

EXECUTIVE CHAMBER

CITY OF WARWICK



RHODE ISLAND

SCOTT AVEDISIAN
MAYOR

September 13, 2010

Ms LaVerne F. Reid
Manager, Airports Division
Federal Aviation Administration
New England Region
12 New England Executive Park
Burlington, Massachusetts 01803

**RE: City of Warwick Objection
Final Draft Environmental Impact Study Statement (EIS) for T.F. Green Airport Warwick
Rhode Island dated July 2010**

Dear Ms. Reid:

The City of Warwick has reviewed the July, 2010 T.F. Green Airport Improvement Program Final Draft Environmental Impact Statement (DEIS) prepared by Vanasse, Hangen & Brustlin Inc. (VHB), for the Federal Aviation Administration (FAA).

Based on its review, the City objects to the issuance of a final EIS until supplemental information and additional study is complete. From the inception of the scoping process in 2005, the City has been on record as an active participant in the EIS process. Since that time, the City has submitted approximately 1,750 pages of comments contained in 20 documents outlining its concerns regarding this project. Despite five years and the hundreds of hours the City has invested, the FAA and its consultant have addressed less than a handful of the City's concerns.

While the City recognizes that some concerns have been addressed, we remain deeply concerned that the DEIS does not adequately disclose the full extent of the impacts of Alternative B4 on the City's environment, air and water quality, housing stock, property tax revenue, quality of life, and other areas. Even in areas where the DEIS has determined expansion will have significant impact, the study does not provide adequate mitigation nor does it take into account the cumulative community impact from the incremental growth of T.F. Green over time. Further,

the DEIS does not address known deficiencies in existing programs such as in the land acquisition program.

Further, the City believes that the study fails to consider reasonable alternatives to B4. Specifically, the B3 option proposed in 2007 which lengthened the main runway to 8,300 feet in a southerly direction; this option satisfies the purpose and need and would minimize impacts on the City.

The decision to eliminate Alternative B3 configuration was based solely on subjective analysis:

B3 was eliminated "...because it would not enhance the efficiency of the New England Regional Airport System **as greatly** as an alternative with a 8,700-foot runway extension, would have **similar** impacts to wetland resources and Airport Improvement Program as generally stated in the Purpose and Need statement and would provide **only limited potential environmental and costs savings** benefits over those provided by an 8,700-foot Runway 5-23 alternative."

Rather than include Alternative B3 as one of the options for the Final level 6 study analyses, the FAA eliminated it and included only one other build option (B2), a far more costly, less practical option. The B2 option requires extending Route 37 to Warwick Avenue and substantial residential takings. The City's opinion is that B2 was included to create a disjointed comparison between a more costly, impractical option and the preferred Alternative, B4. Such action is inconsistent NEPA principles and is apparently intended to create a higher threshold impact for comparison purposes.

Had Alternative B3 been included, it would have resulted in less environmental impact, including less wetlands impact, fewer residential takings, less noise, air quality, and quality of life impacts, reduced infrastructure impacts and a \$15 million savings in construction cost while at the same time accommodating 20 of 26 west coast capable aircraft; one fewer aircraft than the B4 Alternative.

A B3 hybrid plan could also have met the purpose of need and while providing in excess of \$1 million in airline revenue from 2015 through 2020 and in excess of \$4.2 million in operational and utility benefits while accommodating 85% percent of total passenger demand for west coast service in 2020 at a lower cost and less overall impact on the City. The early removal of the 8,300 option assured that the remaining options would result in unnecessary, long-term impacts on the community and the environment.

The City of Warwick disagrees with simply inventorying the effects of past build actions within the DEIS along with its subjective general assessments which suggest limited indirect secondary impacts and limited cumulative impacts. The study also trivializes the direct impact of the B4 Alternative by compartmentalizing the effects as a function of immediate action and by not performing a quantitative assessment as required under the NEPA statute.

The mitigation proposed in the DEIS is wholly inadequate and often based on the consultants' interpretation of minimum federal requirements while ignoring the legitimate concerns of the

community. By not analyzing the cumulative effects, the DEIS attempts to legitimize the B4 Alternative by discounting that which has occurred to date thereby avoiding the critical evaluation necessary to determine the harmful effects on the ecosystem and the community, their ability to absorb further degradation and to determine if the effects are irreversible.

The City contends that the B4 Alternative mitigation plan is inadequate and will result in an undesirable burden on the community. The B4 Alternative would eliminate approximately 88 percent of the City's affordable housing stock resulting in an inequitable burden on low-to-moderate income families who rely on this housing stock. The DEIS acknowledges that \$3.7 million in subsidies would be required to replace this housing stock but it offers no funding to replace the 100 plus homes that would be removed.

In addition, the DEIS trivializes air quality and noise impacts by declaring them outside the purview of the study and/or consistent with federal regulation. The finding of no significant impact on air quality does not appropriately account for hazardous pollutants, fine particulate matter and black carbon emitted by aircraft, even though these concerns were raised in the April 2008 "*Characterization of Ambient Air Toxics in Neighborhoods Abutting T F. Green Airport and Comparison Sites*" study conducted by the Rhode Island Department of Environmental Management Office of Air Resources. The DEIS also ignores the noise and air quality impacts that extending the runway closer to the John Wickes and St. Rose of Lima elementary schools will have even though a significant increase (1.5db) in noise has been predicted by 2025.

The DEIS is also indifferent to the loss of approximately 7.3 acres of freshwater wetland habitat providing no analysis of the cumulative effect of increased aircraft operations including the discharge of pollutants and deicing fluid into an ecosystem which supports an exceptional and unique andronomous fish run. The study proposes a wetlands mitigation plan that provides little to no connection to Buckeye Brook, the affected resource. The DEIS's limited study area and lack of objective evaluation has eliminated the possibility of considering high-quality restoration and preservation projects within the Spring Green Pond and Mill Cove watersheds.

As much as the DEIS discounts the direct and cumulative health, environmental, social and fiscal burdens on the City, it overstates the economic benefits of the B4 option, including an exaggerated estimate of airport-dependent businesses and an overly generous use of economic multipliers to bolster the selection of the preferred Alternative B4. Despite the claimed economic benefits of the B4 Alternative, the DEIS makes no mention of compensation to the City for the loss of an additional \$1 million in annual tax revenue resulting from property acquisition.

The noise and build mitigation associated with the preferred B4 Alternative build option relies heavily on the voluntary land acquisition program (VLAP) and offers no secured funding source or construction related acquisition schedule. In addition, the DEIS ignores the City's request to prepare a reasonable acquisition plan designed to preserve neighborhood continuity by creating logical blocks and buffers along the acquisition areas.

The City of Warwick also objects to the DEIS recommendation to raze Hangar No. 1, to alter the Rhode Island State Airport Terminal and to modify two historic cemeteries. In addition to the inadequate mitigation plan and the apparent indifference for the significance of these historic

sites, the DEIS suggests that those concerned about the preservation of these culturally and historically significant resources should simply yield to the desire of the airport operator.

Several sections of the DEIS contain incomplete analysis and significant omissions of relevant data along with a limited scope of long-term, cumulative and secondary impacts which calls into question the study's finding of "no significant impact". In the instances where the DEIS concludes a significant impact only superficial mitigation is proposed and addresses only the immediate direct impact without adequate evaluation of how the proposed mitigation could be enhanced to address both the immediate and aggregate effect of past build actions and the incremental effect on the community and environment.

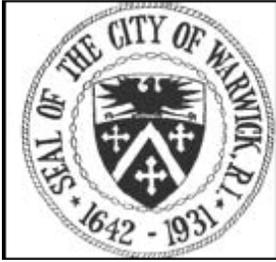
Due to the numerous issues that the DEIS has not adequately addressed along with the premature removal of Alternative B3, and the City's belief that the analysis used to select B4 is contrary to NEPA principles, the City must object to the DEIS until a supplemental study is completed which properly addresses the issues and concerns outlined in the attached document.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Avedisian". The signature is written in a cursive style with a large initial "S".

Scott Avedisian
Mayor

City of Warwick Comments



September 13, 2010

City of Warwick Response to:



**Final Draft Environmental Impact Study Statement (EIS)
T.F. Green Airport Warwick
Rhode Island**

**T.F. Green Airport
Improvement Program
Draft Environmental Impact
Statement
(DEIS), T.F. Green Airport
Warwick, Rhode Island**

DEIS Prepared by the
Vanasse Hangen Brustlin,
Inc., (VHB)
Rhode Island Airport
Corporation
Dated July 2010

Comments submitted by:
Mayor Scott Avedisian, City of
Warwick
Warwick Planning Department
William DePasquale Jr., AICP, Principal Planner

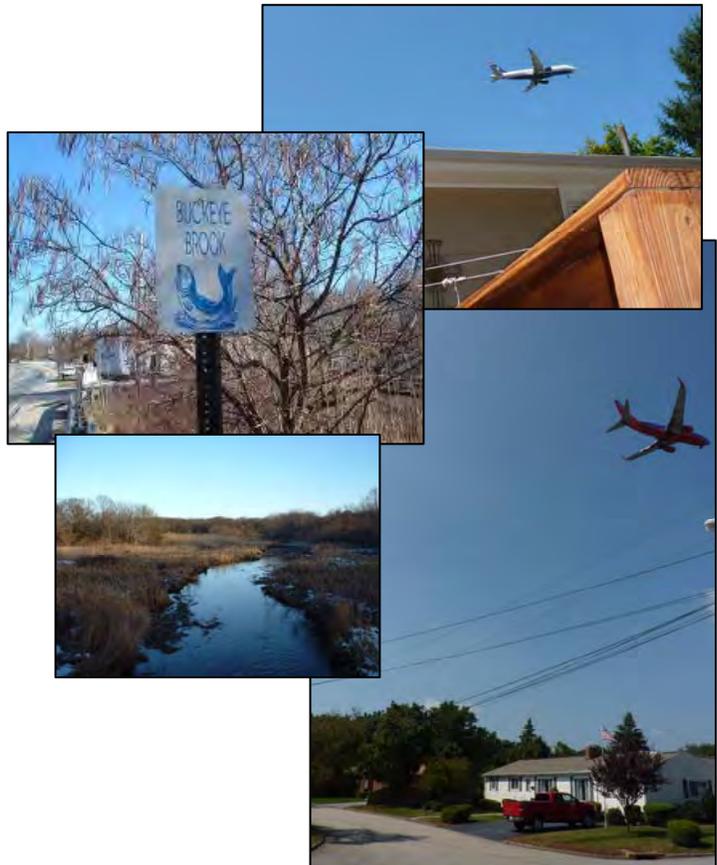


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SECTION III –Appendices

Appendix A – Letters of Opposition

Appendix B – City Objections to the FAA during the DEIS process



City of Warwick Objection
 Mayor Scott Avedisian, City of Warwick
 Warwick Planning Department
 Mark Carruolo, Planning Director
 William DePasquale Jr., AICP, Principal Planner

Final Draft Environmental Impact Study Statement (EIS)
 T.F. Green Airport Warwick Rhode Island
 Prepared by the Vanasse Hangen Brustlin, Inc., (VHB)
 Rhode Island Airport Corporation
 Dated July 2010

Index of Categorical Objections

Alternatives Analysis	Objection - Inadequate Review of Practicable Alternatives
Noise	Objection - Insufficient Information
Compatible Land Use	Objection - Insufficient Information
Social and Socioeconomic Impacts	Objection - Inadequate
Environmental Justice and Children's Health and Safety Risk	Objection - Inadequate
Surface Transportation	Objection - Insufficient Information
Air Quality	Inadequate Study - Insufficient Information
Historic, Architectural, Archaeological, and Cultural Resources	Object -Demolition and Mitigation - Hanger 1 and old terminal
Section 4(f) and 6(f) Resources	Insufficient Information - Greater Detail Required
Wetlands and Waterways/Mitigation	Objection - Inadequate Study: see Section II
Water Quality	Objection - Inadequate Study: see Section II
Fish, Wildlife, and Plants	Inadequate Study: see Section II
Mitigation (VLAP, Noise, Wetlands, Drainage)	Object - Inadequate also see section II wetlands mitigation
Quality of Life Considerations	Inadequate Study
Purpose and Need	Inadequate Study of Alternatives
Other	
Documentation	DEIS appendices 3 (c) entitled "public participation materials and Appendix B Federal, State, City, and Tribal Coordination" B.3 City Coordination" does not contain all City Comments recorded with the FAA.
Public Input	Inadequate Public Meetings/Hearings
Analysis Cumulative Impacts	Inadequate

Objection -- to the proposed effects of the build option as stated in the DEIS

Insufficient Information - The draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the community and environment, or the City of Warwick has identified new data and/or reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce community and environmental impacts of the build options. The identified additional information, data, analyses, or discussion should be included in this document.

Inadequate- The draft EIS does not adequately assess the potential significant community and environmental impacts of the build options, and/or lacks sufficient study of incremental impacts of past and present airport actions that collectively result in significant adverse impacts over time, or the City of Warwick has identified new, reasonably available, alternatives, or areas of study that are outside the current spectrum of study analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant community and environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates the City of Warwick believes that the draft EIS does not meet the purposes of NEPA and must be formally revised and made available for public comment in a supplemental revised draft EIS.

“Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made”

40 CFR Ch. V 1502.2(g) 1502: Implementation

The Final DEIS document along with the greater part of the DEIS process is flawed. During the long EIS process the FAA emerged as virtual co-applicants to the RIAC application whose primary goal was to justify the predestined B4 build option. In an impetuous rush to conclude the EIS process the FAA and its consultant completed the DEIS in manner that is generally inconsistent with the Council on Environmental Quality (“CEQ”) Regulations implementing the NEPA National Environmental Policy Act, 42 U.S.C. § 4321 et seq. (“NEPA”) statute. The DEIS’ limited analysis and findings are at times not supported by facts and are assembled for the sole purpose of justifying a decision already made. The DEIS omits study within some critical areas of concern while generally understudying secondary and cumulative impacts. The DEIS undervalues environmental, fiscal, health and social impacts placed upon the host community in favor of bolstering argument for the most damaging alternatives to support the RIAC proposal and implement the FAA’s larger New England Regional Airport System’s Plan.

The FAA’s required role as independent arbiter of the facts has been distorted to a position of advocacy for the B4 preferred build option based not a factual assessment but instead rooted in a premise that the DEIS process has taken too long to complete and thus must concluded. From the moment when the B4 preferred build option was shepherded in by the new airport director the B4 build option has become the default build option selected as the template for which the DEIS was designed around to justify this predetermined action irregardless of the projects necessity or impact on the host community, directly conflicting with the independent and thorough evaluation of feasible practicable alternatives required under 40 CFR 1502.2(g).

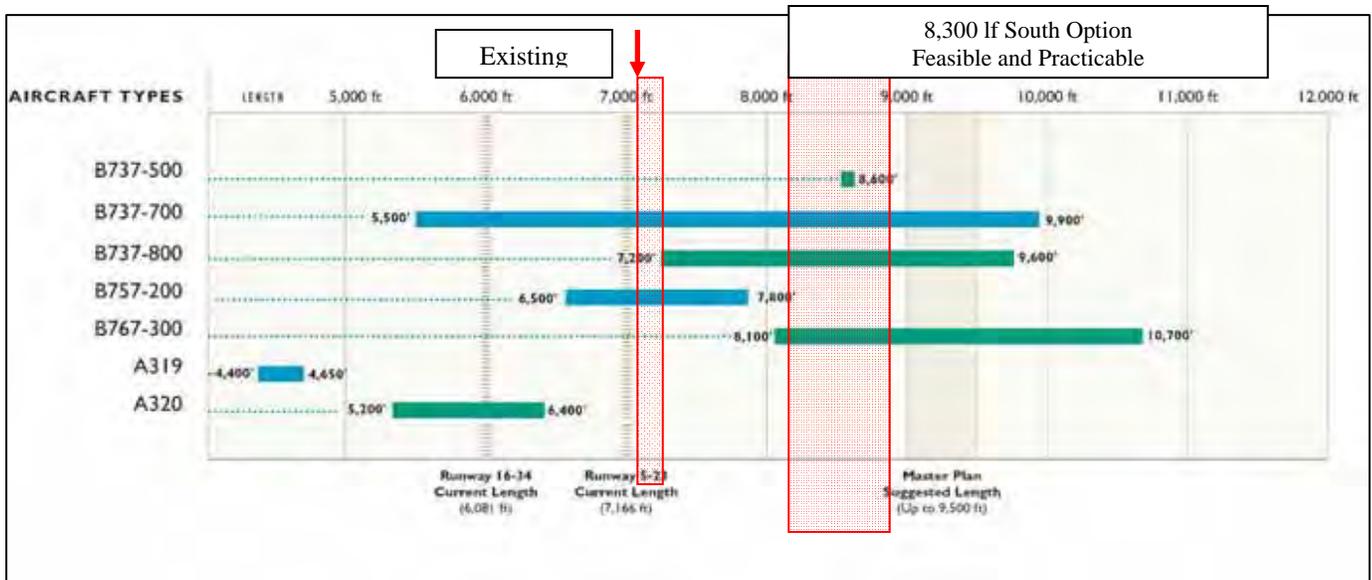
Prior to initiating the DEIS’s level 6 analysis, the FAA consultant devised an approach to remove the shorter 8,300 runway 5-23 south option offered by the City of Warwick from consideration within the final Level 6 analysis even as this option met the purpose and need for the project with less cost and impact on the host community. The interference with the independent evaluation required under the NEPA statute was perhaps due to the fact that the shorter 8,300 runway 5-23 south option would have faired better in the level 6 comparative analysis than the infrastructure intense B2 option (*extension of route 37 to Warwick Ave*) and the preordained B4 build option making a record of decision selecting the B4 preferred build option much harder to legally defend. The nearly nine year process was damaged not by the NEPA statute, but by an ever changing leadership at FAA and RIAC, catastrophic world events, the economy, poor strategic planning and erroneous forecasting by the consultant resulting in a drawn-out DEIS process that was deemed by FAA officials to be “too long” prompting a subjective command by the FAA to conclude the project emphasizing speed over compliance with the principles of the NEPA statute. With the FAA’s mandate to complete the EIS project and their tacit approval for the B4 build option, the EIS process spiraled into a public relations campaign that centered on gaining support for the predetermined plan promoting the B4 option as a jobs program in the worst economic downturn since the great depression. The public, weary of the issue and desirous of jobs and the promise of unprecedented airport growth together with the FAA’s larger interest in “growing” runway length in the New England region to satisfy their misguided regional plan sealed the fate of this decision before the public process was completed.

The Final DEIS emphasized completion over process and economic gain over environmental, fiscal and social maladies placed on the host community. Consequently, the Final DEIS and level 6 analyses simply represents a documents that is “a justification of decision already made” opposed to an objective assessment of reasonable and feasible alternatives required under 40 CFR Ch. V 1502.2(g) 1502: entitled *Implementation*.

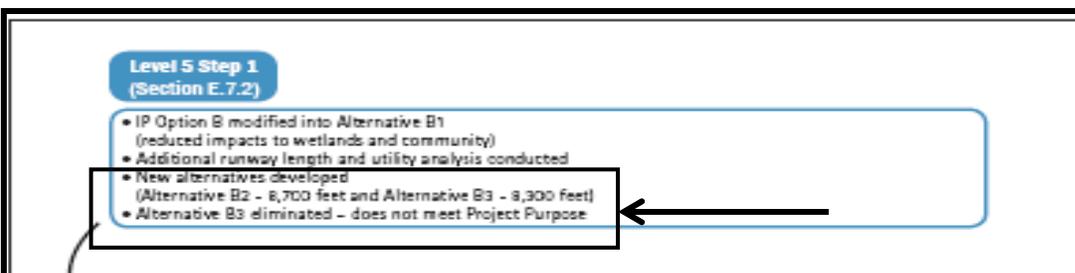
Inadequate Study of Alternatives to the Proposed Action

The FAA and RIAC Prematurely Removed the City of Warwick’s Request To Analyze a 8,300 Foot South Runway 5-23 Alternative within the Final DEIS Level 6 Analysis Precluding Meaningful Analysis of this Feasible Option.

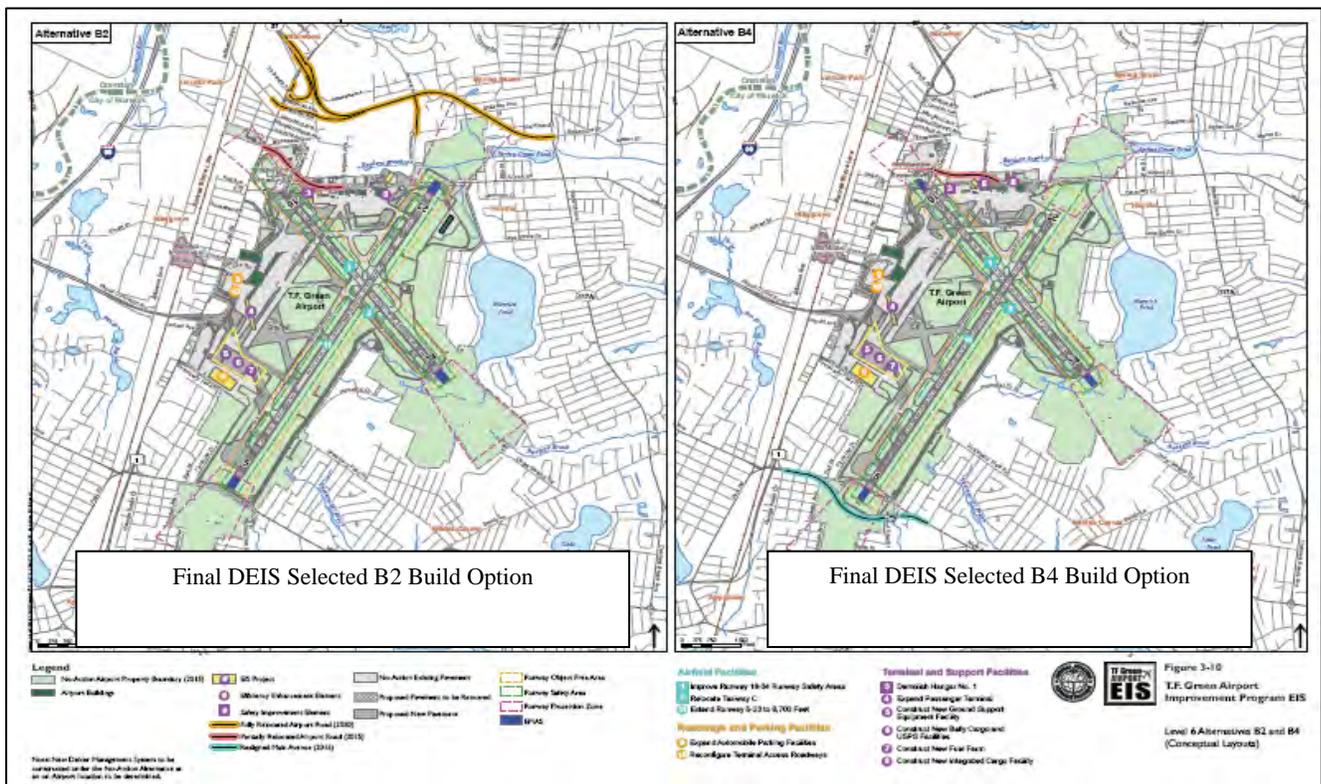
Based on our review of the DEIS the City of Warwick strongly objects to the selection of option B4 as the preferred alternative as written in our 2009 comments to the FAA. As stated in that letter and reiterated herein other reasonable and feasible alternatives to the 5-23 runway layout exist such as the former B3 south option that consisted of the lengthening of runway 5/23 to 8,300 lf. in a southerly direction requiring less cost and imposing less impact on the community while providing nearly 90 percent of the projected non-stop long haul service to the west coast by 2020 (see diagram below). However this feasible and practicable alternative to the adverse impacts presented in the preferred B4 alternative was prematurely removed from consideration in the level 5 analysis based on very subjective criterion.



The DEIS’s level 5 analysis prematurely and prejudicially removed the 8,300 lf. 5-23 south runway alternative known as Alternative B3 south configuration (8,300 5/23) as well as 400 foot northwest shift of crosswind runway 16-23 from study consideration even though the actual runway layouts proposed within these options represented practicable options that require direct and thorough comparative study as required by CEQ/CFR regulations implementing the NEPA statute.



If the 8,300 ft 5/23 south runway option were included in the level 6 "range of alternatives" it would have presented significantly less adverse impacts on the community required less mitigation and infrastructure to complete and been less costly. However this option was prematurely eliminated from level 6 study consideration because of an erroneous and overly subjective finding that the alternative did not meet the purpose and need for this project "as greatly" as the B4 preferred build option. Conversely, the DEIS failed to reason why the infrastructure intensive, costly and impracticable B2 build option was carried through to the level 6 analysis creating a forged and meaningless comparative assessment between final selected build actions assuring support for the preordained B4 build option. Due to the sizeable acquisitions of land and properties, infrastructure and cost required to complete the B2 build option along with the premature removal of the B3 8,300 5-23 south configuration from the level 6 "range of alternatives" the FAA and RIAC could be assured that the predetermined B4 build option would stand alone and therefore justified within the FAA's record of decision.



The DEIS Contains Unacceptable Superficial and Subjective Language Leading to Findings that are Arbitrary and Capricious and not consistent with the NEPA Statute

According to the principals of the NEPA statute federal agencies must consider environmental impacts of their actions within a decision making process that avoids superficial and subjective language that leads to arbitrary and capricious findings. The City contends the DEIS does not fulfill the intent of the statute in its elimination of a feasible practicable alternative to the impacts proposed by the preferred build action as noted in the following statements.

