

**DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
NEW ENGLAND REGION**



**ENVIRONMENTAL IMPACT STATEMENT  
WRITTEN RE-EVALUATION  
RECORD OF DECISION**

**RUNWAY SAFETY AREA PROJECT  
IGOR I. SIKORSKY MEMORIAL AIRPORT  
STRATFORD, CONNECTICUT**

**September 28, 2011**

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# TABLE OF CONTENTS

1	INTRODUCTION .....	1-1
2	BACKGROUND.....	1-1
3	PROPOSED FEDERAL ACTIONS .....	1-7
4	PURPOSE AND NEED .....	1-8
5	ALTERNATIVES ANALYSIS, INCLUDING RANGE OF ALTERNATIVES.....	1-9
6	SELECTED ALTERNATIVE .....	1-13
7	PUBLIC AND AGENCY INVOLVEMENT.....	1-14
8	ENVIRONMENTAL IMPACTS, MITIGATION, AND PERMITTING .....	1-15
9	AGENCY FINDINGS.....	1-24
10	DECISION AND ORDER .....	1-30

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## 1. INTRODUCTION

This Record of Decision (ROD) provides final agency determinations and environmental approvals for Federal actions of the Federal Aviation Administration (FAA) necessary to implement proposed runway safety area (RSA) improvements at the Igor I. Sikorsky Memorial Airport (BDR). The airport sponsor is the City of Bridgeport, Connecticut, but the airport itself is located in the neighboring town of Stratford, CT. As will be described in this ROD, the proposed project scope has been significantly reduced from the project analyzed in the 1999 environmental review. In addition, there is no approval to extend any BDR runway in this ROD.

This ROD completes a thorough and careful environmental decision making process, including the FAA's public disclosure and review by the FAA decision maker of the analysis of alternatives and their potential impacts. This ROD is based on a Final Environmental Impact Statement (FEIS) prepared and issued by the FAA on October 5, 1999 and a Written Re-evaluation of that EIS. The Written Re-evaluation process included the issuance of a draft Written Re-evaluation in August 2010. The FAA conducted a public hearing on September 22, 2010. A final Written Re-evaluation which included response to public comments was issued in July 2011. These analyses were conducted in compliance with the National Environmental Policy Act of 1969 (NEPA) (42 United States Code [USC] Section 4321, *et seq.*), the implementing regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508), and FAA directives (FAA Orders 1050.1E and 5050.4B). The ROD is also used to demonstrate and document FAA's compliance with the procedural and substantive requirements and environmental, programmatic, and related statutes and regulations that apply to FAA decisions. The FAA arrived at these determinations and approvals by reviewing the environmental analysis in the FEIS and all other relevant documents that comprise the EIS Record. Based on this review, it is FAA's decision that implementation of the Proposed Project as described in the Written Re-evaluation achieves the Purpose and Need and is the Environmentally Preferred Alternative.

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## 2. BACKGROUND

In 1993, the City of Bridgeport began an Airport Master Plan update to address a number of airport deficiencies. The Master Plan update was almost completed when a fatal accident occurred at the airport.

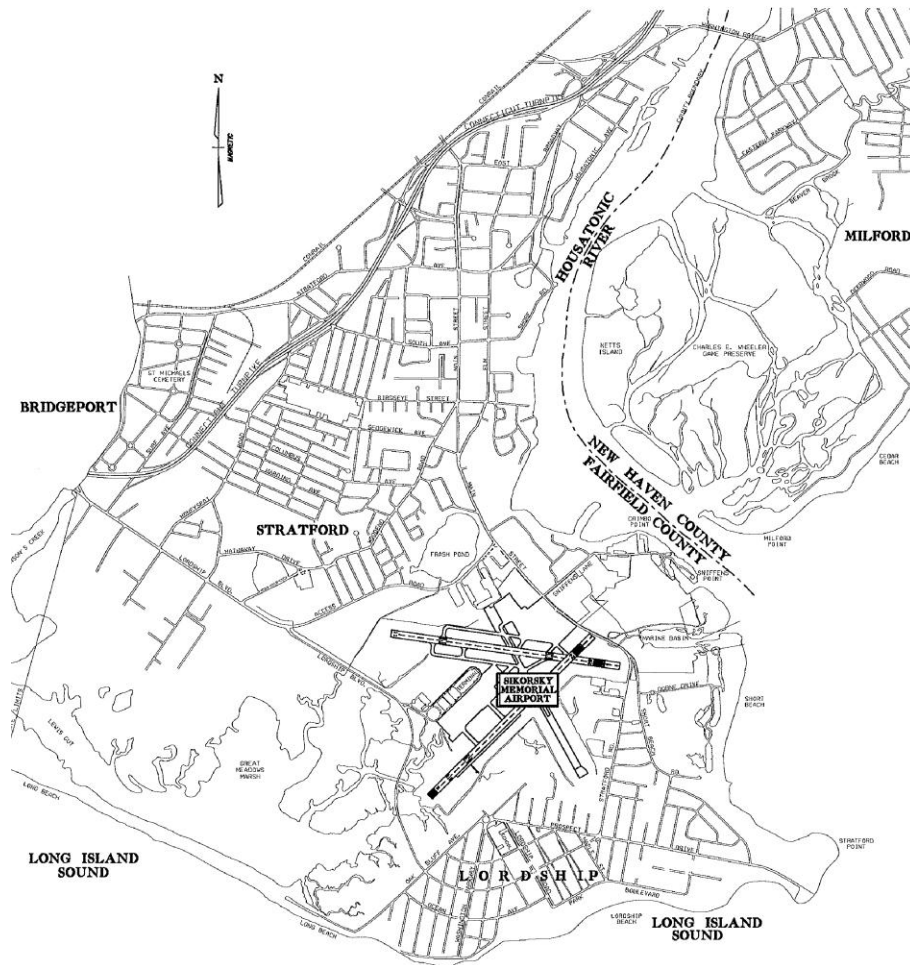
On April 27, 1994, a twin-engine charter aircraft overshot Runway 6-24 at BDR in instrument conditions and struck the blast fence at the northeast end of Runway 6-24. Eight passengers were killed. The National Transportation Safety Board (NTSB) investigated the fatal accident and issued a NTSB Report AAR-94/08 in 1995 (See Final Written Reevaluation Appendix G). The NTSB issued recommendations to the FAA, the Connecticut Department of Transportation, the City of Bridgeport, and the Town of Stratford recommending the removal of the non-frangible blast fence and assuring an adequate runway safety area at the end of runway 6. These recommendations are as follows:

- NTSB Recommendation A-94-211: To the FAA: Inspect all Title 14 Code of Federal Regulations Part 139 certificated airports for adequate runway safety areas and non-frangible objects, such as

blast fences, and require that substandard runway safety areas be upgraded to Advisory Circular 150/5300-13 minimum standards wherever it is feasible.

- NTSB Recommendation A-94-212: To the FAA: Within 90 days, and in coordination with the City of Bridgeport and the Town of Stratford, implement a plan to resolve environmental considerations, and proceed with the installation of an approach light system on runway 6 as soon as possible.
- NTSB Recommendation A-94-213: To the Connecticut Department of Transportation: In coordination with the City of Bridgeport, the Town of Stratford, and Sikorsky Memorial Airport, relocate state highway 113 away from the runway 24 threshold to provide adequate distance between airplanes and highway 113 to protect vehicles and persons from jet blast.
- NTSB Recommendation A-94-214: To the City of Bridgeport, Connecticut: In coordination with the State of Connecticut and the Town of Stratford, following the relocation of state highway 113, Sikorsky Memorial Airport should immediately establish a runway safety area at the approach end of runway 24 in accordance with Federal Aviation Administration Advisory Circular 150/5300-13 and remove the nonfrangible blast fence.
- NTSB Recommendation A-94-215: To the City of Bridgeport, Connecticut: Within 90 days, and in coordination with the FAA and the Town of Stratford, implement a plan to resolve environmental considerations, and proceed with the installation of an approach light system on runway 6 as soon as possible.
- NTSB Recommendation A-94-216: To the Town of Stratford, Connecticut: In coordination with the State of Connecticut and the City of Bridgeport, following the relocation of state highway 113, Sikorsky Memorial Airport should immediately establish a runway safety area at the approach end of runway 24 in accordance with Federal Aviation Administration Advisory Circular 150/5300-13 and remove the nonfrangible blast fence.
- NTSB Recommendation A-94-217: To the Town of Stratford, Connecticut: Within 90 days, and in coordination with the FAA and the City of Bridgeport, implement a plan to resolve environmental considerations, and proceed with the installation of an approach light system on runway 6 as soon as possible.

The Master Plan update was completed in 1995 and recommended airport projects including runway reconstruction of primary runway 6-24, improving runway safety areas, removal of the blast fence, and the installation of an approach light system. Based on the sponsor's Master Plan update, FAA initiated an environmental impact statement in 1996 in order to conduct the necessary environmental analysis of the recommended improvements.



The *Final Environmental Impact Statement for the Proposed Improvements to Runway 6-24* at BDR was issued in May 1999. The proposed improvements were included on the (then) current Airport Layout Plan (ALP), dated 1995. The proposed improvements identified in the 1999 ROD included a shift of Runway 6-24 700 feet to the northeast; construction of a 1,000-foot RSA for Runway 24; construction of an 800-foot RSA for Runway 6; relocation of Main Street (Route 113); installation of a Medium-Intensity Approach Light System with Sequenced Flashing Lights (MALSF); and rehabilitation of pavement of Runway 6-24.

The FAA issued the *Record of Decision for Approval of Airport Layout Plan Federal Funding of Airport Development Installation of an Approach Light System & Recommendation to the Department of the Army on Transfer of Military Surplus Property Bridgeport-Sikorsky Memorial Airport, Stratford, Connecticut* on October 5, 1999. The 1999 ROD approved the following actions:

- Unconditionally approved the Sikorsky Memorial Airport Layout Plan depicting the reconstruction and relocation of Runway 6-24, construction of improved Runway Safety Areas (RSAs) at each end of Runway 6-24, installation of a Medium-Intensity Approach Light System with Sequenced Flashers (MALSF), partial relocation of State Route 113 (Main Street) in the Town of Stratford,

and airport development incidental to these improvements. (See Attachment 2, Alternative 2D-Modified.)

