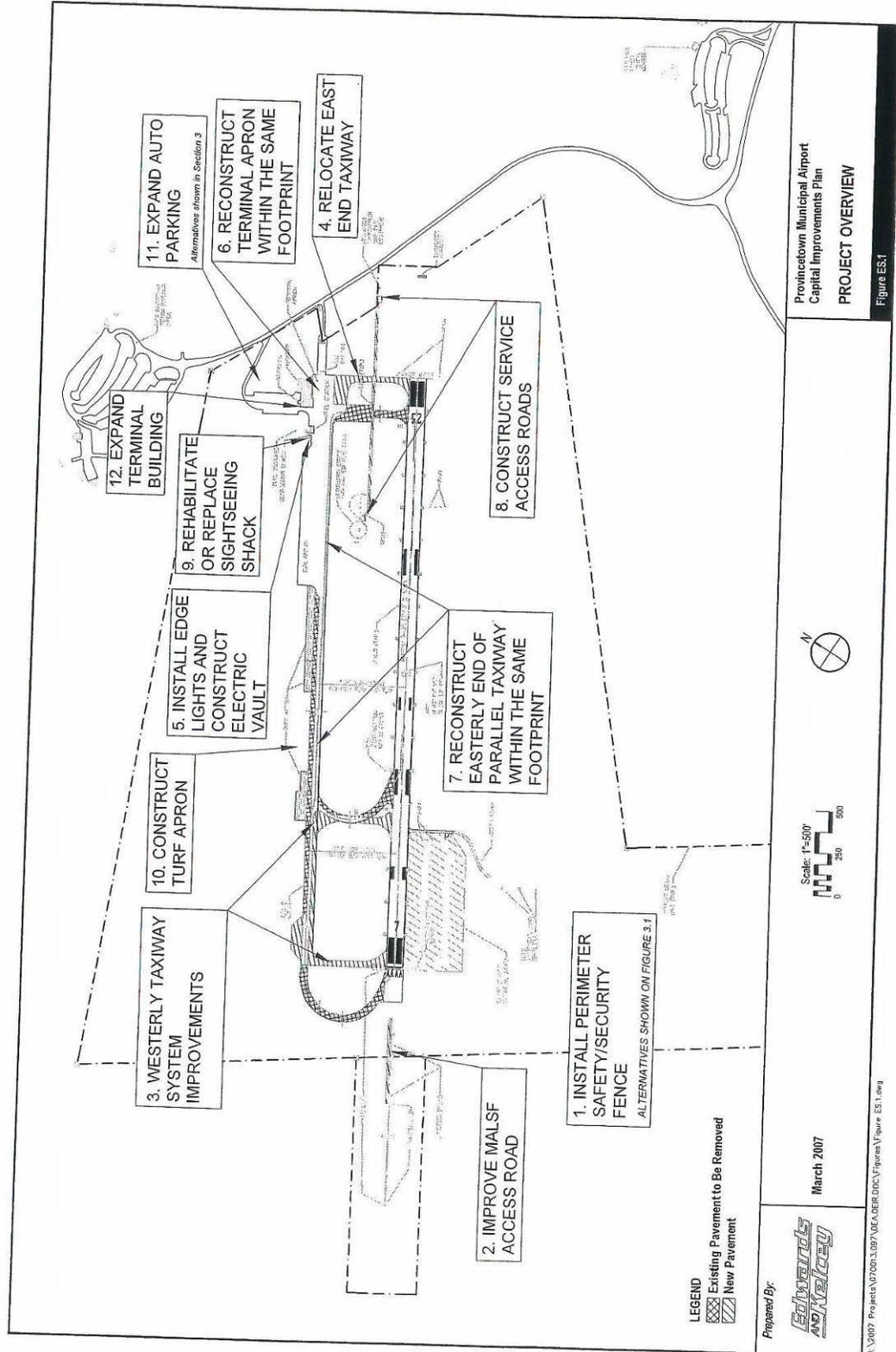
MHC PC 9962
Edward L. Bell Date
Senior Archaeologist 02 April 2007
Massachusetts Historical Commission

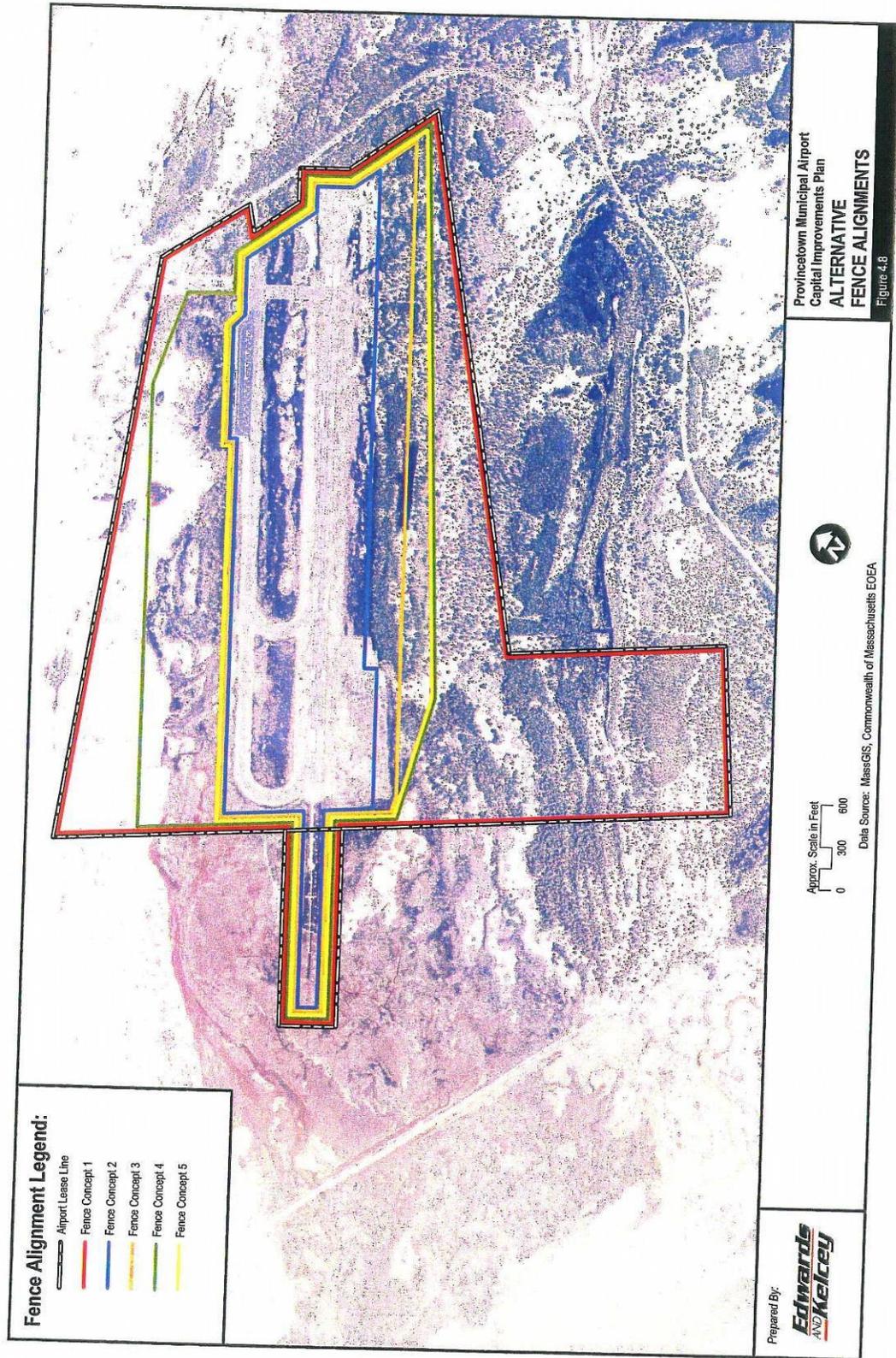
Xc: John Silve, FAA



Edwards
and Kelcey

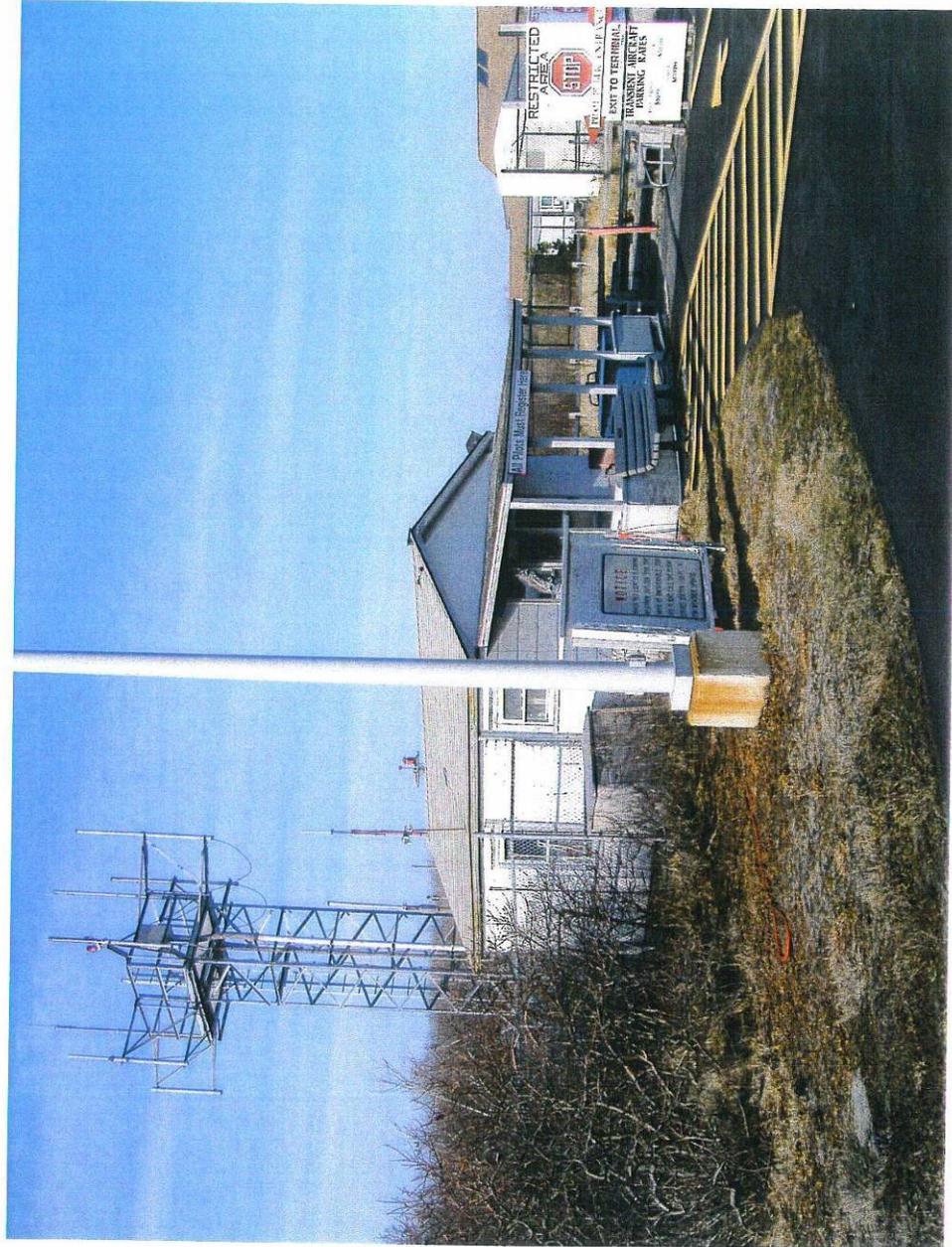






February 2007 Photographs

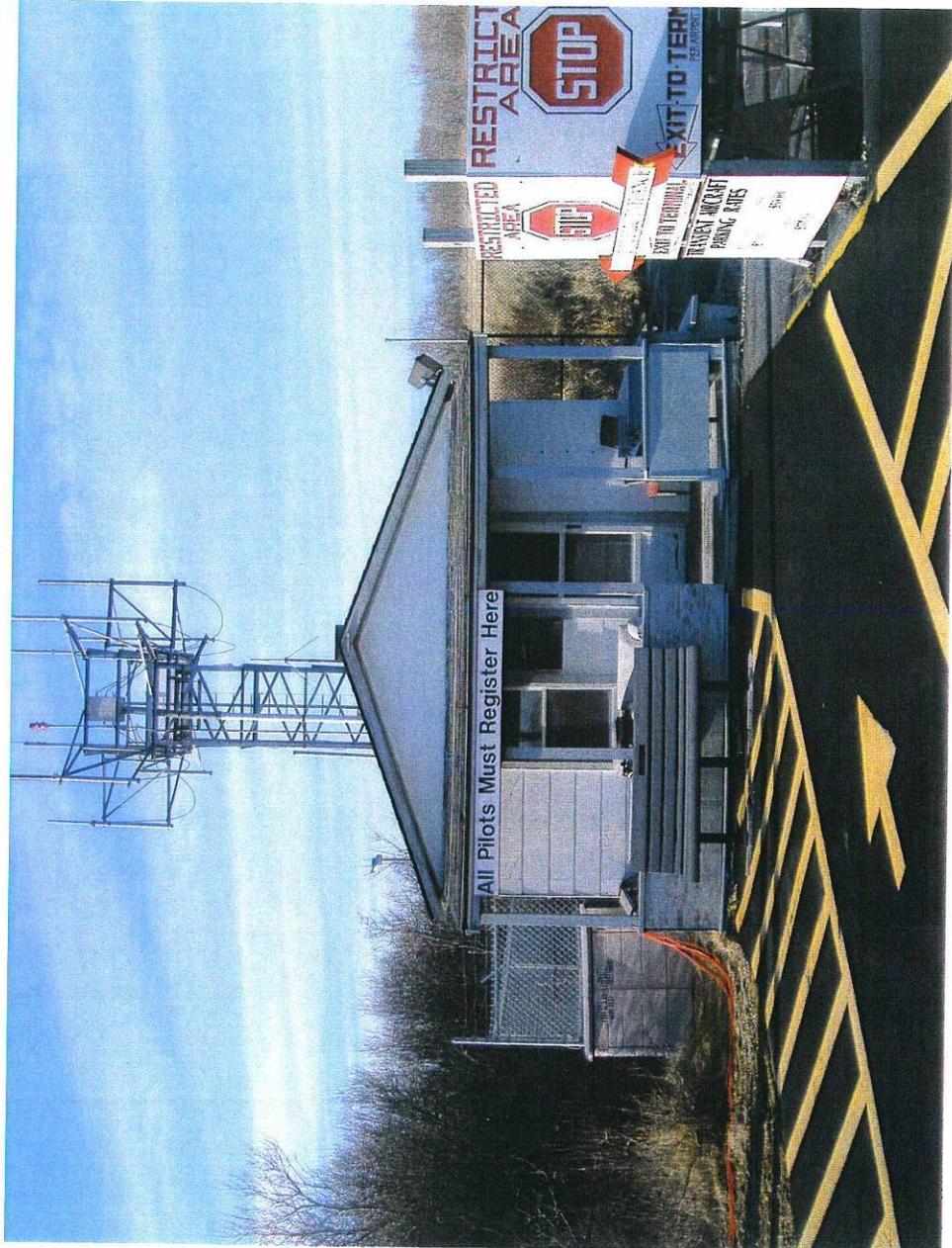
Provincetown Municipal Airport



View of front and west side of Sightseeing Shack

February 2007 Photographs

Provincetown Municipal Airport



View of front of Sightseeing Shack

February 2007 Photographs

Provincetown Municipal Airport



View of front and east side of Sightseeing Shack



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www.jacobs.com

December 7, 2007

Ms Brona Simon, Executive Director
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125

Subject: Environmental Assessment
Capital Improvements Plan
Provincetown Municipal Airport
MHC #RC.9962

Dear Ms. Simon,

At the direction of the Provincetown Airport Commission (Commission) and the NE Region Airports Division of FAA, we are providing the attached information as part of the consultation required under the National Historic Preservation Act (Section 106), the National Environmental Policy Act (NEPA) and the Massachusetts Environmental Policy Act (MEPA).