“Alternative B3 is eliminated from further consideration since it would not meet the Purpose and Need as fully as Alternative B2 because it would not enhance the efficiency of the New England Regional Airport System as greatly as an alternative with a 8,700-foot runway extension, would have similar impacts to wetland resources, and would not be practicable to justify the financial investment.” **DEIS Final Chapter 3 – Alternatives Analysis 3-23 July 2010**

“On May 30, 2007, the RIAC Board determined that a 8,300 foot Runway 5-23 would not produce the level of service benefits sought to be achieved through the T.F. Green Airport Improvement Program as generally stated in the Purpose and Need statement and would provide **only limited potential** environmental and costs savings benefits over those provided by an 8,700-foot Runway 5-23 alternative. Therefore, based on all the reasons above, FAA did not advance Alternative B3 further in the “Alternatives screening process.” **DEIS Final Chapter 3 – Alternatives Analysis 3-24 July 201.**

The RIAC Board and FAA as a substitute for quantifying and judging impact based of facts and merits of the proposals chose to eliminate the 8,300 lf. 5-23 south configuration with the subjective statements of comparison such as “as fully” and “as greatly”. Furthermore the DEIS’s subjectivity ascends to one of prejudgment with the DEIS finding that “*limited environmental costs*” for the B4 preferred build action over the 8,300 5-23 south alternative was acceptable. The City of Warwick contends that neither RIAC nor the consultants are the arbiters of what level of environmental impact is acceptable. It is the role of the FAA to implement the DEIS process according to the regulations implementing the NEPA statute which encourages the study of practicable alternatives that strike a balanced harmony between federal build actions and the natural environment requiring objective study of every significant aspect including the necessity of environmental impacts of the proposed action as stated in Title I of the NEPA statute.

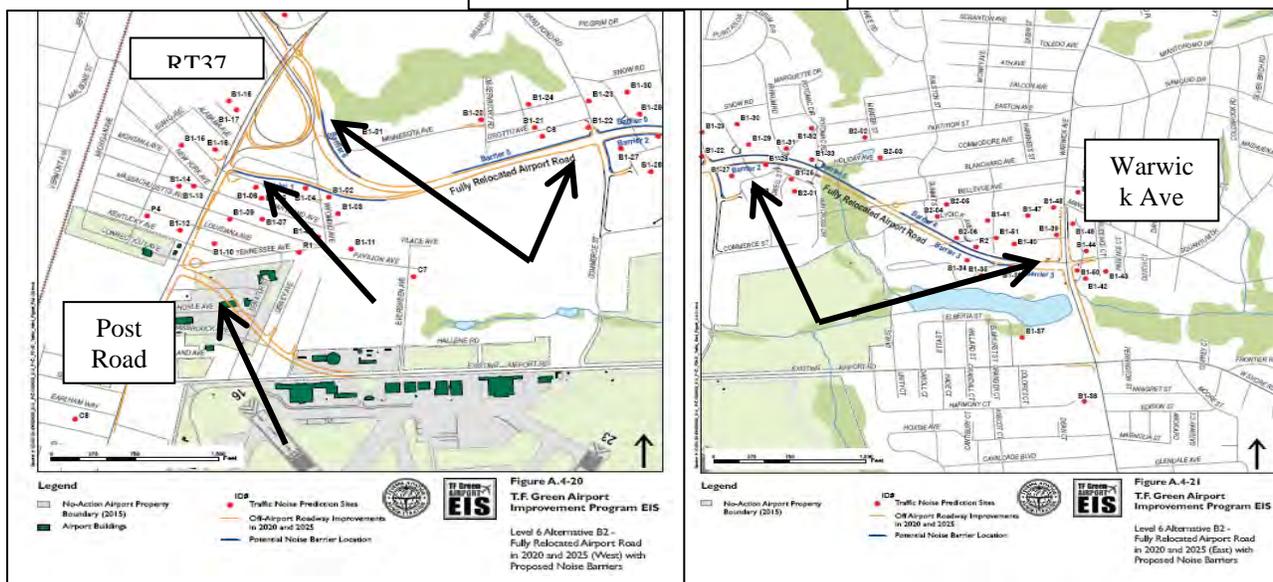
“(a) The Congress, recognizing the profound impact of man’s activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.”

NEPA TITLE I CONGRESSIONAL DECLARATION OF NATIONAL ENVIRONMENTAL POLICY Sec. 101 [42 USC § 4331]

The DEIS Did Not Objectively Evaluate All Reasonable or Feasible Alternatives per Compliance with 40 CFR 1502.14

The FAA has a responsibility under NEPA to study all viable options that meet the purpose and need while minimizing adverse impact on the community and environment. The decision to eliminate Alternative B3 (8,300 5-23) south configuration in the Level 5 screening but retain the more costly an impact laden B2 (8,700 5-23) north) option for further consideration in the level

B2 Build Option Required Infrastructure



6 analysis was a prejudiced decision enacted to create an ease of comparison between the predestined B4 (8,700 5-23 south) layout and the more costly an impact burdened B2 (8,700 5-23 north) option creating an artificially high threshold of adverse impact which all but guaranteed the level 6 comparison of impact would favor RIAC's preferred alternative B4.

If the level 6 analysis had included Alternative B3 (8,300 5-23 south) runway configuration with a 400 foot northerly shift of crosswind R16-34 layout required to eliminate wetland impacts at the end of runway 34, this hybrid plan would have accommodated 20 of the 26 West Coast capable aircraft one less than the 8,700-foot preferred option at a cost of 20 million dollars less without the magnitude of adverse impacts on area roadways, detached housing, noise and wetland alterations. Therefore it cannot be argued that a hybrid Alternative B3 south configuration did not meet the purpose of need for this project in fact it would have provided an additional \$1,036 million in airline revenue in 2015 through 2020, while adding \$4.21 million in operational utility benefits accommodating 85% percent of total passenger demand for west coast non-stop service by 2020 all with less cost and overall impact on a host community and within an airport environ whose existing condition is constrained by its location in a residential community.

The Permit Application Does Not Represent the Least Damaging Practicable Alternative

The 8,300 south configuration extension to runway 5-23 was developed to meet the purpose and need described by the airport operator in a manner that is balanced within its surroundings. The 8,300 south configuration runway extension would be able to be located on airport property and would minimize the realignment of Main Avenue from Greely Avenue to Gladys Court. For this alternative, Runway 5-23 would be extended approximately 1,100 feet south to a total length of 8,300 feet by shifting the Runway 5 threshold to the south. The 8,300 south configuration shifts Runway 16-34 north approximately 100 feet to accommodate the improved RSA's and minimize impacts to businesses on the Runway 16 End. The Runway 16-34 safety improvements would require a partial relocation of Airport Road at the intersection of Post Road and Airport Road. Airport Road would be partially relocated to the north. The existing Airport Road would remain in the runway 23 End RPZ. EMAS would be used on the Runway 5, 16, and 34 Ends.

As mentioned the 8,300 lf. 5-23 south runway alternative known as Alternative B3 south configuration was prematurely removed in the level 5 analysis even as the DEIS itself cites that *“of the 26 West Coast-capable aircraft that could be accommodated on a 9,350-foot runway at maximum gross takeoff weight... 21 of the 26 West Coast-capable aircraft could be accommodated at maximum gross takeoff weight on a runway length of 8,700-feet and 20 of the 26 West Coast-capable aircraft could operate at maximum gross takeoff weight on a runway length of 8,300 feet, DEIS Final Chapter 3 – Alternatives Analysis 3-18 July 2010.*

Option B3 south (8,300 feet) construction costs for the runway and roadway improvements are \$112m; Option B4 (8,700 feet) the preferred alternative costs \$127m the 8,300 option requiring 15 million dollars less to complete not including reduced mitigation and land acquisition costs associated with the 8,300 foot option. Acknowledging the existing land use constraints of T.F Green Airport the City of Warwick submits that removing Alternative B3 south configuration (8,300 5/23) is inconsistent with NEPA taking into consideration the closeness between the efficiency improvements between the B3 and B4 build options and the fact that the Alternative B3 south (8,300 5/23) option would meet the purpose and need with less cost and a smaller footprint of adverse social, noise, health, housing and environmental impacts.

Purpose and Need Statement

The presumed economic benefit is based on an assumption of new non-stop west coast service based on a series of assumptions based on 2004 conditions the passenger forecasts updated after the City of Warwick requested said changes in writing to the FAA over the precedent three years. Predictive non-stop west coast service is not only an assumption but is in fact not likely to occur in the numbers used within the DEIS forecast given the dramatic changes in the airline industry, worldwide economy, mergers and changing business models such as that of Southwest Airlines, T.F. Green's largest air carrier who in 2009 radically altered their business model of focusing on secondary airports with the start up service at Boston Logan International Airport a major hub directly conflicting with the statements and build assumptions used in this DEIS .

The DEIS's assessment is still largely based on the 2004- 2006 market conditions and strategies which is drastically convergent with today's and future aviation trend. Absent a wholesale update of the data and assumptions used in the DEIS's evaluation of future fleet mix, airline utilization, assumptive load factors, new service destinations, revenue per passenger and projected new start-up short, medium and long haul destinations as well as the litany of similar assumptions that serve as the foundation for the findings contained in this DEIS the conclusions contained in the document can be viewed as nothing more than a dated speculative guess of future growth based on 2004 airline fundamentals, trends and strategies.

Even as the Part 150 passenger forecasts were updated albeit reluctantly the DEIS still contains a considerable amount of old data and erroneous assumptions based on the original 2004-2005 data set and fleet mix. This DEIS requires further update beyond that offered by the updated passenger forecasts. Contemporary changes in marked increases in impending mergers and acquisitions creating diversity in air carriers fleet mix that will allow greater flexibility to serve diverse markets while the overall trend of increasing fuel and maintenance efficiencies has resulted in a younger and more diverse fleet not accounted for in this study. The DEIS largely ignores these significant and contemporary changes in the marketplace instead relying on old data, performance characteristics, fleet mix and assumptions of service that do not reflect current and future aviation trends. The DEIS failure to properly consider existing conditions that have significantly changed since the initiation of the DEIS essentially exacerbates the runway length necessary to meet the purpose and need and as such imposes unnecessary cost and adverse impact that is not needed.

What is missing from the DEIS is a factual straightforward account describing the constraints faced by this airport and the industry noting the drastic changes and trends that have redefined this industry and how said changes have effected the assumptions used in the DEIS document. The DEIS fails to acknowledge these fundamental changes and their impact on the purpose and need through the exploration of alternate actions that could accompany a smaller runway design and achieve a balance between community and meeting the purpose and need in a cost effective manner The City of Warwick contends that improving the financial conditions of the air carriers by lowering gate expenses would add in meeting the goals of the purpose and need for this project. The DEIS's narrative must concede that in this aviation environment load factors more so than runway length determine scheduling for long haul routes. A straightforward factual statement supporting a right-sized runway length serving over 80 percent of the long haul traffic as a practicable alternative if coupled with improved cost efficiencies would legitimize this DEIS in a manner that is not present today.

The DEIS finds that the 8,300 5/23 south option would have accommodated only one less west coast capable long haul aircraft than the preferred B4 build option serving over 85% percent of total projected passenger demand to the west coast (non-stop) by 2020 a mere 7% less than the preferred B4 build option a statistic itself that is “fuzzy” considering it is based on predictive new start up service by the air carriers and forecasted passenger traffic. As witnessed in the last passenger forecast presented by the consultant in the DEIS off some 25% (*2010 revised passenger forecasts from the 2004 baseline forecast*). Forecasting can be very unreliable as witnessed in the latest update but is often used in this DEIS as a hard number to legitimize a finding. For instance the 7% differential used as the basis for selection of the B4 option and conversely to eliminate the B3 option is touted by RIAC and the FAA as a substantive reason to support their decision but in reality is nothing more than a guesstimate based on pure speculation of new service and supposition that itself relies on assumption that supposes to know what load factors the air carriers will deem acceptable to start new service and knowledge of other proprietary information that factor into an air carriers decision to initiate new start up service.

After the initial long haul argument goes stale the DEIS succeeding purpose or need cited is that the preferred build option B4 is required for “efficiency improvements”. As with the discussion above this seemingly definitive statement is actually a highly nuanced argument dependent on a host of variables and assumptions of future forecasts and fleet mix essentially prejudging the manner in which the private air carriers will allocate their aircraft to service demand. Again the DEIS steadfast use of the argument belies the conjecture behind this statement that would require intimate knowledge of highly confidential information on an air carrier’s willingness to move aircraft to meet the demand, accept lower load factors or weight penalties or purchase new aircraft to meet the latent demand.

The DEIS often makes use of the vast amount of seemingly hard numbers in a deceiving manner. While most aviation experts agree that there is weak visibility into the future of the airline industry in particular with the strategies of air carrier this DEIS purports the use of figures such as increases passengers baggage accommodated and number of west’s coast capable aircraft as real hard numbers as opposed to making use of a qualified statement and statistic variance of error.

Environmental Consequences

Air Quality

The DEIS study simply does not extend far beyond study of "criteria pollutants" regulated under the National Ambient Air Quality Standards (NAAQS). The DEIS does not effectively assess potential risk to human health by broadening study and assessment of hazardous air pollutants (HAP’s) sampling of volatile organic compounds (VOC’s), carbonyls, fine particulate matter (PM2.5), black carbon (BC) within the area neighborhoods derived from engine exhaust from aircraft operating on taxiway/runways that will increase with the B4 preferred build action’s extension of runway 5-23 operations nearer to the neighboring residential community.

This DEIS must be amended to include additional long term monitoring of “Seven compounds [that] exceed cancer benchmarks: Benzene, 1,4-butadiene, chloroform, carbon tetrachloride, tetrachloroethylene, formaldehyde, acetaldehyde” included in the 2007 Rhode Island Department of Environmental Management TF Green Air Monitoring Study.

This DEIS disregards the recommendation contained within the 2007 Rhode Island Department of Environmental Management T.F. Green Airport Monitoring Study to “*further monitor[ing] for ultrafine particles and PAHs, toxic particulate species that have been shown elsewhere to correlate with Black Carbon, in order to determine the health implications of the elevated BC levels*”. The City of Warwick argues the DEIS should include supplemental study to recognize adverse air quality effects associated with the preferred build action and propose mitigation in the form of additional long term air quality monitoring of HAPS, VOCs, PM2.5 and BC to compare against the baseline established in this study.

Presented with the findings of the Rhode Island Department of Environmental Management Office of Air Resources Characterization of Ambient Air Toxics study and issues of long term air quality pollution the City of Warwick requests supplemental study be included in this DEIS assessing the impact of the preferred B4 build option on children’s health playing in the schoolyard as well as exploring in greater detail the comprehensive impact that incremental increases in the concentrations of PM 2.5 and carbon and have had on the community at large.

“Levels of formaldehyde at the Field View site, of tetrachloroethylene at the Lydick site and of trichloroethylene at the Fire Station site were higher than those at the other Warwick sites and at the comparison sites. Monitored concentrations were compared to concentrations predicted by a US EPA modeling study and will establish a baseline that can be used in the future to evaluate the air quality impacts of changes at the airport over time.”

Rhode Island Department of Environmental Management Office of Air Resources
Characterization of Ambient Air Toxics in Neighborhoods Abutting T. F. Green Airport and Comparison Sites- Page 61- Final Report April 2008

Potential for Detrimental Impacts on Children’s Health and Safety

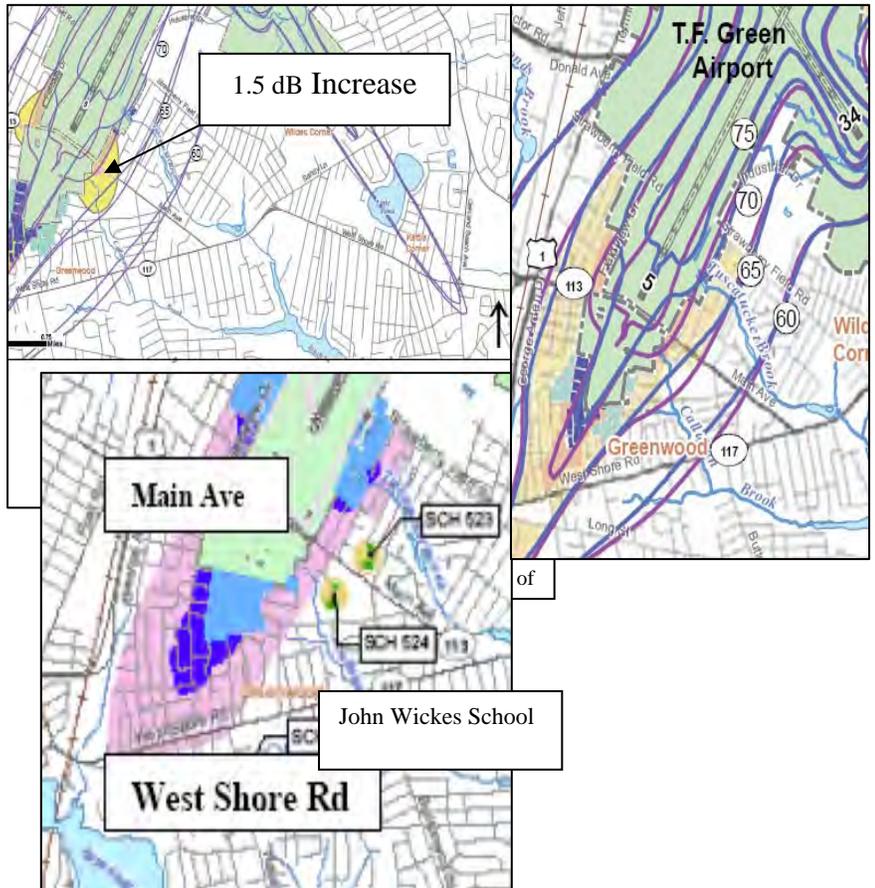
Children’s health and safety could be at risk at John Wickes schoolyard playfield considering the DEIS finds the B4 preferred build action will result in a 1.5 dB increase within the 65 DNL on this property by 2025. By definition increasing noise exposure to a level of “significant” (1.5 db) through the physical extension of runway 5-23 closer to this sensitive receptor will also include a closer proximate location for aircraft engine exhaust and operations causing greater concentration air pollutants in the school yard. In spite of this fact the DEIS offers no direct, indirect or cumulative



assessment of this impact on schoolchildren or how the B4 build action could mitigate this impact. The obvious influence of the B4 preferred build option on air quality conditions in the schoolyard prompted requests by the City of Warwick in 2009 through the DEIS process for review of this malady as well as a request for a new air quality monitoring station in the schoolyard to measure pollutants alongside a known baseline established in the 2007 Rhode Island Department of Environmental Management T.F. Green Airport Monitoring Study.

The DEIS study acknowledges a significant noise impact at John Wickes School by 2020 but ignores specific and cumulative study of air quality degradation associated with the proximate extension of runway 5/23 extending closer to the John Wickes School thereby increasing the concentration of particulate matter 2.5 and black carbon that we know generally increase the closer you get to transportation infrastructure.

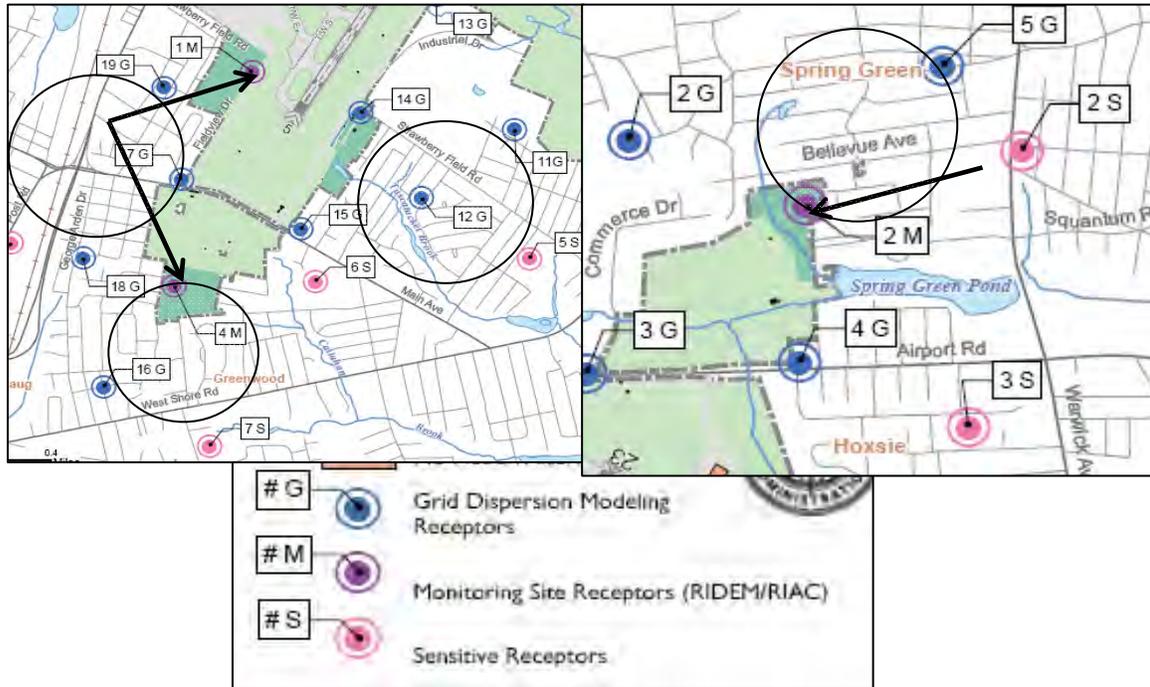
The City of Warwick finds it unacceptable that the DEIS does not provide expanded air quality monitoring for cited toxic, fine particulate and black carbon air pollutants linked with aircraft operations and the impact that the DEIS's forecasted increases in air traffic will have on the long term health of children playing in the school yards of John Wickes and Saint Rosa Lima's Schools. The request for further study and air quality monitoring made by the City in 2009 was dismissed and consequently the City of Warwick finds the DEIS lacks sufficient study data to assert their conclusion of "no significant impact". The City also finds the general apathy to our written objections throughout the EIS process regarding children's health and air quality to be directly incongruent with the NEPA statute.



The DEIS did not adequately address the Preferred Build option's cumulative Impact on Air Quality

As mentioned the DEIS concludes that additional emissions will "not significantly impact air quality" an analysis deficient study of the immediate and cumulative effects of toxic air pollutants, PM 2.5 and black carbon from jet-aircraft exhaust, general airport operations and increased vehicle traffic generated by the build option. The DEIS fails to address significant adverse environmental impacts from the cumulative effect of past, proposed and reasonably foreseeable airport expansion projects and operations and their possible cause of adverse and irreversible impacts on human health, quality of life and the general health of our community. At variance with USEPA and Clean Air Act initiatives the DEIS study inventories pollutants of the immediate action without comprehensive and causal analysis. The DEIS must be supplemented to address direct, secondary and cumulative impacts of existing and proposed increased in hazardous air pollutants commonly associated with the combustion of gasoline and diesel fuels emanating from the increases in air and ground traffic attributed with the B4 build option. The DEIS avoids discussion of cumulative long term impact assessment on neighboring

residential areas that surround the airport often citing the lack of regulation, issues of dispersion and source as reasons not to address the issue. Requested early on in the DEIS process the City of Warwick requested in our comment to the FAA in the DEIS process several additional air monitoring sampling station to permanently monitoring and test for HAPS, PM, 2.5 BC at and around the RIDEM -RIAC monitoring sites and at sensitive receptors. The request ignored in the Final DEIS as the document offers no more than that required by the state and federal governments providing an uncertainty as the existing and proposed conations.



We contend that the failure to supplement the draft EIS with reasonable longer-term term air quality monitoring was a decision that is arbitrary and capricious especially considering the credible evidence of HAP, BC and PM 2.5 in the airport environ as accounted within the April 2008 Rhode Island Department of Environmental Management Office of Air Resources Characterization of Ambient Air Toxics in Neighborhoods Abutting T. F. Green Airport and Comparison Report finding that “Levels of formaldehyde at the Field View site were higher than those at the other Warwick sites” and that, it is was “possible to definitely demonstrate that the airport significantly impacted levels of black carbon at the four sites near the airport”. The sample data being enough to warrant “follow-up activities aimed at further characterizing air quality and health impacts around the airport and more definitely identifying significant emissions sources.”

“Additional monitoring – RI DEM RI DEM has been tentatively approved for a second US EPA Community Assessment grant to conduct follow-up monitoring around TF Green in 2008. The grant application focused on gathering data needed to further understand the health implications of the BC results in the first study, including collection of continuous data on levels of PAH, ultrafine particulate matter (particle count and surface area measurements) as well as BC and PM2.5 using nephelometers. In view of new RIAC monitoring requirements and FAA study, RI DEM plans to tailor the follow-up study so that it supplements rather than duplicates other efforts or, if it is determined that further data collection would not be useful at this time, to withdraw the grant application. Health studies - The 2007 airport legislation also required RIAC to provide up to \$200,000 to HEALTH over a 2 year period for health studies around TF Green. HEALTH’s plans for these studies are still under development but are likely to include both a

continued investigation of lung cancer data over time and an investigation of other potential health effects using hospital discharge, emergency room and other surveillance data in conjunction with monitored concentrations.”