- With the exception of the MALSF, provide federal Airport Improvement Program funds for these projects: fund and install a MALSF under FAA's Facilities and Equipment Program; and recommended that the Department of the Army transfer to the City of Bridgeport approximately four acres and restrict by covenant the additional use of approximately five acres of the former Stratford Army Engine Plant.

In December 1999, the Town of Stratford, Connecticut petitioned for review of the FAA's 1999 ROD in the federal D.C. Circuit Court of Appeals. Stratford challenged FAA's approval of Bridgeport's airport plan for reconstruction of airport runways and disposal of land from nearby army engine plant. The Court denied the petition and held that Stratford lacked prudential standing to challenge FAA's Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA), and that FAA complied with Airports and Airways Improvement Act (AAIA). (See Town of Stratford, Connecticut v. F.A.A., 285 F.3d 84, C.A.D.C 2002)

On March 9, 2001, a single engine aircraft overran runway 6 while landing and struck the same non-frangible blast fence as occurred in the 1994 accident. The plane came to rest with about 4 feet of the airplane protruding onto Main Street (SR 113). The two pilots on the plane were not injured. The plane was not carrying passengers.

Opposition to constructing the projects approved in the 1999 ROD continued even after the 2002 Court decision. To obtain a better understanding of the historical discussions, a sample of the correspondence between the parties is included below. The information is contained on the NTSB public website found at [www.nts.gov](http://www.nts.gov) and relates to NTSB correspondence related to the NTSB Recommendations resulting from the 1994 fatal accident in 2004.

The NTSB in a follow-on letter to the Town of Stratford dated 4/23/2004 related to NTSB Recommendation A-94-216 and A-94-217 reiterated the need for the improvements to the RSA and the lighting system. The letter indicated that the FAA had advised that the NTSB that "the Town of Stratford is presently unwilling to approve the changes needed to implement the FAA-approved airport layout plan. The NTSB referenced the 2001 crash and strongly urged the Town to agree to the approved airport layout plan and that "the Board believes failure to do so imposes an unnecessary and avoidable safety risk to both airplane operators using Sikorsky Memorial Airport and the public."

The Town of Stratford responded to the NTSB follow-up letter on May 5, 2004 and indicated that:

"The Town of Stratford is fully committed to both safety improvements and safe operations at the airport. In fact on December 12, 2002, the Town of Stratford met with the Federal Aviation Administration (FAA) and the City of Bridgeport to begin the process of implementing safety improvements at Sikorsky Memorial Airport. As a result of the meeting, the three entities agreed to initiate a new proposal for the redesign of safety enhancements for Runway 6-24. The new proposal decreases the total length of the runway and moves a portion of the road 250 feet. The installation of an emass fence is included in the proposal. The FAA concurred with this concept, and awarded the City of Bridgeport a \$700,000 grant for the implementation of survey and

design. On June 4, 2003, the Airport Commission convened a meeting to discuss this new proposal which was accepted by the City of Bridgeport (June 4, 2003 meeting minutes are enclosed for your review.).

In a similar follow-on letter from the NTSB to the CT-DOT relating to NTSB Recommendation A-94-213, the NTSB indicated that “in a meeting with FAA staff in December 2003, the Safety Board was advised that ConnDOT is presently unwilling to approve or even review the changes needed to implement the FAA approved airport layout plan.” The NTSB referenced the 2001 crash and strongly urged the Town to agree to the approved airport layout plan and that “the Board believes failure to do so imposes an unnecessary and avoidable safety risk to both airplane operators using Sikorsky Memorial Airport and the public.”

CT-DOT responded to the NTSB letter in a letter dated May 14, 2004. An excerpt of the letter indicated that:

“Please be advised that the Department of Transportation (Department) shares your concern regarding safety of the Airport. It is appropriate, however, that you be apprised that in the intervening period between the Environmental Impact Statement-Record of Decision (EIS-ROD), various proposals were put forth in the attempt to mitigate the right-of-way impacts upon the Town of Stratford. The proposal was not favored by either side. ... A breakthrough came when the Federal Aviation Administration (FAA) reassessed activities at the airport and concluded that their standard could be satisfied with a 300 foot safety area.”

In regards to NTSB Recommendation A-94-212 to the FAA regarding the installation of an approach lighting system on runway 6 numerous correspondence was exchanged documenting FAA's effort to construct the MALSF approved in the 1999 ROD despite opposition. Subsequently on September 27, 2005, the NTSB closed Recommendation A-94-212 despite the MALSF not being completed. The NTSB stated:

“The Safety Board is aware of the concerted and long-term efforts of the FAA to implement a plan to resolve environmental considerations and proceed with needed runway safety improvements, including installation of an approach lighting system on runway 6 of Sikorsky Memorial Airport. Despite these efforts, the FAA has been unable to broker an agreement between the local governments so that it may proceed with the needed runway improvements. Although we are disappointed that the needed runway improvements that would ensure the safety of aircraft operations at the airport have not been made, the Safety Board recognizes that the solution is beyond FAA's control. Consequently, Safety Recommendation A-94-212 is classified “Close – Reconsidered.”

On August 3, 2006, the Connecticut Department of Transportation notified FAA that “the Department has come to a conclusion that it has exhausted all reasonable alternatives, and the time has come to move forward with the implementation of the long awaited safety area.” The letter further identified that CT-DOT would be supportive of a project that responded to the NTSB recommendation that incorporated the following:

- Maintain the existing runway length;



- Provide the minimum safety area, 150 feet wide by 300 feet long;
- Eliminate the non-frangible blast fence; and
- Relocate SR 113 at the minimum distance required to provide for the safety area, support of the roadway, and commencement of safe road geometry.

Subsequent to that support and upon a submission by the Town of Stratford's state representative, the State Legislature imposed a two year (one year, plus a one-year extension) Moratorium beginning in April 2007 on any State involvement on the moving of Main Street in Stratford. The Moratorium prevented the RSA project from progressing since the State needed to be a part of the relocation of the State roadway.

On June 12, 2009, a single-engine aircraft struck the blast fence at the northeast end of the runway during landing. Seven people were aboard the plane and there were no reports of serious injuries.

The Stratford Army Engine Plant (SAEP) was a US Army Tank-Automotive and Armaments Command Installation sited on 117 acres adjacent BDR. Under the Defense Base Closure and Realignment Act of 1990, the SAEP closed on September 30, 1998. The *Final Environmental Impact Statement on the Disposal and Reuse of the Stratford Army Engine Plant* was prepared and a ROD was issued in 2001. The ROD concluded that portions of the property would be transferred to a Local Reuse Authority and four acres would be transferred for aviation purposes. In March 2010, 1.075 acres of the SAEP was transferred to the FAA. The Town of Stratford filed a lawsuit in State court against the City of Bridgeport seeking a preliminary injunction to prevent a subsequent land transfer by the FAA to Bridgeport. Stratford alleges the land transfer would violate a 1978 Agreement between Stratford and Bridgeport related to BDR expansion. The U.S. intervened in the lawsuit which was moved to federal court. The preliminary injunction was denied by the US District Court on June 18, 2010. The litigation remains pending. (See case file for Town of Stratford v. City of Bridgeport, U.S. District Court, District of Connecticut, Case 3:10-cv-00394-CSH)

Based on the many years of ongoing discussions between the parties, the airport sponsor ultimately developed a new Alternative for consideration by FAA. This new alternative was identified as Alternative 1G-Modified. New Alternative 1G-Modified is similar to the 1999 FEIS Alternative 1G that provided a minimal amount of RSA at the Runway 24 end without impacting any wetlands. Alternative 1G –Modified includes a RSA that is 500-foot wide (250 feet on either side of the runway centerline) by 250-foot in length beyond the Runway 24 threshold.

Given the technological advances with EMAS, the FAA issued a revised RSA Determination on February 5, 2009 in accordance with FAA Order 5200.8. The FAA recognized that EMAS technology had now improved and would be warranted for study at BDR as it would enhance the safety for aircraft in approach categories C and D. The FAA also recognized that Alternative 1G of the Final EIS did not include the removal of the non-frangible blast fence. Based on FAA Advisory Circular 150/5300-13, *Airport Design*, the blast velocity of the business jet using BDR would not warrant the existence of the fence and thus, it could be removed. The revised RSA Determination recommended the construction of a 300-foot safety area on the Runway 24 end with EMAS and the removal of the blast fence.

The ALP was updated to reflect these changes; the ALP was conditionally approved on March 20, 2009

(See **Exhibit 1.1-1**).

FAA, in response to the airport sponsor's newly developed Alternative 1G-Modified proposal, completed a Written Reevaluation of the 1999 FEIS that included analysis of the new alternative. The Written Reevaluation was prepared in accordance with FAA Order 1050.1E. In support of this Written Reevaluation, the purpose and need of the project was reevaluated, a new design alternative (1G-Modified) was analyzed, and existing environmental conditions were assessed in relation to the new alternative. The Notice of Availability of the Draft Written Reevaluation of the Environmental Impact Statement was published in the Federal Register on September 12, 2010. A public hearing was held in September 22, 2010. The final Written Reevaluation was issued on June 27, 2011 and a Notice of Availability for the final Written Reevaluation was published in the Federal Register on July 19, 2011.

On June 26, 2011, a single engine aircraft struck the blast fence upon landing injuring the pilot and passenger. The plane's landing gear struck the blast fence severing the left wing. The NTSB has begun an accident investigation into this incident.

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### **3. PROPOSED FEDERAL ACTIONS**

The FAA's actions relative to the Project include approval of the revised Airport Layout Plan (ALP) and establishment of pre-requisites to apply for federal grants. The federal actions required of the FAA are:

- Approval of the ALP that depicts the Project, as shown on Exhibit 2.2-1 of the Final Written Reevaluation;
- Determinations under 49 U.S.C. Sections 47106 and 47107 relating to eligibility of the proposed project for federal funding under the Airport Improvement Program (AIP);
- Determination and actions under 49 U.S.C. Section 44718 (14 CFR Part 77) evaluating obstructions to navigable airspace; and
- Approval for relocation, installation, and/or upgrade of various navigational aids.

In accordance with federal law and agency guidance, the FAA makes the determinations for this Project, as documented in Section 10, *Agency Findings*, based on appropriate information and analysis contained in the Written Reevaluation, the 1999 FEIS Record and other portions of the Record.