A draft Environmental Assessment (EA) / Draft Environmental Impact Report (EIR) for the Capital Improvements Plan (CIP) of safety and facility improvements at the Provincetown Municipal Airport has been prepared. The DEIR has received a MEPA Certificate. The EA is a draft document under review. A Final EIR/EA will be available after consultation has been completed for the draft document.

We are providing the draft EIR/EA to provide you an opportunity to review and comment on the plans and studies that have been updated since our last consultation on March 5, 2007.

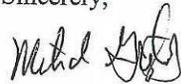
The Superintendent of NPS Cape Cod National Seashore, in his October 31, 2007 letter (cc'd to MHC by NPS), has asked for additional information regarding consultation under Section 106 of the National Historic Preservation Act, regarding historical resources and Native American archaeological sites.

We seek clarification that your April 2, 2007 determination (attached) that the proposed CIP "is unlikely to affect significant historic or archaeological resources" included the possible demolition of the Sightseeing Shack and installation of the perimeter safety/security fence.

Thank you very much for your attention to this request. If you have any questions regarding the project or need additional information, please contact Maryann Magner at 617-242-9222.

Page 2 of 2

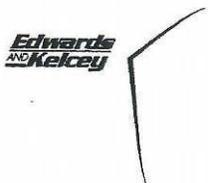
Sincerely,



Michael Garrity
Project Manager

Enclosures: Draft EIR/EA, May 31, 2007
March 5, 2007 letter with April 2, 2007 MHC Determination

cc: Michael Leger, Chairman, Provincetown Airport Commission
Arthur "Butch" Lisenby, Airport Manager
Chairman, Provincetown Historical Commission
Michelle Ricci, Federal Aviation Administration
Denise Garcia, Massachusetts Aeronautics Commission
Maryann Magner, Senior Environmental Planner, Jacobs Edwards and Kelcey



Edwards
AND
Kelcey



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Boston, Massachusetts 02210
Voice 617.242.9222
Fax 617.242.9824
www.jacobs.com

December 7, 2007

Cheryl Andrews-Maltais
Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA 02535-1546

Subject: Environmental Assessment
Capital Improvements Plan
Provincetown Municipal Airport

Dear Ms. Andrews-Maltais,

At the direction of the Provincetown Airport Commission (Commission) and the NE Region Airports Division of FAA, we are providing the attached information as part of the consultation required under the National Historic Preservation Act (Section 106), the National Environmental Policy Act (NEPA) and the Massachusetts Environmental Policy Act (MEPA).

A draft Environmental Assessment (EA) / Draft Environmental Impact Report (EIR) for the Capital Improvements Plan (CIP) of safety and facility improvements at the Provincetown Municipal Airport has been prepared. The DEIR has received a MEPA Certificate. The EA is a draft document under review. A Final EIR/EA will be available after consultation has been completed for the draft document.

We are providing the draft EIR/EA to provide you an opportunity to review and comment on the plans and studies that have been updated since our last consultation on January 14, 2005.

Thank you very much for your attention to this request. If you have any questions regarding the project or need additional information, please contact Maryann Magner at 617-242-9222.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Garrity'.

Michael Garrity
Project Manager

Enclosure: Draft EIR/EA, May 31, 2007

cc: Michael Leger, Chairman, Provincetown Airport Commission
Arthur "Butch" Lisenby, Airport Manager
Chairman, Provincetown Historical Commission
Massachusetts Historical Commission
Michelle Ricci, Federal Aviation Administration
Denise Garcia, Massachusetts Aeronautics Commission
Maryann Magner, Senior Environmental Planner, Jacobs Edwards and Kelcey



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December 7, 2007

Project Reviewer, Tribal Historic Preservation Officer
Mashpee Wampanoag Tribal Council
483 Great Neck Road, South
Mashpee, MA 02649

Subject: Environmental Assessment
Capital Improvements Plan
Provincetown Municipal Airport

Dear Reviewer,

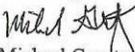
At the direction of the Provincetown Airport Commission (Commission) and the NE Region Airports Division of FAA, we are providing the attached information as part of the consultation required under the National Historic Preservation Act (Section 106), the National Environmental Policy Act (NEPA) and the Massachusetts Environmental Policy Act (MEPA).

A draft Environmental Assessment (EA) / Draft Environmental Impact Report (EIR) for the Capital Improvements Plan (CIP) of safety and facility improvements at the Provincetown Municipal Airport has been prepared. The DEIR has received a MEPA Certificate. The EA is a draft document under review. A Final EIR/EA will be available after consultation has been completed for the draft document.

We are providing the draft EIR/EA to provide you an opportunity to review and comment on the project.

Thank you very much for your attention to this request. If you have any questions regarding the project or need additional information, please contact Maryann Magner at 617-242-9222.

Sincerely,


Michael Garrity
Project Manager

Enclosure: Draft EIR/EA, May 31, 2007

cc: Michael Leger, Chairman, Provincetown Airport Commission
Arthur "Butch" Lisenby, Airport Manager
Chairman, Provincetown Historical Commission
Massachusetts Historical Commission
Michelle Ricci, Federal Aviation Administration
Denise Garcia, Massachusetts Aeronautics Commission
Maryann Magner, Senior Environmental Planner, Jacobs Edwards and Kelcey



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Meeting Notes

Meeting Location NHESP Office, Westborough, MA
Meeting Date/Time December 13, 2007
Subject Project Impacts to rare species.
Participants See list below

Notes

Below is a summary of the meeting with the Massachusetts Natural Heritage and Endangered Species Program (NHESP) Staff on December 13, 2007 at NHESP Library, Westborough, Massachusetts. In attendance were:

Eve Schlüter	NHESP
Michael Garrity	Jacobs Edwards and Kelcey (JEK)
Maryann Magnier	JEK
Joe Longo	Horsley Witten Group (HWG)
Amy Ball	HWG
Amanda Crouch-Smith	HWG
Michelle Ricci	Federal Aviation Administration (FAA)
Rachel G. Schohn	Mass Aeronautical Commission (MAC)
Carrie Phillips	National Park Service (NPS)

(Butch Lisenby, Airport Manager, sent his apologies for not being able to attend; he had to remain in the Airport to plow the Airport runway.)

The purpose of the meeting was to discuss potential project impacts to the four State-listed rare species under the purview of NHESP at the Provincetown Airport (PVC) along with mitigation options. Additionally, at the meeting NPS asked for information on how FAA plans to prepare the EA to meet the NPS NEPA requirements. The discussion on this issue is provided later in these minutes.

JEK presented general introductions and a project overview. HWG discussed the progress and efforts made by the Airport to address some of NHESP's concerns since the on-site meeting in June 2007. Amy presented a draft mitigation matrix addressing impacts to wetland resource areas and rare species habitats. NHESP and NPS were still unclear as to which projects were required (versus recommended) by FAA. Further clarity of the Purpose and Need will be needed. The projects were reviewed in order to determine if they would result in a "Take" or "no-take" to each of the four species of concern. Eve Schlüter expressed that a Take of both the Vesper Sparrow and the Broom Crowberry could most likely be avoided by implementing certain measures.



Meeting Notes (Continued)

Page 2 of 5

Eastern Spadefoot

The security/safety fence and its alignment is the project that has generated the most concern with respect to rare species habitat impacts. Eve mentioned that a fence is considered a barrier and she suggested that the fence, regardless of its alignment, might result in a Take of rare species habitat. Since many of the projects will impact isolated wetlands, NHESP made it clear that there was a strong need for additional wildlife surveys, specifically, more detailed identification of Eastern Spadefoot habitat. Eve Schlüter inquired as to whether Brad Timm, a UMass graduate student and Spadefoot expert, had been engaged in the project. (There have been some preliminary discussions, but he has not been formally contacted.) NHESP noted that it would be useful to differentiate prime versus potential Spadefoot breeding habitat and distinguish this from non-breeding habitat. Project siting is also extremely important in avoiding Spadefoot habitat. Carrie Phillips stated that Mr. Timm is currently under contract with the NPS, and expressed concern regarding a conflict of interest if he were to be hired by the Airport to survey the area. Carrie suggested that if the habitat evaluations are conducted as a cooperative effort under the NEPA process for FAA and NPS there might not be a conflict. Bob Cook, also with NPS, could be of assistance in qualifying Eastern Spadefoot breeding habitat.

Eastern Box Turtle

While NHESP recognizes the Airport's efforts to mitigate in part for the Take of the Eastern Box Turtle by constructing gaps along the fence bottom. NHESP stated that smaller wildlife gaps at more frequent intervals are preferable to larger gaps occurring at more distant intervals. However, it was clear that that this provision would not be sufficient to maintain the integrity of the habitat. Among other concerns regarding the fence was the fact that the Airport is located within a dune environment with characteristic shifting sands; the dynamics of sand as a substrate may result in the blocking of wildlife gaps at the bottom of the fence, resulting in a need for an extensive monitoring and maintenance plan.

Construction of the fence may also result in an overall Take of one or more species by pushing the projects over the 5-acre disturbance threshold established by NHESP as a general rule-of-thumb policy (unwritten) for determining a box turtle Take. NHESP also established that a disturbance resulting in less than 30% of an overall species habitat would not be considered a Take.

NHESP requested a more accurate estimate of the amount of disturbance to be created on either side of the fence, as the fence corridor width has not been definitively determined. Project disturbances should be further quantified by specifying whether disturbances are due to the establishment of a traveled way or else an area of maintained vegetation (and to what extent), as there is a significant difference between



Meeting Notes (Continued)

Page 3 of 5

the two in terms of habitat protection. For instance maintaining vegetation along the fence could potentially be beneficial to rare species, whereas unimproved roadways may inadvertently result in the establishment of additional potential breeding habitat for the Spadefoot. Per NPS, temporary pools often form in dirt roads (i.e., within pot holes) after storm events and Spadefoots have been documented to use these areas as breeding sites, with the inevitable increased chance of mortality for this species.

Previous to the meeting, HW and NHESP each spoke with Jim Mahala at DEP independently regarding the latest proposed fence alignments. (Recall that DEP's comment letter on the DEIR states that they would prefer to see the fence occur in the coastal dune rather than in the wetlands.) DEP is in agreement that an alignment to the north that is placed closest to the taxiway may be preferable to its placement at the foot of the dunes at least in this location. Although this would result in greater impacts to wetlands, if the fence is visible from the taxiway, it would eliminate the need for construction of a traveled way. Further discussion of this fence alignment along the north resulted in a tentative consensus among the group on this point, particularly since this would result in less fragmentation of the habitat. The alignment to the south will likely require additional scrutiny.

Rare Bird Species

NHESP then asked about the current mowing regime of the grasslands at the Airport. This is something that NHESP has been working with at all airports throughout Massachusetts to establish long term (i.e., 10 years or more) management plans that work for both airports and the protection of rare bird species habitats. NHESP requested information regarding the vegetation management and mowing regimes currently implemented at PVC, along with a sketch depicting the various areas that are mowed and indicating the intervals at which certain plots were mowed. Examples mentioned were the Plymouth and Westfield airports.

According to NHESP, incorporating timing restrictions for construction activities could result in a "no take" determination for the Vesper Sparrow. Note also that NHESP will be looking at the habitat requirements for the Northern Harrier, a Massachusetts Threatened species that has been observed on many occasions at the Airport, including by NHESP at their June 2007 site visit. Eve Schlüter will consult with Scott Melvin (the State Zoologist) regarding any timing restrictions associated with that species that may extend beyond the Vesper Sparrow breeding timeframe. JEK noted that construction timing restrictions may be difficult if they extend throughout the entire construction season (i.e., May through October).

Long-term habitat management plans can also be beneficial to certain bird species, and may be created with the goal of changing the local environment over time to make it compatible with rare species. Reporting of mowing activities and habitat management



Meeting Notes

(Continued)

Page 4 of 5

may be a requirement for long-term compliance at the Airport. In addition, NPS may require this as well (see below). The Airport is encouraged to work with NPS.

Conservation and Management Permit Procedures

NHESP stated the Airport should try to avoid a Take, if possible. If NHESP determines that a project will result in a Take of one or more species, then a Conservation and Management Permit (CMP) will be necessary for the management of that species. If more than one species is associated with this determination, then all species will be addressed under a single CMP. The requirements for obtaining a CMP are:

- 1) that a project has adequately explored all alternatives for both temporary and permanent impacts to the species;
- 2) that an insignificant portion of the local population of that species would be impacted; and
- 3) that the management plan provides a long-term Net Benefit to the species, which could include implementation of a management plan or funding for research, etc.

Eve Schlüter advised that the Airport should plan on submitting a draft of the application to, work out the details in advance (e.g., offering mitigation during the MESA Project Review stage). NHESP has 30 days to act once they receive an official application.

Federal Endangered Species Act

HWG asked Carrie to explain the implications of the previous NPS statement that state listed species are managed similar to federal listed species. Carrie explained that they treat all State-listed species (as listed by NHESP) the same as any Federally-Threatened or Endangered species, and, in addition to minimizing impacts, will seek to further their protection along with promoting their recovery and security on a Federal level.

NEPA Process

Ms. Philips expressed some concern regarding the Airport's NEPA process thus far, and on the NPS sense of being brought into this process as an abutter, rather than a co-agency and land owner. She inquired as to how the FAA planned on addressing the NPS's Environmental Assessment (EA) needs and how they would ensure Airport compliance. NPS also requested a timetable and schedule and expressed that they would like to be closely involved with subsequent data collection and meetings. (This was also expressed in their October 31, 2007, comment letter, which was provided to NHESP.)



Meeting Notes (Continued)

Page 5 of 5

Michelle Ricci stated that FAA is committed to preparing the EA to meet NPS requirements. NPS requested that FAA write a letter stating that the EA is a joint effort that would be consistent with NPS NEPA process. Michelle agreed that a letter could be sent.

Action Items

- 1) Engage Brad Timm for his expertise regarding the Eastern Spadefoot. Carrie Phillips will initiate this discussion to avoid a conflict of interest with NPS.
- 2) Provide additional information regarding the fence: specifications, alternatives, maintenance, locations of roadways/traveled ways and vegetation management.
- 3) Quantify the impacts (SF/acres) to each species (include on mitigation matrix).
- 4) Obtain information on existing vegetation management practices from Butch Lisenby, and provide to NHESP along with a sketch and schedule.
- 5) Clarify safety/security projects versus capacity projects, and whether impacts can be reduced.



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Meeting Notes

Meeting Location	NPS Cape Cod National Seashore	Client	FAA/PVC
Meeting Date/Time	March 21, 2008	Project	EA
Subject	NEPA Compliance	Project No.	E2X32200

Participants George Price, NPS Superintendent
LaVerne Reid, FAA NE Director of Airports
Michael Leger, PVC Commission Chairman
Michelle Ricci, FAA Environmental Specialist
Arthur "Butch" Lisenby, PVC Manager
Michael Garrity, JEK Project Manager
Carrie Phillips, NPS Project Manager
Lauren McKean, NPS Environmental Specialist

Notes

George Price opened the meeting with introductions. He stated that there are three long-term issues between Provincetown and the NPS that are in process, but he would not address these at this meeting. The purpose of this meeting was to agree upon a working EA that meets both FAA and NPS NEPA requirements. He turned the meeting over to the group to discuss how the variations in NEPA needs could be reasonably satisfied by working together.