Rhode Island Department of Environmental Management Office of Air Resources
Characterization of Ambient Air Toxics in Neighborhoods Abutting T. F. Green Airport and Comparison Sites- Page 61- Final Report
April 2008

The Rhode Island Department of Environmental Management Office of Air Resources Characterization of Ambient Air Toxics study recognizing the importance of this data stating that,

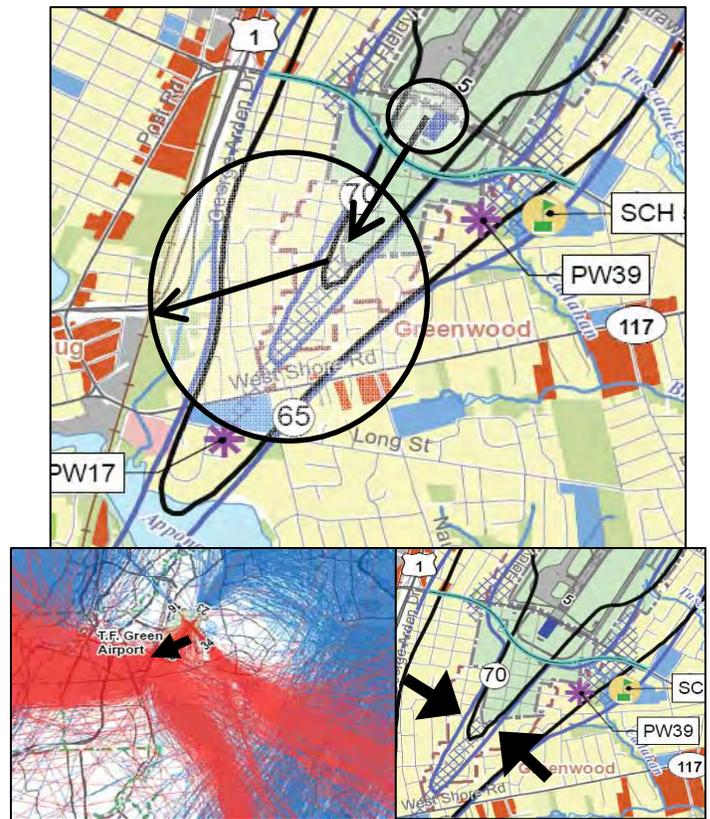
“As discussed above, this study has influenced a number of follow-up activities aimed at further characterizing air quality and health impacts around the airport and more definitely identifying significant emissions sources” and the information “will establish a baseline that can be used in the future to evaluate the air quality impacts of changes at the airport over time.”

Rhode Island Department of Environmental Management Office of Air Resources
Characterization of Ambient Air Toxics in Neighborhoods Abutting T. F. Green Airport and Comparison Sites- Page 62- Final Report
April 2008

The DEIS’s refusal to acknowledge or expand investigation around the RIDEM study’s findings in a meaningful way assures that the community will not be informed of the risks of the B4 preferred build action which directly conflicts with the disclosure provisions at the heart of NEPA and CEQ regulations guiding the creation of EIS’s.

Noise

Succeeding review of the latest iteration of the Part 150 Integrated Noise Model (INM) contour generation the City requests further site specific monitoring and modeling as the noise contour or footprint depicted in the DEIS appears inconsistent with the actual flight paths depicted by radar tracking and inconsistent with the “flattening” of the departure profile associated with extending runway of runway 5-23 south. The future extension of the departure profile associated with the B4 build option will change the noise contour and subsequently alter the VLAP program. The City of Warwick contends the INM model should be fine-tuned and augmented by the use of alternate modeling software to reflect the specific changes to glide slope, arrival departure profile, elevation, structures effecting ground noise and additional taxi and reverse thrust noise event that will extend closer into the neighboring residential community.



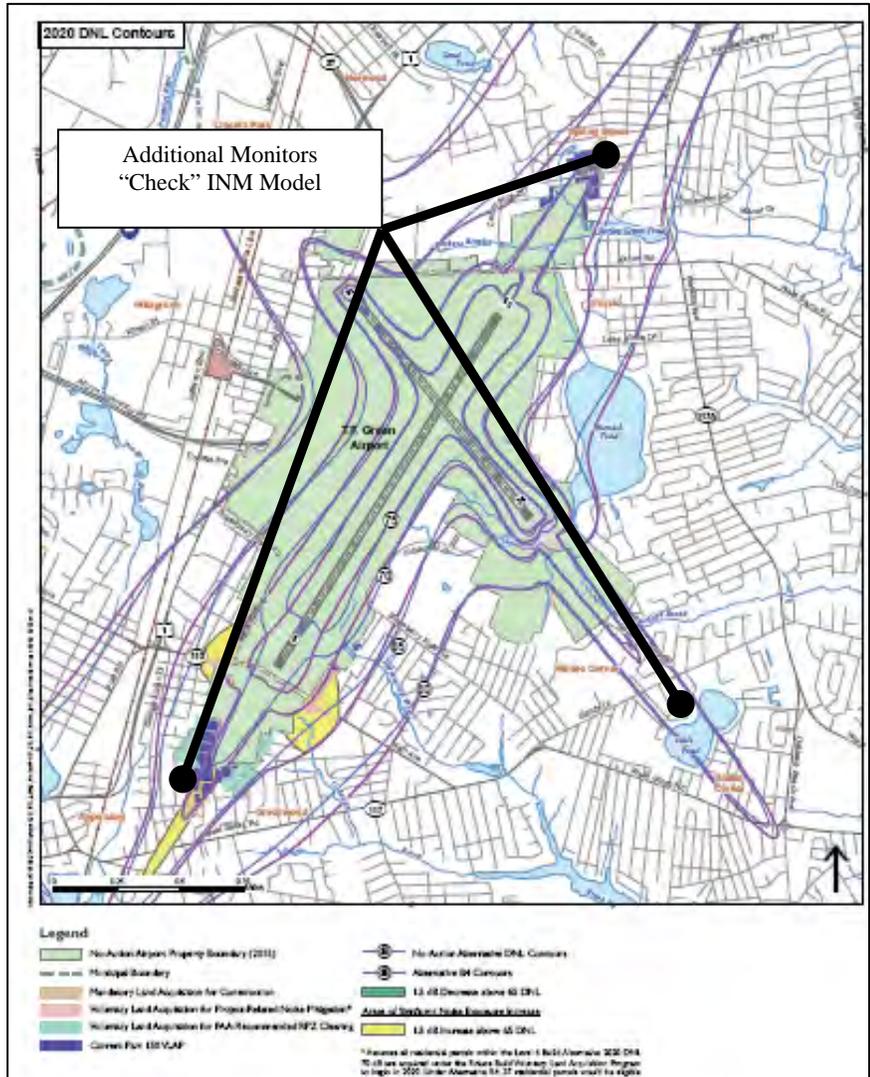
The apparent 70 dnl noise contour shown in the DEIS does not reflect the associated bulge in the noise contour normally accompanying a flattened predominantly west bound departure profile resulting in an inaccurate VLAP. Therefore the DEIS must correct this inaccuracy through the use of alternate modeling software, additional field monitoring and more precise variable inputs. Consideration must be given to selecting complementary software to the INM model that evaluates specific changes caused by the runway extension on climb profile, ground and taxiway noise exposure on the effect residential community south east and west of runway 5-23. The supplemental study should include statistically accurate increases in late night operations, ground and reverse thrust events and commensurate noise penalties with the likely future increases associated with growth in passenger traffic forecasted in the EIS. This supplemental information is vital to obtain proper disclosure and create an accurate VLAP considering the photographs above depict operations that do not lie within the DEIS interpretation of the VLAP.



The DEIS does not suitably disclose actual noise exposure in the community because of this study's limited site specific monitoring, variables inputs and modeling. Additional noise monitoring and modeling is required under and around the centerline of runway 5-23 reflecting the options full build out. To the extent practicable the software should sequence a "worst case scenario" of single event noise, increased later night operations, new glide slope and departure profiles for the most demanding aircraft using the longest stage length under the worst temperature, atmospheric and headwind conditions. This supplemental study, monitoring and modeling would result in increasing the accuracy of noise exposure in the community creating a more equitable VLAP.

Integrated Noise Model (INM) versus Actual Aircraft Noise Monitoring

The City of Warwick demands the DEIS include a comparison of the Integrated Noise Model (INM) versus actual aircraft noise monitoring to provide a “check” of the assumptive model prediction of noise exposure. The DEIS should place within the noise counters predicted within the DEIS and updated part 150 study to record a noise levels. The monitors should be correlated with aircraft scheduling data, type of aircraft, environmental conditions and flight tracking to identify the actual noise footprint of a particular aircraft and under what environmental and load conditions. This information could then be used to compare against the INM model predictions. Afterward the data could be used to “correct” the INM contour generation to more accurately portray noise exposure on the community as well as eligibility with the land acquisition program.



Water Quality/Wetlands

Unnecessary alterations and inadequate study of cumulative impacts on Wetlands, Water Quality Fish, Wildlife, and Plants

See Section II City of Warwick Comments to the Mr. Robert DeSista U.S. Army Corps of Engineers regarding the request of the Rhode Island Airport Corporation for a permit from the US Army Corps of Engineers under section 404 of the Clean Water Act to place fill in waters of the United States to construct airfield safety and efficiency improvements at T.F. Green Airport in Warwick, Rhode Island as described within the Draft Environmental Impact Statement ("DEIS") dated July 2010. Army Corp File Number NAE2005-395.

Housing

The City of Warwick contends that the DEIS does not properly disclose all the “indirect and cumulative impacts” of the preferred build option. Further we contend that the preferred build action has disproportionate adverse environmental and social justice impact on the City of Warwick and State of Rhode Island’s affordable needs and a low to moderate income populations dependent on affordability of housing limiting an entire class of families the opportunity to obtain a detached dwelling and yard that many families strive to acquire. The DEIS acknowledges this type of affordable detached single family housing stock could not be replaced at the same price point through private market action stating that 3.7 million dollars of subsidies to developers would be required to build new rental and homeownership units serving the same price point as the housing units acquired under preferred alternative B4. Considering these impacts the City of Warwick contends the B4 preferred build option is inconsistent with the “The Consolidated Plan for the City of Warwick 2005-2009” as the impact is in direct conflict with its “Affordable and Fair Housing” plan that cites “Housing affordability is a critical issue for Warwick” as well as the goals of the *HousingWorks RI* coalition to foster growth in “ownership opportunities in Rhode Island”. According to Mr. Kevin Sullivan the City of Warwick’s Office of Housing & Community Development Program Coordinator,

“The city is the recipient of Community Development Block Grant (CDBG) Program funding from the U.S. Department of Housing and Urban Development. The purpose of the CDBG program is to develop viable communities by providing decent housing, a suitable living environment, and opportunities to expand economic opportunities, principally for low- and moderate-income persons. In order to provide decent housing with a suitable living environment for low to moderate income families that housing has to be affordable. The area to be impacted by the airport expansion is one of the city’s more affordable neighborhoods. At present, this area population is comprised of households that have 42.98% low to moderate income. These are households that are 80% or below the median income of \$72,100. The proposed runway expansion will require the acquisition of approximately 121 affordable single family homes in this neighborhood. When coupled with the loss of 512 affordable residential dwellings to airport development since 1983 the effect on the city’s affordable housing stock is substantial. Once this affordable housing is lost there is limited ability to replace it given that the city does not have other large areas of undeveloped land that could be used to replace these homes.”

Adverse Impact of Affordably Priced Housing and Social Justice Implications

88 percent of the total eligible “property takings” (within the land acquisition program) associated with the preferred build option B4 106 homes (102 single-family and 4 four multi-family) out of a total of 121 homes are considered affordable presenting important environmental justice issues not addressed or mitigated in this study. As referenced above the DEIS imposes a disproportionate impact on a low to moderate income populations who rely on this affordably priced detached housing stock in the City of Warwick and within the State of Rhode Island. The B4 preferred build option and the DEIS’s lack secondary impact analysis and mitigation is discriminatory essentially eliminating the availability of affordably priced detached single family housing stock without cause or remedy forcing a specific population into multifamily or apartment styles housing suppressing the aspiration that many families to own a single family dwelling with accompanying yard an impact that is distinctly different than the build actions

impact on other populations presenting disturbing and unacceptable social justice issue. Supporting the City of Warwick concerns *HousingWorks RI* – “a coalition of close to 140 organizations working together with a collective aim of improving housing rental and ownership opportunities in Rhode Island” in their HousingWorks RI 2010 Fact Book recognizes that,

“Both the unprecedented runup in housing prices in the first half of the decade and the foreclosure crisis in the second half have made finding a quality, affordable home difficult for many Rhode Islanders. Homes in Rhode Island appear on the surface to be more affordable, but the reality for many Rhode Islanders is that a tighter credit market and stricter down-payment requirements make owning a home unattainable.”

The DEIS does not avoid or mitigate the impact on the community’s housing stock to address how the permanent elimination of affordable detached housing will impact the City and State’s affordable housing needs now and in the future even as this is a well recognized crisis it solution codified through state and local housing policies and supported by housing advocacy groups.

“Housing is considered affordable if a family or person pays less than 30 percent of their income on housing-related costs. In Rhode Island, according to the latest data, 47 percent of Rhode Island renters are paying 30 percent or more of their income on these expenses, and 42 percent of mortgaged households paid 30 percent or more”

HousingWorks RI 2010 Fact Book- Page 4

The DEIS finds that detached single-family housing stock could not be replaced at the same price effecting the affordability of the remaining housing stock but the DEIS does little to address the economic implications of the proposed action.

“Recent research by the Federal Reserve Bank of Boston suggests that Rhode Island may be losing qualified labor due to housing unaffordability, and that unaffordable housing slows growth in local employment. If Rhode Island is to build a strong and diversified economy, state and local policymakers must invest in strategies that will ensure a long-term supply of homes that are affordable to our state’s workforce.”

HousingWorks RI 2010 Fact Book- Page 4

Sasser, A. (2009). Voting with Their Feet? Local Economic Conditions and Migration Patterns in New England (New England Public Policy Center, Federal Reserve Bank of Boston); and Chakrabarti, R. & Zhang, J. (2010). Unaffordable Housing and Local Employment Growth. (New England Public Policy Center, Federal Reserve Bank of Boston).

The preferred B4 Build actions maintains an unnecessary disproportionate adverse impact on the City’s and States detached affordable housing stock on a state dependent on their affordability. The EIS states that this type of single family dwelling could not be replaced through private market action serving the same price point and would require 3.7 million dollars of subsidies to accomplished mitigation which is mitigation not offered within the DEIS.

*“In 2009, a household earning the state’s median household income of \$55,701 would only be able to afford a median-priced single-family home in 11 of R.I.’s 39 cities and towns.**

In its place the DEIS relies on condominiums and apartment style housing as replacement housing stock to the loss of the single family housing forcing lower income populations from detached single family ownership to apartment or multifamily living arrangements. The DEIS study finds that even with a subsidy; high land values and construction costs would required the replacement housing be multifamily and apartment style housing not detached housing stock presenting an unfair distribution of impact from the B4 build option on a low to moderate income population reliant on a reasonable median price of a single family home as shown on page 37 of the *Housing Works RI 2010 Fact Book*.



WARWICK

How much does it cost to live in Warwick?

- ▶ Typical monthly housing payment* for a \$168,000 house \$1,178
- ▶ Household income required to afford a \$168,000 house \$47,113
- ▶ Average monthly rent for a two-bedroom apartment \$1,166
- ▶ Household income required for that rent to be affordable..... \$46,640
- ▶ Average private-sector wage for jobs in Warwick..... \$36,244

Housing units in Warwick:

- ▶ Number of year-round housing units.....36,592
- ▶ Housing units that qualify as affordable 1,917
 - Affordable housing units reserved for the elderly 1,657
 - Affordable housing units reserved for families 139
 - Affordable housing units reserved for persons with special needs 171
- ▶ Homes funded through Building Homes Rhode Island.....4

How much housing is needed?

- ▶ Additional housing units necessary to meet the 10% threshold established by the State's Low and Moderate Income Housing Act of 2004 1,692

	1999	2009	% of 1999
Warwick	\$100,000	\$244,700	168%
Rhode Island	\$126,000	\$282,900	159%

9/8/2010 Print Summary
Powered by Vision Appraisal Technology



Map-Block-Lot : 345/0217/0000//
 Location: 43 GREELEY AVE
 Owner Name: CAPUANO, MICHAEL
 Account Number:

Parcel Value	
Item	Assessed Value
Buildings	72,800
Xtra Bldg Features	0
Outbuildings	3,300
Land	72,900
Total:	149,000

9/8/2010 Print Summary
Powered by Vision Appraisal Technology



Map-Block-Lot : 345/0206/0000//
 Location: 17 GREELEY AVE
 Owner Name: EQUIVEST LLC
 Account Number:

Parcel Value	
Item	Assessed Value
Buildings	99,400
Xtra Bldg Features	0
Outbuildings	3,000
Land	66,700
Total:	169,100

9/8/2010 Print Summary
Powered by Vision Appraisal Technology



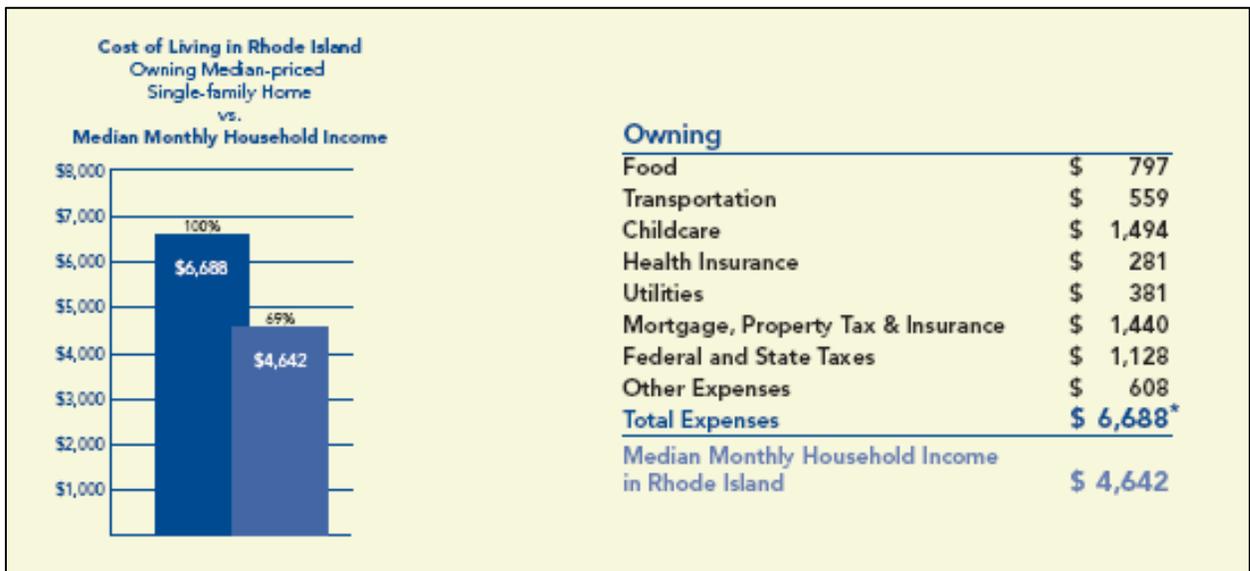
Map-Block-Lot : 345/0211/0000//
 Location: 29 GREELEY AVE
 Owner Name: CAROLAN IRMA F TRUSTEE
 Account Number:

Parcel Value	
Item	Assessed Value
Buildings	96,800
Xtra Bldg Features	0
Outbuildings	5,000
Land	70,100
Total:	171,900

The study proposes an unfair distribution of impact 88% of the housing eligible for land acquisition being classified as affordably priced some neighborhood blocks adversely impacted having minority populations above the state average and potentially impacting causing the City of Warwick to lose its exemption to the Rhode Island low to moderate income housing act. *HousingWorks RI 2010 Fact Book* estimates the median selling price of a single family home in Warwick in 2009 to be \$168,000 a sampling of the City's tax evaluation database illustrating that area housing values fall directly inline with this median requiring a monthly housing income of \$1,178 and a yearly income of \$47,113. The City of Warwick had one of the most affordability priced detached single family housing stock in the State 18.5% percent below the median selling price of a single family home in Rhode Island. The B4 preferred build action unnecessarily and permanently impacts the availability of this housing today and in the future effecting rental and housing affordability in low to moderate income groups.

In summary the B4 preferred build option unnecessarily and unfairly impacts a specific population segment while other populations are not effected at all. The B4 preferred build option unjustly and permanently removes current and future detached affordable housing stock in the City and

State incongruent with state and city housing policies and limiting opportunity for single family ownership within the low to moderate income populations raising the average rental rate and exacerbating the disparity between the cost of living in Rhode Island owning median-priced single-family home and the median monthly household income in Rhode Island.

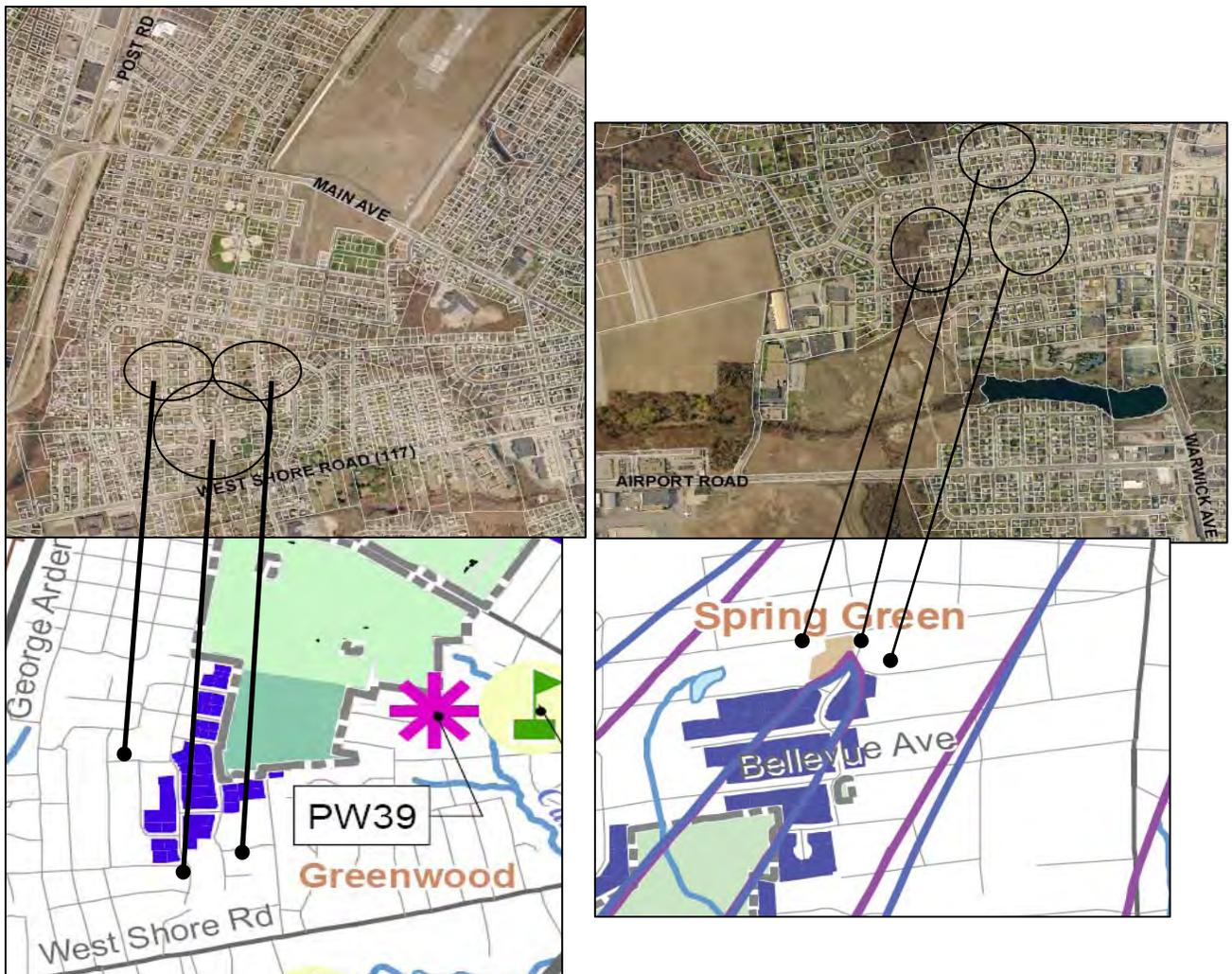


The City of Warwick opposes the B4 build actions discriminatory and disproportionate impact on current and future populations of low to moderate income families who because of this action will be denied the availability of affordably priced detached single family housing stock forced into multifamily and rental properties being driven higher by the reduction of this housing stock presenting an immediate and long term social justice issue that is without cause or remedy.