Several permits and approvals will be required to implement the Project, as shown in Section 9 of this ROD. FAA has already made a determination of effects upon safe and efficient utilization of air space under 49 USC Section 44718 (14 CFR Part 77) evaluating obstructions to navigable airspace in March of 2009 related to the proposed project.

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#### 4. PURPOSE AND NEED

As stated identified in Section 1, the FAA approved amendment of the ALP to depict the sponsor's proposed project in the 1999 ROD. The FAA approved a shift of Runway 6-24 700 feet to the northeast; construction of a 1,000-foot RSA for Runway 24; construction of an 800-foot RSA for Runway 6; relocation of Main Street (Route 113); installation of a Medium-Intensity Approach Light System with Sequenced Flashing Lights (MALSF); and rehabilitation of pavement of Runway 6-24.

The 1999 FEIS analyzed a proposed project based on this identified Statement of Need:

- The need to improve the runway pavement structure on Runway 6-24 in order to restore a 20 year pavement design life to accommodate existing and projected aircraft types and levels of operation.
- The need to provide, to the extent practicable, RSAs on Runway 6-24 which meet current FAA minimum safety standards.
- The need to enhance the visual guidance for the Runway 6-24 instrument approach.
- The need to provide sufficient runway length on Runway 6-24 to accommodate existing and projected air transportation demand.

The purpose and need of the proposed projects as identified in the 2011 Written Re-evaluation is the following:

- **Provide, to the extent practicable, RSAs on Runway 6-24 which meet current FAA minimum safety standards:** The NTSB stated that 'the fatalities were caused by the presence of the nonfrangible blast fence and the absence of a safety area at the end of the runway.' FAA Order 5200.8 states that the RSAs at Federally obligated airports and all RSAs at airports certificated under 14 CFR Part 139 shall conform to the standards contained in FAA Advisory Circular 150/5300-13 to the maximum extent practicable. Congress also enacted legislation in 2005 that statutorily requires airports certificated for commercial service to improve their Runway Safety Areas to comply with FAA design standards as "required by 14 C.F.R. Part 139" no later than 2015. [Pub. L. 109-115](#), Div. A, Title I (2005), 119 Stat. 2401, *codified at* [49 U.S.C. § 44706](#).
- **Improve the runway pavement structure on Runway 6-24 in order to restore a 20-year pavement design life to accommodate existing and projected aircraft types and levels of operations:** The Airport does participate in a regular crack seal maintenance program and in 2007, the runway received a thermoplastic seal coat; however, no reconstruction or rehabilitation of the pavement of Runway 6-24 has taken place. Thus, the pavement is continuing to deteriorate as identified in the engineering investigations in 1996.

The purpose and need has been changed from what was identified in the 1999 Final EIS/ROD. Principally, the proposal to extend Runway 6-24 was eliminated. In addition, the NTSB closed NTSB Recommendation A-94-212 related to MALSF installation since the Board concluded "the solution was

beyond FAA's control." The purpose and need reflects the Board's action. The need to improve the RSA and Runway 6-24 pavement remains.

The application of FAA Order 5200.8 to airports such as BDR requires some additional context. FAA Order 5200.8 states that the RSAs at Federally obligated airports and all RSAs at airports certificated under 14 CFR Part 139 shall conform to the standards contained in FAA Advisory Circular (AC) 150/5300-13 to the maximum extent practicable. Existing general aviation airports such as BDR are not required to create standard Runway Safety Areas unless they are engaging in other construction projects with federal funds, and then only "to the extent practicable." (FAA Order No. 5200.8). Since the purpose and need also involves improving the runway pavement structure on Runway 6-24 in order to restore a 20-year pavement design life to accommodate existing and projected aircraft types and levels of operations, RSA improvements should be completed concurrently.

Congress also enacted legislation in 2005 that requires airports certificated for commercial service to improve their Runway Safety Areas to comply with FAA design standards as "required by 14 C.F.R. Part 139" no later than 2015. [Pub. L. 109-115](#), Div. A, Title I (2005), 119 Stat. 2401, *codified at* [49 U.S.C. § 44706](#) Note. Part 139 certificated airports are in turn required to comply with FAA Advisory Circulars ("ACs"); the Advisory Circular governing airport design requires airports to establish standard Runway Safety Areas. The FAA design standards provide that newly constructed airports shall be designed with standard Runway Safety Areas. (AC 150/5300-13).

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## **5. ALTERNATIVES ANALYSIS, INCLUDING RANGE OF ALTERNATIVES**

The Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) that implement the NEPA state that the alternatives section is the heart of an EIS. Those regulations and accompanying guidance, entitled "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (CEQ's Forty Questions)<sup>1</sup> require a federal decision-maker, in this case the FAA, to:

- Develop and describe the range of alternatives capable of achieving the purpose and need (1505.1(e)), including alternatives not within the jurisdiction of the lead agency (Question 2 of CEQ's Forty Questions) and the No-Action Alternative (1502.14(d)); and
- Rigorously explore and objectively evaluate these alternatives, and provide reasons why the FAA eliminated certain alternatives from further study.

### **5.1 FINAL EIS ALTERNATIVES**

The EIS process initially identified 21 preliminary alternatives for the rehabilitation of Runway 6-24, RSA upgrades to Runway 6-24 and associated relocation of Main Street, and the construction of an approach lighting system for Runway 6. All of these alternatives included the reconstruction of all or part of the existing pavement on Runway 6-24 and were developed based on three basic scenarios:

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<sup>1</sup> 46 Fed. Reg. 18026 (March 23, 1981) as amended by 51 Fed. Reg. 15618 (April 25, 1986)

**Group 1 Alternatives:** Alternatives which utilized only the existing pavement envelope of Runway 6-24;

**Group 2 Alternatives:** Alternatives which shifted the pavement of Runway 6-24 to accommodate RSAs and the approach light system only to the extent required to provide the 4,677 linear feet of usable takeoff length presently provided by the runway; and

**Group 3 Alternatives:** Alternatives which shifted and extended the pavement of Runway 6-24 as to provide a 5,000-foot usable takeoff length as well as accommodate RSAs and the approach light system.

The 21 preliminary alternatives were screened according to two basic assessment criteria: aviation operations and wetland impact. As a result of the initial screening, the following alternatives were retained for further study: Alternatives 1, 1G, 2B, 2D, 3E, 3G, as well as the No Action Alternative. As a result of further coordination under the Connecticut Coastal Management Act, Alternatives 3E and 3G were dropped from further study. Alternatives 1, 1G, 2B, 2D and No Action were retained for further study. Alternative 2D was selected as the FAA's Preferred Alternative in the 1999 Draft EIS. Due to comments received during the Draft EIS Public Review Process, this alternative was modified to combine various elements of Alternative 2B and Alternative 2D. This combination was referred to as Alternative 2D-Modified and then became the FAA's Preferred Alternative in the FEIS and the Selected Alternative in the 1999 ROD.

#### **5.1.1 Alternative 1**

Group 1 Alternatives only utilized the existing pavement envelope of Runway 6-24. Thus, this alternative involved the reconstruction of the Runway 6-24 pavement without any other improvements; that is, this alternative did not involve the addition of any RSAs or approach light systems and an extension of the usable takeoff length of that runway.

#### **5.1.2 Alternative 1G**

This alternative was developed to provide a minimal amount of RSA at the Runway 24 end without impacting any wetlands. Thus, this alternative is similar to Alternative 1 in that it involved the reconstruction of the Runway 6-24 pavement but provided 250 feet of RSA at the Runway 24 end with a minor relocation of Main Street.

#### **5.1.3 Alternative 2B**

Group 2 Alternatives shifted the pavement of Runway 6-24 to accommodate RSAs and the approach light system only to the extent required to provide the 4,677 linear feet of usable takeoff length. Thus, this alternative shifted the runway 575 feet to the northeast with the abandonment of the pavement on the Runway 6 end and the construction of RSAs of 500 feet in width and 600 feet in length for Runway 6-24. Alternative 2B included a MALSF installed approximately at the new Runway 6 threshold. This alternative required Main Street to be relocated 1,200 feet to the northeast.

#### **5.1.4 Alternative 2D**

Alternative 2D shifted Runway 6-24 875 feet to the northeast with the abandonment of the pavement of the Runway 6 end and the construction of RSAs of 500 feet in width and 1,000 feet in length for Runway 6-24. Also, a MALSF was proposed with Alternative 2D. This alternative required Main Street to be relocated approximately 1,800 feet to the northeast.

#### **5.1.5 Alternative 2D-Modified**

Alternative 2D-Modified shifted the entire existing runway 875 feet to the northeast and established a 1,000-foot long by 500-foot wide graded RSAs at both ends of the new runway. This configuration required the closure of a portion of existing Main Street and creation of a new connection utilizing a segment of existing Sniffens Lane and new roadway around the end of the new RSA back to Main Street. As a result of the 1999 Final EIS/ROD, Alternative 2D-Modified was selected for final design and construction.

#### **5.1.6 No Action Alternative**

The No Action Alternative was defined as not reconstructing Runway 6-24, not providing standard RSAs, not repairing deteriorating pavement, and making no other substantial improvements.

### **5.2 WRITTEN RE-EVALUATION ALTERNATIVES**

Section 2 of this ROD summarizes the activities of the airport sponsor and other parties since the 1999 ROD was issued. Based on a number of circumstances, the airport sponsor developed a new alternative for consideration by the FAA. The new alternative utilized EMAS and was identified as Alternative 1G-Modified. The Written Re-evaluation retained two Alternatives for further study.

#### **5.2.1 Alternative 1G-Modified with Installation of EMAS**

New Alternative 1G-Modified is similar to the original Alternative 1G in the Final EIS. Alternative 1G – Modified includes a RSA that is 500-foot wide (250 feet on either side of the runway centerline) by 250-foot in length beyond the Runway 24 threshold. Alternative 1G-Modified varies from Alternative 1G in that it provides construction of the RSA for Runway 24 of 300 feet and not 250 feet (as did Alternative 1G). Alternative 1G-Modified includes the rehabilitation of pavement on Runway 6-24 and construction of a RSA that is 500 feet in width (250 feet on either side of the runway centerline) by 300 feet in length beyond the Runway 24 threshold with the installation of an EMAS (120 feet in width by 300 feet in length).