LaVerne Reid welcomed everyone and stated that she looked forward to working together toward a NEPA document that would satisfy both FAA and NPS requirements. She was pleased that both agencies were willing to work toward a common goal.

Michael Leger noted that the commercial service to the Airport is the Town's life-blood, and any alternatives that would pose undue hardship on airline passengers would be unacceptable to the Airport. He further stated that the Airport and its service were very important not only to the community, but to the larger airspace system as a whole. The Airport is mandated to follow specific federal and state regulations that are imposed upon the Airport as a Primary Commercial Service airport, accepting direct flights in and out of Logan Airport.

Michelle Ricci noted that the Airport had distributed a schedule of tasks with milestones that could be used as a basis for preparing the EA in a reasonable timeframe. She noted that we could revise the milestone dates to ensure each agency could conduct their reviews and comments in a way that would allow the project to remain on the new schedule (a schedule that was prepared to address NPS scheduling needs).

Carrie and Lauren agreed that the short-term reviews could be conducted and combined in a manner that would allow all agency reviews to be performed. She also thought that by



Meeting Notes (Continued)

Page 2 of 4

shortening the review periods and combining the alternatives section review, that the NPS could complete its 1st Internal Review of the EA document to meet the scheduled June comment date. All parties agreed that the agencies would work together to expedite the final analyses, shorten review periods, and combine milestone dates to maintain the longer-range document review schedules.

Carrie did, however, note that she realized an omission in the NPS Comment letter. The omission was an internal NPS review, although she suggested this shouldn't delay any major milestone dates.

Mike Garrity asked whether we needed to add a "preferred environmental alternative". Carrie explained that the NPS preparation of the EA is very similar to the FAA EA, except by the nature of the NPS role, their preferred alternative is the least environmentally damaging alternative, regardless of the economics. The preferred environmental alternative is not an additional alternative, but actually the preferred alternative. NPS noted that if we did not select the most environmentally preferred alternative, we should clearly justify the reasons. Depending upon the degree of impacts, NPS may have to do a Statement of Findings and conduct a public review. If the findings are insignificant, they may prepare a FONSI, which has to be approved by the Regional Director (Phillip Reddenboch). Carrie also mentioned if there are any impacts to water resources (i.e. Hatches Harbor), a NPS special review would be necessary by their solicitor.

Mike G discussed the multiple contacts with Brad Timm and his inability to make a determination on the Spadefoot Toad breeding habitats until June. It was decided that June was too long to wait, so NPS was asked if we could contact Bob Cook. NPS noted that Bob Cook had a heavy workload, and we should find someone else. We asked who the NPS would accept to conduct this determination. NPS suggested calling NHESP for some alternative specialists and they would agree upon anyone NHESP agreed was credited to conduct the task. NPS suggested calling the following individuals, who had conducted work for NPS in the past, if NHESP didn't have any suggestions:

Bob Prescott at Audubon for suggestions
Don Lewis at Cape Cod Consultants
"Gordon" at Gordon Safe Harbor

The group decided to review the October 31, 2007 NPS letter to comment on areas where there might be some misunderstanding.

- 1) The comment on vegetation clearing (page 4) was a general comment that might be put in context with approach surface clearing in the Introduction Section.
- 2) The NAVAID roads were discussed and NPS wanted a better understanding of why not use porous pavement, what are the issues with the maintaining porous pavement, what issues snow and plowing present, present a clearer statement of how a vehicle turnaround will minimize the road width, and expound on the fact that the vehicles are FAA trucks and vans from the region and that small airport vehicles wouldn't work. NPS staff explained that the EA would need this additional information provided, and must clearly state the difference between regulations and guidelines. Provide a more detailed analysis of potential Section 106 impacts. NPS



Meeting Notes

(Continued)

Page 3 of 4

- must prepare their own determination of adverse affects.
- 3) PVC should send the MHC letter stating the sightseeing shack is not an historic building (that would satisfy NPS that the building is not owned by NPS). NPS staff also noted that the EA must state what use will be provided from the sightseeing shack once the lighting vault equipment is removed.
 - 4) Further consultation with MHC and NPS Archeologist to determine whether any archeological study is required.
 - 5) More alternatives are needed for the parking improvements. More quantitative evaluations of local cab service, increased bus ridership, discussions about NPS visitor center for long-term use, and possible parking access controls. Clearly describe attempts to minimize impacts of the parking lot, such as use of porous pavement and/or crushed stone. The EA should explore revising the Breeze bus schedule to correlate with Cape Air's flight schedule. The EA should evaluate this option and define the pros and cons. The EA should take a tool box approach to the parking issue. NPS staff realizes problems exist with cell phone coverage in the area, and this should be noted as a factor when evaluating the issue. NPS would also like to see a phased approach that would allow additional parking spaces for the immediate needs, and to look toward TDMs and shared NPS parking for long-term. NPS wants there to be some disincentive for regional users to drive to the parking lot.
 - 6) The terminal expansion was discussed and the height restriction in the EIS was mentioned. NPS recommended we review the Town Zoning height restrictions.
 - 7) We should review the EIS to determine the 4(f) requirements. NPS will speak with Dave Clark, their 4(f) regional reviewer to address this question. He looks at impacts as a whole, not each improvement.
 - 8) NPS was concerned with the feasibility of putting gaps in the fence for the Box Turtles. NPS would like to see how other airports or developments have addressed this issue. Mike G explained that he has explored many types of fences and described the pros and cons of them. Michelle R. stated that while the ultimate goal is to select the fence to meet all needs, cost is also an important factor in selecting the preferred fence alternative. NPS was relieved that the team was looking at alternatives that would phase the fence and might look at alternatives other than fencing Hatches Harbor. NPS has many questions regarding the fencing, although they are willing to work through them as more analysis is conducted. Laverne Reid stated that the ultimate authority for security is TSA. The FAA will require an approval letter from TSA to fund the fence with AIP money.
 - 9) Mike G. asked NPS staff to explain their relationship with NHESP and the requirements of rare or endangered species. NPS explained that they regard any state listed rare or endangered species as a federal species. This better allows NPS to support the State's mission to protect rare and endangered species. NPS typically relies on the expertise of NHESP staff in making a determination of a "take" or "no-take" of species, although, in rare circumstances they could require additional mitigation measures that they feel will be beneficial to the habitat.

George Price was concerned that there was puddling within the berm area because the airport was permitted to use sonotubes for the pier supports, but during construction they trenched instead, causing the puddling (concerns were the attraction of ducks).



Meeting Notes

(Continued)

Page 4 of 4

The group should make sure the CCC and Provincetown Conservation Commission stays very involved with the proposed improvement projects.

Next Steps:

- 1) Revise short-term milestone schedule
- 2) Forward MHC letters responding to historic / archeological issues
- 3) Contact NHESP regarding Spadefoot Toad expert
- 4) Continue close coordination with NPS
- 5) Develop preliminary alternatives for fence and parking lot
- 6) Obtain NPS EA regulations and procedure document



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
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(617) 626-1200 FAX (617) 626-1240

April 2, 2008

Stephen J. Flecchia, P.E.
Project Manager
Jacobs, Edwards and Kelcey
343 Congress Street, 2nd Floor
Boston, MA 02210

RE: CZM Federal Consistency Review of Provincetown Municipal Airport
Terminal Apron Reconstruction Project; Provincetown.

Dear Mr. Flecchia:

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of your proposal for the Provincetown Municipal Airport Terminal Apron Reconstruction Project to ensure consistency with CZM enforceable program policies.

We concur with your certification and find that the activity as proposed is consistent with the CZM enforceable program policies.

If the above-referenced project is modified in any manner, including any changes resulting from permit, license or certification revisions, including those ensuing from an appeal, or the project is noted to be having effects on coastal resources or uses that are different than originally proposed, it is incumbent upon the proponent to notify CZM and submit an explanation of the nature of the change pursuant to 15 CFR 930. CZM will use this information to determine if further federal consistency review is required.

Thank you for your cooperation with CZM.

Sincerely,

Leslie-Ann McGee
Director

LAM/rlb

Cc: Steven McKenna,
CZM Cape and Islands Regional Coordinator

DEVAL L. PATRICK GOVERNOR TIMOTHY D. MURRAY ATTORNEY GENERAL JANE A. BOWLES SECRETARY OF STATE
www.mass.gov/czm



**Provincetown Municipal Airport
2005 Master Plan
Advisory Group**

Advisory Group

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Amy Ball, Wetland Scientist, aball@horsleywitten.com



ENGINEERS
ARCHITECTS
PLANNERS
CONSTRUCTORS

MEETING NOTES

DATE AND TIME: June 14, 2005, 10 A.M.
LOCATION: Provincetown Municipal Airport Conference Room
ORIGINATED BY: Edwards and Kelcey
RECORDED BY: Maryann Magner, Mike Garrity, Bill Richardson, Amy Ball
PARTICIPANTS: Advisory Group and Staff as listed below
SUBJECT: Provincetown Airport Master Plan
CC: EK File 040013105

The first meeting of the Provincetown Municipal Airport 2005 Master Plan Advisory Group was held at 10:00 A.M. on June 14, 2005 at the Airport Terminal Conference Room.

The following people were in attendance:

Steve Tait, Provincetown Municipal Airport Commission
Butch Lisenby, Airport Manager
Heather McElroy, Cape Cod Commission (CCC)
Lauren McKean, National Park Service (NPS)
Richard Doucette, Environmental Specialist, Federal Aviation Administration (FAA)
Michelle Ricci, Environmental Planner, FAA
Denise Garcia, Aviation Planner, Massachusetts Aeronautical Commission (MAC)
Jeff Senterman, Environmental Planner, MAC
Bill Richardson, Associate Vice President, Edwards and Kelcey (EK)
Mike Garrity, Project Manager, EK
Maryann Magner, Environmental Planner, EK
Amy Ball, Wetland Scientist, Horsley Witten Group (HWG)

Butch Lisenby opened the meeting and welcomed everyone to the Airport (PVC). He told the group that Bill Richardson would explain the Agenda and there would be a tour of the Airport. Bill Richardson gave a brief overview of the planning process and asked everyone to introduce him or herself.

Maryann Magner explained that this was the first of two meetings planned for the advisory group. The second meeting would take place after a draft of the Master Plan was available, sometime in late fall. She pointed out the packets that everyone received which included an explanation of the Planning Process, the Airport's Mission Statement, a wetland location map and two aerial photos of the Airport. She then discussed the scope and purpose of the Advisory Group. The purpose of the Group is to participate in the FAA's Master Plan process, which includes coordination with major stakeholders. To understand the scope of the advisory group, Maryann discussed the definition of advisory, which includes phrases such

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MEETING NOTES

PAGE 2 OF 4

as “to council, to caution, to inform, and to recommend.” She explained that the airport and consultant staff was there today to give the Group some background information, but more importantly they were there to listen to the group members’ perspectives, questions, and suggestions. The objective was not to reach consensus but to fully inform the master planning process.

Richard Doucette suggested that we put the lease line on the aerial photos and asked for a brief list of improvements completed since the last Environmental Impact Statement (EIS). The list included reconstruction of the runway with the shift to provide for runway safety areas, aircraft tiedowns, relocating NAVAIDS, upgrading visual aids, and installing limited sections of security fence.

Richard asked for the number annual of operations and enplanements. Butch stated that the Airport has greater than 100,000 operations, a relatively high number compared to the number of enplanements (12,000 passengers). He explained that the number of operations relates to the fact that PVC is used for training because it is one of the few small airports with an ILS system. Mike Garrity pointed out that over 24% of the annual enplanements occur during the peak summer month of August. Denise Garcia suggested that it is important to factor in and discuss the seasonality when doing forecasts for the Master Plan.

Lauren McLean asked the number of staff for TSA at the Airport. Butch said between 3 and 7 depending on the season. She also asked about automobile parking needs. If the Airport expands the parking area they should consider visibility issues and alternatives such as use of the Breeze bus service. Would it be possible to use berms to screen the view of the parking lot? She asked if there would be data on how many people use the Breeze shuttle for transportation to and from the Airport, suggesting that existing traffic and passenger counts from the Breeze shuttle bus and the National Park Service might provide useful information. She noted that although the NPS beachfront parking lot is full early morning during the summer season, the visitor’s center NPS parking lot is typically only ¼ full during the summer season. Mike Garrity said we would get information from Breeze for shuttle usage.

Lauren also asked about the master plan process versus an EIS process. She reminded everyone of the agreement regarding an EIS and any proposal to expand the runway. She noted that a runway extension was included in the list of potential master plan projects. Lauren asked whether an alternatives analysis and discussion of potential impacts would be included in the Master Plan. The staff of FAA and MAC pointed out that the impact analysis would be part of the environmental document (probably an Environmental Assessment and not likely to be an EIS) that would be prepared after the master plan. Lauren suggested that the impacts should be considered during the master plan rather than later. Richard said that since the FAA Master Plan process predates the National Environmental Policy Act (NEPA), master plans could vary between being distinct from the environmental documents or somewhat merged. He suggested that in the case of PVC it will be somewhat merged. Richard also indicated that airports are not federal facilities and an airport master plan is not technically a federal document subject to NEPA. The FAA participates in the master planning process, but it is driven by the local airport authority. The FAA may require an EA or EIS as a follow-on to the master plan, since the construction of airport improvements is subject to NEPA. All parties realize that no federal decision can be made prior to NEPA compliance. Jeff Senterman pointed out that an ENF would be prepared for the projects and MEPA would review them. Maryann said that an alternatives analysis would be included in the Master Plan along with some discussion of potential environmental impacts.



MEETING NOTES

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Mike Garrity gave an overview of the existing facilities at the Airport. Using the aerial photo as a reference he indicated the buildings and other elements of the airport. He gave a brief overview of some of the issues that may influence potential future projects:

1. The taxiway centerline shifts twenty feet in a jog to the north along its westerly end, causing a safety problem for pilots taxiing in the dark or reduced visibility (foggy conditions). Pilots can run their airplanes off the edge of the pavement, or miss the turn and become disoriented with the non-standard condition. Providing a standard, straight centerline will enhance operational safety, especially in reduced visibility conditions, and at night.
2. The issues associated with the terminal building congestion and the minimal space available for passenger waiting areas and day-to-day operational space.
3. The issues associated with the increasingly congested automobile parking lot and possible alternatives to redesign existing parking and minimal expansion that would satisfy existing needs while minimizing environmental impacts.
4. The issues affecting security standards at the airport and the need for security perimeter fencing to comply with TSA requirements and to minimize potential life-threatening hazards of people and animals inadvertently approaching the aircraft operating area.

Butch Lisenby then led the group on a tour of the Airport. The group viewed the passenger parking area, the terminal area, the sightseeing shack, the aircraft parking areas, the taxiways, runways, the approach light pier, as well as a majority of the NAVAIDS. The group noted that wetland vegetation has reestablished in the area of the ILS footbridge. Questions regarding the location of the security fence and the possible visual impacts and effect on wildlife movements were part of the discussion. A question was asked about why the access road to the FAA NAVAIDS must be paved. It was explained that a gravel road has the potential to bring stones onto the runway and cause substantial damage to the aircraft. Plowing is also an issue in the winter.