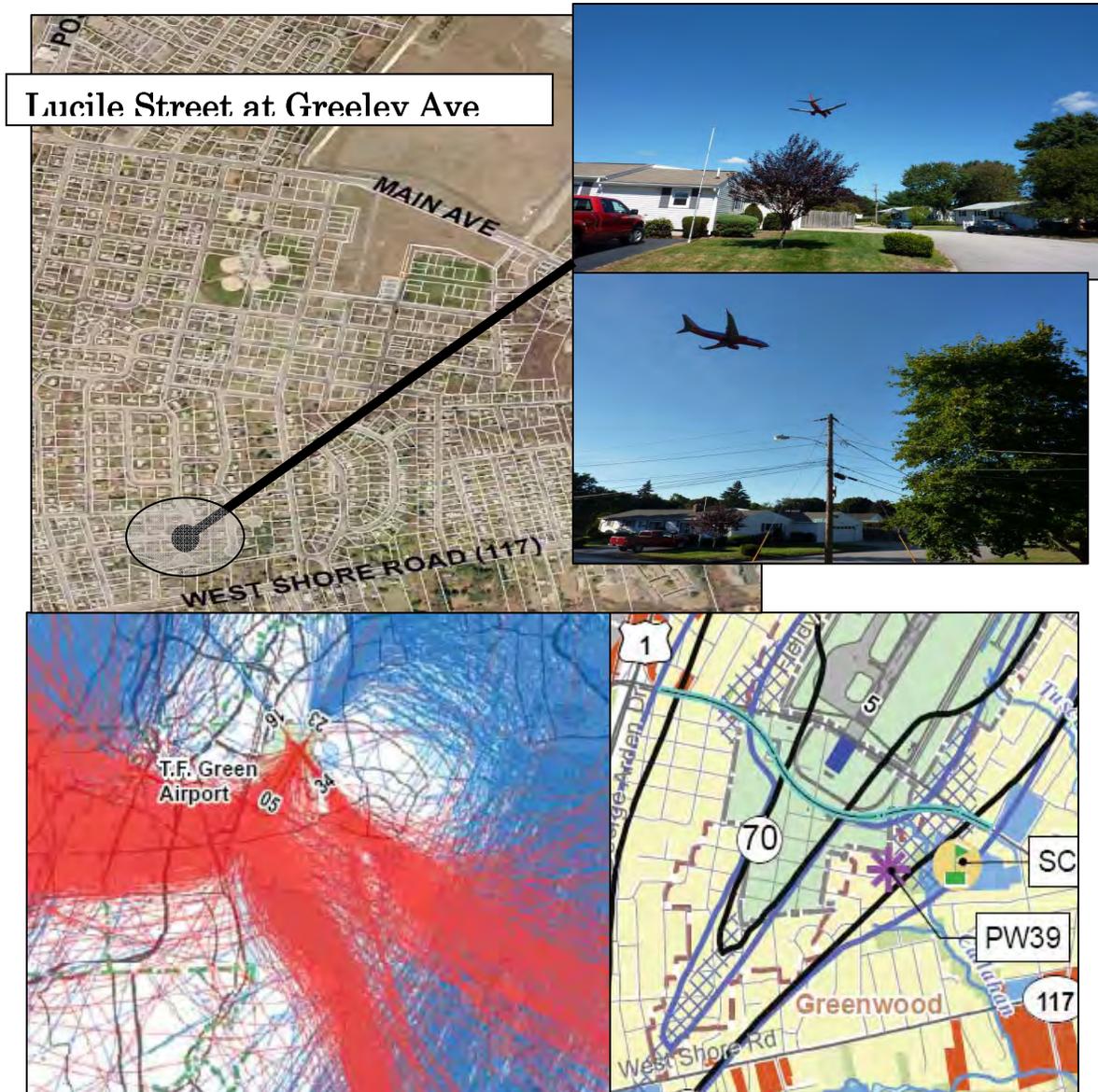
Mitigation

Noise Mitigation is Inadequate

The 2020 B4 noise mitigation program contour maps do not accurately portray noise exposure within the community. Particular attention to the modeling of extension to runway 5-23 within the part 150 computer generated noise contour inaccurately depicts noise exposure along the 65 DNL noise contour sites largely representing average in future fleet mix performance data, future flight tracks, understudied extending departure profiles, statistical increases in nighttime operations, reverse thrust and runups creating and inaccurate mitigation program. As described earlier in order to improve the accuracy of the contour generation the DEIS requires supplemental study of future flight profile changes at the south end on runway 5-23 that will be

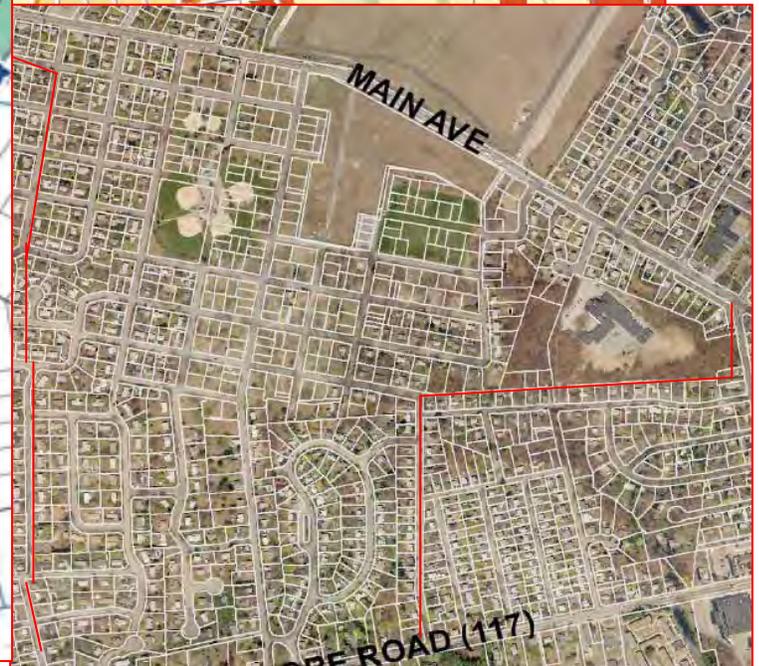


extended further into a residential district (preferred build option B4) along with additional field monitoring and measurement of actual noise events (including reverse thrust) correlated with the actual flight tracking data and nighttime operations for a period of three months at private properties (voluntary participation) at the south end of runway 5-23 within the 310-440 block of Greeley Avenue, both the east and west ends of Lucile Street, 100-111 Bingham Street, properties within the 30-50 block of Fountain Ave within the 250-300 block of Gertrude Avenue (left). At the north end of runway 5-23 the noise footprint requires further investigation in the 78-79 Commodore Ave, 84-110 Ralston Street, Falcon Avenue and both peripheral locations 97-129,115-177 of Blanchard Ave .(Also see: Mitigation)



Voluntary Land Acquisition Program (VLAP) is Underdeveloped and Lacks Defined Funding, Commitments and Logical Boundaries

The DEIS declined to include the City's request to expand the land acquisition boundaries to form "logical breaks" based on the defined physical boundaries within a neighborhood and buffer these areas with additional acquisitions funded through RIAC bonding. The study does not extend the residential noise mitigation acquisition to beyond the noise contour creating immediate as well as long term land use incompatibly and inequity within the community (figure right-top).



Past and present VLAP programs based on a free form noise contour eligibility has fractured neighborhoods in many cases leaving homeowners just feet apart to wonder why their neighbor was eligible for takings and they were not. The VLAP program is simply ineffective at promoting the FAA policies regarding land use compatibility.

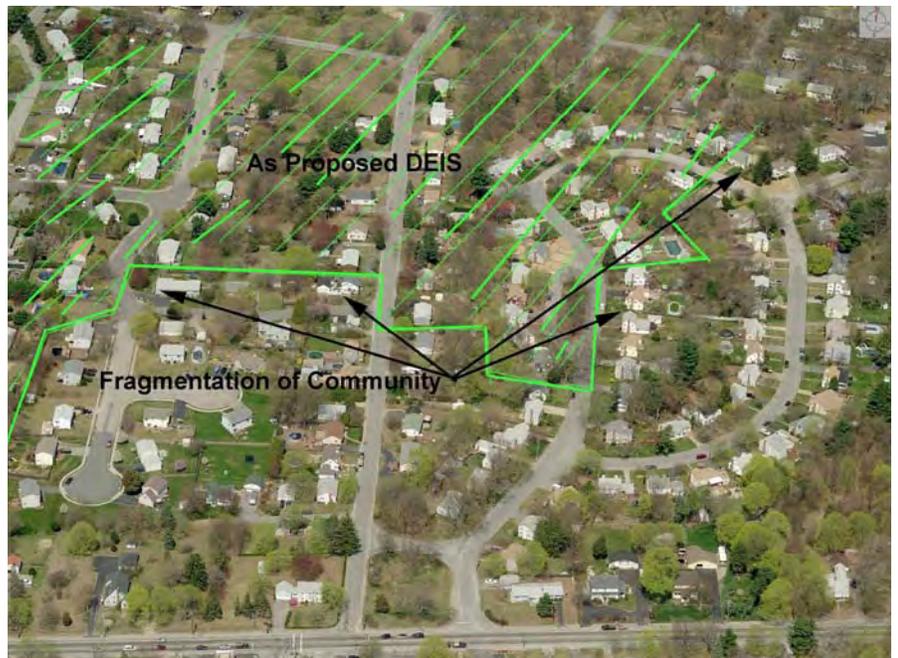
The DEIS must be supplemented to enhance the existing VLAP and include a 2025 logical block master plan used as both mitigation and planning tool to mitigate noise and promote long term land use compatibility. *(Figures above represent an example of this type of logical block master plan boundary)* After the acquisition is completed the properties could be assembled into a larger "campus" and rezoned to a compatible taxable reuse with appropriate vegetative buffers separating the uses.

A Voluntary Land Acquisition Program based on “logical breaks” as an alternative to eligibility based on a free-form noise contour fracturing the community is appropriate mitigation preserving continuity and the character of the remaining residential properties.

Such a program would promote future land use compatibility and reuse of these properties with a compatible land use limiting the fiscal and landuse impact on the community that otherwise must maintain and provide public services to a haphazard land use pattern created from an changing freeform noise contour and voluntary mitigation program. as illustrated in the accompanying photograph).

Nonetheless the City’s longstanding plea for consideration of this mitigation has gone unnoticed in the DEIS.

Additionally the DEIS does not include performance based funding of the VLAP tied to specific build actions within the Airport Improvement Plan as request by the City of Warwick throughout the DEIS process.



Mitigation of Section 4(f) Properties Lack Sufficient Detail (Recreation-Winslow Park)

Alternative B4 would result in the physical use of 14 acres of Winslow Park that lie within the RPZ, including 2.7 acres of the city-owned portion and 11.3 acres of the RIAC-owned portion. Under Alternative B4, the recreational facilities that would be removed include all four full-sized softball fields, the clubhouse, most of the soccer field area, and one playground according to Final DEIS dated July 2010 within Section 5.4.4.2 entitled Mitigation Section 4(f) and Section 6(f) Resources Technical Report on page 5-13 states.

“Since the Winslow Park is located within the RPZ under the No-Action and Build Alternatives, there are no minimization measures. Proposed mitigation for the project-related impacts to Winslow Park is to relocate the impacted park’s facilities (playing fields, playgrounds, and

The reduction of traffic volume will likely result in a diminution in land value possible resulting in the loss of existing and potential tenants reliant on high traffic volume. Concerning the relocation of Main Avenue associated with the preferred build option this action will alter the visual and physical orientation of existing businesses adjacent to Main Avenue the proposed action essentially placing the new relocated Main Avenue in the rear yard of these businesses requiring the owners to undertake costly renovations to create a new front entrance, facade and parking area at the rear elevation This DEIS offers no detail study of these impediments or offers appropriate mitigation to enact the required renovation. Accordingly the City of Warwick requests supplemental study of avoidance and mitigation options that integrates performance measures designed to professionally evaluate and appraise the full economic impact of the roadway changes associated with the B4 build option so as to determine the full extent of direct and indirect impacts on effected business properties in an effort to compensate, mitigate or avoid the actions adverse impacts. Without said supplement this DEIS will have concealed the full complement of adverse impacts associated with the preferred build option conflicting with the requirements of federal NEPA statute.



Mitigation - Wetlands Water Quality

See Section II *City of Warwick Comments to the Mr. Robert DeSista U.S. Army Corps of Engineers regarding the request of the Rhode Island Airport Corporation for a permit from the US Army Corps of Engineers under section 404 of the Clean Water Act to place fill in waters of the United States to construct airfield safety and efficiency improvements at T.F. Green Airport in Warwick, Rhode Island as described within the Draft Environmental Impact Statement ("DEIS") dated July 2010. Army Corp File Number NAE2005-395*

Quality of Life Considerations

The DEIS fails to address significant adverse environmental impacts from the cumulative effect of years of environmental, fiscal and social degradation. The City contends that decades of growing airport infrastructure and aircraft operations have produced substantial adverse and irreversible impacts on the health, quality of life and fiscal security of our community. The DEIS fails to sufficiently consider these indirect and cumulative impacts on the host Community accepting the general degradation of the quality of life characteristics of affected areas in its “sliding scale” approach to assessing the impact of the build action. Each new build action or AIP program assessment beginning with the degraded environment left from the last program creating an ever eroding baseline of comparison.



This DEIS must be supplemented with additional study as gained through a systematic analysis of linkages between the incremental changes in the physical environment and community and the cumulative impact that these changes have had on the whole of the community and environment with a goal of establishing what level of additional degradation can be tolerated and at what point does past, proposed and reasonably foreseeable future actions become too much for the host community to handle. Past VLAP programs have consistently degraded the surrounding environs from both a health and social perspective the proposed action aggravating these impacts. Affected residents experience a general degradation in their quality of life which is a characterization of fundamental elements that determine contentment of place. Additional noise, degraded air quality eroding land values and lack of neighborhood continuity place an enormous strain on effected residents and the City as a whole. Lost tax revenue associated with the growing VLAP program and a jumbled assortment of vacant properties next to residential properties and airport fencing makes for very inhospitable scene and promotes fiscal instability.

In many cases the City must extend services to a single home remaining in a VLAP area burdening City services and while the fractured community loses the social fabric that the community once knew as the VLAP program takes more than housing as it continually erodes social groups, schools and churches diminished from years of growing airport acquisitions. The DEIS fails to address any of these larger issues. Homeowners that fall outside the VLAP must endure long term health and noise concerns and depressed land values adversities not addressed in this DEIS which instead chooses an austere account of noise exposure impact on residential neighborhoods passing over in any substantive quality of life assessment required under the

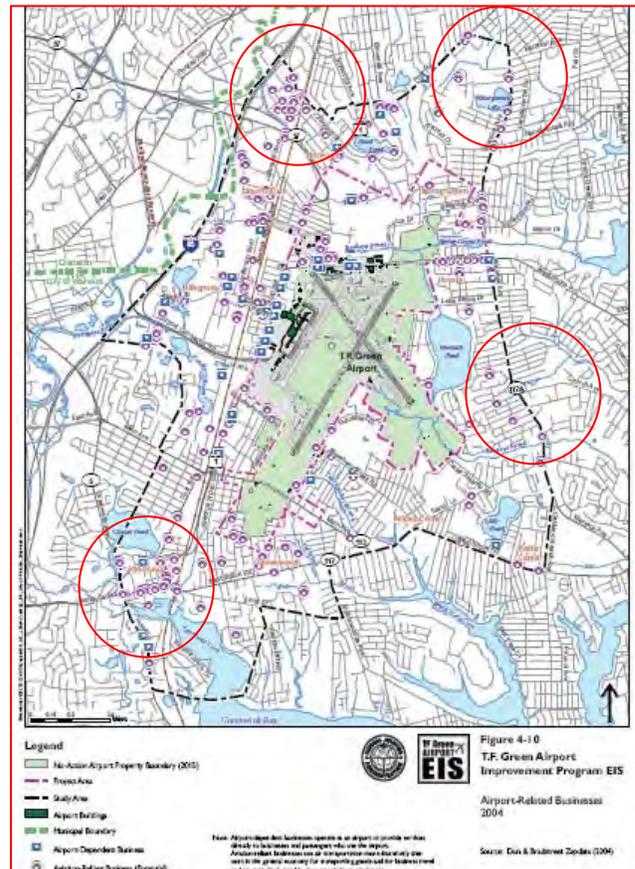
NEPA statute. In place of a comprehensive quality of life assessment the sole focus of this DEIS is directed toward mitigation designed to attenuate noise within the building or land acquisition for areas of 70 DNL or greater not addressing or evaluating the deteriorating quality of human, social, environmental and economic conditions over time. The instant DEIS is solely dependent on past and proposed VLAP programs to address the build actions impact on the community which is unacceptable to the City of Warwick. The immediate, incremental and long term degradation of quality of life in our community is a serious problem and as such the DEIS must compile a supplemental quality of life analysis that takes into past, immediate and reasonably foreseeable projects addressing the aforementioned environmental, social, fiscal and economic consequences compared against a baseline that includes an evaluation based on a deteriorating environ since 1995 the year prior to the construction of the new terminal building the beginning of a marked increase in infrastructure improvements, aircraft operations and land acquisitions.

Reduced Land Values

The City of Warwick contends that the DEIS is reticent in its discussion of diminution of property values caused by the build actions VLAP program, a degraded quality of life and increased noise and pollution from aircraft operations. The DEIS provides no time based appraisal of reduced land value or compensation for residential and commercial property owners who are required *wait* until the future build action and noise mitigation is completed. The issue must be addressed as an indirect effect of the build options as the effected properties are stigmatized from the time the preferred build action is announced to the completion of the build action or mitigation which could be ten years given the history of past programs.

Adverse Fiscal Impact on Community

The DEIS does not address the incremental and cumulative losses attributed to the diminution of property value and loss of tax revenues on the larger community including impact on the school system and public safety. The DEIS discounts the direct and cumulative health, environmental, social and fiscal burdens on the host community and its citizenry but overstates the economic benefits of the B4 preferred build action including an overly generous geographic estimation of airport dependent businesses along with a deceptive use of economic multipliers to bolster the selection of the preferred alternative B4. Using “*Potential Aviation-Reliant Business*” as described in the DEIS and in the accompanying figure is a ploy often used to bolster the economic impact associated with the airport landuse. As seen in the accompanying figure the wide-ranging geographic location and businesses depicted as directly attributed to the airport use is a “stretch” at best in some cases concluding that a fast food or retail



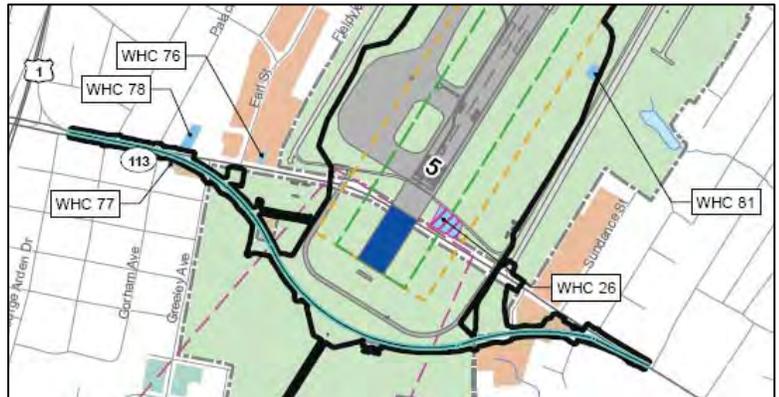
use located along the northern section of Warwick Avenue or along Centerville Road are airport reliant uses. The City of Warwick objects to the quantity of the fictitious links established in the DEIS between the airport land use and estimated economic impact. Absent the acclaim included in the DEIS for the economic benefits of the preferred build option the DEIS is silent as to providing the City mitigation funding to compensate for the roughly \$1 million loss of annual tax revenue from commercial and residential properties that will be acquired as part of the preferred build action.

Adverse Historical, Cultural and Archaeological Effects

Cemeteries

The City of Warwick Historical Cemetery Commission reviewed the proposed B4 Runway Expansion project for TF Green Airport at its August 3, 2010 meeting and found that the proposal generally inconsistent with local plans and policies concerning this project's impacts on Cemetery #26 and #77. The Warwick Historical Cemetery Commission writes,

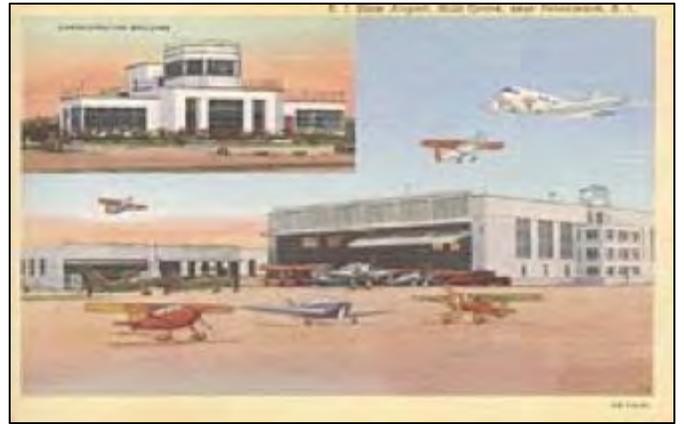
“Cemetery #26 is located within the gated area of the existing airport. This area would remain in an object free area. The proposals are 1) to lay the headstones flat, 2) relocate the cemetery and/or 3) create a new memorial outside the area of impact. Laying the stones flat would result in the deterioration of the engraving on the stones and of the stones themselves through cracking or breakage. This may also cause the stones to be lost over time. Mr. Dillon met with the Commission and mentioned that it may be possible to get an FAA waiver to keep the stones upright and that is the preferred alternative that this Commission would accept. Relocating the bodies to another cemetery should only be a last choice option and is one that would not get the support of the Commission if other options exist. Cemetery #77 is located adjacent to Main Avenue and the proposed alternative would require construction associated with relocating Main Ave occurring within 25 feet of this cemetery. According to John Sterling's book, “Warwick, Rhode Island Historical Cemeteries” there are 15 burials at this cemetery with only 2 headstones. An archeological study is required before any work could take place to determine the limits of the actual cemetery, and from there, the 25 foot buffer area. The site plans submitted are 1:1,000 and it is impossible to denote the actual limits of disturbance. A site plan drawn to a maximum scale of 1:200 would be required to determine the actual impact. Mr. Dillon mentioned that the roadway may be shifted to avoid the cemetery. Either way, before any work is performed in the vicinity of either cemetery, an archeological study must be performed to ensure the actual boundaries of each cemetery and that work does not take place in cemetery #77. A copy of this study must be submitted to the Warwick Historical Cemetery Commission, care of Sue Cabeceiras and also to Mark Carruolo of the Warwick Planning Department.”



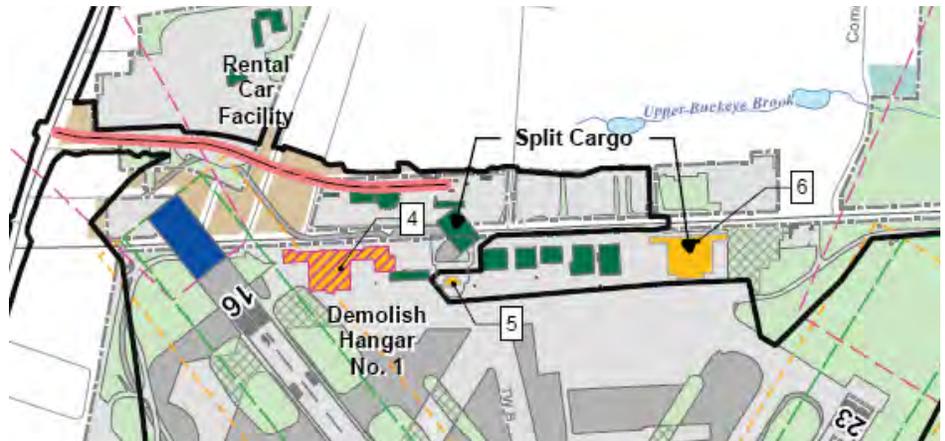
Memorandum to Bill DePasquale Principal Planner from Sue Cabeceiras Staff Assistant to the Warwick Historical Cemetery Commission dated August 23,2010 Appendices A

Hangar No. 1/Old Terminal Building

Hangar No. 1 is a historic property eligible for listing in the NRHP, would be demolished for safety reasons under Alternative B4, resulting in a Section 4(f) physical use of this resource and a use of the proposed Historic District (because Hangar No. 1 is a contributing element to the district). Alternative B4 would also impact the Rhode Island State Airport Terminal (Operations Building), a historic property listed in the NRHP.



The preferred build alternative B4 presented in the DEIS, would eliminate Hangar No. 1 and obscure the landside view from Airport Road of the Rhode Island State Airport building (currently on the National Register of Historic Places).



The City works closely with the RI Historic Preservation and Heritage Commission and shares many of their concerns including that both Hangars No 1 and 2 are original intact airport buildings that are excellent examples of an early airport which combined could possibly make up a historic district. The FAA, RIHP and historic district commission



concur that based on the research Hangar No. 1 and Hangar No. 2 are eligible to be listed on the National Register. Therefore Hangar No. 1 is considered by the City of Warwick to be a very significant resource and its demolition would be an adverse and as such we object to its demolition. Alternative B4 would avoid the terminal building but would take part of the front (landside) lawn of the historic property (resulting in a physical use due to the loss of landscaping and the historic entry to the terminal building) and would change its setting.



The City of Warwick Historic District Commission at its September 10, 2010 meeting considered the proposed B4 build action and found that,

“For both its architectural and historic significance, the Warwick Historic District Commission strongly and adamantly objects to any proposal that would jeopardize this building and will continue to advocate for the preservation of Hangar No. 1.

*The Warwick Historic District Commission **also opposes any airport expansion proposal that would impact the integrity or visibility of the National Register-listed Rhode Island State Airport Terminal building.** Opened to the public in 1933, it is noteworthy for being the first modern style public building erected by the state. It reflects the influence of the International style of architects of the 1920s and the decorative principles of the Art Deco style. The design also reflects the attitude of a generation, an optimism toward progress and technology which characterized the era.*

Alternative B4 as proposed in the DEIS, would eliminate landside views of the Rhode Island State Airport Terminal building and alter the historic entry into the terminal building, impacting an important view corridor. The Nomination form on record cites as significant “the Terminal together with its immediate surroundings, including a sight line from Occupasstuxet (Airport) Road to the Terminal and a pattern of radial pathways on the apron south of the Terminal which was part of the original design for the building and its environs.” The surrounding landscape is flat, with open taxiways and runway complex clearly visible. Visual access to the property is a contributing factor to understanding its public and historic significance.