Alternative 1G-Modified includes an EMAS located in the RSA. An EMAS provides a crushable material in the RSA that allows an aircraft, unable to stop on the active runway, to gradually decrease its speed, and allow the aircraft to come to a stop without serious structural damage. EMAS offers runways with geographically constrained areas an opportunity to provide the acceptable level of safety as a conventional RSA would. FAA Advisory Circular 150/5220-22A, *Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns*, provides guidance on EMAS. Where it is not practicable to provide a typical Runway Safety Area, the FAA accepts alternative safety enhancements such as construction of

EMAS (discussing AC 150/5220-22A Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns).

According to FAA Advisory Circular 150/5220-22A, the resulting RSA with EMAS “must provide adequate protection for aircraft that touch down prior to the runway threshold (undershoot). Adequate protection is provided by either: (1) providing at least 600 feet (or the length of the standard runway safety area, whichever is less) between the runway threshold and the far end of the EMAS bed if the approach end of the runway has vertical guidance or (2) providing full length standard runway safety area when no vertical guidance is provided.” The FAA concluded in the 2009 RSA Determination that the majority of aircraft that utilize Runway 6 are in categories A and B and thus require a RSA 300 feet in length prior to the landing threshold or beyond the runway end.

Connected actions to this new design alternative include the following:

- Relocation of 2,150 feet of Main Street;
- Removal of the existing blast fence located off the Runway 24 threshold;
- Installation of new runway edge lights on Runway 6-24;
- Relocation of Runway End Identifier Lights;
- Relocation of the existing Visual Approach Slope Indicator (VASI) or replacement of the VASI with a Precision Approach Path Indicator;
- Construction of a new connector taxiway (35 feet in width by 330 feet in length) from Taxiway A to the new Runway 24 threshold and demolition of the existing connector taxiway from Taxiway A to the existing Runway intersection;
- Installation of new Airport security fence;
- Removal of an existing berm, tide gate, and culvert; and
- Construction of a turnaround at the Runway 6 threshold.

### **5.2.2 No Build Alternative**

The No Build Alternative was assessed consistent with Section 1502.14(d) of CEQ Regulations (40 CFR 1500-1508), which requires that the No Build Alternative be considered in all development projects. The No Build Alternative assumes that no alteration of the existing airfield configuration would occur other than routine maintenance and equipment upgrading. Therefore, with implementation of the No Build Alternative, no reconstruction of Runway 6-24 pavement would occur and no RSAs upgrades would occur to bring BDR into compliance (to the extent practicable) with application FAA design standards.

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## 6. SELECTED ALTERNATIVE

As required by the CEQ (40 CFR 1502.14(e)), a lead agency must identify its Preferred Alternative and must identify the environmentally preferable alternative (40 CFR 1505.2(b)) at the time of its decision. The environmentally preferable alternative is the alternative which best promotes the national environmental policies incorporated in Section 101 of NEPA. In general, this would be the alternative resulting in the least adverse impact to the human environment while still meeting the purpose and need, and which best protects natural and cultural resources.

FAA has completed the appropriate environmental review and the necessary steps in the NEPA process, including:

- Careful consideration of the alternatives and the ability of the alternatives to satisfy the identified purpose and need for the Proposed Project;
- Evaluation of the potential impacts of the alternatives carried forward, including the determination that the Preferred Alternative can be considered an environmentally preferable alternative; and
- Review and consideration of public testimony, comments submitted in response to the Written Re-evaluation, and coordination with Federal, state and local agencies.

The FAA received numerous written and public comments from agencies, elected officials, and individuals concerned with noise, safety, rare species, hazardous materials, and the possibility of larger or more aircraft operating at the airport. FAA considered these comments and provided responses in the Final Written Re-evaluation. FAA recognizes these concerns and has strived to mitigate and minimize the potential impacts. However, all studies indicate that there is a need for the Proposed Project, and the refinement of the Proposed Project has greatly reduced environmental impacts. With proposed mitigation in place, the Proposed Project will have no significant environmental effects.

FAA has identified the Preferred Alternative as Alternative 1G-Modified which meets the project's purpose and need and would provide FAA standard RSAs and improve the pavement structure of runway 6-24. The No Build Alternative does not meet the project's purpose and need because it would not include any safety improvements or improve the pavement structure of runway 6-24.

In accordance with 40 CFR 1505.2(b), the environmentally preferred alternative should be identified in the ROD. FAA also finds the Preferred Alternative 1G-Modified to be the environmentally preferable alternative and to be a feasible, reasonable, practicable, and prudent alternative to meet the purpose and need for improving safety.

Based on the foregoing information and the Written Re-evaluation, the FAA selects Alternative 1G-Modified as the Selected Alternative. This is also the Environmentally Preferable Alternative and the Sponsor's proposed action. The Selected Alternative, Alternative 1G-Modified, incorporates mitigation measures described in Section 4 of the Written Re-evaluation and Section 9 of this ROD. Having thus considered the policies set forth in 49 USC Sections 40104 and 47101, the ability of the available alternatives to meet the purpose and need, and the environmental impact of the alternatives, the approval



of the Selected Alternative signifies that the Proposed Project meets FAA standards for approval of the agency actions discussed in Section 3 of this ROD.

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## **7. PUBLIC AND AGENCY INVOLVEMENT**

The FAA conducted public outreach to obtain information relevant to the changes proposed in the Written Re-evaluation from interested parties including state, federal, and local agencies, communities and the public. A notice of availability for the draft document was published in the Federal Register on September 14, 2010. A notice was published in the local newspaper on September 12, 2010. Previous commenters on the 1999 EIS were notified by mail of the release of the Written Re-evaluation. The FAA conducted a public hearing on September 22, 2010. The FAA and City of Bridgeport engaged in coordination with various local, state and federal agencies throughout the process. Information related to the Proposed Project was available through public notifications and the City of Bridgeport website.

Relatively few comments were received on the draft document, reflecting the limited scope of the project. A total of twelve comment letters were received from the public. In addition, a total of twenty-nine individuals spoke at the public hearing held on September 22, 2010. A summary of these comments and FAA's responses were included in Appendix F of the final Written Re-Evaluation.

A notice of availability for the final Written Re-evaluation was published in the Federal Register on July 19, 2011. Copies of the final Written Re-evaluation were made available at the Bridgeport and Stratford Libraries and were distributed to persons and agencies who commented on the Draft Re-Evaluation document. A list of the agencies, organizations, and individuals to whom copies of the FEIS were sent is provided in Appendix B of the document.

The FAA received two comments from the US Environmental Protection Agency (EPA) on the final Written Re-evaluation. The EPA suggested the ROD require the use of "clean diesel technologies", to minimize construction emissions. The FAA carefully reviewed the "Model Contract Specifications" developed by the Northeast Diesel Collaborative, which were supplied by the EPA. Implementation of these construction emission controls could add considerable cost to a construction project (as much as \$10,000/vehicle). This could also severely limit the pool of qualified contractors. While the FAA is supportive of measures that would reduce construction emissions resulting from airport construction project, it is difficult to justify significant public investment when the federal air quality standards are currently being met. Contract specifications are generally tailored to applicable local and state laws. While the FAA cannot commit to implementing these additional requirements, we will work with the City of Bridgeport to provide appropriate incentives to contractors, so that additional construction emission benefits may be achieved.

The EPA also commented that soil sampling for hazardous waste should be coordinated with the EPA regional office. This comment was originally submitted in October 2010, but the sampling occurred in April 2010. Contractors consulted with EPA staff in September 2011, and agreed that any future sampling will be coordinated with the EPA.

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## 8. ENVIRONMENTAL IMPACTS, MITIGATION, AND PERMITTING

This section presents an assessment of the potential environmental impacts associated with Alternative 1G-Modified as well as the No Build Alternative. In addition, mitigation strategies are described to avoid and minimize the identified impacts, where appropriate.

The FEIS was prepared in accordance with FAA Order 1050.1D, *Policies and Procedures for Assessing Environmental Impacts*, and FAA Order 5050.4A, *Airport Environmental Handbook*. Since that time, FAA Order 1050.1D has been replaced with FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*, and FAA Order 5050.4A has been replaced with FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions* as supplemented by FAA's *Environmental Desk Reference for Airport Actions* (October 2007). The categories presented in the final Written Re-evaluation and this ROD reflects the relevant environmental disciplines contained in FAA Order 1050.1E.

The following resource categories were analyzed in the Written Re-evaluation and determined not to be affected by the proposed projects at BDR:

- Noise (See Written Re-evaluation, Section 3.3)
- Socioeconomic Impacts, Environmental Justice, and Children's Health and Safety Risks (See Written Re-evaluation, Section 3.2)
- Cumulative Impacts (See Written Re-evaluation, Section 4.8)
- Compatible Land Use (See Written Re-evaluation, Section 4.0.1)
- Department of Transportation Act: Section 4(f) (See Written Re-evaluation, Section 3.5)
- Historic, Architectural, Archaeological, and Cultural Resources (See Written Re-evaluation, Section 3.6)
- Farmlands (See Written Re-evaluation, Section 3.7)
- Fish, Wildlife, and Plants (See Written Re-evaluation, Section 3.13)
- Wild and Scenic Rivers (See Written Re-evaluation, Section 3.10)
- Light Emissions and Visual Impacts (See Written Re-evaluation, Section 4.0.1)
- Natural Resources and Energy Supply (See Written Re-evaluation, Section 4.0.1)

## 8.1

### AIR QUALITY

Historically, BDR has serviced a significant level of commercial service carriers for an airport its size, although currently most activity at the airport is classified as General Aviation (GA). Further, because the level of annual GA operations currently occurring at BDR is less than 180,000, no quantitative assessment of air quality is required by the NEPA per FAA Order 5050.4B.

In May 1999, Fairfield County was in severe non-attainment for ozone, and currently Fairfield County is in moderate non-attainment. The area was also in non-attainment for CO in 1999 and is now in attainment. It was classified as attainment for all other criteria pollutants in 1999. Fairfield County is currently in moderate non-attainment for 8-hr ozone, and non-attainment for particulate matter (both the annual PM 2.5 and 24-hour PM 2.5 standards). See Section 3.4 and Appendix C of the Final Written Re-evaluation for the complete air quality analysis.