During the tour Amy Ball of HWG rode with agency staff to discuss the rare species surveys in accordance with Natural Heritage protocols for 4 state-listed species: Vesper Sparrow, Eastern Spadefoot [toad], Eastern Box Turtle, and Broom Crowberry. She noted that they had found only a broom crowberry population (and pointed it out as they drove past), and had not documented the other species as of yet. Lauren (NPS) volunteered that the NPS had some additional natural resources data from past field studies throughout the National Seashore property that she was willing to share with us.

Heather McElroy from the Cape Cod Commission (CCC) asked how often mowing occurred. Butch responded 2 to 3-4 times per year as needed, usually before Memorial Day, before July 4th and sometimes before Labor Day. Heather had asked whether this was a safety issue or also, given the timing, for aesthetic reasons. Butch responded that it was "both", particularly for safety around the lights.

Lauren McKean from the NPS encouraged everyone to go check out the view from the observation tower at the visitor center located to the southeast of the airport, pointing out that there was a good opportunity to see the airport from that vantage point.

Heather asked about the pavement area perpendicular to the runway/taxiway near the terminal/runway 25 end - why it was much wider at that point. Butch responded that there was the need for passage by 2 planes in this particular area - it was where planes conduct a pre-takeoff instrument check, while another plane may need to get by.



MEETING NOTES

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After the tour the group met in the conference to wrap up and answer questions. On the issue of the security fence Butch mentioned that hikers, hunters and horseback riders often wander on to the runway thinking it is a road. Since the airport has passenger-carrying commercial flights connecting with Boston's Logan International Airport, security requirements are stricter than at general aviation airports. Richard Doucette asked if the sightseeing shack would be considered historical since it is part of the original building for the Airport. Maryann said they would send photos to Mass Historical Commission and ask for an advisory opinion. Both advisory group participants of CCC and NPS said that their agency staff would be available to answer questions and meet for any pre-application and/or informal information gathering meetings.

Heather McElroy stated that any project element should be designed to minimize impacts on natural resources (consenting that the cumulative project elements would likely impact wetlands and their buffer zones) and that the cumulative projects, if reviewed under a Development of Regional Impact (DRI) filing (i.e., if scoped through MEPA to an EIR), would have to meet the performance standards in the Regional Policy Plan (RPP). She said that there was the potential for a pre-application meeting with the CCC, and that they encourage applicants to do this. She also noted that there might be some transportation concerns. She did say that the CCC would be commenting on any ENF filing anyway (they are on the list of recipients).

All agreed that early and ongoing coordination would take place throughout the planning process.

The meeting was adjourned at noon.

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MEETING NOTES

DATE AND TIME: April 11, 2006, 11 A.M.
LOCATION: Provincetown Municipal Airport Conference Room
ORIGINATED BY: Edwards and Kelcey
RECORDED BY: Maryann Magner, Mike Garrity, Bill Richardson, Amy Ball
PARTICIPANTS: Advisory Group and Staff as listed below
SUBJECT: Provincetown Airport Master Plan
CC: EK File 040013105

The second meeting of the Provincetown Municipal Airport (PVC) 2005 Master Plan Advisory Group was held at 11:00 A.M. on April 11, 2006 at the Airport Terminal Conference Room.

The following people were in attendance:

Arthur "Butch" Lisenby, Airport Manager
Heather McElroy, Cape Cod Commission (CCC)
Martha Hevenor, CCC
John Portnoy, National Park Service (NPS)
Carrie Phillips, NPS
Michelle Ricci, Federal Aviation Administration (FAA)
Cliff Vacirca, FAA
Denise Garcia, Massachusetts Aeronautical Commission (MAC)
Bill Richardson, Edwards and Kelcey (EK)
Maryann Magner, EK
Mike Garrity, EK
Amy Ball, Horsley Witten Group (HWG)
Rich Delaney, HWG
Gerry D'Amico, URS Griener

Butch Lisenby opened the meeting and welcomed everyone to the Airport. Bill Richardson gave a brief overview of the projects identified in the Master Plan and asked everyone to introduce themselves.

Maryann Magner explained that this was the second of two meetings planned for the advisory group and copies of the Draft Master Plan were sent to all the members. She gave a brief overview of the contents of the Master Plan and proposed projects. She said that the main purpose of today's meeting was to receive comments from the group.

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MEETING NOTES

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Heather McElroy asked about the rationale of the taxiway projects. She noted that the future extension of the runway would impact the area of the existing west end taxiway, an area currently proposed for wetland mitigation.

Heather McElroy and Carrie Philips both asked about FAA standards and requirements compared to FAA recommendations. Can we distinguish between these and explain what qualifies for waivers from the standards? Maryann replied that either the Master Plan, or more likely the EA/EIR for the projects, would explain these terms.

There were several comments and questions regarding the proposed perimeter fence, which was raised as the biggest issue for both the CCC and NPS. There was some discussion regarding the need for clearing 10 feet on either side of the fence and how the fence would be maintained. Staff of the NPS stated that they would like to know the FAA requirements for the fence, why it is proposed for the lease line. There was some discussion of the three alternatives presented and whether additional alternatives had been considered. NPS and CCC will want to have greater detail presented on the character of the existing habitat along the proposed fence line. Additionally, John Portnoy asked for an elevation profile and the amount of fill and other habitat disturbance to be included in the EIR document as this would be information needed for NPS review. They added that potential impacts associated with the fence would include impeding water movement and collecting detritus along the fence, wetland impacts, coastal dune impacts, and wildlife corridor impacts. In summary, the NPS recognizes that each of the alternatives has trade-offs in terms of wetland versus coastal dune impacts and they would like to see encroachment into undisturbed areas minimized.

Other proposed projects were discussed, including the parking area, service roads, and terminal needs.. The auto parking lot was the subject of discussion regarding visual impacts and other alternatives such as the bus service, increased taxi traffic, and alternative locations, etc. Heather asked how often the service roads are used (i.e., with respect to a maintenance schedule). Butch responded that the FAA maintains the equipment and they determine the frequency of the schedule. She asked that the wetland impacts be clearly explained. The discussion of the terminal expansion centered primarily on visual impacts, concerns of both NPS and CCC.

Maryann told the group that the Airport Commission would be submitting an Environmental Notification Form (ENF) for MEPA review on April 18th. Comments will be due by May 16th and MEPA will issue a Certificate on May 26th. There was some discussion on how to best coordinate CCC review of the projects as a Development of Regional Impact (DRI). It was suggested by Heather that the Airport contact CCC about 2-3 weeks prior to submission of the DEIR so that the CCC would have ample time to convene a subcommittee.

Michelle Ricci told the group that FAA would be the sole agency responsible for the Environmental Assessment (EA) prepared for the projects for the National Environmental Policy (NEPA) process. Carrie Philips pointed out the NPS also goes through a NEPA process for their Agency's decision and they would look for information in the EA/EIR to support their decision.

Butch thanked everyone for coming and the meeting was adjourned at noon.

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Meeting Notes

Meeting Location NHESP Office, Westborough, MA
Meeting Date/Time December 18, 2008
Subject Project Impacts to Rare Species.
Participants See list below

Notes

Below is a summary of the meeting held with the Massachusetts Natural Heritage and Endangered Species Program (NHESP) on December 18, 2008 at NHESP office, Westborough, Massachusetts. In attendance were:

Eve Schlüter	NHESP
Michael Garrity	Jacobs
Maryann Magner	Jacobs

The purpose of the meeting was to discuss measures taken since the last coordination meeting on December 13, 2007 to reduce project impacts to the four State-listed rare species mapped by NHESP as occurring at Provincetown Municipal Airport (PVC).

Using photos and plan figures, Maryann gave an overview of the Airport's existing facilities and the preferred alternative for each of the proposed CIP projects. It was noted that the preferred alternatives for the safety/security fence, turf apron, and auto parking have been revised to either minimize or eliminate impacts.

Eve confirmed that the four species mapped at the Airport were; Broom Crowberry (BC), Eastern Box Turtle (EBT), Eastern Spadefoot Toad (EST), and Vesper Sparrow (VS). She explained that no impacts are expected to the Northern Harrier, which has been seen in the vicinity of the Airport.

Mike presented the recently revised mapping of breeding habitat for the EST, per Brad Timm's edits from his site visit to PVC. Eve noted that she would be speaking with Brad to discuss his visit.

Maryann explained that much progress had been made since the last meeting to achieve the goal of avoiding a "Take". Measures that have been incorporated into the projects include design revisions, construction phase measures and operational phase mitigation measures. Potential impacts to species, and MESA requirements for a "Conditional No Take" determination were then discussed



Meeting Notes

(Continued)

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Broom Crowberry (BC)

Mike confirmed that the BC was only sited within the glide slope critical area and, besides the existing mowing, which is beneficial to the BC, there will not be any disturbance to BC during construction of any of the projects. Eve stated that there would be No Take of Broom Crowberry.

Vesper Sparrow (VS)

The VS inhabits the managed grassland areas at the Airport. The critical period for the species is from mid to late April through mid August. Potential impacts can result from a loss of grassland, during the construction phase, and as a result of the mowing schedule.

Maryann noted that there will be a net loss of 1.3% of grassland as a result of the projects, as shown on the Grassland Management Plan. Eve said she consulted with her staff and has determined that this small loss would not impact the VS. However, the timing of construction and mowing schedule could have an impact. Eve suggested that grassland disturbance and restoration take place in the fall so that the spring nesting season would not be affected.

Mike presented the draft Vegetation Management Plan (VMP) that has been developed for the Airport, in response to Eve's earlier request. It was pointed out that all the grassland at the Airport is maintained for critical safety and navigational areas and must be mowed frequently. Unlike other airports there is no cross wind runway that would create interior open areas that could be mowed less frequently. Additionally, areas that are not grassland are either wetland or coastal dune. Eve mentioned other Airports that have VS, such as Plymouth, Westfield, and Turner Falls airports. She said that she would check those plans and see if there is anything that might be applicable at PVC. Mike will also check on this. It was pointed out that the Airport has been mowing these areas for many years.

More discussion of the VMP is necessary before Eve can give an indication of whether a Take can be avoided.

Eastern Box Turtle (EBT)

The project that has the most potential for impacts to the EBT is the fence. The fence has been revised with a new alignment (Concept 6) that eliminates the fence around the ILS area, eliminates the graded patrol road, and includes gaps in the fence for passage of EBT. Construction methods developed to minimize impacts to EBT include driving the posts instead of a concrete footing. Operational phase mitigation includes annual inspection/cleaning of the gaps. Access to the fence for the operational mitigation measures cannot damage the ground surface. The clear area on either side of the fence



Meeting Notes (Continued)

Page 3

would be brush hogged with no grubbing of vegetation. This should be done in mid November or later (winter months), after the active period for the EBT.

Eve suggested that the gaps be located every 100 feet. The inspection should take place in early April before the turtles become active. A qualified Environmental Monitor (EM) would be required during the construction phase to look for turtles ahead of the initial vegetation clearing work regardless of the season. During the active period, documented checks of the overnight parking area for construction vehicles would be required to assure that turtles are not run over, and any turtles found will be placed in an adjoining habitat area away from construction activities.

Eve stated that with the implementation of all the mitigation measures, the projects would likely be able to avoid a Take of EBT.

Eastern Spadefoot Toad (EST)

Projects that impact the isolated vegetated wetlands at the Airport have the potential to impact EST breeding habitat. This includes the taxiway project, the fence, and the service access roads.

Eve pointed out that in addition to avoiding the prime breeding areas with the fence alignment, a buffer needs to be protected. This may be 10 feet depending on the vegetation adjacent to the wetland areas. Eve will discuss this buffer distance with Brad Timm for confirmation of actual buffer distances recommended by NHESP.

Jacobs staff agreed to adjust the fence alignment to avoid the prime breeding areas and provide a buffer. A final review of the alignment will need to be done in the field. Timing of construction will also be critical for the EBT, with a mid-November or later in the winter vegetation clearing and fence installation.

Although the auto parking has been revised to avoid wetland impacts, Eve asked about impacts to the upland (coastal dune) area because it is near Wetland A which is a potential breeding area. She will discuss this further with her staff.

Summary

Based on the design revisions, proposed construction phase mitigation, and operational mitigation, Eve indicated that it may be possible to avoid a Take for the CIP projects.

On another note, Maryann asked if the NHESP had a standard format for their Section 61 Findings for MEPA. The Final EIR must contain a draft 61 finding for all permitting agencies. Eve said they do not have a standard format and she would review a draft if Maryann sends her the draft NHESP Section 61 Finding.

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Meeting Notes

TO: Mike Garrity, Jacobs
FROM: Amy M. Ball
DATE: March 4, 2009
RE: Meeting with the Massachusetts Department of Environmental Protection (DEP)

Below is a summary of our meeting with the Massachusetts Department of Environmental Protection (DEP) on February 26, 2009, at the DEP office in Lakeville, Massachusetts. In attendance were:

- Liz Kouloheras DEP
- Jim Mahala DEP
- Maryann Magner Jacobs
- Amy Ball Horsley Witten Group, Inc. (HW)
- Amanda Crouch-Smith HW

The purpose of this meeting was to discuss permitting approaches as the projects move forward with Massachusetts Environmental Policy Act (MEPA) review. After general introductions, Jacobs and HW provided DEP with an overview of the CIP projects along with updates since the DEIR and timing projections for the MEPA review process and subsequent permitting.

DEP inquired as to the overall purpose of the proposed fence. Maryann Magner (Jacobs) clarified that the fence was intended to serve as a security fence as well as a wildlife exclusion fence for safety purposes. DEP also commented on the terminal building expansion and indicated that the vertical expansion option would not be an issue or impediment to the permitting process.

Wetland Impacts Under the Wetlands Protection Act

The draft FEIR currently makes a distinction between direct and indirect wetland impacts as shown on Table 6-4 that was presented at the meeting. The project team asked if this was an acceptable way to define impacts in light of permitting and performance standard thresholds. DEP will need to further analyze this presentation of impacts and whether it is appropriate. Maryann Magner explained that the impacts were divided this way with the intention of not exceeding the square footage alteration threshold for BVW (5,000 SF) that would otherwise require a Variance from the Massachusetts Wetlands Protection Act.

Amy Ball (HW) mentioned a precedent determination of "altered but not impaired" that was issued for another project involving alteration of wetlands in Mashpee, MA, and inquired whether this could

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Mr. Mike Garrity
March 5, 2009
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be appropriately applied to the CIP projects and the potential alteration (but not impairment) that would result to wetlands along the fence at the Airport.

DEP suggested that the proposed fence may be allowed to be permitted as a "limited project," and thus avoid the need for a Variance (see attached excerpts from the Massachusetts *Wetlands Protection Act* Regulations at 310 CMR 10.24(7)(c)(5) and 10.53(3)(n)). The fence is undoubtedly a pressing safety issue, and a Variance would not be necessary for airports that demonstrate a clear and evident safety concern under the limited project status. Further, DEP stated that changes in airport safety requirements occurred after the adoption of the wetland regulations, and thus it may be possible for DEP to consider the fence as a limited project. DEP will research this further and provide the Airport with a more definitive answer on how to approach the permitting for the fence. References to TSA and FAA safety guidelines and regulations will strengthen the need for the fence to improve safety, and may help allow it to be permitted as a limited project.

DEP noted there were substantial improvements to the projects as presented in the draft FEIR over those presented in the DEIR, based upon the information provided at our meeting and conversations, and that their comments appeared to be adequately addressed. Amy Ball informed DEP of ongoing consultation with NHESP regarding habitat concerns at the Airport; DEP will look to NHESP for comment on rare species habitat and impacts of the fencing and other projects.

Maryann Magner also explained that project details will not be available during the permitting phase, due to certain specifications in the FAA permitting and planning grant. Details will be provided in plan view under the design grant, after permits are secured. DEP felt that any permits could be conditioned to allow projects to proceed once construction details were provided to the issuing authority.