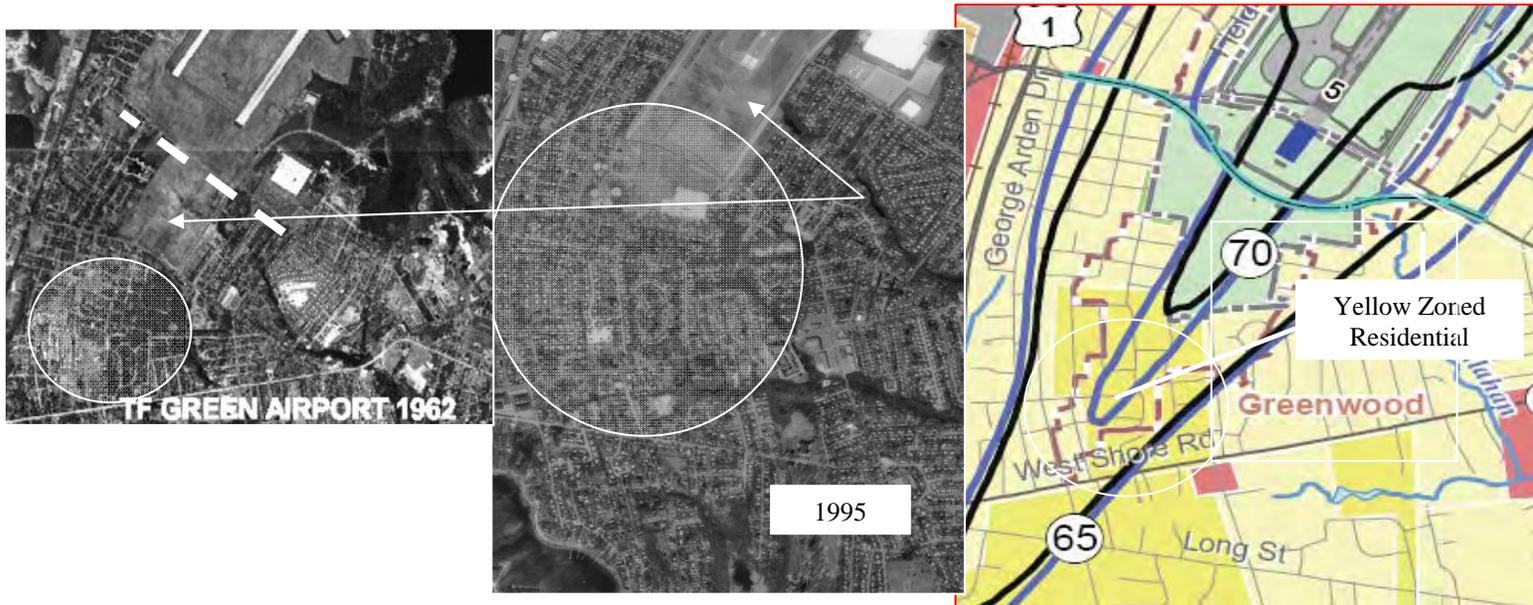
It is imperative that we all strive to protect the Nation’s significant historic properties for future generations and protect important historic resources like Hangar No. 1 and the Rhode Island State Airport Terminal building and its context. At the September 9, 2010 meeting, the Warwick Historic District Commission made a finding that Hangar No. 1 and the ability of the public to view the Rhode Island State Airport Terminal building are significant and important historic resources and approved a motion to contact the Rhode Island Preservation and Heritage Commission in order to be considered as an interested party in any future decision regarding these resources.”

*Letter to LaVerne F. Reid Manager, Airports Division Federal Aviation Administration
New England Region 12 New England Executive Park Burlington, MA 01803 From Robert Kunz, Chair Warwick Historic District
Commission dated September 10, 2010 (Appendices A)*

DEIS Lacks Long Term Land Use Planning

Land use compatibility has long been an issue of concern to the FAA and the City of Warwick dating back to its acknowledgment within the 1999 FAA approved Noise Compatibly Study for T.F. Green Airport which included requisite efforts to work with the City of Warwick to achieving compatible land use planning. Over the years this has been a well voiced “concern” of the FAA and RIAC but it is apparent with the past and future VLAP programs included in this DEIS the issue appears to be based on discourse rather than action. The City has for years requested a timely and proactive extension of the residential noise mitigation program with a longer-term plan of rezoning and reuse to reduce user conflict and improve future land use compatibility.

As illustrated in the 1995 aerial below the residential neighborhood surround the airport existed well before the construction of the Bruce Sundlun terminal in 1996. The zoning and platting of this area occurred in the early 1960's well before the extension of the main runway (5-23) crossed Strawberry Field Road a fact lost in this DEIS "coming to the nuisance" arguments. The study lacks a full and proper assessment of past, proposed and reasonable foreseeable expansion projects impacts on this residential community and does little to address the user conflict created by former and proposed land acquisition programs on long term comprehensive planning.



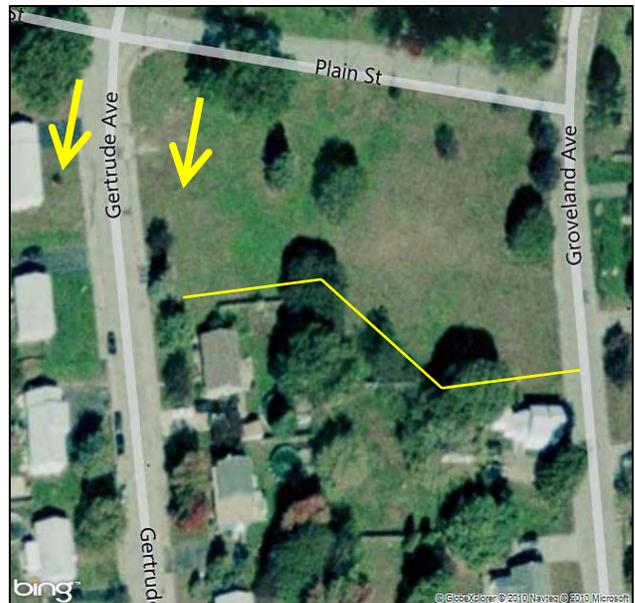
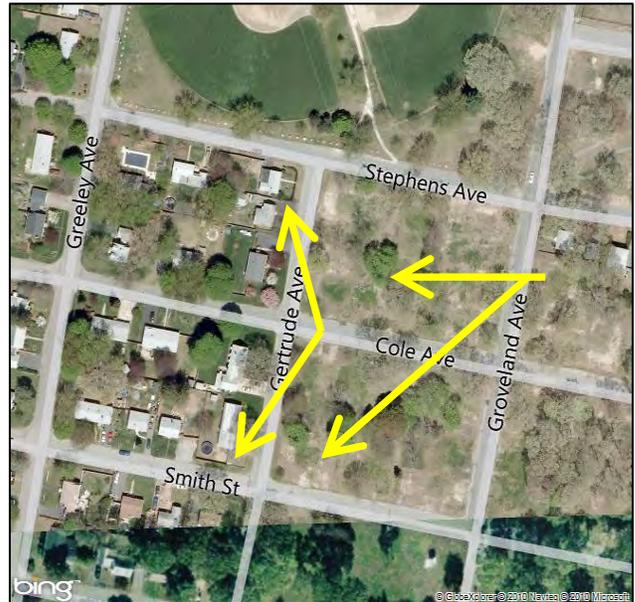
The repeated requests by the City to improve the VLAP program so to buffer and protect neighborhoods from fracture and isolation as a standard planning practice has been to no avail as the DEIS VLAP program remains the same as it was a decade ago which will result in even greater land use incompatibility and a disjointed checker boarded land use pattern in contradiction of all planning principals. The DEIS proposed a failed mitigation and land use planning tool which is costly and inefficient often involving both federal funding of noise attenuation and acquisition of the same home years later leaving behind a whole new collection of upset and adversely impacted neighbors who are suddenly exposed as fringe properties along the VLAP acquisitions area. The DEIS fails to completely commit to funding of a VLAP tied with funding of elements of the AIP program and offers no genuine long term land use planning. The DEIS by omission declined the City of Warwick's request to begin that planning by providing the City with the GIS data developed as part of the EIS to assist the City in its update of the Comprehensive Plan to reduce incompatibility around the airport land use.

Both the FAA and its consultants are aware of the request but the DEIS contains no commitment for collaboration with the City to define mutually acceptable boundaries for the land acquisition to form "logical breaks" based on the defined physical boundaries that would preserve continuity and the character within the most impacted neighborhoods. With the continued voluntary and mandatory land acquisitions radiating out from the fence line of airport property further and further into the community the DEIS offers no method of strategic planning by and between RIAC and the City of Warwick for reuse and rezoning of the VLAP an MLAP which are fundamental elements of the B4 Build action.

The DEIS does not consider the manner in which the preferred build option B4 will impact the City of Warwick Comprehensive Plan and Zoning Ordinance creating new land use incompatibly along the new Main Avenue and within the 70 dnl. As depicted in the aerial the current and future incongruity is created by the proposed MLAP, VLAP and Main Avenue reconstruction with appropriate study and without detailed mitigation or anticipation of future rezoning and impact on existing uses affected by the build action. The DEIS does not succeed in dovetailing State, Federal and local planning goals, objectives and conflicts including probable zone changes involved with the 2025 build out of the B4 build action in a proactive manner and concert with the City efforts in updating the City's Comprehensive Plan.

In fact the preferred build option B4 will actually result in greater land use *incompatibility* than that present in the existing condition including wide ranging secondary effects associated with the build actions VLAP and MLAP's. Upon completion of these programs properties acquired by RIAC using federal funds will be outside the City's planning and zoning process and as such the City and its residents will have no knowledge of the reuse options proposed for these properties possible causing even greater conflict with neighboring properties as a majority of taking will occur on residentially zoned land and will have an inherent conflict with the FAA land use compatibility requirements that supports reuse of properties not required for operations or safety. A major flaw of this DEIS is ignoring study of the tools and resources necessary for attain long-term planning and compatibility with FAA own land use policies and the City's Comprehensive Plan. Until this is accomplished the DEIS cannot sustain its finding that the preferred build action will not have significant adverse impacts on area land use and zoning.

The DEIS ought to provide as a mitigating measure funding for an independent planning consultant to develop an adaptive reuse plan (rezoning) in consultation with the City of Warwick consistent with the City's Comprehensive Plan for surplus airport property which could result in long term land use compatibility while restoring property to the tax rolls. In spite of the ongoing requests made by the City throughout the EIS the final DEIS does little to address these significant planning issues. Instead the DEIS offers a VLAP and MLAP that will creating new land use conflicts within the "fringe" properties bordering on the new VLAP, RPZ and roadway relocations.



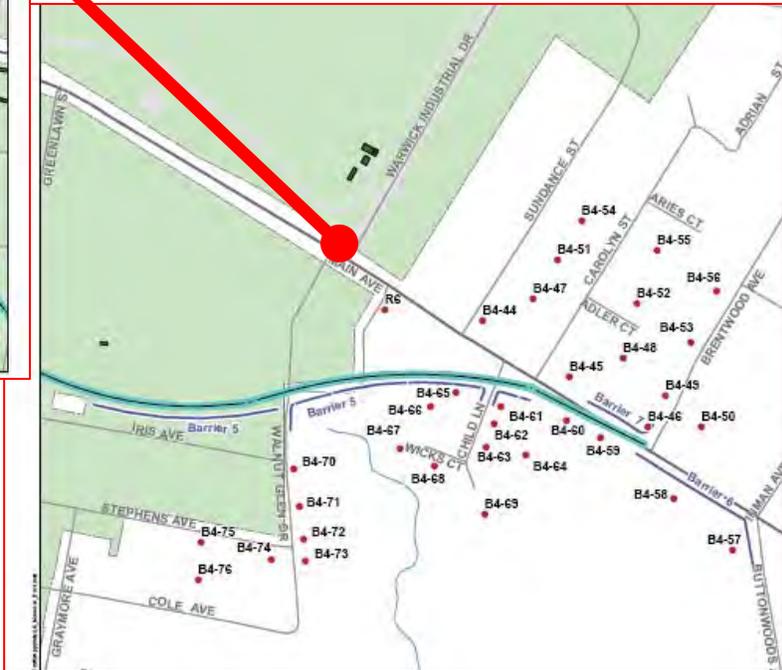
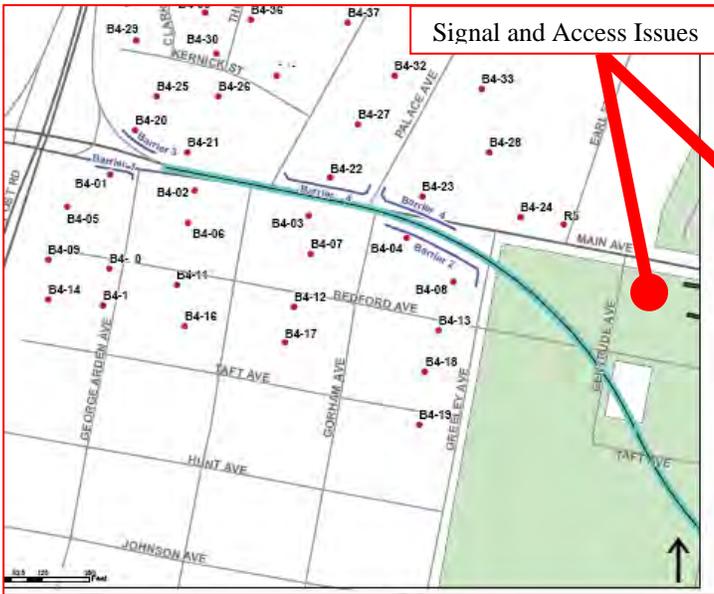
The DEIS must include enhanced with the study of a strategic long term plan of block based property purchases outside the traditional VLAP areas using RIAC bonding to purchase residential properties in and around the borders of the VLAP to create a uniform collection of parcels that in aggregate create a campus with access to a major arterial roadway the uniform collection of lots could then be merged, rezoned and sold allowing repayment of the bond, creation of new taxable properties for compatible businesses development proximate with the airport use. (See comments “Voluntary Land Acquisition Program (VLAP) is Underdeveloped and Lacks Defined Funding, Commitments and Buffers”) The DEIS lacks appropriate discussion and mitigation that would support this proactive approach instead choosing to progress with the existing VLAP programs and FAA land use policies that have proved through out the country to be a miserable failure mainly because of the disconnect and divergent airport and community land use and planning goals.

State and Local Planning

The DEIS findings directly conflict with the City’s Comprehensive Plan Circulation and Transportation Element (page 49) which, “Discourages any proposal to expand Airport runways” because of the study’s error in providing adequate alternatives to the proposed impacts with an “right sized” improvement program that emphasizes lowering the cost to airlines doing business at T.F. Green Airport lowering the hassle factor and improving the ease in which travelers pass through the airport. This sentiment coupled with an 8,300 lf runway 5-23 was the expression the City forwarded to Rhode Island Statewide Planning. In 2007 the City of Warwick is on record objecting to the proposed amendments to the Rhode Island State Airport Systems Plan State Guide Plan Element 640 that disposed of this balanced approach in favor of an unbalanced assessment promoting limitless expansion of airport infrastructure with only a passing interest of land use planning. The proposed amendments written by an aviation industry professional was simply a repackaged New England Regional Systems Plan based on a desire to promote FAA and RIAC expansion without considering the challenges presenting to the host community such as water/air quality degradation, land use incompatibility, adverse noise impacts, and fiscal constraints. The DEIS must include a supplemental analysis that integrates review of the City’s Comprehensive Plan the State Guide Plan and the New England Regional Systems Plan. Strategic planning of airport infrastructure and surrounding airport acquisition must be accomplished in a proactive cooperative manner in harmony with the concerns of the host community and health of the surrounding environment. (Also see section II entitled City’s Comprehensive Plan)

Surface Transportation

The City of Warwick objects to the roadway geometry proposed for the relocated Main Avenue associated with option B4 particularly the radius of the roadway proposed and the lack of continuity on this roadway from RT 117 to the Post Road. The proposed alignment presents an unusual and unexpected curvature in the roadway presenting public safety and a dangerous condition that is not present in the existing condition. The DEIS also contains no reference to the proposed effect of the Main Avenue relocation on Industrial Drive proposing no replacement of signalization at Main Ave and Groveland/Industrial Drive intersections. Signalization at these intersections have received a successful warrant analysis and without said signal the proposed condition will degraded to a point of imposing an immediate and dangerous public safety concerns for residents attempting to access Main Avenue from the Groveland/Industrial Drive Groveland Drive access points.



The DEIS also fails miserably in addressing impact of the Build action’s roadway relocation on residential neighborhoods including assessment of public safety response. The build option B4 eliminates thru traffic from RT 117 to Main Avenue a primary hurricane evacuation route contained within the State of Rhode Island Emergency Management Agency Rhode Island hurricane evacuation maps prepared in coordination with the Rhode Island Department of Transportation and local community. The DEIS must address the B4 build option’s impact on emergency preparedness plans and address mitigating the elimination of this evacuation route.

The City objects to the DEIS proposed Airport Road – Post Road intersection as the proposed redesign does not increase a exiting low or failing Level of Service (LOS). Increasing functional capacity of effected intersections is in the best interest of the airport operator in support the 2025 build of the AIP plan.



them into large cardboard boxes. Chairs were set up in the center section of the ballroom where an automated slide show and audiotape gave a 15-minute overview of all airport expansion options — with the presentation repeating every half-hour. The results were slightly chaotic as people in the ebbing and flowing crowd of nearly 400 wandered from section to section, most looking for someone with a nametag or latching onto the handful of city officials who were in attendance. “This is just a divide-and-conquer maneuver,” Dan Murphy, of the group Concerned Airport Neighborhoods, declared as he stood in the foyer handing out anti-airport expansion signs.”

June 4, 2009 Providence Journal Bulletin article written by Journal Staff Writer Barbara Polichetti entitled “FAA presents latest plan for Green Airport expansion”.

Following what can best be described as a calamity of a hearing which was acknowledged by all except FAA and RIAC the Mayor of the City of Warwick describing the informational meeting as “disastrous” requested the Federal Aviation Administration hold another session for the public a request that was rejected by the FAA. The City of Warwick contends that the public information and participation process was a contrived specious attempt to fulfill the CFR requirements implementing EIS development under the NEPA statute and were not legitimate means in which to provide and receive information and comments from the general public. Another impediment to the public process is a common tactic used by FAA and RIAC throughout the process in which the FAA consultant often deferred substantive questions objections or concerns by the City and general public to another stage of the process that never occurred a tactic that continues today as officials misrepresent the level of public involvement remaining in the process alluding to the publication of the final EIS which the City submits is too late to effectively address study concerns. Finally the EIS relies heavily upon Inter/Agency-Tribal Coordination Agreement that on its face appeared inclusive but with any detailed review is found to be a process based on restricted response reducing difficult and technically detailed issues into a check mark in a box indicting conformance with that member’s specific purview. “*To better coordinate the environmental review process for the EIS, the Coordination Group has developed an agreement for working together as partners to coordinate and expedite the environmental review process while also improving decision-making and safeguarding the environment.*” VHB DEIS website. This method of agency coordination essentially controls the process espoused by plan proponents. The flawed process limited comment and stifled opposition discussion. The simple checklist assessment limited to the jurisdiction of the agency dissuaded comprehensive review of complex issues contained within the DEIS that overlap agency jurisdiction. The City of Warwick early on recognized this process was meant to control and limit comment and would be used to illustrate agency acquiescence at the end of the process. As such the City of Warwick decided to retain the autonomy to comment on all aspects of the DEIS throughout the EIS process which indeed resulted in the City of Warwick submitting hundreds of pages of documents over a multitude of issues not the 10 page checklist items allowed as part of this DEIS’s biased process. Considering the impact of the preferred build option of residential and commercial properties the decision to provide larger scale mapping for the public depicting the voluntary/mandatory acquisition areas and significant noise exposed areas didn’t appear until late August of 2010 and only after the City of Warwick beseeched the FAA to provide said mapping which was found to be useful to effected residents many unaware of the effect that the build action had on their property because of the complexity of the document, vague retort of officials and 2000 scale mapping that was indecipherable. However the limited mapping provided on the website did not assist those residents who did not have access to the internet. VHB provided no such large 200 scale mapping to the public library nor did they bother to circulate the larger scale mapping to the effected community.

Fleet Mix (also see purpose and need)

The DEIS used erroneous fleet assumptions contained within Section 3.7 of the Level 5 “Screening – Further Refined Alternatives, 8,300 South Configuration – Extend Runway 5-23 to 8,300 Feet” the “Percent of Total Passenger Demand for West Coast Non-Stop Service 2020” as well as within the “Runway Lengths and Probable Non-Stop West Coast Passenger Service” and Table 3-7 Utility and Construction Cost Assessment of Runway 5-23 Lengths Alternatives” of the Final DEIS Chapter 3 – Alternatives Analysis; page 3(14-20) and page 3-21 dated July 2010 evaluating a lower 85 % Percent of “Total Passenger Demand for West Coast Non-Stop Service 2020” for the 8,300 B3 south Runway Length option.

The DEIS contains no cost-benefit study

A factual interrogatory concerning the cost effectiveness of the level 5 alternatives and cost benefit of the preferred build option B4 is absent within this DEIS process. The DEIS must include study comparison of the 8,300 runway 5-23 south option in conjunction with reasonable efficiency improvement options such as lowering airline fees to be more competitive in New England thereby meeting the purpose and need with a project that imposes less adverse impact on the environment and host community than the preferred B4 build option. The collective economic benefits professed as a reason to promote the longest of runway alternatives assumes the benefits will outweigh the direct and indirect costs of the project but the DEIS cannot support this supposition as a cost benefit study with 8,300 runway 5-23 south option has not been completed. It is the City of Warwick’s position that the DEIS’s findings supporting selection of the preferred alternative cannot be said to be the most feasible practicable alternative without completion of a accurate cost benefit study that would allow a more rational assessment of all direct, indirect short and long term mitigation and infrastructure costs.

Insufficient Study of Cumulative Impact

A detailed cumulative assessment of impacts on social, fiscal and environmental resources on the host City is largely absent in this DEIS or partitioned with the section of study often minimized or trivialized failing to meet the procedural obligations of the National Environmental Policy Act. As a substitute for compliance with the NEPA statute the DEIS analysis touches on all aspects of “required” study areas legitimizing or reasoning out of further detail study of cumulative impact focusing on the build action direct effects. Certain sections of the DEIS involving sub-consultants appear well-studied independent conveyance of information but the details and finding don’t often follow through to DEIS actions and are missing from the executive summary. The main body of work is skewed toward validation and subjective selection of a preferred alternative that changed several times during the process. The unsubstantiated promise of economic gain is offered without scintilla of evidence while well-reasoned judgments regarding the magnitude of past, present and future impacts on the host community from the multitude of airport build actions are absent.

Omission of Data and Study of Feasible Avoidance and Minimization Options

The preferred build alternative B4 was shepherded forward circumventing the avoidance and minimization criteria of NEPA without adequate comparison to a practicable alternative that met

the purpose and need. The DEIS is a rationalization of a predetermined build option providing minimal and ineffectual mitigation based solely on the immediate project impacts without establishing the baseline condition required under NEPA. The use of a continually deteriorating baseline condition perpetuates the omission philosophy contained in the DEIS discounting the City's concerns and the incremental burdens associated with past build actions while bolstering support for the preferred build action in a manner that requires the least amount of funding for reconstruction and mitigation. Substantial environmental issues raised by the City throughout the DEIS process regarding cumulative air pollution, social justice, housing, impact on children, noise, land use, wetlands and water quality impacts continue to be omitted from consideration in the DEIS. The inadequate study and omission of genuine study of secondary and cumulative impacts results in a DEIS study that does not fully disclose or give and an accurate portrayal of impact of the proposed preferred build option B4 of the host community.

For years, the City's residents have been required to bear all the burdens of this growing land use located in the geographic center of Warwick. However the DEIS offer little acknowledgment of the airport existing constraints and burdens on the host community as a major factor in the selection of a preferred alternative as required under NEPA. Beyond the omission the level 6 analysis of the 8,300 foot runway 5/23 south option the DEIS entirely disregards the "no-build" option providing cursory obtuse reasoning to eliminate this option early-on in the process even though technically the "no build" remains as option it is only because it is required under NEPA not because the authors of the study had any intention to truly evaluate the no build against the build options.

**DEIS Documentation Is Incomplete - Doesn't Include the Entire Complement of City
Comments Recorded with the FAA.**

Amend the DEIS appendices 3 (c) entitled "public participation materials" and "Appendix B Federal, State, City, and Tribal Coordination" B.3 City Coordination" to include all the documents contained in the appendices B which were official City comments submitted to the FAA throughout the DEIS process.