Construction of the RSAs at BDR would involve temporary emissions from construction equipment, asphalt paving, and the generation of fugitive dust during land clearing and pavement demolition. The total project-related emissions of CO are well below the applicable de minimis thresholds for CO maintenance areas as identified in the Written Re-evaluation, Section 4.1 and Appendix C. VOC and NO<sub>x</sub> emissions are also well below the applicable de minimis thresholds for “moderate” O<sub>3</sub> non-attainment area, signifying that project emissions do not interfere with the air quality goals of the area’s O<sub>3</sub> SIP, and that the project is therefore considered a de minimis action.

In addition, because the Connecticut Department of Environmental Protection (CTDEP) evaluates emissions of PM<sub>2.5</sub> precursors NO<sub>x</sub> and SO<sub>2</sub> in addition to directly emitted PM<sub>2.5</sub> in their PM<sub>2.5</sub> Attainment Demonstration SIP, the project emissions are also compared against the applicable PM<sub>2.5</sub> de minimis thresholds for these pollutants. Project-related emissions of NO<sub>x</sub>, SO<sub>2</sub> and directly emitted PM<sub>2.5</sub> are well below the applicable de minimis thresholds. Accordingly, the project is considered a de minimis action and conforms to the area’s PM<sub>2.5</sub> SIP.

Notably, in revisions to the General Conformity regulations finalized in April 2010, EPA removed the regional significance test from the applicability requirements of the General Conformity Rule. Hence, no regional significance analysis was conducted on the project-related construction emissions. However, it is not expected that these emissions would constitute greater than ten percent of the regional emissions budget in either applicable SIP, the criteria for regional significance under the previous regulations.

#### 8.1.1

#### Mitigation Measures

Although the improvements to BDR are considered de minimis actions with respect to the General Conformity Regulations and no emissions mitigation is required to demonstrate conformity with area air quality plans, the following mitigation measures are to be implemented to reduce the overall air quality impacts expected to occur:

- Reduce equipment idling times;
- Use cleaner burning or low emissions fuels in construction equipment;

- Encourage employee carpooling;
- Limit construction activities when atmospheric conditions are conducive to O<sub>3</sub> formation (i.e. “high ozone days”);
- Limit construction activities during high wind events to prevent dust generation;
- Utilize warm-mix asphalt during paving operations;
- Water or apply dust suppressants to unpaved areas regularly;
- Cover materials stockpiles;
- Install pads to deter track-out as vehicles enter and leave the work site; and
- Reduce vehicle speeds on unpaved roads.

The FAA received two comments from the US Environmental Protection Agency (EPA) on the final Written Re-evaluation one of which related to reducing emissions which were responded to in Section 7 of this ROD.

### **8.1.2 Transportation Conformity**

Installation of the Runway 24 RSA requires the relocation of a portion of Main Street bordering the Airport property. Accordingly, because the action shall occur in a non-attainment area, the relocation could be subject to the CAA’s Transportation Conformity Rule. The Rule states that Transportation Conformity is not applicable to individual projects that are not Federal Highway Administration (FHWA) or Federal Transit Authority (FTA) projects unless they are considered “regionally significant” for the purpose of regional emissions analysis. The project is not “regionally significant.”

## **8.2 WATER RESOURCES**

Based on the existing surface and ground water quality classifications within the project area, it is not anticipated that the project would have negative impacts to surface or ground water quality. The removal of the tide gate structure and culvert at the head of the marine basin is being proposed by the City of Bridgeport as a separate project in response to a CTDEP Notice of Violation (NOV). The re-establishment of tidal flow as a result of the removal of the culvert and tide gate structure would likely improve water quality in the wetlands with restricted tidal action due to more regular flushing of those wetlands.

The proposed drainage system for this project would be a combination of vegetative swales, closed drainage systems, and overland sheet flow. This runoff ultimately would drain to the Marine Basin. There are two proposed 12:1 – 2:1 rounded bottom swales on either side of the RSA. Both of these swales flow easterly into the roadside swale that runs along the west side of the roadway.

The realignment of State Route 113 project will incorporate primary (infiltration basins, water quality swales) and secondary stormwater treatment practices (dry detention ponds, grass drainage channels,

catch basins). The proposed roadway profile low point (Elev. 7.3) would be raised approximately 1.5 feet above the existing low point of the roadway profile (Elev. 5.8), which would help to reduce the frequency of roadway flooding in this area.

As a result of the proposed drainage improvements and inclusion of primary and secondary stormwater treatment practices consistent with the 2004 CT Stormwater Quality Manual, it is anticipated that the quality of stormwater would slightly improve. In addition, the separate projects to correct the two CTDEP NOVs (1. culvert replacement under the driveway and 2. removal of the culvert and tide gate structure at the head of the tidal lagoon) would also improve stormwater drainage and flow in the project area.

### **8.2.1 Permitting and Mitigation Measures**

Permits and mitigation measures related to water resources is included in Section 8.5.1 of this ROD under the discussion of wetlands.

## **8.3 FLOODPLAINS**

Since the majority of the proposed activities occur within floodplain areas, there would be both temporary and permanent impacts below the 100-year floodplain elevation. Floodplain impacts would include permanent placement of fill materials to raise the elevation of Main Street within the proposed realignment section and small areas of fill associated with light post foundations for the Runway 24 project. Temporary fill may also be required for the construction of Main Street to facilitate construction vehicle access and for maintenance and protection of traffic. The existing section of Main Street will also be removed. Floodplain fill will not result in increased depth, duration, or lateral extent of flooding. Up to 14,000 cubic yards of fill may be added to the floodplain, to build the relocated roadway section so that it will not flood as frequently as it presently does. Floodplain mitigation will be specified in the permitting process, which follows this decision.

### **8.3.1 Permitting and Mitigation Measures**

Work associated with the proposed activities at the Airport would be almost entirely located within the 100-year floodplain limits on the site. Coordination with the appropriate regulatory agencies early on has been ongoing and will continue during the design and permitting process. This process has been important to help to identify potential priority issues that will be addressed during acquisition of environmental permits and approvals relating to work within the floodplain. Further efforts to minimize and/or avoid impacts to floodplains will occur during the final design of the project. Relocated Main Street will be designed to follow applicable federal and local policies for floodplains including that the roadway will be designed such that flood levels downstream of the project do not increase.

Since state funding is involved with these projects, a Flood Management Certification (FMC) from the CTDEP would be required for both projects. This program requires approval of a certification for all State actions in or affecting floodplains or natural or man-made storm drainage facilities. Approval is predicated on whether the proposed activity:

- Is consistent with state standards and criteria for preventing flood hazards to human life, health or property and with the provisions of the National Flood Insurance Program (NFIP) and municipal floodplain regulations;
- Does not adversely affect fish populations or fish passage; and,
- Does not promote intensive use and development of flood prone areas.

Based on early coordination and analysis, it is anticipated that there will be minimum to no adverse impacts to human health or property, fish populations or passage, or promotion of development in flood prone areas. In fact, correction of the NOVs would likely improve fish populations and passage. Work has been coordinated with the FWS and the NMFS (see Final Written Reevaluation, Appendix B) including, the FWS letter dated January 16, 2010 and the NMFS Letter dated January 22, 2010. In addition, an Essential Fish Habitat Assessment was submitted to the NMFS in August and revised in November 2010. The project will increase and improve the existing habitat. Removing the tide gate and berm, and replacing the culverts under the road and driveway will increase tidal flow and restore the tidal ditch. Floodplain mitigation will be specified in the permitting process, which follows this decision.

#### **8.4 COASTAL RESOURCES**

Coastal resources in the vicinity of the relocated portion of Main Street and proposed RSA include tidal wetlands as well as coastal flood hazard areas. Tidal wetlands in the project area were formally delineated, surveyed, and mapped in 2009 and 2010 for this proposed project and for disclosure purposes. As the project advances into the permitting stage, more detailed investigations will be conducted to gain a better understanding of the exact tidal wetland vegetation impacts and the need for and type of mitigation required.

The airport sponsor is required to comply with the regulations set forth in the Coastal Zone Management Act of 1972 (CZMA), as amended through Public Law (PL) 104-105, the Coastal Zone Protection Act of 1996, and the provisions of the Connecticut Coastal Management Act (CCMA), sections 22a-90 through 22a-112. The CZMA requires that each state with coastal boundaries establish a Coastal Zone Management Program (CZMP), which in Connecticut, is administered by the CTDEP - Office of Long Island Sound Programs (OLISP). All follow on actions subsequent to this ROD approval, relating to coastal resources, are the responsibility of the airport sponsor.

The entire Airport is located within Connecticut's coastal boundary as defined by section 22a-94 of the CGS. Connecticut has a two-tiered coastal zone. The first tier "Coastal Boundary" generally extends inland 1,000 feet from the shore. It is bounded by a continuous line delineated by a 1,000-foot linear setback measured from the mean high tide water mark in coastal waters; or a 1,000-foot linear setback measured from the inland boundary of state regulated tidal wetlands; or the continuous interior contour elevation of the one hundred year frequency coastal flood zone; whichever is farthest inland. The second tier "Coastal Area" includes all of the state's thirty six coastal municipalities.

The CZMP identifies all of the project area within the Coastal Boundary as established by the CGS Section 22a-90 through 22a-112 9.

The project area contains multiple coastal resources, including tidal wetlands and coastal flood hazard areas (CFHA). A CFHA is statutorily defined as, “those land areas inundated during coastal storm events or subject to erosion induced by such events...” In general, CFHAs include, “all areas designated as within A-zones and V-zones by the FEMA. A-zones are subject to still-water flooding during 100-year flood events and V-zones are subject to direct action by waves three feet or more in height.” Only CFHA A-zones are found within the study area.

Other coastal features in the study area include Marine Basin, a tidal inlet bounded on its western end by a man-made earthen berm with an obsolete tide-gate structure. Two tidal creeks flow inland from Marine Basin. One flows in a northwesterly direction through a constricted culvert under a gravel residential driveway. This creek terminates in a small tidal wetland area located just south of the SAEP located on the corner of Main Street and Sniffens Lane. The second tidal creek flows in a westerly direction through a culvert under Main Street and terminates in a tidal wetland area located just inside (west of) the airport fence. There are no shellfish beds in the immediate vicinity of the study area and shellfishing is actually prohibited within Marine Basin.