Water Quality Certification (WQC)

DEP also mentioned that all wetlands at the Airport are considered Outstanding Resource Waters (ORWs) of which the project team is aware. Regarding the discussion of the WQC and whether some projects would be permitted through an Individual WQC and others through a Variance WQC (due to the ORW status), it was determined that a Variance for the WQC will be required for all of the projects impacting wetlands.

Mitigation

Despite recent changes to the Army Corps of Engineers Mitigation Rule and associated guidance, DEP will still expect on-site in-kind mitigation. Regarding lost Coastal Dune habitat, DEP was less concerned with impacts to this resource area since the impacts were not to primary dunes, and suggested that it may be possible to provide habitat enhancement through management of invasive species (i.e., spotted knapweed) to serve as mitigation.

Please feel free to contact Amy Ball at (508) 833-6600 ext. 119 or at aball@horsleywitten.com with any questions.

Enclosures

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Meeting Notes

TO: Mike Garrity, Jacobs
FROM: Amy M. Ball
DATE: August 28, 2009
RE: Meeting with the U.S. Army Corps of Engineers (Corps)

Below is a summary of our meeting with the U.S. Army Corps of Engineers (Corps) on August 13, 2009, at the Corps office in Concord, Massachusetts. In attendance were:

- Ruth Ladd Corps
- John Sargent Corps
- Mike Garrity Jacobs
- Maryann Magner Jacobs
- Amy Ball Horsley Witten Group, Inc. (HW)
- Rich Claytor HW

The purpose of this meeting was to discuss permitting approaches as the projects move forward with Massachusetts Environmental Policy Act (MEPA) review. After general introductions, Jacobs and HW provided the Corps with an overview of the CIP projects along with updates since the Draft Environmental Impact Report (DEIR) submittal with specific focus on those projects which would fall under Corps jurisdiction (i.e., those resulting in alterations to wetlands or “waters of the U.S.”).

HW provided a brief overview of the proposed mitigation package (restoration, stormwater management, invasive species management, and habitat improvements for state-listed rare species).

Ruth Ladd expressed some concerns specific to providing mitigation at airports in general, due to the dynamic nature of airports and the potential for future impacts to the mitigation area (e.g., if additional safety regulations were imposed in the future that might jeopardize the long-term success of the restoration area). Note that the Corps, once they have permitted wetlands impacts and have approved the mitigation plan, assumes accountability for success of the mitigation site, thus this is primarily a long-term concern.

Ruth also commented that the mitigation ratio we’ve proposed was a little on the “low side,” and expressed additional concerns for the proposed restoration areas along the mid-connector and east-end taxiways, as these areas are smaller, more isolated as compared to the restoration area at the west-end taxiway, and close to the runway/taxiway activities. The presence of common reed (*Phragmites australis*) was another major concern for the Corps in the context of long-term stewardship, and this will need to be carefully addressed in our Mitigation Plan.

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The Corps also inquired about the nature of the wetlands to be impacted. When told that these areas were primarily Palustrine Scrub-Shrub Wetlands (PSS) rather than mowed sedges and grasses, they noted that this was unusual for wetlands at airports, and that perhaps in that context, along with the rare species habitat concerns, that the argument for on-site, in-kind restoration would be stronger, despite its proposed location within the airfield. HW also emphasized the watershed context for these types of wetlands, in that there were few, if any, other areas with these same ecological functions and values on Cape Cod.

The Corps then inquired whether the restoration area at the west-end taxiway connector would provide at least a 1:1 ratio [it does], and suggested that since this area had the greatest likelihood for success given its close proximity to the larger bordering vegetated wetland, and that it would be less likely to be impacted in the future, that perhaps the Corps would accept this area alone as mitigation (i.e., eliminating the other two restoration areas), to help satisfy the Corps' mitigation requirements. But since this area represents only a 1:1 mitigation ratio, and is well below the recommended 2:1 to 3:1 ratio¹ target, the project team was advised to seek other opportunities for off-site, out-of-kind mitigation, such as exploring the opportunities for:

- Improving the connectivity within the bordering vegetated wetland/transitional salt marsh community by eliminating the mosquito control access roadway, which is just visible on an aerial photograph (roadway is off-site/beyond the Airport's lease line);
- Improving degraded areas nearby on National Park Service (NPS) lands that could benefit from restoration or stormwater improvements, for instance;
- Other needs within the lower Cape that would make ecological sense, be sustainable, and would not be too expensive.

The Corps encouraged the Airport to consult with NPS regarding possible mitigation sites.

The Airport will also need to address indirect impacts to the wetlands associated with the cutting of vegetation along the fence. The example cited by the Corps was of a powerline project in Maine, where the mitigation was calculated in terms of "ratios of ratios," such that direct impacts were mitigated at a higher ratio (e.g., 2:1), and the indirect impacts mitigated at a lower ratio (e.g., ½:1). The Corps suggested that the ratio for indirect impacts might be on the order of approximately 1:10 and should be included in our mitigation proposal.

The project team also inquired about the applicability of the 1997 Memorandum of Understanding between the National Park Service (NPS) and the Airport regarding the Hatches Harbor Salt Marsh Restoration Project, in which it is stated:

9. The Park Service agrees to 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).

¹ Mitigation ratios recommended in the Corps Public Notice, "Addendum to New England District Compensatory Mitigation Guidance: Compensation for Impacted Aquatic Resource Functions" (December 18, 2007) for restoration or creation of scrub-shrub and emergent wetlands.

Mike Garrity
August 28, 2009
Page 3 of 3

Ruth Ladd commented that this would not apply to any current permitting through the Corps, and did not really want to even consider this policy or other implication of this prior agreement as part of the Corps permitting process.

The project team also inquired of the formal process for involving NPS in the Corps permitting process. John Sargent will look into this. One statement that was made was that a letter of approval from NPS might be appropriate.

The Corps and U.S. Environmental Protection Agency (EPA) made regulatory changes to their Compensatory Mitigation Rule, which became effective about a year ago (June 2008). Our suite of mitigation must be presented in such a way that the Corps (as well as other regulatory agencies) can sign-off on the project. It is allowable for mitigation to be provided to the Corps that also satisfies other regulatory agency requirements. Please recall from our meeting with the Massachusetts Department of Environmental Protection (DEP) earlier this year, that DEP will continue to expect on-site in-kind mitigation, likely at (or possibly above) the ratios we've already presented to them. Addressing the Corps' request to seek opportunities for off-site mitigation may help with the permitting at the state level, and will also likely help to address comments from the Cape Cod Commission (CCC) that our mitigation package was "a little thin."

The mitigation package submitted to the Corps will be presented in the form of a Mitigation Plan that will accompany the actual Corps Individual Permit application. I have attached a draft annotated outline of the required Mitigation Plan for discussion purposes. Development of the Mitigation Plan, while a relatively new aspect of the Corps/EPA Mitigation Rule, is typically an iterative process between an applicant and the Corps. HW plans to submit a draft Mitigation Plan with the permit application to begin this process as early as possible. The Corps cannot issue an Individual Permit until the Mitigation Plan is approved.

One of the components of the Mitigation Plan that will require some advanced planning is providing Financial Assurances – monies set aside to ensure the long-term management, monitoring, and/or remediation for any future impacts to the mitigation site. The Airport will be required to provide these Financial Assurances, typically in the form of an escrow fund or a bond, with a 10% contingency, pro-rated for inflation.

We also discussed the need for an inter-agency meeting, and possibly a site visit. Ruth Ladd said that she would discuss this further with Karen Adams, Chief of Regulatory and Enforcement for Branch A (Massachusetts), as well as Jennifer McCarthy, Regulatory Division Chief, who is also a wetland scientist.

Please feel free to contact me with any questions.

Enclosure

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Meeting Notes

TO: Mike Garrity, Jacobs
FROM: Amy M. Ball
DATE: February 23, 2010
RE: Meeting with the Massachusetts Department of Environmental Protection

Below is a summary of our meeting with the Massachusetts Department of Environmental Protection (DEP) on December 23, 2009, at the DEP office in Lakeville, Massachusetts. In attendance were:

- | | |
|-------------------|---------------------------------|
| • Liz Kouloheras | DEP |
| • Jim Mahala | DEP |
| • Butch Lisenby | Provincetown Airport Manager |
| • Katie Servis | MassDOT – Aeronautics Division |
| • Michael Garrity | Jacobs |
| • Maryann Magners | Jacobs |
| • Amy Ball | Horsley Witten Group, Inc. (HW) |

After general introductions, the project team provided DEP with an overview of the CIP projects along with updates since the DEIR and timing projections for the MEPA review process and subsequent permitting.

The purpose of this meeting was to continue our discussions with DEP regarding our permitting approach specific to impacts to Bordering Vegetated Wetland (BVW) under the Massachusetts Wetlands Protection Act as the projects move forward with Massachusetts Environmental Policy Act (MEPA) review. Two of the proposed projects will occur within BVW: the MALSF access roadway improvements, and the proposed safety/security fence. Currently, the alterations to BVW have been quantified and qualified as Direct Impacts and Indirect Impacts. Direct Impacts to BVW total 1,090 SF with 960 SF of alteration for the MALSF roadway and 130 SF for the fence (direct fill due to fence posts). Indirect Impacts resulting from cutting along the eight-foot wide (total) swath of maintained vegetation on either side of the fence total 9,730 SF. On-site replication is currently being provided at a ~2:1 ratio for direct impacts (2,000 SF). The goal is to avoid the need for a Variance under the Massachusetts Wetlands Protection Act.

The focus of the discussions was on the alterations due to the fence. The fence is designed in compliance with Federal Aviation Administration (FAA) requirements for commercial airports, and is eight feet high with one-foot of barbed wire (for a total of nine feet), and is located such that it would not interfere with required unobstructed airspace. DEP inquired whether the height could be reduced to bring it closer to the airfield where maintenance along the fence could occur within already cut vegetation. It was noted that the limit of vegetation maintenance within the airfield at Provincetown is currently 300-feet off the runway center line, and is based upon a waiver issued by FAA specific to this Airport, which would normally require 350 feet of clearing, and which is subject to revocation. As such, the fence is placed

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further back from the currently maintained areas in some locations. DEP also inquired about the lack of fencing at the western end. Mike Garrity explained that FAA and Transportation Security Administration (TSA) accepted natural barriers as part of security fencing. DEP noted that they were agreeable to this design if FAA/TSA were.

DEP asked about the initial cutting methods along the fence and the design aspects of the fencing above the ground, and asked whether there would be a maintenance schedule or a height restriction of vegetation along the fence. The bottom of the fence will be placed approximately six inches above the ground surface, and the vegetation will be maintained as a low growing plant community along the fence. Vegetation maintenance along the fence will be on an as-needed basis, depending upon vegetation growth rates, etc., and also the type of vegetation. For instance, grasses/sedges would not need to be cut, whereas trees may need to be cut initially, and if not evergreen (pitch pine), maintained at least every couple of years.

DEP noted that from a regulatory perspective, the performance standards for BVW would need to be met. Regarding indirect alterations within BVW, the current amount (9,730 SF) would exceed the 5,000 SF threshold for BVW alteration, and would require a Variance under the Massachusetts Wetlands Protection Act. DEP asked if the project team could quantify and qualify the indirect impacts to BVW by providing a breakdown of types of habitat to be cut (i.e., forested areas vs. shrub swamp areas vs. wet meadow areas, including within areas of dense *Phragmites*), and provide this information to DEP with photo documentation. DEP recommended that these data be presented with visual hatching and tables on the plans.

Given that some of the indirect alterations might not involve cutting of the vegetation or may involve cutting of only *Phragmites*, this exercise may allow the Airport to reduce the amount of significant cutting (viewed as alteration) within BVW to an amount below 5,000 SF. This amount, along with the direct fill of BVW, would need to be replicated.

Katie Servis offered to provide historic aerial photographs of the Airport that MassDOT has in its library, if these may be useful in assessing the impacts.

Mitigation

The group also briefly discussed off-site mitigation considerations (e.g., correction of illegal landfills or recommended culvert replacements that may be identified in the "Cape Cod Atlas of Tidally Restricted Salt Marshes," etc.). DEP recommended that if the Airport could maintain BVW impacts below 5,000 SF and restore the equivalent amount on-site as currently proposed at the Runway 7 end, that off-site mitigation projects could be used as mitigation for indirect wetland impacts. DEP also recommend that we discuss invasive species management in our mitigation section.

DEP reminded the project team to be sure to discuss stormwaters management, to include the Stormwater Pollution Prevention Plan (SWPPP) and the Spill Prevention Control and Countermeasures Plan (SPCCP), and to show how the drainage from the terminal apron (which has a higher potential pollutant load) is disconnected from the runway and taxiway system.

Regarding the amount of direct fill in isolated vegetated wetlands, it was acknowledged that a Variance would be needed under the 401 Water Quality Certification (WQC) program, as all of the wetlands at the Airport are Outstanding Resource Waters (ORWs).

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Horsley Witten Group
Sustainable Environmental Solutions

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Tel: 508-833-6600 • Fax: 508-833-3150 • www.horsleywitten.com



Meeting Notes

TO: Mike Garrity, Jacobs
FROM: Amy Ball & Amanda Crouch-Smith
DATE: January 12, 2010
RE: Interagency Meeting – Mitigation Discussion Capital Improvements Plan (CIP)
Provincetown Municipal Airport

Below is a summary of the interagency meeting on January 6, 2010, at the Cape Cod Commission office in Barnstable, Massachusetts. In attendance were:

- | | |
|-----------------------|--|
| • Mike Garrity | Jacobs |
| • Maryann Magner | Jacobs |
| • Amy Ball | Horsley Witten Group, Inc. (HW) |
| • Amanda Crouch-Smith | HW |
| • Michelle Ricci | Federal Aviation Administration (FAA) |
| • Katie Servis | MA DOT- Aeronautics Division |
| • Butch Lisenby | Provincetown Airport |
| • Robert Cook | National Park Service (NPS) |
| • Tim Smith | NPS |
| • Liz Kouloheras | MA Dept. of Environmental Protection (DEP) |
| • Jim Mahala | DEP |
| • Paul Minkin | US Army Corps of Engineers (Corps) |
| • John Sargent | Corps |
| • Peter Holmes | U.S. Environmental Protection Agency (EPA) |
| • Kristy Senatori | Cape Cod Commission (CCC) |
| • Heather McElroy | CCC |
| • Andrea Adams | CCC |
| • Eve Schlüter | MA Natural Heritage and Endangered Species
Program (NHESP) – by conference call |

(A copy of the sign-in sheet was provided at the meeting.)

The purpose of this meeting was to discuss a variety of mitigation options for the CIP projects and agency mitigation requirements. After general introductions, Jacobs and HW provided the agencies with an overview of the CIP projects along with updates since the DEIR and timing projections for

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the MEPA review process and subsequent permitting, with a goal of attaining all permits by December 31, 2010, in order to meet FAA's funding schedule.

Anticipated permits needed for the Airport projects include:

- Order of Conditions (OOC) under the Massachusetts Wetlands Protection Act;
- Variance for Water Quality Certification (WQC) Section 401;
- Potential Variance for wetlands under the Massachusetts Wetlands Protection Act;
- Individual Section 404 Permit under the Federal Clean Water Act;
- Development of Regional Impact (DRI) Decision under Cape Cod Commission Act; and
- MESA Project Review under the Massachusetts Endangered Species Act, with a determination that there would be no need for a Conservation and Management Permit.