Section II
City of Warwick Comments

- *Least Damaging Practicable Alternatives Analysis*
- *Wetlands and Waterways*
- *Water Quality*
- *Fish, Wildlife, and Plants*
- *Mitigation*



Objection filed with the U.S. Army Corps of Engineers
New England District
696 Virginia Road Concord MA 01742-2751

Project: U.S. Army Corp File Number NAE2005-395

Draft Environmental Impact Statement ("DEIS") dated July 2010
Rhode Island Airport Corporation T.F Green Airport Warwick, Rhode Island Request for a
permit from the US Army Corps of Engineers under Section 404 of the Clean Water Act

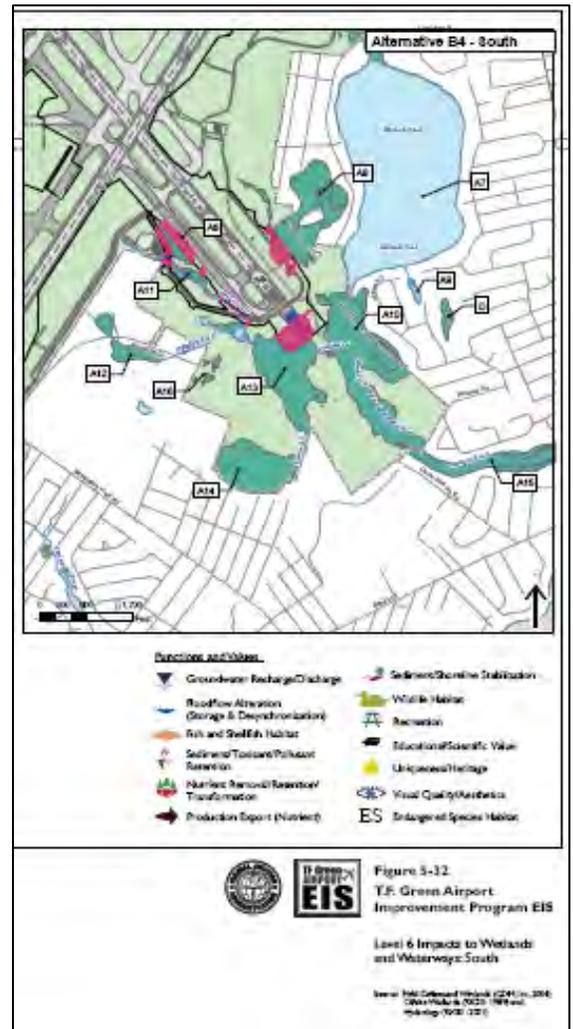
*City of Warwick Objection - Army Corp File Number NAE2005-395
Draft Environmental Impact Statement ("DEIS") dated July 2010
Rhode Island Airport Corporation T.F Green Airport Warwick, Rhode Island*

**Attachment- to letter from Scott Avedisian, Mayor City of Warwick to Mr. Robert DeSista
U.S. Army Corps of Engineers New England District 696 Virginia Road Concord MA 01742-2751
dated August 20, 2010 regarding the Rhode Island Airport Corporation T.F Green Airport Warwick, Rhode
Island request for a permit from the US Army Corps of Engineers under Section 404 of the Clean Water Act*

PROJECT DESCRIPTION

The project is located within the City of Warwick Rhode Island at T.F. Green Airport. The instant petition to the U.S. Army Corps of Engineers requests a permit under section 404 of the Clean Water Act to place fill in waters of the United States so as to construct airfield safety improvements at T.F Green Airport in Warwick Rhode Island. As contained in the Draft Environmental Impact Statement ("DEIS") dated July 2010 improvement option B4 proposes adding runway safety area (RSA) to Runway 16-34. The Runway 34 end would be shifted 100 feet north and a portion of the runway safety area (RSA) would be constructed by placing fill south of the existing Runway 34 end resulting in significant wetland destruction. The application requests filling and or destruction of 7.3 acres of federal-jurisdictional wetlands and alteration or filling of approximately 918 linear feet of waterways.

The preferred alternative B4 build option would have direct impacts to wetlands and wetland functions and values *"of four wetlands in the Buckeye Brook watershed with a total of all wetland area losses of approximately 7.3 acres of federally regulated wetland. State-regulated perimeter and riverbank wetlands are dimensional setbacks from federal-regulated (palustrine) wetlands and streams which often overlap from more than one resource area."*... *"In addition, approximately 918 linear feet of intermittent streams would be relocated or have segments placed in culverts."* *DEIS Technical Report Wetlands and Waterways - Page 4-18 - July 2010*



SUMMARY

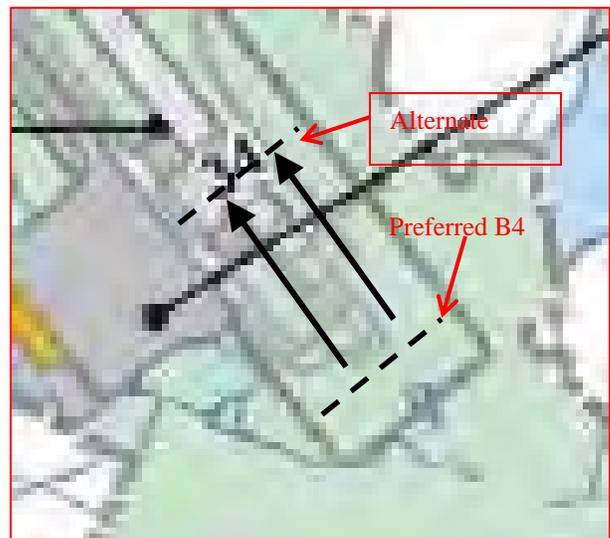
The City of Warwick objects to the requested permit as we contend the requested permit for the proposed build options are not in compliance with the U.S. Army Corps of Engineers Regulatory Program Regulations 33 CFR 320-332, the Memorandum of Agreement between the Department of the Army and the Environmental Protection Agency regarding the Clean Water Act (CWA), Section 404(b)(1) guidelines and the criteria for evaluating discharges or fill materials into navigable waters and adjacent wetlands under Section 404 of the CWA and USEPA 40 CFR Part

230, the DEIS being generally contrary with the Council on Environmental Quality (“CEQ”) Regulations implementing the NEPA National Environmental Policy Act, 42 U.S.C. § 4321 et seq. (“NEPA”) statute.

Section 404(b)(1) Guidelines of the Clean Water Act (CWA) specifically requires that *“no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.”* 40 CFR 230.10(a)”.

The City of Warwick finds that the July 10 publication of the DEIS (DEIS) did not include all reasonable and practicable alternatives to the destroying approximately 7.3 acres of federally regulated wetlands and 918 linear feet of intermittent streams and its riparian habitat.

The DEIS did not rigorously explore or objectively evaluate “practicable” alternate alignments of runway 16/34 that met the project’s purpose and need with far less water quality, habitat loss and adverse impacts on the wetland systems of Buckeye Brook and Warwick Pond than the DEIS’s preferred alternative B4. Specifically in 2007 an “Improvement Program Option C” was presented to the Inter-Agency/Tribal Coordination Group within the DEIS process. This option depicted a runway 16/34 configuration located further northwest than the 16/34 layout presented within this application as the preferred alternative. The 2007



Improvement Program Option C runway 16/34 configuration option met the purpose and need for this the project described as improving public safety improved through the creation of runway safety areas while avoiding the destruction of 7.3 acres of woodland/aquatic habitat that is required under the B4 preferred build option. However *“This scenario was evaluated in the Level 4 Alternatives Analysis and was found not practicable since this would require Post Road to be relocated or closed.”* **Wetlands and Waterways Technical Report page 4-29 July 2010**

The City of Warwick considers the destruction of 7.3 acres of palustrine wetlands and the filling or alteration of 918 linear feet of waterway as unacceptable and unnecessary and would not exist if the alternate practicable 16-34 runway configuration were more broadly considered within the level 6 comparative evaluation as an alternate design within the B4 build option. Instead in 2007 this “Improvement Program Option C” presented to the Inter-Agency/Tribal Coordination Group was eliminated based not on the impact of the crosswind layout (R16/34) but instead on the “entirety” of the option’s impact which included a costly tunneling of Main Ave to accommodate runway 5/23 and new cargo facility to be built in the wetland complex along the southwest end of runway 34. The elimination of this option was based on the “aggregate” impact of the entire airport layout without reasoned forethought that the 16-34 north configuration could and should have been “lifted” from this option and included within an alternate hybrid B4 plan that created a *“less damaging practicable alternative”* that met the purpose and need for the project per 40 C.F.R. § 230.10(a).

The prejudiced decision to remove a northwest shift of runway 16/34 alignment from comparative evaluation as part of the July 2010 DEIS created a fatal flaw in this study because it all but guaranteed the two build options reviewed would have an artificially high baseline of environmental harm that would not have been present if the northwest shift of runway 16/34 alignment were studied within level 6 comparative analysis in the July 2010 DEIS. The northwest shift of runway 16/34 alignment is considered practicable and avoided the extent of wetland destruction imposed by both build options B2 and B4 included in the July 2010 DEIS.

The removal of this practicable alternative was based on scant evidence as well as an erroneous conclusion that completing the infrastructure necessary to accommodate the option wasn't viable. The specious and premature removal of this viable layout for runway 16-34 simply limited the alternative and comparative analysis in a way that justified a preferred outcome which directly conflicts with 40 CFR Sec. 1502.2(f) EIS entitled "*Implementation*" which reads "*Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1).(g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made*"

Beyond this DEIS's lack of avoidance, the City of Warwick contends the compensatory mitigation contained in the Plan is both speculative and insufficient to accomplish restoration and enhancement of habitat loss within the Buckeye Brook ecosystem as a majority of the proposed mitigation requires "off site" control of property and is outside the most impacted Buckeye Brook watershed. The mitigation described within the DEIS fails to preserve the known aquatic resources of the brook supporting the annual herring run of alewives and blueback herring that swim from the Atlantic Ocean into the brook, and to Warwick Pond where they spawn. The City contends the DEIS fails to diligently explore alternate mitigation sites within the 3.5 mile Buckeye Brook watershed that would provide an improved ecological and physical connection to the resources. Additionally the Spring Green Pond ecosystem which presently drains in to Warwick Pond was "reversed" by man decades ago and could receive restoration back to its original course correcting a past wrong and possibly becoming accessible to herring from Occupasstuxet Cove. As a substitute to correlating mitigation within the effected ecosystem known to all to have sensitive aquatic resources the DEIS decides to use the entire Narragansett Bay watershed to locate a litany of *conceptual* projects dependent on site specific ecological and hydrologic conditions assuming off-site purchase, control and permitting with no means to guarantee that the measures will be funded, completed, evaluated and managed over time.

This plan does not assure success in replicating habitat values destroyed by the preferred B4 build option which is inconsistent with EPA, Army Corps and Section 404(b) (1) requirements and guidelines for implementing effective mitigation measures. The DEIS also does not contain articulated performance standards, contingency plans or appropriate evaluation methods and site specific "off site" conditions necessary to support the planned wetland restoration/creation critical information that many wetland scientists believe necessary in developing a successful wetland mitigation plan capable of replicating the functioning and values of a mature wetland ecosystem being impacted. Reviewing the terms exercised in the DEIS the proposed mitigation is "conceptual" and as such is not absolute or compulsory lacking clarity of funding, implementation, management and long term success which is contrary with 33 CFR Parts 320 - 332, Section 40 of the Code of Federal Regulations C.F.R. §§§ PARTS 1507 entitled *Agency Compliance*, 1508.20 entitled *Mitigation* and 1508.25 (a) (b) (c) entitled *Scope, Actions, Alternatives*.

Guidelines, regulations and agreements prepared for and by the U.S. Army Corps of Engineers and EPA as well as regulations governing the implementation of the Clean Water Act and NEPA recognize the need to fully address secondary and cumulative impacts of filling federally regulated wetlands and waterways. Nonetheless the City of Warwick contends that this DEIS does not fully study or evaluate the full extent of secondary and cumulative adverse impacts on the entire Buckeye Brook and Warwick Pond ecosystem from past, proposed and reasonably foreseeable future projects. The DEIS's largely time based inventory is long on cataloging damaging events but short a complete qualitative and quantitative functional assessment of the ecosystem over time and how incremental habitat loss and degraded water quality associated with airport action and operations have had on the overall functionality of the remaining "critic mass" of wetlands located in this highly urbanized community.

Until this functional assessment is completed full disclosure of the preferred build options effect on the environment is not possible rendering knowledgeable reasonable assessment of compliance with the National Environmental Policy Act (NEPA), Clean Water Act (CWA) and U.S. Army Corps of Engineers Regulatory Program Regulations impossible. The lack of detailed evaluation concerning "reasonable foreseeable" adverse effects from incremental habitat destruction and water quality degradation from past and proposed build actions taken place on and around airport property all but guarantees that an accurate baseline for comparative analysis required under NEPA cannot be achieved nor can it be said that DEIS has adequately addressed 40 CFR. §§ 1508.7 "Cumulative", 1508.8 "Effects". Therefore it is argued that in accordance with the Clean Water Act (CWA) and the regulations governing the implementation of NEPA a permit for further wetland destruction cannot be granted until the applicant is made to complete a comprehensive cumulative impact analysis that is both quantitative and qualitative to ascertain the project's full impact on area habitat value and water quality.

In summary the inadequate study of "least environmentally damaging practicable project alternatives" along with a clear lack of cumulative hydro geomorphic analysis of the Buckeye Brook watershed flaws the DEIS's finding that mitigation is unavoidable. Until all past and proposed project-related impacts on Buckeye Brook are clearly quantified and studied, we can not fully evaluate the true extent of the adverse impacts imposed by the preferred build option.

The unfunded scant and vague mitigation plan is equally inadequate to mitigate the project's substantial impact cited deficiencies that support the City's reasonable determination that the this applicant and its supporting DEIS study of the preferred build option B4 **does not** fully satisfy the requirements of the National Environmental Policy Act, the Code of Federal Regulations implementing NEPA, the Clean Water Act (CWA) and U.S. Army Corps of Engineers Regulatory Program regulations in the manner described below.

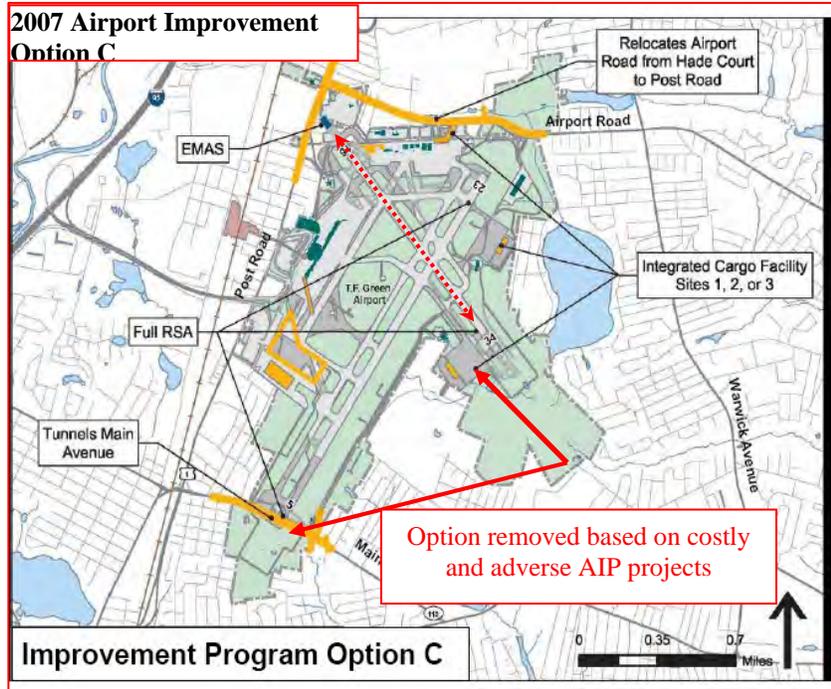
**THE PERMIT APPLICATION DOES NOT REPRESENT THE LEAST DAMAGING
PRACTICABLE ALTERNATIVE**

**EPA's 404(b) (1) 40 CFR §§ 230.5(c) 40 CFR 230.10(a) (1) (2)
40 §§ CFR 1502.14 (a) (b), 1508.25
42 U.S.C. § 4332 (E)
33 CFR Parts 320 -332**

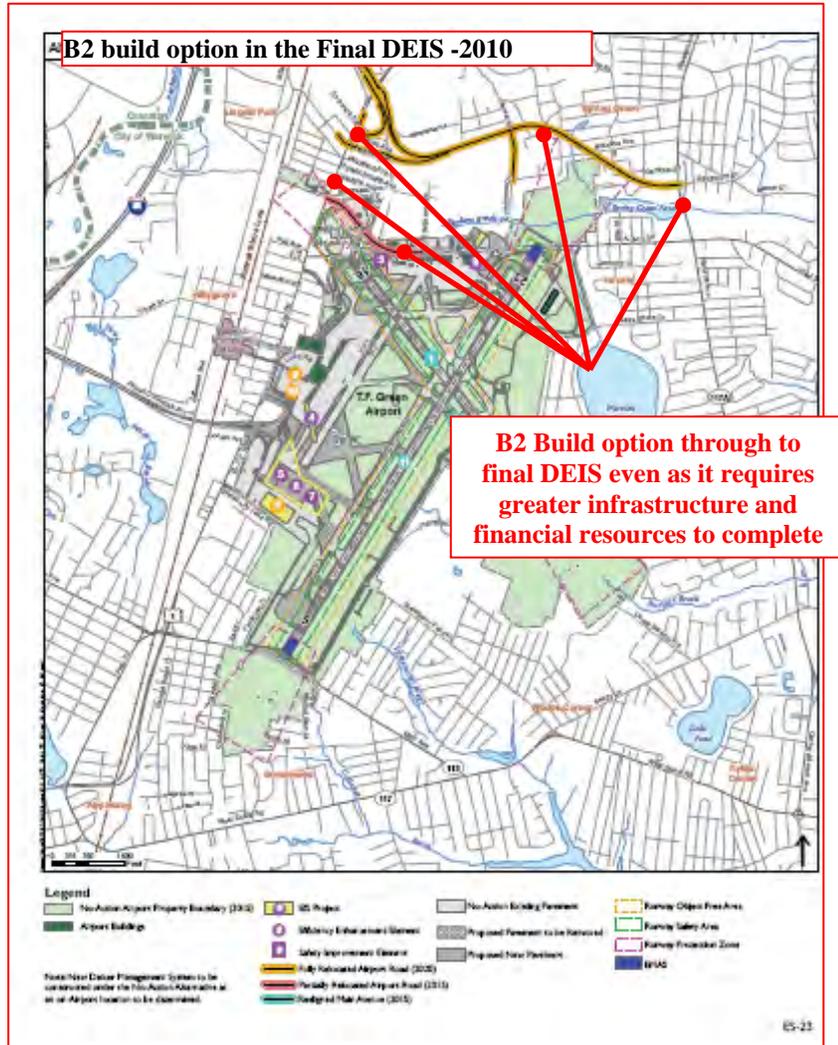
- The applicant has failed to “*examine practicable alternatives to the proposed discharge*” 40 CFR §§ 230.5(c), 1502.14 (a) (b) and 1508.25.
- The City of Warwick argues that the destruction and mitigation requested in the permit application does not comply with the Section 404(b) (1) Guidelines in 40 CFR Part 230, 230.5(c) because the applicant has not taken all appropriate and practicable steps to avoid adverse impacts to wetlands and waterways of the United States even as practicable alternatives exist to the 16-34 runway alignment integrated within the B4 preferred build option.
- Preferred alternative (B4) proposes unnecessary significant large scale wetland destruction that is inconsistent with the “*Alternatives*” and “*Avoidance*” requirements 40 C.F.R. §§ 40 CFR 230.10(a) (1) CFR 230.10(c) (4).
- NEPA 42 U.S.C. § 4332 (E) itself requires agencies to “*study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.*” in its place the subject application as containing in the July 2010 publication of the DEIS for T.F Green Airport prejudiced the outcome of the alternative selection by failing to dedicate resources toward the study of practicable alternatives to the 7.3 acres of wetland destruction proposed by preferred build option (B4) in direct conflict with 40 CFR §§ 1502.2 (f)(g) *Implementation* that requires “*Agencies shall not commit resources prejudicing selection of alternatives before making a final decision Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.*”

THE DEIS PREMATURELY AND ERRONEOUSLY REMOVED A LESS DAMAGING PRACTICABLE ALTERNATIVE

- In January 2007 the T.F Green Airport Improvement program considered “Improvement Program Option C” that improved the runway safety areas of runway 16/34 by shifting said runway further northwest than the configuration being considered in the preferred alternative. The option would avoid the wetland destruction at the end of runway 34 and is a “practicable alternative” because its “is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes” consistent with 40 C.F.R. § 230.10(a)(2). The DEIS prematurely removed this practicable alternative causing unnecessary filling of 7.3 acres of wetlands and altering 918 linear feet of waterway.



- Other than vague reference in the DEIS (“This scenario was evaluated in the Level 4 Alternatives Analysis and was found not practicable since this would require Post Road to be relocated or closed.” DEIS Wetlands and Waterways Technical Report page 4-29 July 2010) in 2007 cost and wetland impact of the entire project was cited as a means to eliminate this alternative even though the B2 build option carried through to the July 2010 publication of the DEIS was more damaging to the environment and required much more infrastructure and cost to complete including construction of new roadway from Route 37 to Warwick Ave, new Warwick Ave and Post Road intersections, new RT 37 interchange, new Airport Road to Post Road roadway. Nevertheless the B2 option was not eliminated for “cost” even as both options met the purpose and need for the project.



- In the 2007 level 4 analysis the DEIS eliminated this option based not on the configuration of the crosswind runway but the option as presented in its “entirety” which included a costly tunneling of Main Ave and new cargo facility built within the wetland complex along the southwest area of the end of runway 34. The elimination of this option was based on the “aggregate” impact of the entire airport layout without reasoned forethought that the runway 16/34 north configuration could, and should have, been “lifted” from this option and included in an alternate plan creating a hybrid of main and crosswind runway configurations that yielded a “less damaging practicable alternative” that met the purpose and need for this project.
- Even though the cost and infrastructure required to complete the 2007 Improvement Option alignment of 16/34 was far less expensive than the infrastructure improvements required to complete the B2 build option carried through as the only other build action in the final version of the DEIS no consideration was given to avoiding wetland destruction provided by 16/34 north configuration by “lifting” the 16/34 configuration as an alternate that received detailed level 6 comparative analysis that included a reasonable review of no build, B2, B4 original and B4 modified 16/34 layout.
- Without said comparative analysis the City of Warwick contends that the premature dismissal of the 2007 Option C runway 16/34 north realignment prejudiced the outcome of the study because the study did not “*Rigorously explore and objectively evaluate all reasonable alternatives*” 40 C.F.R. § 1502.14 (a) even as it the alternative 16/34 layout met the purpose and need for the project and required far less cost and infrastructure to compete than the only other “practicable” alternatives carried through to the final analysis alternative (B2).
- The applicant cannot objectively demonstrate that the project’s purpose and need for safety improvements on runway 16/34 could not be achieved with a less environmentally damaging practicable alternative as the 2007 Improvement Program Option C 16/34 north runway realignment would be an “*Activity which does not involve a discharge of dredged or fill material into the waters of the United States*” a preferred action under 40 C.F.R. § 230.10(a) (1) (i).
- The DEIS is deficient a true comparison of alternatives in the Level 6 analysis that should have included a practicable layout that avoids destruction of 7.3 acres of federally regulated wetlands consistent with 40 C.F.R. § 230.10(a) which states “*as practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant environmental consequences.*”
- The premature removal of the runway 16/34 north option assures the level 6 review in the July 2010 publication of the DEIS did not “*Devote substantial treatment to each alternative considered in detail including proposed action*” as required by 40 C.F.R. §1502.14 (b), Consequently the lack of “*range of actions, alternatives, and impacts to be considered in an environmental impact statement*” assures the DEIS is noncompliant with the scoping requirements of 40 CFR § 1508.25 and section 404(b)(1) 40 CFR 230.5(c) which requires the applicant “*Examine practicable alternatives to the proposed discharge, that is, not discharging into the waters of the U.S. or discharging into an alternative aquatic site with potentially less damaging consequences.*”

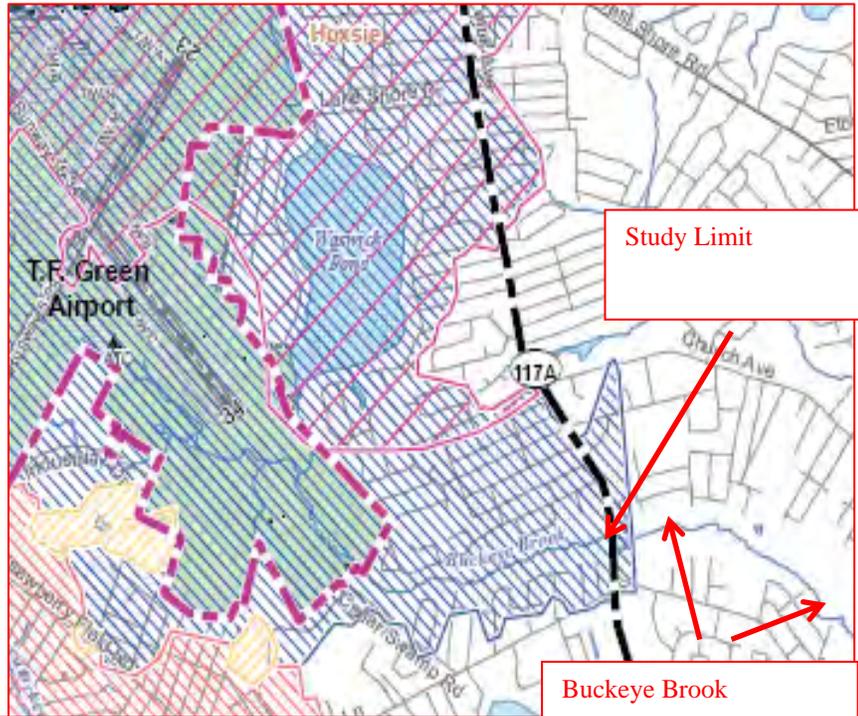
**THE DEIS'S LIMITED RANGE OF BUILD ALTERNATIVES CREATED AN
INACCURATE BASIS FOR COMPARISON**

- Because the 2007 Improvement Program Option C 16/34 north runway realignment was prematurely and erroneously removed from consideration with the Final DEIS this evaluation is deficient a rational discussion of practicable alternatives to the B4 preferred build option that would have avoided wetland destruction as required by 40 C.F.R. §§ CFR 230.5(c), 230.10(a), 230.10(a) (1) (i) 230.10(a) (2), 1508.25, 1502.14 (a) and 42 U.S.C. § 4332 (E).
- The premature and erroneous removal of the 16/34 north runway realignment option assured that this DEIS could not have a bona fide comparison of environmental impact from this safety improvement which directly conflicts with NEPA102(2)(C)(iii) that states that the “*The analysis should provide as much detail about alternatives to the proposed action as is necessary to support comparisons of impacts*”
- According to the section 404(b)(1) 40 CFR § 230.10(a) “*no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant environmental consequences.*”
- This applicants prejudiced elimination and failure to study reasonable alternatives with less wetland and water quality impacts along with its static assessment virtually guaranteed support for a predestined runway layout without full disclosure to the public as to the necessity of the imposed adverse impacts which is in direct conflict with the requirements of NEPA and CFR 40 Part 230 Section 404(b) (1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material.
- According to the CWA a permit cannot be granted if there are other less damaging practicable alternatives such as available in the 2007 Improvement Program Option C runway 16/34 north realignment and as such the preferred option B4 cannot be considered the “*least environmentally damaging practicable alternative*” 40 C.F.R. § CFR 230.10(a).