#### **8.4.1 Permitting and Mitigation Measures**

The proposed projects are subject to the provisions of the Connecticut Coastal Management Act (CCMA), sections 22a-90 through 22a-112 and any activities at or waterward of the high tide line and/or in tidal wetlands would require permits from the CTDEP – Office of Long Island Sound Program (OLISP) in accordance with Connecticut General Statutes (CGS) sections 22a-361 and 22a-32, respectively.

Consistency with the CCMA will be addressed for the project as part of the tidal wetlands permit application. Consistency is derived based on a detailed assessment of the project’s impact on the coastal use policies associated with each of the coastal resources located within the project study area.

#### **8.5 WETLANDS**

There would be both permanent and temporary impact to wetland resources within the project area. Exhibit 4.5-1 of the final Written Re-evaluation lists many different construction features, and all but two features, will be included in either the Rehabilitate Runway 6-24 Project or the Realignment of Main Street State Project 15-336. The removal of the berm and tide gate, and the replacement of the driveway culvert, will be separate projects constructed by the City, and performed in accordance with CTDEP Certificates of Permission that are being applied for in response to NOV’s issued by CT DEP. Exhibit 4.5-1 and Table 4.5-1 show these two projects separately. The CTDOT requested that the berm and tide gate project be constructed by the City of Bridgeport, separate from State Project 15-336. The City of Bridgeport recommended that the driveway culvert replacement project be constructed separately by the City, separate from State Project 15-336 to allow for a timely response and resolution of NOV issues, and this also received concurrence by CTDOT.

The tidal wetland resource impacts estimated for State Project 15-336 are based on the September 2009 Revised Semi-Final Plans submission. An updated stormwater drainage design submission is being prepared by URS Corporation for submission to CTDOT for review and approval.

The wetland resource impacts for the Runway 6-24 project is estimated to be 0.18 acres of tidal wetlands and 0.13 acres of inland wetlands, based on preliminary plans. The wetland resource impacts for the driveway culvert replacement, and the berm and tide gate removal is estimated to be 0.15 acres of tidal wetlands, from plans being prepared in conjunction with Certificates of Permission applications to CTDEP.

### **8.5.1 Permitting and Mitigation Measures**

#### **Permitting**

Work associated with the proposed activities at the Airport would be partially located within regulated resource areas including tidal wetlands and potentially inland wetlands and upland review areas. As a result, it is imperative that coordination with the appropriate regulatory agencies begins early on in the design and permitting process. Early coordination with the regulatory agencies will help to identify potential priority issues which may affect acquisition of environmental permits and approvals.

Federal jurisdictional tidal wetlands and inland wetlands are regulated by the US Army Corps of Engineers (COE). The Town of Stratford regulates state jurisdiction inland wetlands, and activities within the 100 feet of the inland wetland boundary. Based on the anticipated impacts, Federal, state and local permits and approvals will likely be required, as listed below:

#### **Runway 6-24 Rehabilitation Project**

- COE Section 10 and Section 404 Programmatic General Permit
- CTDEP IWRD Section 401 Water Quality Certification
- CTDEP IWRD Flood Management Certification
- CTDEP IWRD General Permit Registration Form for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities
- Town of Stratford Inland Wetlands and Watercourses Permit

#### **Realignment of CT Route 113 (State Project No.15-336)**

- COE Section 10 and Section 404 Programmatic General Permit
- CTDEP IWRD Section 401 Water Quality Certification
- CTDEP OLISP Structures and Dredging / Tidal Wetlands Permit
- CTDEP IWRD Flood Management Certification
- CTDEP IWRD General Permit Registration Form for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

Note that approval of the OLISP permits listed above will be reviewed by CTDEP in coordination with OLISP Certificates of Permission to correct two CTDEP NOV's that have been issued to the City of Bridgeport (and other property owners). One violation was issued for an unauthorized culvert and tide gate structure located on-site at the head of the tidal lagoon. Removal of the berm would eliminate the problem of poor tidal exchange between the marine basin and the upstream tidal creeks and result in a permanent gain in tidal wetland area. The schedule for construction of the tide gate and berm removal project will be coordinated with the State Project 15-336, Realignment of Route 113 Main Street.

The second violation concerns an existing 24-inch culvert under an unpaved driveway to three residences that has been filled and thereby results in restriction of tidal flushing to an upstream creek area. The



replacement of the existing 24-inch CMP culvert with a 24-inch RCP culvert and flared concrete end sections is proposed. Removal of excess roadway material that has entered the adjacent tidal wetland due to driveway maintenance will also be corrected. This improvement will correct the restricted tidal flushing to the upstream tidal creek area, and is currently planned to be constructed by the City in advance of State Project 15-336 Realignment of Route 113 Main Street.

### **Mitigation**

Compensatory wetland mitigation will likely include several methods to achieve full compensation. The mitigation strategy could include wetland creation, restoration, enhancement, preservation, or a combination of these methods. The location, size and type of compensatory mitigation would be based on multiple factors, including, but not limited to:

- Type and quantity of the wetlands impacted;
- Quality and functions and values of the wetlands impacted;
- Type and quantity of wetland required for compensation; and
- Available land for compensation.

The COE Highway Methodology will be used as a guidance document for development of the mitigation plan. This document sets forth a process by which compensatory mitigation is established based on the characteristics of existing wetlands, the impacts to wetland functions and values, and finally a collaborative effort between the regulatory agencies and the applicant to determine the mitigation efforts required for full compensation of impacts.

Based on preliminary coordination at a site walk with OLISP, potential mitigation opportunities were identified on site south of the existing marine basin to the east of the Airport. It is anticipated that most, if not all, mitigation will be possible on-site. Mitigation plans will be developed in detail upon further review with CTDOT and CTDEP during pre-application meetings, site visits, and throughout the final design review process with CTDOT. Additional mitigation options include improving quality of wetlands along the tidal ditch between the berm and the Main Street cross culvert by removing chunks of reinforced concrete and other debris along the banks of the ditch. Other options include grading and establishing additional wetland vegetation along tidal ditches within the project limits. There are many opportunities for mitigation on the project site, including site/watercourse cleanup and plantings. The Airport will work with the CTDOT and CT DEP/OLISP to implement satisfactory mitigation measures during the permit process.

## **8.6 HAZARDOUS WASTE, POLLUTION PREVENTION, AND SOLID WASTE**

### **Hazardous Materials**

The proposed project has the potential to encounter, disturb and generate contaminated soil, toxic (or hazardous) soil/waste and possibly contaminated groundwater. This conclusion is based on the results of the Subsurface Investigation conducted on a portion of the study area. A portion of the project area is identified as a portion of the Raymark Waste National Priorities List (NPL) (Superfund) site. Information provided by the US EPA Raymark Superfund Remedial Project Manager indicated that there is no formal approval or permit process necessary for the proposed roadway construction activities within the NPL

areas. CTDEP indicated that the study area may be subject to the Connecticut Property Transfer Law a/k/a the Property Transfer Act (PTA) due to the presence of hazardous waste and that the portion of the Raymark Waste site would require remediation in accordance with the CT DEP RSRs. However, since that time, the City of Bridgeport has indicated that in accordance with CGS 22a-134(1)(M), the transfer of the FAA land to the City of Bridgeport would be exempt from the PTA for several reasons: there is no indication that the portion of land has been used for anything other than a parking lot; no hazardous waste has been generated since November 18, 1980; there is no indication that there has been any discharge of hazardous waste on the portion of land; and the contaminants detected are generally associated with asphalt.

Based upon the review by the City of Bridgeport's outside legal counsel, the presence of PCBs in the site soils does not meet the definition of PCB Remediation Waste found in 40 CFR 761.3 and would not require investigation or remediation. Excess contaminated soil, hazardous soil/waste and/or contaminated groundwater generated during construction activities will require proper off-site disposal.

### **Solid Waste**

Construction wastes associated with the proposed project are expected to be typical of those normally generated by land clearing, earthwork, roadway construction, and paving projects. These wastes may include, but not be limited to, demolition waste such as concrete; site clearing debris such as vegetation; and wastes generated by construction workers. Based on the known fill material present with portions of the study area, solid waste consisting of demolition debris, concrete asphalt, wood, etc. may be generated during construction activities. Excavated solid waste will require off-site disposal in accordance with Connecticut Solid Waste Regulations.

## **8.7 CONSTRUCTION IMPACTS**

For the Build Alternative, mitigation measures would be implemented to reduce or avoid potentially significant impacts from construction, which would reduce the impacts below their thresholds of significance. However, there would be unavoidable temporary construction impacts on air quality, equipment noise, and water quality. The No Build Alternative includes no construction activities and would, therefore, result in no construction impacts.

### **Air Quality**

Fugitive dust emissions from construction activities and equipment would occur with the implementation of the Build Alternative. However, contractors would exercise required fugitive dust control measures to reduce dust during the construction phases. An air quality emission inventory for the construction period of the proposed actions indicated that the construction-related emissions would be well below the de minimis thresholds during construction.

### **Equipment Noise**

Noise from equipment and related activities on the site would be regulated through development of a construction noise specification to minimize exposure outside of the construction area.

### **Water Quality**

All construction-related water quality impacts from implementation of any of the proposed projects would be temporary and indirect, and would result from the removal of vegetation and grading activities and the

operation of earth-moving equipment. These temporary and indirect water quality impacts would likely result from soil erosion/sedimentation and the introduction of pollutants from construction machinery. Potential temporary water degradation due to erosion and sedimentation would be mitigated through the utilization of appropriate Best Management Practices BMPs and containment devices, such as silt fences. Appropriate erosion and sediment control plans will be prepared prior to construction for review and approval by appropriate regulatory agencies.

### **Solid Waste**

Excavated solid waste will require off-site disposal in accordance with Connecticut Solid Waste Regulations.

## **8.8 CUMULATIVE IMPACTS**

Under NEPA (40 CFR Part 1508.7), cumulative impacts are defined as "...the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." The analysis of cumulative impacts for each affected resource examined whether the incremental effect of the Proposed Project would cause the cumulative effect to exceed any regulatory threshold or threshold of significant adverse effect, or affect the structure or function of the human community within the Study Area. The Proposed Project was analyzed in conjunction with recent or anticipated airport-related projects and would not adversely affect the natural, built, or social environment. The combination of the proposed action's impacts with other impacts would not result in a serious deterioration of environmental functions or exceed applicable significant thresholds.