Amy Ball (HW) described the environmental setting of the Airport and identified the natural resources for the benefit of those that were less familiar with the project. Amy Ball also stated that approximately 1.3 acres of isolated wetlands would be altered as a result of the CIP projects. These impacts would occur mostly from the East End Taxiway Relocation and Westerly Taxiway Improvements. The total amount of dune alteration is approximately 43,000 SF, while the total wetland alteration (including both IVW and BVW) would total around 58,000 SF.

Two draft on-site mitigation options were presented. Option 1 provides for a greater ratio of wetland restoration (~1.3:1), while Option 2 provides wetland restoration at a lower ratio (~1:1) to allow for a higher coastal dune mitigation ratio and reduces the net loss of dune and grassland habitats at the Airport.

The discussion was opened up to the regulatory authorities as to which mitigation option would be preferable. Heather McElroy (CCC) stated that it would be difficult to select an on-site mitigation option without knowing the type and amount of mitigation that would occur off-site. Eve Schlüter (NHESP) reminded the group that there may be additional rare species to consider with off-site mitigation.

Peter Holmes (EPA) remarked that coastal dunes are inherently dynamic and that they might not exist in the mitigation location (i.e., with Option 2) five years from now, which should be considered in the selection of a mitigation plan. Creating dunes could potentially prove to be an ineffective use of effort and mitigation funds. Robert Cook (NPS) offered further advice on the subject of dune creation, in that the Airport would not have to limit itself to coastal dune creation and that mitigation could be provided in the form of generalized upland creation. Opportunities may exist that would create and/or restore upland habitat that did not previously exist, such as areas of abandoned pavement and/or derelict structures that occur throughout the Cape Cod National Seashore (CCNS), and the North Truro Air Force Station. The removal of these structures or pavement would create habitat that does not now exist. NPS has a list of such structures and pavement areas, although none exist in Provincetown.

The group discussion then transitioned to potential off-site mitigation opportunities that would be coupled with on-site mitigation to achieve adequate restoration ratios for all resource areas proposed to be impacted. Tim Smith (NPS) referenced the Hatches Harbor restoration project, which holds

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potential as an off-site mitigation option. The previous restoration efforts within Hatches Harbor only partially restored the tidal regime within the estuarine system, and the addition of another culvert within the dike would provide for greater tidal flushing throughout the marsh. Mike Garrity (Jacobs) expressed reservations that this would be a long-term project, and that it would be a long time before the full mitigative effects would be felt, holding the Airport to those standards. In addition, there may be some potential implications for the navigational aids. Tim Smith stated that only 60 percent of the total tidal volume is able to pass through the existing culverts, and the existing tidal gates are completely open, and that there could be some room for increasing the effectiveness of the tidal flushing without impacting the Airport infrastructure. Tim noted that additional mitigation may include installation of a new tide gate, and that there is an existing hydrologic model that was run for the last project that may be available to run under a new scenario to determine the effectiveness of an additional tide gate.

Liz Kouloheras (DEP) inquired as to the amount of additional mitigation that the Corps and the CCC would require off-site, aside from what is being provided on-site at the Airport. Paul Minkin (Corps) remarked that the on-site mitigation as proposed does not meet the requirements of the new Mitigation Rule, and that the Corps is more likely to accept only the mitigation area proposed at the western end, as it has greater potential for long-term sustainability. Typically, alteration of a forested (pitch pine) area would require a mitigation ratio of 3:1 or 4:1, while an open wetland dominated by cranberry would be mitigated at a 2:1 ratio based on the type of restoration and area to be restored. Paul Minkin indicated that a restored pitch pine wetland will take longer to establish itself and thus longer to determine if the mitigation was successful, therefore requiring a larger mitigation ratio to ensure that the mitigation project can achieve the goal of "No-Net-Loss." The Corps may also allow for the long-term preservation of parcels of land, which would need to occur at a 15:1 ratio for mitigation purposes. Wetland enhancement is also a mitigation opportunity, with a mitigation ration of 5:1. Creation and restoration generally occur at a 2:1 ratio, and at first glance a 3:1 ratio may be the best estimate for the Airport. He also mentioned that while the Corps has guidance mitigation ratios, that these ratios are not absolute. Paul also noted that even though a system may appear restored over a couple of years, faunal use often does not return for decades (i.e., full functionality). A minimum of five years of monitoring is required for a wetland restoration or creation area.

Paul also explained why certain aspects of the on-site mitigation (e.g., the east-end wetland mitigation area) may not be considered as a part of the Corps mitigation package. The Corps discourages mitigating adjacent to existing structures/facilities such as in between paved areas. Mitigation areas located within high-use areas, such as airports, do not often possess long-term sustainability – a priority for the Corps – and are frequently altered by another project in the future, as rules and regulations for safety are updated. Paul noted that the Corps is looking towards long-term sustainability and the "big picture" of the whole system – thinking in terms of watersheds and ecological units. Eve Schlüter (NHESP) echoed this sentiment, indicating that at least from her agency's perspective, any mitigation should mimic the functions and values of the lost area. She also noted that from NHESP's standpoint, that the Airport would be able to avoid a "take" under the Massachusetts Endangered Species Act (MESA) regulations.

Peter Holmes (EPA) reminded everyone that they would first be seeking avoidance and minimization of all wetland areas.

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Heather McElroy (CCC) questioned the possibility of any potential mitigation sites along Shankpainter Road in Provincetown. Bob Cook (NPS) remarked that the old access road near the ILS at the Airport could potentially be removed, as it constitutes fill within a wetland. Removal of the berm around the ILS could also be considered, if deemed feasible. Tim Smith (NPS) also noted that there is a culvert near Herring Cove that needs attention, a site more proximate to the Airport. Liz Kouloheras (DEP) inquired whether there may be off-site opportunities for stormwater mitigation – water quality improvements to existing degraded wetland systems. Paul Minkin (Corps) noted that the potential exists, but that quantifying such benefits would be difficult, noting that the Corps also leans away from options that require input of human energy and depend on long-term maintenance for their success, such as stormwater management systems.

Others suggested that perhaps filled wetlands existed on Town land that could be restored. Contributions to a local land bank to which the Airport could contribute funds toward land conservation were also suggested. Bob Cook added that the NPS is also interested in preservation to mitigate the incremental loss of habitat, perhaps by purchasing developable land and placing it under a Conservation Restriction. Paul Minkin also mentioned that an in-lieu fee program, while not an option in Massachusetts, is one way the Corps approaches mitigation, but that he was uncertain whether this approach would be accepted by the Corps under the new Mitigation Rule. He also suggested that the Airport reference the Natural Resources Conservation Service (NRCS) list of watershed restoration activities on Cape Cod for potential off-site mitigation leads.

The discussion returned to the potential for revisiting the Hatches Harbor restoration project. Michelle Ricci (FAA) noted that their past experience with that project was that the Airport was held to a 5+-year involvement, with requirements added over time, and is concerned that any new project would come with the possibility of it not being successful. The concern for a long-term viable project is felt among all agencies as well as the Airport. The Corps noted that they will hold the Airport to this standard under the new Mitigation Rule, with provisions for adaptive management built in to the permit – regardless of on-site or off-site locations for mitigation – such that there is a reasonable assurance that the mitigation will be a success. The performance standards for measuring success would need to be determined (e.g., reduction of *Phragmites*, increased tidal regime, etc.). Tim Smith (NPS) suggested that the modeling would be needed to determine the possibilities of success, and that running the model is very straightforward. Andrea Adams (CCC) noted that if the Airport is initially reluctant to implement this project, since Hatches Harbor is directly connected to the Airport property, that perhaps they could contribute money towards exploring the possibility. She inquired as to whether other agencies would be amenable to that approach. Heather McElroy (CCC) noted that this would not work from CCC's standpoint, as this approach has failed in the past. The CCC indicated that they need to see some sort of preservation.

The group agreed that the Airport would most likely need to provide a combination of mitigation options to meet the compensatory mitigation priorities of each agency. Liz Kouloheras mentioned that resource areas are prioritized at DEP via performance standards and that the dune areas on the Airport are only important as wildlife habitat and are not relevant to storm or flood control. She concluded that she would be able to concur with other agencies, if upland mitigation occurred as non-dune habitat.

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The Airport will follow up with the Town of Provincetown to investigate mitigation possibilities and create an “à la carte” menu of potential off-site mitigation projects to present to the agencies.

The discussion transitioned to the data collected by the Airport team regarding the impacts of cutting/vegetation management along the proposed fence – an eight-foot wide swath – specifically within the Bordering Vegetated Wetland (BVW) areas. During a meeting with DEP staff in December 2009, DEP noted that they may be able to view the vegetation maintenance differently (i.e., not counted toward overall alteration amount), depending on the vegetation community that would need to be maintained, with the over-arching goal of avoiding the need for a Variance under the Massachusetts Wetlands Protection Act.

The project team presented a slide show, showing where the fence would traverse areas of Wetland C/J/FK (BVW). Areas of the BVW where the fence would be installed traverse through areas of dead shrubs, dense patches of *Phragmites*, open cranberry patches, and some areas of pitch pine (*Pinus rigida*). If the Airport only included areas of actual reduction of habitat cover (shrubby or forested areas) as direct BVW alteration, then alterations within BVW alteration could be reduced from approximately 9,700 SF to approximately 1,500 SF, with the total BVW alteration for all projects being below the 5,000 SF threshold that would otherwise require a Variance. (Copies of the slide show were provided to DEP.)

Other agencies noted that they would be interested in seeing this same type of data for all resource area impacts along the fence – data that would need to be collected.

Paul Minkin noted that the Corps also requires mitigation for secondary impacts (the Airport has been referring to these as “indirect” impacts), which would include the vegetation maintenance associated with the fence. This mitigation would be at a reduced percentage of the mitigation rations (described above). Paul also mentioned the draft Proposed Revision of New England District Compensatory Mitigation Guidance that the Corps recently released, and recommended that the Airport follow this guidance, as it is unlikely to change substantially following the end of the comment period (February 1, 2010).

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10.2 Public Participation

A public MEPA Scoping meeting for the DEIR was held at the Provincetown Airport on May 11, 2006. As determined by MEPA, there was no Public Hearing on the NPC/DEIR.

The Certificate on the Notice of Project Change/Draft Environmental Impact Report (NPC/DEIR) is provided in Section 13.

Additional opportunities for public participation were provided through the meetings of the Advisory Group during preparation of the Master Plan. The meetings with the Conservation Commission for the wetland boundary review(s) and the Notice of Intent for the Apron Reconstruction project were also public meetings and are discussed below in Section 10.3.

This section contains the following items:

- MEPA Meeting Notice, May 1, 2006 (*Page 10-67*)
- Public Notice, April 25, 2006 (*Page 10-69*)
- Minutes of MEPA Public Meeting, May 11, 2006 (*Page 10-71*)

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EXEC OFFICE ENV AFFAIRS

002/002



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LEUTENANT GOVERNOR

STEPHEN R. PRITCHARD
SECRETARY

TO: Distribution
FROM: William T. Gage, MEPA Unit
DATE: May 1, 2006
SUBJECT: Provincetown Municipal Airport Capital Improvements Plan -
Provincetown
EOEA # 13789

MEETING NOTICE

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

An Environmental Notification Form has been submitted for this project. The project is sufficiently large that an Environmental Impact Report (EIR) will be required. According to MGL Chapter 30, Section 62, the Secretary of Environmental Affairs must issue a determination regarding the significance of the potential environmental impacts of this project. The determination will identify which potential impacts of the project warrant documentation and, presumably, mitigation.

Therefore, a consultation meeting will be held to receive advice and comments from agencies, officials, and citizens regarding which environmental issues are significant for this project. Opinions as to the extent of the significance of possible environmental impacts will be welcome.

The meeting is scheduled as follows:

DATE: May 11, 2006, Thursday

TIME: 1:30 pm

LOCATION: Provincetown Municipal Airport Terminal - Conference Room
Race Point Road
Provincetown

The meeting will include a brief presentation of the project by the proponent, with periods for questions, answers, and open comment. Additional comments will be welcome in writing prior to May 16, 2006.

Pursuant to the requirements of the Americans With Disabilities Act, this Meeting Notice is available in alternative formats upon request. Questions on the meeting may be answered by contacting William Gage of the MEPA staff at (617) 626-1025.

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PROOF OF PUBLICATION

Date: _____

4/25/06

PUBLIC NOTICE OF ENVIRONMENTAL REVIEW

PROJECT - Capital Improvements Plan

LOCATION: Provincetown Municipal Airport

PROPONENT: Provincetown Airport Commission

The undersigned is submitting an Environmental Notification Form (ENF) to the Secretary of Environmental Affairs on or before April 18, 2006.

This will initiate review of the above project pursuant to the Massachusetts Environmental Policy Act (MEPA), M.G.L. c. 30, s.s. 61, 62-62H). Copies of the ENF may be obtained from:

Maryann Magner

343 Congress Street, Boston MA, 02210

617-242-9222, mmagner@ekmail.com

Copies of the ENF are also being sent to the Conservation Commission and Planning Board of Provincetown where they may be inspected.

The Secretary of Environmental Affairs will publish notice of the ENF in the Environmental Monitor, will receive public comments on the project for 20 days, and will then decide, within ten days, if an Environmental Impact Report is needed. A site visit and consultation session on the project may also be scheduled. All persons wishing to comment on the project, or to be notified of a site visit or consultation session, should write to the Secretary of Environmental Affairs, 100 Cambridge St., Suite 900, Boston, Massachusetts 02114. Attention: MEPA Office, referencing the above project.

By Richard Silva, Chairman, Provincetown Airport Commission.

4/25/06



ENGINEERS
ARCHITECTS
PLANNERS
CONSTRUCTORS

MEETING NOTES

DATE AND TIME: May 11, 2006, 1:30 PM
LOCATION: Provincetown Municipal Airport (PVC) Conference Room
ORIGINATED BY: Edwards and Kelcey (EK)
RECORDED BY: Michael Garrity, EK
PARTICIPANTS: See Listing Below
SUBJECT: Massachusetts Environmental Policy Act (MEPA) Executive Office of Environmental Affairs (EOEA) # 13789 Public Review Meeting

The following people were in attendance:

Bill Gage, MEPA Analyst
Denise Garcia, Massachusetts Aeronautics Commission (MAC)
John Portnoy, National Park Service (NPS)
Heather MacElroy, Cape Cod Commission (CCC)
Michael Garrity, EK
Maryann Magner, EK
Bill Richardson, EK
Amy Ball, Horsley Witten Group (HW)
Joe Longo, HW

Bill Gage began the meeting with introductions and everyone explaining their roles. He explained that an EIR would be necessary. He stated that since state funds were involved, MEPA has broad jurisdiction and the scope for the project will extend to all aspects of the project. Because of multiple agency reviews, he suggested that this project should be a Draft Environmental Assessment (DEA) - Draft Environmental Impact Report (DEIR), which would address both federal and state/regional/local requirements.

Bill Gage asked CCC to explain their process, if there was required review from their agency. Heather MacElroy explained the CCC review process:

- We need to coordinate with CCC 4-6 weeks prior to submitting the DEA/DEIR
- This allows 3 weeks for CCC to schedule a special meeting
- This is the beginning of the DRI pre-coordination

Bill Gage asked NPS to explain if a review process was required by NPS, and how NPS review schedules/deadlines could be scheduled as not to delay other agency reviews. John Portnoy explained that

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Fax 617.242.9824
www.ekcorp.com

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NPS was a “Cooperating Agency” in this project in order for the NPS to issue a Special Use Permit (SUP) to the Airport. Bill Gage asked what the NPS meeting schedules and deadline dates were and John Portnoy said he was not a regulatory person and would need the correct NPS staff to respond. Maryann Magner reported that Michelle Ricci, of the Federal Aviation Administration (FAA) stated, at the Advisory Group Meeting for the PVC Master Plan, that FAA would be the only agency preparing the EA. Maryann suggested that FAA and NPS would likely have a conversation regarding this issue. Bill closed this subject by stating that we should have agency reviews in mind while preparing the DEA/DEIR, so no deadlines are missed, delaying the process.