SPATIAL BOUNDARY AND GEOGRAPHIC AREA OF ANALYSIS WAS TOO SMALL

**EPA's 404(b) (1) 40 CFR §§ 230.3(b), 40 CFR 230.10(c) (3)
40 CFR Sec. 1502.2 Implementation.**

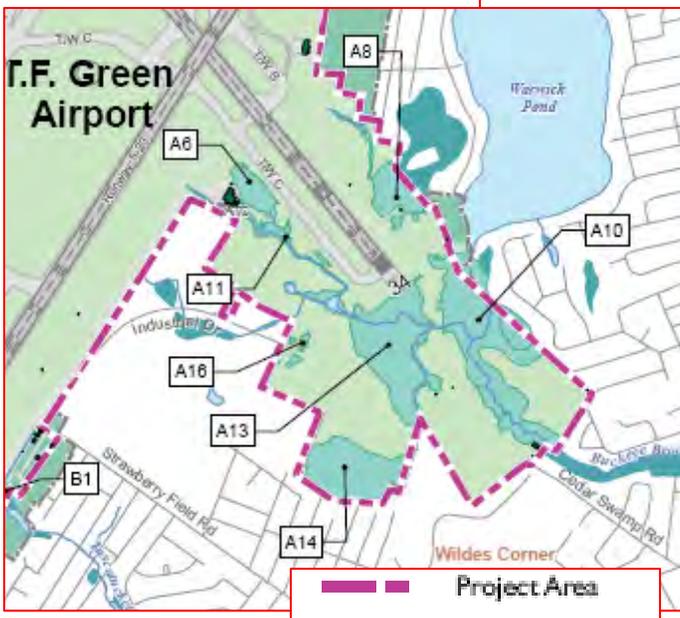
- The DEIS's project "study area" includes an artificial project border that bisects the Buckeye Brook ecosystem dividing the watershed and natural community creating an underrated baseline against which all aquatic ecosystem impacts are compared which is inconsistent with the terms definitions identified in 40 § C.F.R. 230.3(b)(c).
- The unnatural DEIS project limits does not adequately consider the preferred alternatives impact on the "bordering, contiguous, or neighboring" wetlands functions, values and habitat required under EPA's 404(b)(1) 40 § CFR 230.3(b) which extends to Mill Cove.



Legend

No-Action Airport Property Boundary (2015)	Drainage Areas *
Project Area	Warwick Pond ¹
Study Area	Buckeye Brook
Airport Buildings	Tuscatucket Brook
Municipal Boundary	Uncertain Urban Drainage

¹ Note Warwick Pond Drains to Buckeye Brook
* Drainage Areas are approximate; derived from topographic information only



- According to the DEIS *Table 5-2 Level 6 Build Alternatives Wetlands and Waterways Technical Report* on Page 5-4 dated July 2010 entitled *Additional State-Regulated Perimeter and Riverbank Wetland (Buffer) Impacts* Alternative B4 effects 7.3 acres of Palustrine Wetlands and another 7.4 acres of Jurisdiction State Buffer Impacts totaling 14.7 acres consisting of riparian and wetland

Table 5-2 Level 6 Build Alternatives: Additional State-Regulated Perimeter and Riverbank Wetland (Buffer) Impacts¹

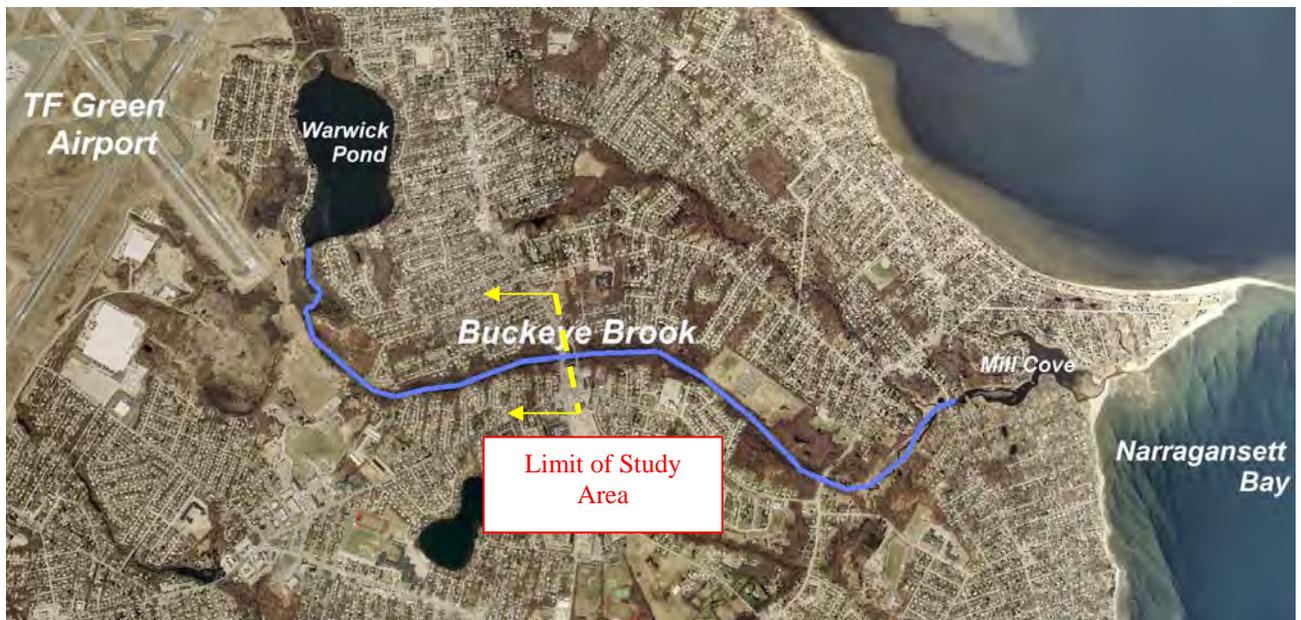
Program Element and Associated Action	Alternative B2	Alternative B4
Runway 5 End	0	0
Runway 23 End	1.5	0
Runway 16 End	0	0
Runway 34 End	4.2	7.3
Partially Relocated Airport Road	0	0
Fully Relocated Airport Road	1.8	0
Palustrine Wetland (Federal and State Jurisdiction) Impacts	7.5	7.3
State Only (Buffer)¹ Impacts	13.8	7.4
Total State Impacts²	21.3	14.7

¹ Acres (estimate)

² Includes federal wetlands plus perimeter wetland (buffer) and riverbank wetland (buffer) associated with Airport improvements. Does not include any acreage of state-regulated floodplain which may occur outside of palustrine, Perimeter, or Riverbank Wetland and does not include undetermined alterations associated with vegetation management or wetland mitigation activities. Typically compensatory mitigation is not required by the RIDEM for impacts to Perimeter and Riverbank Wetlands.

habitat an aggregate habitat that is understudied with the DEIS as the proposed mitigation and compensatory analysis as stated in the study is based on 7.3 acres of Palustrine Wetland not the 14.7 acres of total wetland and riparian habitat recognized by Local Comprehensive Plan policies and the State of Rhode Island Wetland Regulations that consisting of riparian and wetland habitat, an aggregate habitat that is understudied and not properly mitigated.

- Failure to evaluate the full spatial boundary results in “underrating” the total impact on the natural communities whose wildlife and aquatic species travel freely through not recognizing the DEIS’s artificial study area or the meaning of the word “jurisdictional buffer”. Without expanding the study of the most impacted area of Buckeye brook to Mill Cove the DEIS cannot provide a complete picture of impact on the larger system.

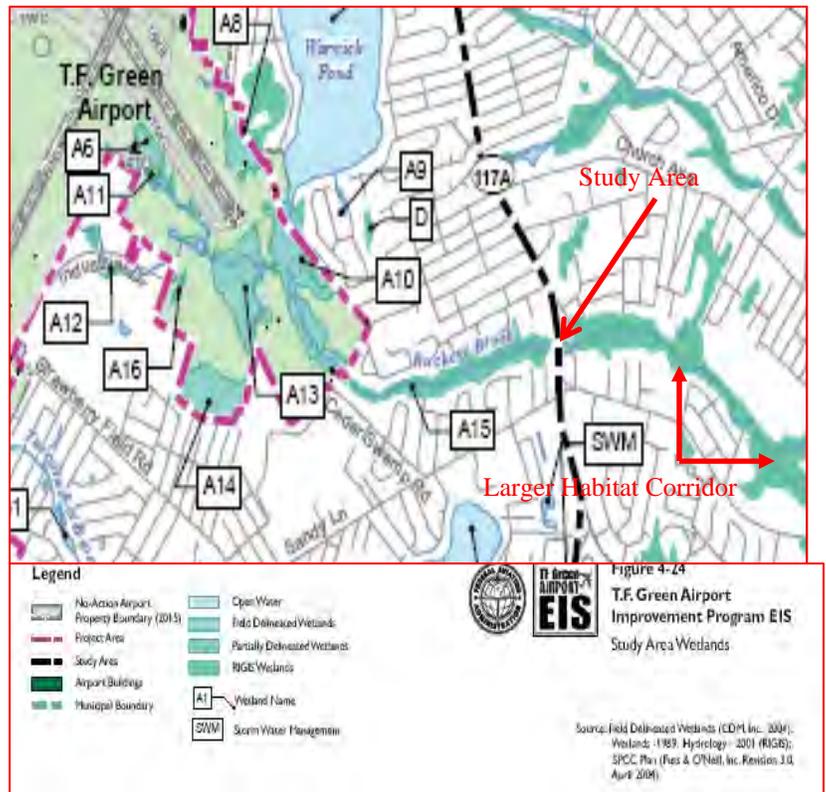


LACK OF DETAIL AND EVALUATION OF IMPACT

40 CFR §§ 1502.16 (a) (c), 1502.22
40 CFR §§230.10(a), 230.10(c)(4)
40 CFR §§§ 230.32 (b), 230.41(b), 230.75(f)
NEPA (102(2)(C)(iii))

- The DEIS primarily focuses on direct acreage impacted by the build action but fails to properly evaluate the functioning and values of wetland within the broader ecosystem failing to disclose the full extent of “*Environmental Consequences*” (a) *Direct effects and their significance*” required by 40 CFR § 1502.16 (a) on aquatic resources. The incomplete analysis of both the short and long term impact is inconsistent with C.F.R. § 230.10(c) (3) which requires study “*on aquatic ecosystem diversity, productivity, and stability. Such effects may include, but are not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water.*”
- The DEIS contains a rather limited cursory analysis of impact using incomplete information on the aggregate loss in values and functioning from the proposed and past airport improvement projects that have taken place in this same geographic area since the 1960’s degrading area water quality and fragmenting the adjacent wetland ecosystem that should not be further impeded as stated in EPA’s 404(b)(1) Guidelines 40 CFR 230.75(f) “*Avoiding the destruction of remnant natural sites within areas already affected by development*”
- The DEIS must include a supplemental assessment that expands consideration for evaluating the full array of wetland functions in a broader context addressing past, present and future effects derived from actions on and around airport property on the natural communities role as nursery for valuable aquatic and wildlife species as well as the ability of the wetland systems to attenuate pollutants flood control and provide community recreation, aesthetic, and open space values consistent with 40 CFR 230.10(c)(4) that requires review of “*... adverse effects of discharge of pollutants on recreational, aesthetic, and economic values*” and 40 CFR 230.41(b) “*...discharge of dredged or fill material in wetlands is likely to damage or destroy habitat and adversely affect the biological productivity of wetlands ecosystems... may modify the capacity of wetlands to retain and store floodwater*”
- The DEIS finds that “*Alternative B4 would avoid impact to the riparian forested wetland along Buckeye Brook (Wetland A5) reported to be used by the state-listed black-crowned night-heron for feeding during herring runs*” **Fish, Wildlife, and Plants Technical Report 5-4 July 2010** although the study fails to consider the interrelationship between the build action and it’s short and long term and water quality impact effecting smaller herring runs impacting the “*feeding*” within the supporting habitat for the state-listed black-crowned night-heron as required by EPA’s 404(b)(1) 40 CFR § 230.3(c) “*The terms aquatic environment and aquatic ecosystem mean waters of the United States, including wetlands, that serve as habitat for interrelated and interacting communities and populations of plants and animals*”
- “*Terrestrial habitat impacts have been estimated at 12.9 acres for Alternative B4*” **Fish, Wildlife, and DEIS Plants Technical Report 5-4 July 2010** , an account based on an artificial small project study area and lacking the extensive qualitative analysis that would seek to determine the magnitude of environmental harm associated with this impact considering past proposed and reasonably foreseeable actions that will further deteriorate this terrestrial habitat both from local and regional perspective.

- The DEIS's study cites "1,181 acres of total habitat area" which is underestimated limited by an arbitrary line drawn by the consultant to limit the study area thereby artificially minimizing the universe of affected environment most prominently for the B4 build option the Buckeye Brook system which so happens to be listed by the City's Comprehensive Plan as one of the top environmental resources in the City. The extent of water quality and habitat loss in this corridor extends far greater than the study area therefore must be addressed to comply with EPA's 404(b)(1) guidelines 40 CFR § 230.32 (b) which requires consideration if proposed build actions "result in the loss or change of breeding and nesting areas, escape cover, travel corridors, and preferred food sources for resi-upon wildlife habitat may result from changes in water levels, water flow and circulation, salinity, chemical content, and substrate characteristics and elevation. Increased water turbidity can adversely affect wildlife species which rely upon sight to feed, and disrupt the respiration and feeding of certain aquatic wildlife and food chain organisms...In some aquatic environments lowering plant and animal species diversity may disrupt the normal functions of the ecosystem and lead to reductions in overall biological productivity"



- The basis used for analysis of all alternatives should be an objective, well documented and refrain from subjective assessment. However the DEIS is teeming with limited and cavalier assessments of impact articulated in a manner that accepts the degraded condition as the baseline for comparison such as in these findings.

*Wetland A8 would be impacted as a result of constructing the Perimeter Road and RSA on the Runway 34 End (Figure 7). Impacts to Wetland A8 would be limited to approximately 1.8 acres of filling in the southwest corner of the wetland. This is approximately 11 percent of the total area (16.3 acres) of the wetland. This area consists primarily of scrub-shrub and mown emergent wetland within the Airport VMP. The larger forested wetland off-Airport property that provides wetland wildlife habitat would not be impacted. "Fill placed in Wetland A8 could affect the existing floodflow alteration and water quality functions and to some degree wildlife habitat. Mitigation would be provided to replace lost flood storage and surface water quality functions. **The wetland's capacity to provide wildlife habitat functions would be slightly diminished as a result of the disturbances which would mostly occur within the portion of the wetland inside of the Airport VMP. This managed area does not contain the mature trees and snags that provide important wetland wildlife habitat in portions of Wetland A8 outside of the Airport property. Any lost ecological***

functions associated with the mixed shrub/emergent wetland that would be impacted would be mitigated off-site.”

*Wetland A13 would be impacted as a result of constructing the RSA for the Runway 34 End (Figure 7). Direct impacts to Wetland A13 would consist of approximately 3.0 acres of wetland loss. This is approximately 12 percent of the total area (19.4 acres) of the wetland. The impacted wetland consists of two cover types. Approximately 1.9 acres is emergent wetland dominated by common reed. The remainder is shrub-dominated beyond the runway end. In addition, approximately 267 linear feet of Tributary A, **a poorly defined and diffuse intermittent stream located south of the Runway 34 End, would be filled.** This wetland traps sediments that are washed in from upgradient landscapes and streams. Open water areas in this wetland that may attract waterfowl would not be impacted. Wetland A13 provides floodflow alteration and water quality functions that would be affected by the proposed safety improvements. **Impacts to ecological functions including wetland wildlife habitat would be minimal as open water areas in Wetland A13 would be avoided. Constructing the Runway 34 RSA would divert Tributary A into a longer flow path through the poorly drained and near level Wetland A13, potentially enhancing the water quality function of the remaining wetland.**”*

DEIS Wetlands and Waterways Technical Report 4-19 July 2010”

- The DEIS lacks meaningful analysis and study of the causal relationship between past and reasonably foreseeable future actions from years of airport improvement and operations on the waterways and wetlands of Warwick Pond and Buckeye Brook. The DEIS largely basis its assessment on direct impact against an already degraded environmental condition trivializing the projects “*minimal*” impacts in a way that is inconsistent with addressing the larger issue of wetland productivity to determine at what time does a wetland system receive so much damage that it cannot fully recover as recognized in section 404(b) (1) 40 CFR § 230.41(b). “*The discharge of dredged or fill material in wetlands is likely to damage or destroy habitat and adversely affect the biological productivity of wetlands ecosystems... by interfering with the filtration function of wetlands, or by changing the aquifer recharge capability of a wetland. Discharges can also change the wetland habitat value for fish and wildlife*”

CUMULATIVE IMPACTS ARE NOT FULLY ANALYZED

**40 CFR §§ 230.11(g) (1), (2)
40 CFR § 1508.7**

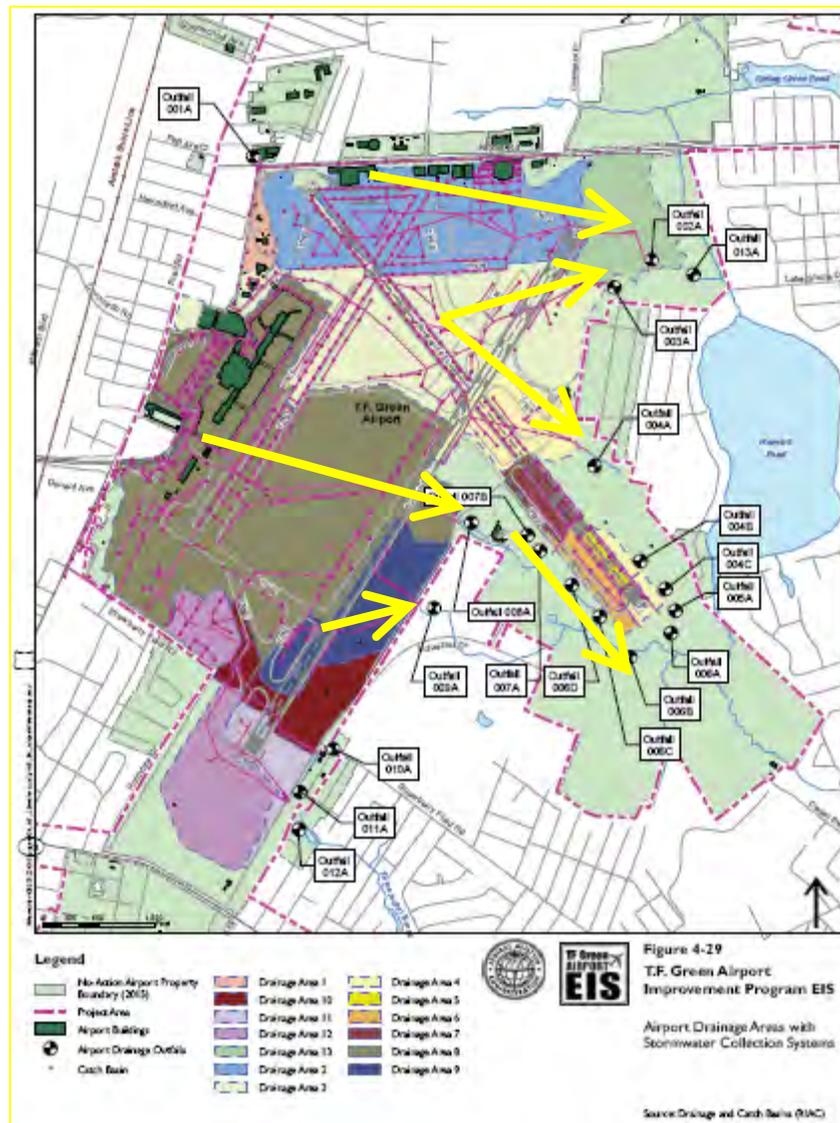
- The DEIS does not clearly demonstrate why the preferred build action would not impose individual or cumulatively undesirable adverse effects on habitat and aquatic ecosystems as the study omits from review comprehensive study and analysis of past, proposed and reasonably foreseeable future actions (CEQ 40 CFR 1508.7) on airport property that have and will continue to incrementally increase pollutant and drainage discharges into area water bodies degraded water quality functioning.
- The applicant has failed to evaluate and the secondary and cumulative effects of the “entire” AIP program elements concentrating on the immediate alterations required for the 16/34 component of the DEIS offering only onsite engineering solutions without properly addressing the long term

water quality issues attributed to the airport land use as well as the long term impacts of individual actions on the remaining wetland ecosystem. Recognizing the effect of incremental past and proposed actions is vital in understanding the health of the existing environmental resource setting a baseline for assessing the significance of additional impacts being considered within this request.

- The applicant focused largely on quantifying the acreage of direct impacts from the immediate proposal on non-aquatic areas within a contrived study boundary creating bogus portrayal of impact disregarding the decline of wetlands in the City and devastated water quality discharge events that have caused controversy in the community with documented impairment of state and local waters harming or killing aquatic species known by state, local and federal regulatory agencies whose specially designed programs and policies to combat this problem. The figure below depicts the full extent of drainage impacts the airport property contributes to the water resources.

- Given the documented historical events of water quality contamination from airport operations associated with past actions it is “reasonably foreseeable” as per NEPA that instant study of the and preferred build options consider these cumulative impacts along with studying the impact for the potential of future spills commensurate with increased aircraft operations predicted in the DEIS as well as increased water pollution, and habitat destruction associated with the 20205 build-out of both the airport and surrounding community.

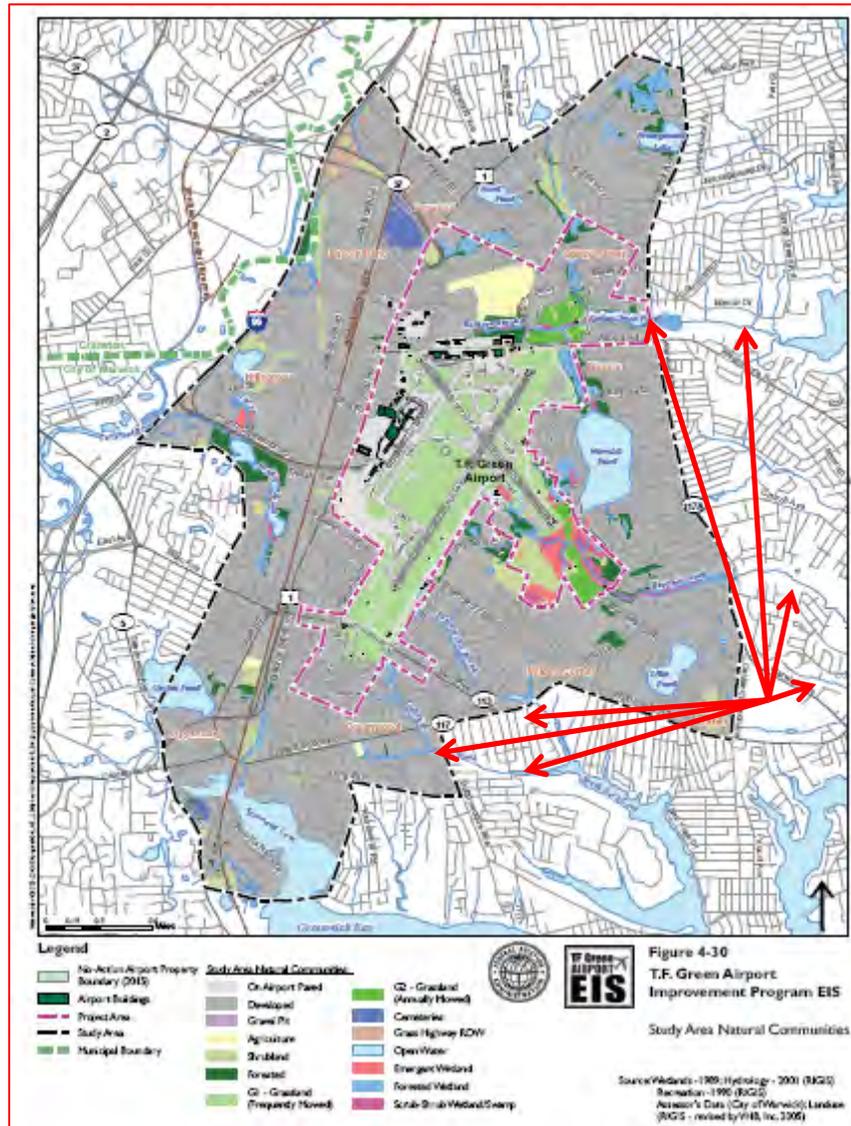
- Of particular concern is that the cumulative impact on the degraded waters of Buckeye Brook are not properly evaluated in the limited conclusion within the DEIS that the build action will not physically impact Buckeye Brook without review of the build option’s further deterioration of past “minor” changes that have plagued the brook for years from increased airport operations and impervious surface resulting in “Cumulative Effects” such as chemical and soluble pollutant loading that require significantly greater supplemental study and mitigation that that presenting in this application as required under 40 CFR 230.11(g)(1), 40 CFR 230.11(g)(2), 40 CFR 1508.7 which in part reads “attributable to the collective effect of a number of individual discharges of dredged or fill material. Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of



numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems”. Instead the DEIS offers a rather elementary summary of the existing condition “Based on a review of historic aerial photographs, there has been a substantial loss of wetland area (approximately 70 percent) since 1939 within the Project Area.”... “In 1939 it is estimated that there were 397 acres of wetland in the Project Area compared with 118 acres in the baseline condition. If Alternative B4 were to be constructed the total of past and proposed losses would be 286.3 acres representing 72 percent of the historic wetland area.” **Wetlands and Waterways Technical Report page 4-28 July 2010.**

- In place of a comprehensive technical study the DEIS study of “Cumulative Effects” 40 CFR 230.11(g) the DEIS offers a rather elementary historical inventory of events “Based on the 1939 aerial photographs, the greatest impacts to wetlands within the Project Area have occurred south of Warwick Pond (Figure 8). The expansion of the Airport and development of a landfill in this area resulted in large areas of wetland loss, changes in hydrologic patterns, and habitat fragmentation”. DEIS Wetlands and Waterways Technical Report 4-25 July 2010.