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## **9. AGENCY FINDINGS**

In accordance with applicable law, the FAA makes the following determinations for this Project, based on appropriate information and analyses contained in the Written Re-evaluation, FEIS and other portions of the EIS Record.

Based on the review of the Written Re-evaluation and the FEIS, the FAA has determined that the preparation of a new EIS is not necessary. This determination is made based on a review of FAA Order 1050.1E, paragraph 515, and the FAA has concluded that:

### **9.1 The proposed action conforms to plans or projects for which a prior EIS has been filed and there are no substantial changes in the proposed action that are relevant to environmental concerns.**

In the 1999 ROD, FAA approved the sponsor's proposed action which included a shift of Runway 6-24 700 feet to the northeast; construction of a 1,000-foot RSA for Runway 24; construction of an 800-foot RSA for Runway 6; relocation of Main Street (Route 113); installation of a MALSF; and rehabilitation of pavement of Runway 6-24. Since then, due to a variety of circumstances identified in Section 1, a new sponsor proposed action or project was identified. The Written Re-evaluation analyzed the proposed project that was reduced in scope from the 1999 EIS and only included construction of a RSA that is 500

feet in width (250 feet on either side of the runway centerline) by 300 feet in length beyond the Runway 24 threshold with the installation of an EMAS (120 feet in width by 300 feet in length); and rehabilitation of pavement on Runway 6-24.

The original project scope was reduced since it no longer included an extension (or shift) to Runway 6-24 or installation of an approach lighting systems (MALSFs). The FAA has considered the proposed change to the previously approved action, and finds that as a result of the reduction in scope of the new proposed action the permanent environmental impacts are less those approved in the 1999 FEIS/ROD. That prior decision approved just below three acres of wetland impacts. This ROD approves less than half an acre of wetland impacts. The FAA has determined that there are no new significant environmental consequences resulting from the proposed project analyzed and identified in the Written Re-evaluation and this ROD. The FAA concludes that the proposed action (Selected Alternative) conforms to plans or projects for which the prior 1999 EIS has been filed and there are no substantial changes in the proposed action that are relevant to environmental concerns.

**9.2 Data and analyses contained in the previous EIS are still substantially valid and there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.**

Based on the information contained in the Written Re-evaluation and this ROD for the proposed project, data and analysis contained in the 1999 FEIS remain substantially valid. The 1999 FEIS continues to provide accurate, applicable, and valid information for the pending agency actions.

**9.3 Pertinent conditions and requirements (all) of the prior approval have, or will be, met in the current action.**

The 1999 ROD was approved with conditions that remain valid, except for those eliminated as a result of the modifications and reduction of the scope of the proposed project. The Written Re-evaluation and this ROD summarize and identify conditions that include compliance by the Airport Sponsor with applicable resource permits and implementation of mitigation measures outlined in this ROD to address environmental consequences of implementing the Selected Alternative. FAA is satisfied that the required mitigation will be implemented.

The Written Re-evaluation confirms that the contents of the previously prepared 1999 environmental documents remain valid and that there are no significant changes that require the preparation of a supplement or new EIS. This determination is based in part on a review of new information obtained and analyzed in the Written Re-evaluation and this ROD, including consideration of comments, and a review of the FEIS.

This ROD provides the environmental approval needed under 49 USC 47106 and 47107 for issuance of grant-in-aid funding by the FAA that the Airport Sponsor may apply for to complete the proposed project. There are numerous findings and determinations prescribed by statute and regulation that must be made by the FAA as preconditions to agency approvals of airport project funding grant applications. Any grant-in-aid or approval would also reflect appropriate statutory and regulatory assurances and other terms and conditions for FAA's action. This ROD provides the basis to proceed with making those findings and determinations. In the absence of an application from the Sponsor, it would be premature to consider the

basis for funding at this time. The agency will make any necessary funding determinations in conjunction with its consideration of appropriate applications (and availability of funding).

**9.4 The Project is reasonably consistent with existing plans of public agencies for development of areas surrounding the airport (49 USC 47106(a) (1)), and Executive Order 12372.**

The FAA finds that the proposed action is reasonably consistent with the existing plans of public agencies authorized by the state in the area in which the airport is located to plan for the development of the area surrounding the airport, and will contribute to the purposes of the 49 USC 47101 et seq. The proposed project is also reasonably consistent with comprehensive plans that have been adopted by municipalities in the vicinity of the airport. The proposed project is also included in the Greater Bridgeport Regional Planning Agency, April 2011, draft report entitled "Regional Transportation Plan for the Greater Bridgeport Planning Region 2011 - 2040". The Greater Bridgeport Regional Planning Agency (GBRPA ) is a multi-disciplinary, regional planning organization with six member communities centered on the City of Bridgeport. The comments from the Town of Stratford have been noted and were considered and addressed in the final Written Re-evaluation. During the development of the Written Reevaluation the planning department of the Town of Stratford was consulted. In addition, the Town of Stratford's comprehensive plan, *Update to Town Plan of Conservation and Development* (December 2003) was reviewed. The FAA has recognizes the fact that none of these jurisdictions have regulatory authority over airport operations, since long-established doctrines of Federal preemption preclude these communities from regulating aircraft operations conducted at BDR.

**9.5 The interest of the communities in or near where the Project may be located was given fair consideration (49 USC 47106(b) (2)).**

The determination prescribed by this statutory provision is a precondition to agency approval of airport development and funding applications. The Written Re-evaluation and EIS process associated with the Proposed Project provided numerous opportunities for the expression of and response to issues put forward by communities near the Project location. Nearby communities and their residents have had numerous opportunities to express their views throughout the NEPA review process, at a public hearing, as well as during the review following public issuance of the FEIS. The FAA's consideration of these comments is set forth in Chapter 1 and Appendices B, C, and D of the FEIS, and in Attachment A of this ROD. Thus, the FAA has determined that throughout the environmental process, consideration was given to the interest of communities in or near the Project location.

**9.6 Appropriate action, including the adoption of zoning laws, has been or will be taken as reasonable to restrict the land use next to or near the airport to uses that are compatible with airport operations (49 USC Section 47107(a)(10)).**

The Sponsor assurance prescribed by this statutory provision is a precondition of the approval of airport development Project funding applications. The FAA requires satisfactory assurances that appropriate action, including the adoption of zoning laws be taken to restrict, to the extent reasonable, the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. As explained in the Written Re-evaluation and FEIS, development of the Project will not result in any significant impacts on non-compatible land uses. Based on the Written Re-evaluation and EIS Record for this ROD, the FAA has concluded that existing

noise mitigation programs provide for appropriate action to ensure compatible land use in the airport vicinity.

**9.7 The Proposed Project conforms to the Avoidance, Minimization and/or Compensation of Harm to Wetlands in Accordance with Executive Order 11990 and the Clean Water Act.**

This Executive Order requires all Federal Agencies to avoid providing assistance for new construction located in wetlands, unless there is no practicable alternative to such construction, and all practicable measures to prevent harm to wetlands are included in the action. As described in the Written Re-evaluation and FEIS, constructing the RSAs would directly impact up to 0.36 acres of vegetated wetlands. Additional mitigation measures to minimize indirect impacts to waterways and water quality during construction have been developed and are described in Chapter 4.

The FAA finds that there is no practicable alternative to the Preferred Alternative's proposed 0.36 acres of fill in vegetated wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. This Project is in compliance with Executive Order 11990, as amended. The Project's mitigation plan includes all practicable measures to minimize harm to wetlands that may result from such use. The U.S. Army Corps of Engineers did not provide comments on the Written Re-evaluation.

**9.8 For any use of lands with publicly owned parks, recreation areas, national wildlife refuges, or significant historic sites, there is no prudent and feasible alternative to using the land; the Proposed Project includes all possible planning to minimize harm to structures from land use (49 USC Section 303 (c) and Section 106, National Historic Preservation Act)**

The Proposed Project would not result in direct or indirect impacts to publicly-owned parks, recreation areas, national wildlife refuges, or significant historic sites. The Proposed Project would not have significant adverse impacts on historic properties. The FAA has consulted with the Connecticut SHPO, who provided no comment on this finding.

Correspondence, including a copy of the Draft and Final Written Re-evaluation, was sent to the Mashantucket Pequot Tribal Historic Preservation Office (THPO) in 2010 and 2011. The THPO responded in April 2011: "I have reviewed the Final Written Re-evaluation For The Environmental Impact Statement, submitted by URS Corporation. The research design and testing strategy meets acceptable professional standards, and I agree with the recommendations and conclusions."

Based on the analyses presented Written Re-evaluation and in the FEIS and information in the EIS Record, the FAA finds that there is no physical or constructive use of any resource protected by 49 USC Section 303 (c) or Section 106 and that no mitigation measures are warranted.

**9.9 There are no Disproportionate Adverse Environmental Effects of the Project on Minority and/or Low-Income Populations (Executive Order 12989) or Disproportionate Environmental Health and Safety Risks for Children (Executive Order 13045).**

As documented in the FEIS and Written Re-evaluation (Sections 3.2 and 4.0.1), Children, minority or low-income groups would not be disproportionately affected by the impacts occurring as a result of the Proposed Project.

**9.10 For this Project, which involves encroachment on a floodplain, there is no practicable alternative to development of the Preferred Alternative. The Proposed Action conforms to all applicable State and/or local Floodplain protection standards (Executive Order 11988).**

Executive Order 11988 establishes a policy to avoid construction within a 100-year floodplain where practicable, and where avoidance is not practicable, to ensure that the construction design minimizes potential harm to or within the floodplain. U.S. Department of Transportation Order 5650.2, Floodplain Management and Protection, contains the Department's implementing procedures to fulfill the requirements of the Executive Order.

As described in Section 4.3 of the Final Written Reevaluation, the proposed project in the associated project area is within the 100-year floodplain. The alternatives analysis has determined that avoidance of work within the 100-year floodplain is not practicable, since the project is fixed by function to occur within the 100-year floodplain. Up to 14,000 cubic yards of fill may be added to the floodplain, to build the relocated roadway section so that it will not flood as frequently as it presently does. The final project design for the Preferred Alternative/Selected Alternative will comply with all permit and mitigation requirements to ensure that additional impacts to the 100-year floodplain are either avoided or minimized. For the impacts that are not avoided, the final design will mitigate these potential floodplain impacts to ensure that they will not result in increased depth, duration, or lateral extent of flooding. The project's final design will follow applicable federal, state, and/or local floodplain regulations. Floodplain mitigation will be specified in the permitting process, which follows this decision.