Bill Gage explained that the comment period closes on May 16th, and a Certificate will be issued May 26th. All comments should reference the EOE# 13789 and be addressed to Mr. Richard Prichard. He pointed out that this would be the only public meeting for MEPA. There would not be a public hearing at the submission of the DEIR. He then asked Maryann to describe the projects, as proposed in the Environmental Notification Form (ENF).

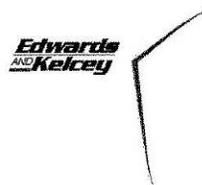
Maryann gave a brief overview of the airport, the facility, the operating conditions, and the National Seashore surrounding environment. She continued to describe each project element and gave a briefing on alternatives that were discussed in the Master Plan. She gave Bill Gage a copy of the Airport’s Master Plan to show what alternatives were shown for each project element.

Bill Gage explained that the following areas where he would need to see more detailed analysis for each proposed project:

- Document the need with numbers and/or photos
- Wildlife movements and potential corridors
- Wetland disturbance reductions where feasible
- FAA requirements (which requirements can get waivers)
- Minimization of environmental impacts wherever possible
- Address wetland and tidal flow concerns

Bill Gage advised that the EIR should be detailed enough to address all the issues and the requirements of the various agencies that will review the projects. The purpose and need should clearly identify what FAA requirements must be met and what the limiting factors are for these requirements. The following Permits/Reviews would likely be necessary to construct the projects proposed in the ENF:

- Department of Environmental Protection (DEP) Wetlands Protection Act (WPA) Wetlands Variance
- U.S. Army Corps of Engineers (USACE) Section 401 Water Quality Certificate
- Mass. Endangered Species Project Review
- Order of Conditions from the local Conservation Commission
- NPS SUP
- U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Permit
- USACE Section 404 Stormwater Permit
- CCC Development of Regional Impact (DRI)



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MEETING NOTES

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Bill Gage proceeded to give a preliminary indication of the scope he would be issuing. The scope of work for the EIR should include the following, at a minimum.

1. Purpose and Need
 - Project descriptions with a list of all permits necessary
 - FAA requirements vs. potential waiver issues should be resolved
2. Alternatives Analysis
 - Preferred Alternative, No Build Alternative, and any other Alternatives
3. Traffic Section
 - Traffic counts at Route 6/Racepoint Road intersection and at Airport parking lot entrance
 - Institute of Transportation Engineers (ITE) – how much traffic will be generated by the airport
 - See if we can get NPS traffic counts
 - Transportation Demand Measures (TDM) must be addressed thoroughly
4. Noise Contours
 - New noise contours should be developed for existing and future (20 year) operations
5. Wetlands – standard scope
 - Worst case scenarios should be used for each project element
 - BVW – MEPA will use 1.5 to 1 for replication
 - Dune replication areas – Should be creative

NPS additional requests:

 - Evaluate presence of creeks, model tidal flows, address salt marsh surface and subsurface water action.
 - Evaluate impacts seaward of earthen berm (fence alignment)
 - Evaluate habitat impacts in wetland areas
6. Wildlife
 - Careful consideration and evaluation of habitats, corridors, and wildlife crossings because of the extensive area to be enclosed.
7. Drainage – standard stormwater
8. Drinking water
 - Condition of current water supply system (i.e. Looped system or single feed), and evaluate adequacy for existing and future
 - Condition of Title 5 system, and evaluate adequacy for existing and future
9. Hazardous Waste
 - Research previous spills
 - Conditions and actions taken for existing and future preventative measures (SPCCP)
10. Visual Aesthetics
 - NPS requirements
 - CCC requirements
 - Thorough evaluation of fence for visual impacts during installation, with the fence alignment, and with vegetation management to maintain and patrol fence line
 - Evaluate the change in landscape due to each project
11. Construction Issues
 - Impacts during the construction of each project element
 - Mitigation measures to reduce construction impacts
 - Construction impacts should be extended to address periodic maintenance of specific project elements



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MEETING NOTES

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12. Terminal Building
 - Show actual design alternatives
 - NPS commented that the footprint should not be increased
13. Mitigation Section – standard information on mitigation
14. Response to Comments – standard format
15. Special Circulation – None required

Bill Gage will review EIR requirements for Norwood Memorial Airport, Martha's Vineyard Airport, and Nantucket Memorial Airport before he submits a Certificate from the Secretary of Environmental Affairs for EOE# 13789.

After the meeting was adjourned, Bill Gage was given a site walk of the Airport.



Edwards
AND Kelcey

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10.3 Wetland Delineation Review and Permitting Process

This section contains the following items:

- Minutes for January 8, 2007 Site Walk with Conservation Commission. (*Page 10-77*)
- Order of Resource Area Delineation issued by the Provincetown Conservation Commission, January 25, 2007 (*Page 10-81*)
- Order of Resource Area Delineation issued by the Provincetown Conservation Commission, October 17, 2007 (*Page 10-85*)
- NHESP Letter on the Terminal Apron Reconstruction Project Notice of Intent, March 7, 2008 (*Page 10-93*)
- Order of Conditions issued by the Provincetown Conservation Commission for the Terminal Apron Reconstruction Project, April 1, 2008 (*Page 10-95*)
- Order of Resource Area Delineation issued by the Provincetown Conservation Commission, January 12, 2010 (*Page 10-105*)



ENGINEERS
ARCHITECTS
PLANNERS
CONSTRUCTORS

MEMORANDUM

DATE: January 12, 2007
TO: File 070013097
FROM: Maryann T. Magner
SUBJECT: ANRAD Site Walk, Provincetown Municipal Airport

A site walk was held at Provincetown Municipal Airport on Monday January 8, 2007 as part of an Abbreviated Notice of Resource Area Delineation (ANRAD). In attendance were the following:

Dennis Minsky	Provincetown Conservation Commission Member
Brian Carlson	Provincetown Conservation Commission Agent
John Singer	Army Corp of Engineers, NE Region, Wetlands
John Portnoy	Cape Cod National Seashore, NPS
Matt DeSorbo	Massachusetts Aeronautics Commission (MAC), Planning
Michael Garrity	Edwards and Kelcey, Airport Planning
Maryann Magner	Edwards and Kelcey, Environmental
Amy Ball	Horsley Witten Group (HWG), Wetland Scientist
Erin Shupenis	Horsley Witten Group, Wetland Scientist

Arthur "Butch" Lisenby, Airport Manager informed the group that he could not sit in on the meeting because he was busy with airport operations. He arranged for access to airside areas during the site walk and was available to answer any questions.

The group met at the Conference Room for an overview of the wetland areas as shown on Figure 6 of the ANRAD, a discussion of the purpose of the delineation, and an opportunity for questions.

Before the overview of the wetland areas was given, there was a general concern brought up by John Portnoy and Dennis Minsky regarding why the particular areas were selected for delineation and whether approval of ANRAD delineations would in any way suggest that the Conservation Commission is giving approval to the Airport projects included in the Capital Improvement Plan (CIP). Mike Garrity explained that the areas selected for specific delineation were within the general footprint of the various alternative concepts identified for each proposed project element. The wetland information would be incorporated into the alternatives analysis. Other wetland areas were not delineated. Approval of the ANRAD would not approve any project nor would it imply that there were no other wetland areas within the airport lease line. Once a preferred alternative for each project is identified and reviewed within the MEPA process, the Airport Commission would submit a Notice of Intent to the Conservation Commission for the

343 Congress Street
Boston, Massachusetts 02210

Voice 617.242.9222
Fax 617.242.9824
www.ekcorp.com

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projects. At that time the Conservation Commission would have another opportunity to look at the wetland areas in the context of a specific project.

Mr. Portnoy also asked about a reference to a wildlife report in the ANRAD appendix. The appendix refers to other studies prepared for the Master Plan and the reference will be deleted in the ANRAD submission. Maryann Magner told the group that information on wildlife habitat studies will be shared with the Conservation Commission and NPS during review of the Draft Environmental Impact Report.

Mr. Portnoy also asked about surface waters identified in Figure 4 of the submission. Ms. Magner explained that the information is from the DEP GIS database and was included as a locus for informational purposes. The Conservation Commission is not being asked to confirm specific limits of surface water, only the wetland delineations as shown on the plan. Mr. Portnoy also stated that he felt that all the wetlands should be considered to have the rare species habitat function noted on the Tables in the report.

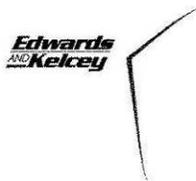
Dennis Minsky asked about a report he received from an airline passenger who told him of flocks of fall migrating swallows being killed on the runway. He asked if he could bring the issue up at this meeting. Maryann Magner responded that it would be noted and that both wildlife officials as well as airport staff do not want to see flocks of birds harmed. Mr. Garrity suggested that he should send a letter to the Airport Commission and FAA, as well as MAC. Ms. Magner mentioned that maintaining grass at certain heights or clearing brush can discourage flocking birds and it is a concern at many airports.

Amy Ball then gave an overview of the delineated wetlands. The group decided to look at several wetlands on the north side of the airport first and then return to look at infield wetlands between the runway and taxiway.

The group then proceeded to the north side of the Airport. Ms. Magner asked Ms. Ball to explain the methodology and approach that she and Erin Shupenis used to delineate wetlands. Ms. Ball explained that it was an inclusive approach and they flagged even the smallest wetlands encountered. Mr. Portnoy, who is a PhD in wetland studies, questioned the approach but stated that he had never delineated wetlands. He talked about the changing conditions in the area now that the Hatches Harbor tide gates have been opened up. Ms. Magner pointed out that only the existing wetlands can be delineated and not ones that may develop in the future. She emphasized that HWG had been directed to be conservative and inclusive in their approach. Mr. Minsky of the Conservation Commission stated that he was comfortable with the delineation methodology. The group inspected the boundaries of several wetland areas along the north lease line that were representative of the area.

The group then returned to the Terminal to inspect the infield airside wetland Areas H and I, as well as Area C north of the Taxiway. While on the paved aircraft parking apron, coyote scat was observed. Coyote and deer posed a hazard to aircraft when the animals wander onto the runway and other aircraft operational areas.

The group proceeded by vehicle down the parallel taxiway towards the end of Runway 7, stopping to inspect and discuss the infield wetlands. The group then continued to walk on the boardwalk to view wetland Area J. Mr. Garrity discussed the purpose of the vegetation management of the *Phragmites* and said that FAA has indicated that additional *Phragmites* stalks and other saplings need to be cut in order to be in compliance with the required 400 foot wide clear area for the light plane for the Instrument Landing



J:\2007 Projects\070013.097\ANRAD\Site Walk Memo.doc

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System (ILS) approach. While the group was at the end of RW 7, Ms. Ball led the group to the glide slope area to view another representative wetland area.

The group then left the restricted airside area and proceeded to wetlands near Runway 25, using the bike path as access. Ms. discussed the different vegetation and pointed out that scrub pine, surface staining, and carpets of cranberry were defining characteristics. The group then walked towards the runway to view the managed wetland areas adjacent to the runway. Two unidentified individuals were observed walking across the airfield at the Runway 25 end. It was later confirmed by the Manager that these individuals were not employees and were unauthorized to be on the airfield.

At this point Ms. Magner asked the representatives of the Conservation Commission if they would like to see any other areas. Mr. Minsky stated that he was satisfied with the methodology and felt comfortable with the delineation as shown on the plan.

Ms. Magner then thanked the group for coming to the site walk, especially on such a windy, rainy day. She also thanked Ms. Ball and Ms. Shupenis for the informative site walk and their thorough delineation effort.

The group then discussed the next steps in the process. Ms. Ball will draft a letter for the Conservation Commission relative to the minor changes to the Appendix for the ANRAD submission as discussed above. Mr. Minsky and Mr. Sargent indicated that no changes to the plan were needed. The Public Hearing for the ANRAD is scheduled for Tuesday January 23, 2007 at 6:30 PM.

John Sargent of the Corps said that he would draft a letter explaining the Corps jurisdiction and his attendance at the site walk. Ms. Magner said she would follow up on the coordination with FAA and the Corps.

This concluded the site walk.

The sign in sheet is attached.

Note: The Public Hearing for the ANRAD was held on January 23, 2007. At that meeting the Commission voted to approve the wetland delineation as shown on the plans.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 4B – Order of Resource Area Delineation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

058-0425
Provided by DEP

B. Order of Delineation

The Conservation Commission has determined the following (check whichever is applicable):

Accurate: The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

isolated vegetated wetland, vegetated wetlands, unvegetated wetlands, isolated land subject to flooding, coastal flood zone, coastal dune and barrier beach, salt marsh.

Modified: The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

Inaccurate: The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

The boundaries were determined to be inaccurate because:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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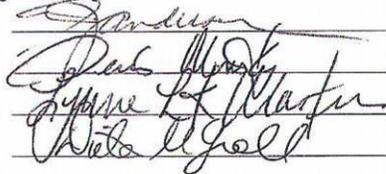
Provided by DEP

B. Order of Delineation (cont.)

This Order of Resource Area Delineation determines the boundaries of those resource areas noted above and is binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00) regarding such boundaries. This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see Appendix A)

Signatures:



This Order is valid for three years from the date of issuance.

This Order is issued to the applicant and the property owner (if different) as follows:

by hand delivery on

by certified mail, return receipt requested on

Date

Date

1/25/07

C. Appeals

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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SE 058-0425
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

From: Provincetown
1. Conservation Commission

2. This Issuance is for (check one):

- a. Order of Resource Area Delineation Only
- b. Order of Resource Area Delineation Subject to Simplified Review
 - 1. Not Subject to Stormwater Policy
 - 2. Subject to Stormwater Policy
- c. Amended Order of Resource Area Delineation

3. To: Applicant:

Provincetown Airport Commission
a. First Name _____ b. Last Name _____ c. Company _____
P.O. Box 657 (176 Race Point Road)
d. Mailing Address _____
Provincetown MA 02657
e. City/Town _____ f. State _____ g. Zip Code _____

4. Property Owner (if different from applicant):

George E. Price, Jr. National Park Service
a. First Name _____ b. Last Name _____ c. Company _____
99 Marconi Site Road
d. Mailing Address _____
Wellfleet MA 02667
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

176 Race Point Road Provincetown
a. Street Address _____ b. City/Town _____
01-8 631
c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____
Latitude and Longitude (**note:** electronic filers
will click for GIS locator): _____
e. Latitude _____ f. Longitude _____

6. Dates: September 24, 2007 October 16, 2007 October 17, 2007
a. Date Notice of Intent filed _____ b. Date Public Hearing Closed _____ c. Date of Issuance _____

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Figure 6 Wetland resource Area Map; updated wetland & dune areas 9/24/07
a. Title _____ b. Date _____
c. Title _____ d. Date _____



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B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other Resource Area(s), specifically:

Wetlands & dune areas

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other Resource Area(s), specifically:

c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other Resource Area(s), specifically:

3. The boundaries were determined to be inaccurate because:



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C. Simplified Buffer Zone Review

Work within the Buffer Zone pursuant to the Simplified Review (310 CMR 10.02) requires that you must comply with the following conditions. If your project does not meet these requirements, you are required to either file a Determination of Applicability or Notice of Intent or take other corrective measures as directed by the Conservation Commission.

Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

1. No work of any kind shall occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
2. The inner 0-to-50-foot wide area from the delineated wetland boundary that has a Buffer Zone shall not be disturbed by any work associated with this project, including placement of any stormwater management components.
3. No work shall occur in the Buffer Zone bordering an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25-10.35.
4. No work shall occur in the Buffer Zone adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
5. Erosion and Sedimentation controls shall be installed and maintained at the 50-foot Buffer Zone line or limit of work (whichever is a greater distance from the resource area) to protect resource areas during construction.
6. If the project is subject to the Massachusetts Stormwater Policy, all work shall be conducted in conformance with an approved Stormwater Management Plan.
7. The Buffer Zone does not contain a slope greater than an average of 15% at its steepest gradient across the 100-foot Buffer Zone.
8. The amount of new impervious surface, in combination with existing impervious surfaces, shall not exceed 40% of the Buffer Zone between 50 and 100 feet.
9. No work is allowed, and no additional NOI or RDA shall be filed, for any work within the 0-to-50-foot Buffer Zone during the three-year term of an Order associated with this application.
10. Prior to any work being undertaken pursuant to this Order, the wetland resource boundary shall be flagged; all boundary delineation flagging should be maintained for the term of the Order.
11. If stormwater management structures are proposed in the Buffer Zone, the stormwater management structures shall be maintained as required in the Stormwater Plan. Such maintenance constitutes an ongoing condition and is not subject to further permitting requirements.
12. If this ORAD involves work as part of a Simplified Review, the ORAD shall be recorded at the Registry of Deeds prior to the commencement of work per the requirements of Section F.
13. Prior to proceeding with any work under Simplified Review, applicants are required to provide written notice to the Commission one week prior to commencing any work.
14. If work authorized under Simplified Review is commenced, no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0-to-50-foot buffer zone during the term of an ORAD associated with this application. If work authorized under Simplified Review is not commenced, then future NOIs or RDAs may be filed for work within the 0-to-50-foot portion of the buffer zone.

--End of Conditions--



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C. Simplified Buffer Zone Review (cont.)

Stormwater Applicability

1. The project is not subject to the Stormwater Policy.
2. The project is subject to the Stormwater Policy and the Stormwater Plan included for the project complies with all stormwater standards.

Ineligibility Determinations

Site Conditions: The applicant is not eligible for Simplified Buffer Zone review and must file a Request for Determination of Applicability or Notice of Intent prior to any work because:

3. Work is within the Buffer Zone of a Coastal Resource Area as defined at 310 CMR 10.25-10.35.
4. The Buffer Zone contains existing slopes greater than an average of 15%.
5. Buffer Zone contains estimated rare wildlife habitat.¹
6. The site borders an Outstanding Resource Water.²

Stormwater

7. The project is subject to the Stormwater Policy and the applicant has not submitted sufficient information to demonstrate compliance with the Stormwater Management Policy. Prior to any work, the applicant must submit plans showing compliance with the standards in the Stormwater Policy, the location of the work, the amount of impervious surface, and the location of erosion controls, to the Commission for its concurrence. (See instructions to ANRAD Form 4A.) The following necessary stormwater information was not submitted by the applicant:

a. _____

8. The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).

a. Standard # _____ :

b. Standard # _____ :

9. Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.
10. The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.
11. Work is proposed within 50 feet of a resource area.

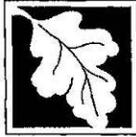
Notice to Commission

Any applicant proposing to proceed under Simplified Buffer Zone Review, as specified in 310 CMR 10.02, must provide written notice to the Commission one week prior to any work.

¹ Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.

² Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.

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D. Findings

This Order of Resource Area Delineation determines that the Stormwater Plan, if applicable, and the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

If the Abbreviated Notice of Resource Area Delineation was filed as Simplified Review for a Buffer Zone project, the applicant has certified that any work associated with the proposed project meets all eligibility requirements for Simplified Review listed in Section C of this Order. Any work that does not comply with the Simplified Review requirements will require a Notice of Intent or Request for Determination of Applicability.

The applicant is responsible for promptly requesting a Certificate of Compliance following completion of any work allowed pursuant to a Simplified Review or no later than three years from the date of the Order of Resource Area Delineation unless the Order is extended.

Failure to comply with the conditions of this Order is grounds for the Conservation Commission or the Department to take enforcement action.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office.

E. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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



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F. Signatures and Notary Acknowledgement

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

5
Number of Signers

[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

This Order is issued to the applicant and the property owner (if different) as follows:

by hand delivery on

by certified mail, return receipt requested on

Date

Date

Oct 22, 2007

Notary Acknowledgement

Commonwealth of Massachusetts County of

BARNSTABLE

On this 16th Day of

OCTOBER 2007
Month Year

Before me, the undersigned Notary Public, personally appeared

DICTON GROW
Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

PERSONAL KNOWLEDGE
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of

BRANSTABLE
City/Town

Conservation Commission



[Signature]
Signature of Notary Public
ELLEN C. BATTAGLINI
Printed Name of Notary Public

Place notary seal and/or any stamp above

My Commission Expires (Date)



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G. Recording Information

If this Order is issued for purposes of Resource Area Delineation only, this Order should NOT be recorded.

If this Order of Resource Area Delineation is issued as part of a Simplified Review, this Order must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 6 of this form shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

March 7, 2008

Provincetown Conservation Commission
260 Commercial Street
Provincetown MA 02657

RE: Applicant: Arthur Lisenby, George Price
Project Location: 176 Race Point Road, Provincetown Municipal Airport
Project Description: Reconstruction of existing Terminal Apron
DEP Wetlands File No.: 058-0440
NHESP Tracking No.: 04-15716

To Whom It May Concern:

The applicant listed above has submitted a Notice of Intent with site plans (dated February 6, 2008) to the Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife, in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59).

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

Please note that this determination addresses only the matter of rare wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project. If you have any questions regarding this letter please contact Amy Coman, Endangered Species Review Assistant, at (508) 389-6364.

Sincerely,

Thomas W. French, Ph.D.
Assistant Director

cc: Arthur Lisenby, Provincetown Airport Commission
George Price, National Park Service
MA DEP Southeast Region
Maryann Magner, Jacobs Edwards and Kelcey

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



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

DEP File Number:
 SE58-0440

A. General Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From: Provincetown
 1. Conservation Commission

2. This issuance is for (check one): Order of Conditions Amended Order of Conditions

3. To: Applicant:
Michael Leger Airport Commission, Chairman
 a. First Name b. Last Name c. Company
c/o Arthur Lisenby, P.O. Box 657
 d. Mailing Address
Provincetown MA 02657
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
c/o George E. Price, Jr. National Park Service (US Dept of Interior)
 a. First Name b. Last Name c. Company
CC Natl Seashore, 99 Marconi Site R
 d. Mailing Address
Wellfleet MA 02667
 e. City/Town f. State g. Zip Code

5. Project Location:
176 Race Point Road Provincetown
 a. Street Address b. City/Town
Latitude and Longitude, if known (note: electronic filers will click for GIS locator):
42 04 19N 70 13 19W
 e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Barnstable
 a. County b. Certificate (if registered land)
 c. Book d. Page

7. Dates: February 5, 2008 March 11, 2008 April 1, 2008
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Airport Terminal Apron Reconstruction Project
 a. Plan Title
Jacobs Edwards and Kelcey Edwards and Kelcey
 b. Prepared By c. Signed and Stamped by
2/6/2008
 d. Final Revision Date e. Scale
Stormwater Management Plan March 2008
 f. Additional Plan or Document Title g. Date

9. Total WPA Fee Paid: Waived Town Project
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE58-0440

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
3. <input type="checkbox"/> Bank	a. _____ linear feet	b. _____ linear feet	c. _____ linear feet	d. _____ linear feet
4. <input type="checkbox"/> Bordering Vegetated Wetland	a. _____ square feet	b. _____ square feet	c. _____ square feet	d. _____ square feet
5. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. _____ square feet	b. _____ square feet	c. _____ square feet	d. _____ square feet
	e. _____ cu.yd dredged	f. _____ cu.yd dredged		



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

DEP File Number:

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B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
6. <input type="checkbox"/> Bordering Land Subject to Flooding Cubic Feet Flood Storage	a. square feet	b. square feet	c. square feet	d. square feet
7. <input type="checkbox"/> Isolated Land Subject to Flooding Cubic Feet Flood Storage	a. square feet	b. square feet	c. cubic feet	d. cubic feet
8. <input type="checkbox"/> Riverfront area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet		
Sq ft between 100-200 ft	e. square feet	f. square feet		

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

9. Designated Port Areas
 Indicate size under Land Under the Ocean, below
10. Land Under the Ocean
 a. square feet b. square feet
 c. cu.yd dredged d. cu.yd dredged
11. Barrier Beaches
 Indicate size under Coastal Beaches and/or Coastal Dunes below
12. Coastal Beaches
 b. square feet c. c/y nourishmt. d. c/y nourishmt.
13. Coastal Dunes
 a. square feet b. square feet c. c/y nourishmt. d. c/y nourishmt
14. Coastal Banks
 a. linear feet b. linear feet
15. Rocky Intertidal Shores
 a. square feet b. square feet
16. Salt Marshes
 a. square feet b. square feet c. square feet d. square feet
17. Land Under Salt Ponds
 a. square feet b. square feet
 c. cu.yd dredged d. cu.yd dredged
18. Land Containing Shellfish
 a. square feet b. square feet c. square feet d. square feet
19. Fish Runs
 Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above
 a. cu.yd dredged b. cu.yd dredged
 a. square feet b. square feet
20. Land Subject to Coastal Storm Flowage
 a. square feet b. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE58-0440

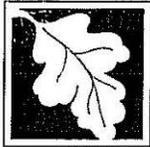
C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number SE58-0440 "



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE58-0440

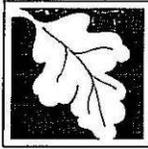
C. General Conditions Under Massachusetts Wetlands Protection Act

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

Special Conditions:

If you need more space for additional conditions, select box to attach a text document

Dieter Groll moved to approve the Notice of Intent for the reconstruction of the existing terminal apron at the property located at 176 Race Point Road, referencing the March version of the document, including the 'General Notes', and the construction schedule referenced in 'Conditions' and with the change from 'hay bales' to 'straw bales', which will be delineating the limit of work, Elaine Anderson seconded and it was so voted, 5-0.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Furthermore, the Provincetown hereby finds (check one that applies):
Conservation Commission
2. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw

b. Citation

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

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

Provincetown Wetlands Bylaw

Chapter 12

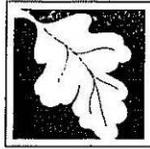
a. Municipal Ordinance or Bylaw

b. Citation

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

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

If you need more space for additional conditions, select box to attach a text document



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 5 – Order of Conditions

SE 058-0440

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Provincetown General By-Law Chapter 12

E. Issuance

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

4/11/08
1. Date of Issuance

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

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

5
2. Number of Signers

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

Signatures:

[Handwritten signatures]

[Handwritten signature]

Notary Acknowledgement

Commonwealth of Massachusetts County of

BARNSTABLE

On this ELEVENTH Day of

MARCH 2008
Month Year

Before me, the undersigned Notary Public, personally appeared

DIETER GROLL
Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

PERSONAL KNOWLEDGE
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of PROVINCETOWN City/Town Conservation Commission



[Handwritten signature]
Signature of Notary Public
ELLEN C. BATTAGLINI
Printed Name of Notary Public

Place notary seal and signature stamp above

My Commission Expires (Date) _____

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date _____

Date _____



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

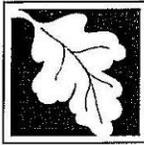
DEP File Number:
SE58-0440

F. Appeals

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

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

Section G, Recording Information is available on the following page.



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

DEP File Number:
SE58-0440

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of this form shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
**WPA Form 4B – Order of Resource Area
 Delineation**

Provided by MassDEP:
 SE 058-0425
 MassDEP File Number
 eDEP Transaction Number
 Provincetown
 City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
A. General Information

Important:
 When filling out
 forms on the
 computer, use
 only the tab key
 to move your
 cursor - do not
 use the return
 key.



Note:
 Before
 completing this
 form consult
 your local
 Conservation
 Commission
 regarding any
 municipal bylaw
 or ordinance.

From: Provincetown
 1. Conservation Commission

2. This Issuance is for (check one):
 a. Order of Resource Area Delineation
 b. Amended Order of Resource Area Delineation

3. Applicant:
Provincetown Airport Commission
 a. First Name
Town Of Provincetown
 c. Organization
PO Box 657 (176 Race Point Road)
 d. Mailing Address
Provincetown MA 02657
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
George E. Price, Jr. Superintendent
 a. First Name
National Park Service
 c. Organization
99 Marconi Site Road
 d. Mailing Address
Wellfleet MA 02667
 e. City/Town f. State g. Zip Code

5. Project Location:
176 Race Point Road Provincetown 02657
 a. Street Address b. City/Town c. Zip Code
01-8 631
 d. Assessors Map/Plat Number e. Parcel/Lot Number
 Latitude and Longitude (in degrees, minutes, seconds):
 f. Latitude d m s g. Longitude d m s

6. Dates:
12/29/2006 1/12/2007 & 1/12/2010 1/25/2007 & 1/12/2010
 a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:
Wetland Resource Area Map December 2006, Project # 4027A 12/22/2006
 a. Title b. Date
Abbreviated Notice of Resource Area Delineation DEP #058-0425 12/29/2006
 c. Title d. Date

ORIGINAL



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE 058-0425
MassDEP File Number
eDEP Transaction Number
Provincetown
City/Town

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

a. isolated vegetated wetland, vegetated wetlands, unvegetated wetlands, isolated land subject to flooding, coastal flood zone, coastal dune and barrier beach, salt marsh and land subject to flooding including isolated land subject to flooding.

- Extension for 3 years from most recent issuance date. New expiration date: 1/12/2013.

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

a.

c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

3. The boundaries were determined to be inaccurate because:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE 058-0425
MassDEP File Number

eDEP Transaction Number
Provincetown
City/Town

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

D. Appeals

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

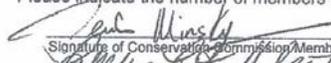
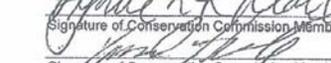
Provided by MassDEP:
058-0425
MassDEP File Number
eDEP Transaction Number
Provincetown
City/Town

E. Signatures

1/12/2010
Date of Issuance

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

4
1. Number of Signers

 Signature of Conservation Commission Member	Signature of Conservation Commission Member
 Signature of Conservation Commission Member	Signature of Conservation Commission Member
 Signature of Conservation Commission Member	Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on 1/25/2013 unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. By hand delivery on

a. Date

3. By certified mail, return receipt requested on

12/13/2010

a. Date

10.4 Relationship to Other Planning Efforts

Several planning efforts relate to Cape Cod, the Cape Cod National Seashore (CCNS), and the Airport. Documents addressing transportation, protection of natural resources and other relevant issues are listed below:

- The Cape Cod Commission Regional Policy Plan,
- The National Seashore, Forging a Collaborative Future,
- The National Seashore, Province Lands Bike Trail Renovations
- The National Seashore, Electrical supply for Herring Cove Beach Facilities
- FHWA Reconstruction of Route 6 and Province Lands Road Intersection
- *The Shuttle*, and *Flex* bus service of the Cape Cod Regional Transit Authority (CCRTA), and
- The Provincetown Municipal Airport 2005 Master Plan

All of these plans recognize the need for maintaining the transportation infrastructure for the Cape. The CIP projects would not prevent implementation of management plans developed by other agencies for the National Seashore and Cape Cod. The CIP projects meet this planning goal.