FAA conditions its approval of this project on the sponsor's compliance with any mitigation measures included in this permitting process and will require compliance as a special condition for the grants issued to fund this project. There are no practicable alternatives to the Preferred Alternative/Selected Alternative and the project can be designed and constructed without increasing the risk to property and human health from flooding. Therefore, FAA finds that the proposed project will result in encroachment but not significant encroachment in the 100-year floodplain.

In terms of fishery impacts in the flood plain, coordination with the National Marine Fisheries Service (NMFS) has indicated that particular attention should be focused on the winter flounder habitat. An Essential Fish Habitat (EFH) Assessment was submitted to the NMFS. The EFH Assessment stated that the only impact to the marine basin would occur during the removal of the tide gate at the head of the tidal ditch. The removal of the culvert and tide gate is not associated with either the reconstruction of Runway 6-24 or the re-alignment of Main Street, but rather is being proposed in response to a CTDEP NOV stating that the unauthorized culvert and tide gate structures are in poor condition and have resulted in poor tidal exchange between the tidal lagoon and the upstream creeks. In order to minimize any impact on potential fisheries habitat, BMPs would be implemented during the culvert and tide gate removal, including siltation controls and mitigation including compatible plantings on disturbed areas. This work would occur during times outside normal fish spawning periods and all work would be coordinated with the NMFS. Thus, no fisheries impacts are anticipated. (See also discussion in Section 9.1(12))

**9.11 The Proposed Project will conform to the SIP in accordance with Section 176 of the Clean Air Act Amendments (42 USC Section 7506(c)).**

The air quality analysis showed that the Proposed Project would have no effect on air quality. While temporary, short-term increases in emission levels will occur due to construction activities for the Proposed Project, the Project itself is not expected to increase operations at the Airport, change traffic patterns or increase traffic congestion, or have any other long-term effects on air quality. Therefore, the Proposed Project would not require any further general conformity analysis under the Clean Air Act.

Construction of the RSAs at BDR would involve temporary emissions from construction equipment, asphalt paving, and the generation of fugitive dust during land clearing and pavement demolition. The total project-related emissions of CO are well below the applicable de minimis thresholds for CO maintenance areas as identified in the Written Re-evaluation, Section 4.1 and Appendix C. VOC and NO<sub>x</sub> emissions are also well below the applicable de minimis thresholds for “moderate” O<sub>3</sub> non-attainment area, signifying that project emissions do not interfere with the air quality goals of the area’s O<sub>3</sub> SIP, and that the project is therefore considered a de minimis action.

In addition, because the Connecticut Department of Environmental Protection (CTDEP) evaluates emissions of PM<sub>2.5</sub> precursors NO<sub>x</sub> and SO<sub>2</sub> in addition to directly emitted PM<sub>2.5</sub> in their PM<sub>2.5</sub> Attainment Demonstration SIP, the project emissions are also compared against the applicable PM<sub>2.5</sub> de minimis thresholds for these pollutants. Project-related emissions of NO<sub>x</sub>, SO<sub>2</sub> and directly emitted PM<sub>2.5</sub> are well below the applicable de minimis thresholds. Accordingly, the project is considered a de minimis action and conforms to the area’s PM<sub>2.5</sub> SIP.

Notably, in revisions to the General Conformity regulations finalized in April 2010, EPA removed the regional significance test from the applicability requirements of the General Conformity Rule. Hence, no regional significance analysis was conducted on the project-related construction emissions. However, it is not expected that these emissions would constitute greater than ten percent of the regional emissions budget in either applicable SIP, the criteria for regional significance under the previous regulations.

Based on the air quality analysis, the FAA finds that the Proposed Project will not:

- Cause or contribute to any new violation of any standard in any area;
- Interfere with provisions in the applicable implementation plan for maintenance of any standard;
- Increase the frequency or severity of any existing violation of any standard in any area; and
- Delay timely attainment of any standard or any required interim emissions reductions or other milestones in any area including, where applicable, emission levels specified in the applicable implementation plan for purposes of a demonstration of reasonable further progress, a demonstration of attainment, and a maintenance plan.

**9.12 The implementation of the Proposed Project will not harm species protected by the Endangered Species Act (Endangered Species Act of 1974, USC 1531, as amended).**



To comply with Section 7(c) of the Endangered Species Act of 1974 (ESA) as amended, agencies overseeing Federally funded projects are required to obtain from USFWS information concerning any species, listed or proposed to be listed, as may be present in the area of concern.

The US Fish and Wildlife Service (FWS) indicated that piping plovers consistently nest in the vicinity of the project area. However, since the revised alternative would not include installation of MALSFs, the piping plovers would not be impacted by the increased light levels. No other federally-listed or proposed threatened or endangered species under the jurisdiction of the FWS are known to occur in the vicinity of the project area.

According to the CTDEP Natural Diversity Data Base, numerous records of populations of species listed by the State, pursuant to section 26-306 of the CGS, as endangered, threatened or special concern are within the vicinity of the Airport (see Written Re-evaluation **Appendix B**). However, the proposed improvements are not anticipated to impact any of these species. According to recent coordination, CTDEP will review the Final Written Re-evaluation and provide additional comment, if necessary (see Written Re-evaluation **Appendix B**).

Coordination with the National Marine Fisheries Service (NMFS) has indicated that particular attention should be focused on the winter flounder habitat. An Essential Fish Habitat (EFH) Assessment was submitted to the NMFS. The EFH Assessment stated that the only impact to the marine basin would occur during the removal of the tide gate at the head of the tidal ditch. The removal of the culvert and tide gate is not associated with either the reconstruction of Runway 6-24 or the re-alignment of Main Street, but rather is being proposed in response to a CTDEP NOV stating that the unauthorized culvert and tide gate structures are in poor condition and have resulted in poor tidal exchange between the tidal lagoon and the upstream creeks. In order to minimize any impact on potential fisheries habitat, BMPs would be implemented during the culvert and tide gate removal, including siltation controls and mitigation including compatible plantings on disturbed areas. This work would occur during times outside normal fish spawning periods and all work would be coordinated with the NMFS. Thus, no fisheries impacts are anticipated.

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## **10. DECISION AND ORDER**

The FAA decision is based on a comparative examination of environmental impacts, operational, and economic factors for each of the alternatives in the EIS. The FAA concludes that the contents of previously prepared environmental documents remain valid and that there are no significant changes that require the preparation of a supplement or new EIS.

The 1999 FEIS and Written Re-evaluation provide a fair and full discussion of any significant impacts. The Written Re-evaluation and EIS process included appropriate planning and design for avoidance, minimization, and/or compensation of impacts, as required by NEPA, the CEQ regulations, other special purpose environmental laws, and FAA environmental Orders.

The FAA has determined that environmental and other relevant concerns presented by interested agencies and citizens have been addressed in the FEIS and the Written Re-evaluation. The FAA believes that with respect to the Proposed Project, there are no outstanding environmental issues within FAA jurisdiction to be studied or NEPA requirements that have not been met. In making this determination, the FAA must decide whether to approve the Federal actions necessary for Project implementation. FAA approval would signify that applicable Federal requirements relating to airport development planning have been met and would permit the Sponsor to proceed with design and specifications for the proposed development and possibly receive funds for eligible items. Not approving these actions would prevent the Sponsor from proceeding with airport development.

For reasons summarized earlier in this ROD, supported by disclosures and analysis presented in detail in the FEIS and Written Re-evaluation, FAA has determined that the Sponsor's Proposed Project, described as the Selected Alternative, is reasonable, feasible, practicable and prudent, in light of both Federal and Sponsor goals and objectives. An FAA decision to take the actions and approvals requested by the Sponsor is consistent with the FAA statutory mission and policies. This decision is supported by the environmental findings and conclusions presented in the 1999 FEIS, Written Re-evaluation and this ROD. After reviewing the 1999 FEIS and the Written Re-evaluation and all of their related materials, I have fully and carefully considered the FAA's goals and objectives as to aeronautical aspects of the proposed development and related activities at the BDR. These include purpose and need for this Project, alternative means of achieving these objectives, the environmental impacts of the alternatives, the mitigation necessary to preserve and enhance the environment, national transportation policies within which the FAA operates, and the costs and benefits of achieving the purpose and need in terms of efficiency and fiscally responsible expenditures of Federal funds.

While this decision neither grants Federal funding nor constitutes a funding commitment, it does fulfill the environmental analysis prerequisites for Federal funding and other determinations. The FAA will review funding requests upon receipt from the Sponsor of an application for Federal grant-in-aid, and the FAA will make funding decisions in accordance with the established procedures and applicable requirements.

Accordingly, pursuant to the authority delegated to me by the Administrator of the FAA, I find that the actions summarized in this ROD are reasonably supported and approved. For those actions, I hereby direct that action be taken together with the necessary related and collateral actions, to carry out the agency decisions discussed more fully in sections of this ROD, including:

- Approval of a revised ALP under 49 USC Section 47107(a) (16) and determinations under 49 USC Section 47106 and 47107 pertaining to FAA funding of airport development;
- Determination and actions under 49 USC Section 44718 (14 CFR Part 77) evaluating obstructions to navigable airspace; and,
- Approval for relocation, installation, and/or upgrade of various navigational aids.

Based on the Written Re-evaluation and 1999 FEIS record of this Project, I certify, as prescribed by 49 USC 44502(b) that implementation of the Proposed Project is reasonably necessary for use in air commerce.

  
Federal Aviation Administration

28 September 2011  
Date of Approval

**Right of Appeal:** This ROD presents the FAA's final decision and approvals for the actions identified, including those taken under the provisions of Title 49 of the USC, Subtitle VII, Parts A and B. This decision constitutes a final order of the Administrator subject to review by the Courts of Appeals of the United States in accordance with provisions of 49 USC Section 46110. Any party seeking to stay the implementation of this ROD must file an application with the FAA prior to seeking judicial relief, as provided in Rule 18(a), Federal Rules of Appellate Procedures.