- The above often does little to address how this has had a cumulative impact as recognized in CFR. § 1508.7 the “The incremental environmental impact or effect of the proposed action together with impacts of past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.”



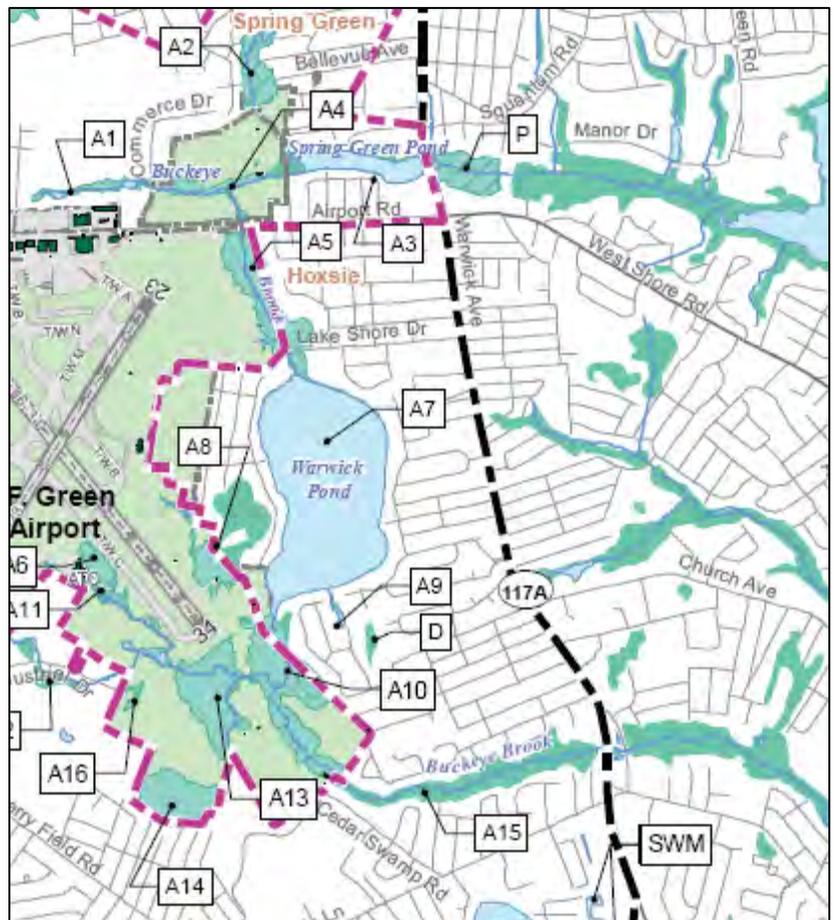
- The DEIS also fails to consider the indirect or secondary impacts of the build action on the effected Buckeye Brook resources which remains as one of a limited number of “critical mass” wetlands corridors to the Bay and how the incremental changes from past airport actions have effected the hydro geomorphic functioning of the entire wetland system as required under 40 CFR. § 1508.8 “Indirect Impacts (Effect) - A direct result of an action which occurs at the same time and place; or an indirect result of an action which occurs later in time or in a different place and is reasonably foreseeable; or the cumulative results from the incremental impact of the action

when added to other past, present and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions (40 CFR 1508.8).”

- Instead of this required review the DEIS offers **“indirect impacts from secondary development to baseline wetlands are not anticipated ...Filling three acres of Wetland A13 could impact the sediment/toxicant/pollutant retention function of this wetland by reducing the residence time of runoff in the within the wetland. This impact may be mitigated by the longer flow path that would be created around the Runway 34 RSA for Tributary A.” Wetlands and Waterways Technical Report 4-23, 24 July 2010 as its**
- The finding of “maybe mitigated” is deficient even the most minimalist evaluation criterion required by under the NEPA the Clean Water Act and U.S. Army Corps of Engineers Regulatory Program Regulations.

CUMULATIVE EFFECTS ARE UNREPORTED AND/OR OMITTED

- The DEIS lack of an accurate "baseline" to compare the current environmental conditions against those present after the build action is directly related to the omission of incremental environmental impacts resulting from individually minor but collectively significant actions taking place over a period of time 40.C.F.R. § 1508.7 making it impossible to determine the preferred options true affect on the resource and the ability of the wetland and water resource to sustain itself.



- The preferred build option B4 impacts on the wetland system are avoidable and unnecessarily places at risk multiple functions and values of the system to support aquatic/wildlife resources, floodwater storage, pollutant removal as well as natural, aesthetic and recreation resources all threatened by a project which is understudied with the DEIS rationalizing adverse impacts instead of establishing limits to determine what is acceptable or excessive as achieved by a full quantitative and qualitative assessment required to compose a “factual determination” in accordance with per 40 CFR. § 230.5(k).

- The instant permit is inconsistent with the Section 404(b) (1) Guidelines that indicate that no dredged or fill material shall be permitted if it will cause or contribute to significant degradation

of waters of the United States (40 CFR 230.10(c)). It is reasonably foreseeable that given past water quality violations the granting of the instant petition will add to the significant degradation that has already taken place within an already vulnerable water and wetland resource not otherwise accounted for in this study. Continued direct impact will shrink a diminishing wetland system in the community who depends on it to provide flood control pollutant attenuation and some of the lone aquatic and woodland habitat in a City approaching land use build-out a premise that is inconsistent with 40 C.F.R. § 230.75(f) as the preferred B4 build option would not “Avoid{ing} the destruction of remnant natural sites within areas already affected by development”.

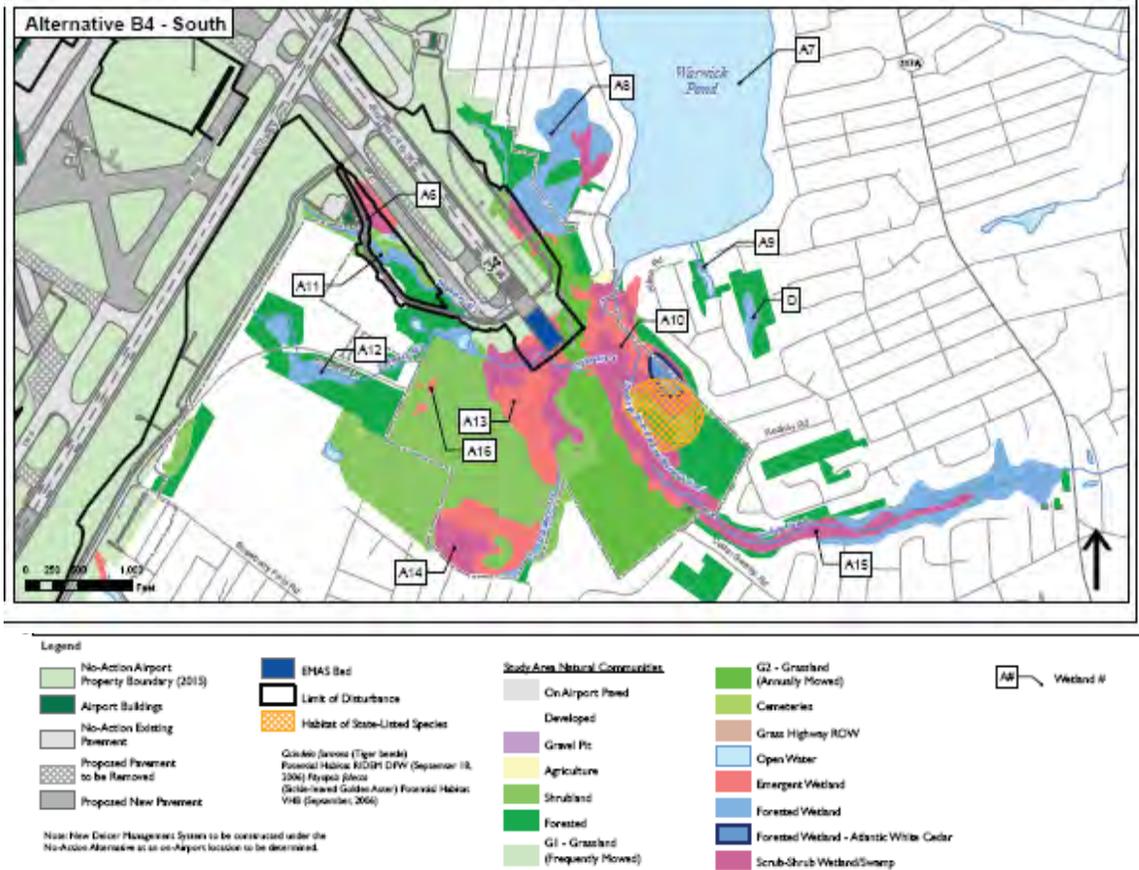
- The factual nature of the presence of this remnant natural site while not addressed through avoidance or mitigation in the DEIS it is recognized in this statement “In 1939 it is estimated that there were 397 acres of wetland in the Project Area compared with 118 acres in the baseline condition. If Alternative B4 were to be constructed the total of past and proposed losses would be 286.3 acres representing 72 percent of the historic wetland area.” DEIS Wetlands and Waterways Technical Report 4-28 July 2010

- The DEIS describes that “Under Alternative B4, approximately 3.0 acres of Wetland A13 would be filled to construct the Runway 34 RSA. Cumulative impacts to functions such as flood storage and water quality would be minimized through the creation of a wetland compensation area within the Airport. Implementation of Alternative B4 would not result in significant further cumulative degradation of the wetland wildlife habitat function at the Runway 34 End as Wetland A13 has suffered historic degradation of the wildlife habitat function and wetlands” DEIS Wetlands and Waterways Technical Report Page 4-28 July 2010 on the contrary the study does little to address how these gross alterations of wetlands and hydrology have impacted the cumulative functioning of the entire ecosystem including groundwater impacts to perennial and intermittent streams.



- The preferred B4 build option will “fill approximately 1.1 acres of scrub-shrub wetland that may be utilized occasionally by wading birds or waterfowl south of the Runway 34 End.” DEIS Fish, Wildlife, and Plants Technical Report 5-4 July 2010. The expression “occasionally” characterizes a DEIS filled with conjecture and dismissive reference that seek to trivialize the build options impact without specifically addressing 40 CFR. § 230.41 (b) “Possible loss of values: “The discharge of dredged or fill material in wetlands is likely to damage or destroy habitat and adversely affect the biological productivity of wetlands ecosystems...the addition of dredged or fill material may destroy wetland vegetation or result in advancement of succession to dry land species. It may reduce or eliminate nutrient exchange by a reduction of the system’s productivity, or by altering current patterns and velocities...Discharges can also change the

wetland habitat value for fish and wildlife as discussed in Subpart D. When disruptions in flow and circulation patterns occur, apparently minor loss of wetland acreage may result in major losses through secondary impacts.”



- The DEIS analysis must extend further back in time to include review of preceding airport development projects and how they have impacted groundwater hydrology and functioning of area water bodies including how the past and proposed changes impact the source hydrology for area streambeds and those water bodies hydrologically connected to the of 918 linear feet of perennial and intermittent streams proposed to be filled or altered in the B4 preferred alternative.

“Wetland A11 would be impacted as a result of constructing safety improvements including relocated Taxiway C and the Perimeter Road (Figure 7). Approximately 0.7 acres of this sloping, linear wetland system consisting of emergent and forest wetland cover types would be altered. This represents approximately 26 percent of the total area (2.7 acres) of this wetland. This wetland is a remnant of a former system that once was continuous with Wetland A8 before Runway 34 was constructed in its current location. Flow through Wetland A11 around the Runway 34 End were constructed by excavation through uplands. Approximately 651 linear feet of Tributary A11 would be relocated or placed in one of two culverts. A 250-foot long box culvert would be used to construct relocated Taxiway C at the Runway 34 End (Figure 7). This box culvert would outlet into a downstream segment of Tributary A11 south of Taxiway C. As the Perimeter Road approaches the ATC a second box culvert approximately 100 feet long would be used to cross Tributary A11. The fragmented and disturbed character of Wetland A11 limits its wildlife habitat function. The stream that drains this system (Tributary A11) is a high gradient manmade channel that does not provide habitat for fish or a productive stream bed macrobenthic community. Stream flows are

*flashy, driven by runoff that may cause erosion which may contribute sediment to downstream Wetland A13. **Groundwater discharge from this wetland supports base flow in Buckeye Brook below Warwick Pond.** This wetland does not provide sediment/shoreline stabilization functions. Tributary A11 shows signs of erosion and sediment export to downstream wetlands.” **Wetlands and Waterways Technical Report Page 4-20 July 2010***

- Beyond a mere cite that “groundwater discharge supports base flow of Buckeye Brook” the study requires a comprehensive study of the effects of this action on water quality functions and aquatic species within and downstream of Buckeye Brook to Mill Cove.

- The City of Warwick argues that the DEIS has not objectively evaluated all reasonably foreseeable long term cumulative impacts from past and proposed build options on and around airport property and if it had the DEIS’s conclusion would have recognized a significant adverse impact on area water quality as well as a larger destruction of a wildlife habitat that extends to Mill Cove and Narragansett Bay.

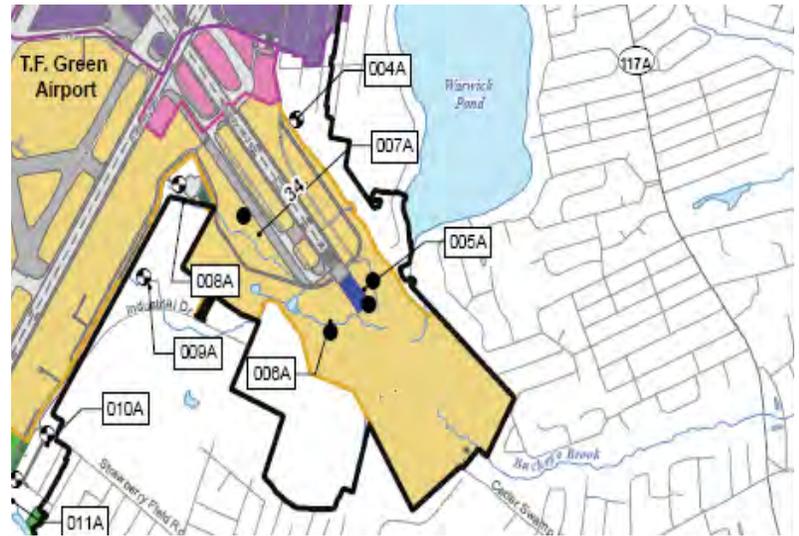


Figure 18
T.F. Green Airport
Improvement Program EIS
Level 6 Alternatives B2 and B4:
Future Drainage Areas and
Outfalls

- Until all the project-related impacts are clearly quantified and described, we can not fully evaluate the effects of the proposed project on the habitat value and aquatic ecosystem and therefore the one is unable to make a reasonable determination as to whether or not the proposed discharge will comply with the Guidelines (40 CFR 230.12). 40 CFR 230.12(a) (2).

- Concerning the public process the use of poor quality data and omission of past, secondary and cumulative impacts caused by years of incremental airport expansion projects has skewed the baseline by understating the existing condition failing to meet the discloser requirements of the NEPA statute intended to promote public knowledge.

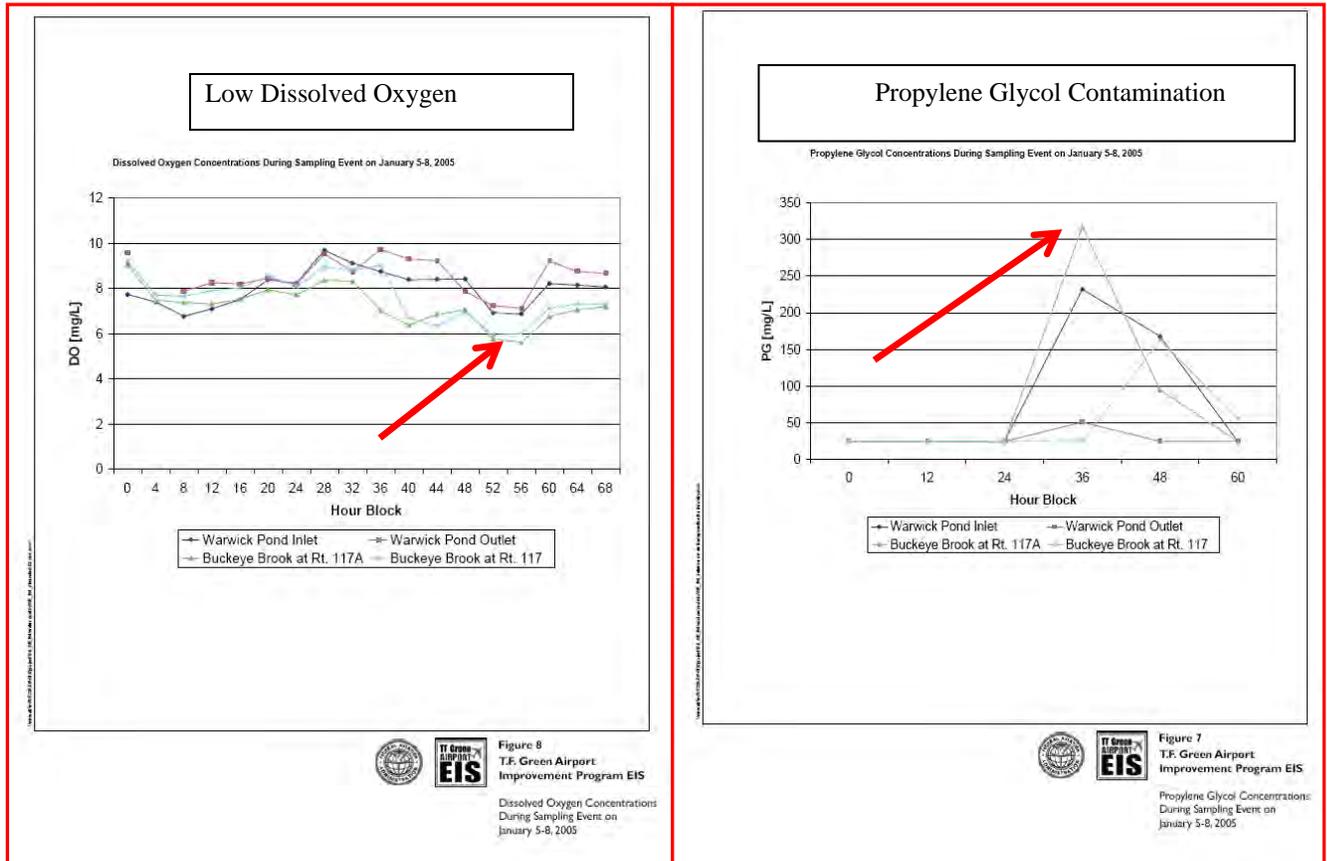
INADEQUATE STUDY OF SECONDARY EFFECTS TO AQUATIC AND ENVIRONMENTAL HABITATS OF BUCKEYE BROOK AND WARWICK LAKE - SPAWNING GROUNDS OF THE BLUE BACK HERRING AND ALEWIVES

- The DEIS clearly states that a “majority” of the B4 preferred build actions impacts occur to the stream and wetland habitats within a Buckeye Brook tributary but their study and mitigation falls short of the “proportional” consideration for study required by NEPA.
- According to the Rhode Island Rivers Council “*The brook is one of the few remaining undammed fish runs on the Bay-alewives and blueback herring migrate from the sea into Warwick Lake to spawn, unaided by fish ladders. The brook’s fresh and saltwater wetlands play*

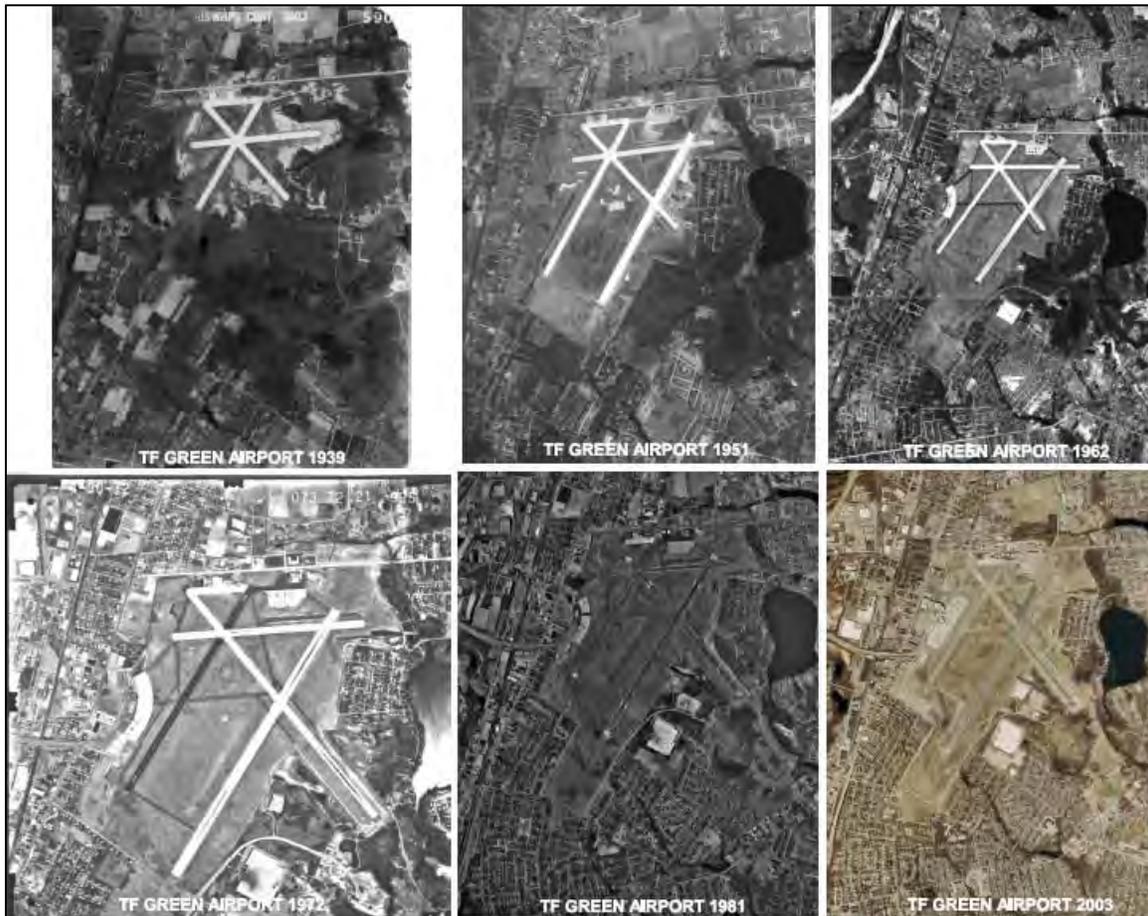
a vital role as natural pollution filters for Narragansett Bay, and serve as spawning grounds for many Bay inhabitants.” Within the RI River Council the Buckeye Brook Coalition, a state designated Watershed Council is a well respected organization that has worked tirelessly on supportive efforts on behalf of water quality and habitat restoration in the Buckeye Brook Watershed but was given less than adequate consideration within the DEIS’s public process.

- The entire Buckeye Brook and Warwick Pond system is a waterway of importance supporting an annual herring run of alewives and blueback herring that swim from the Atlantic Ocean into the brook, and to Warwick Pond where they spawn. However significant and fragile this system is the DEIS includes an enfeeble statement that *“Alternative B4 would avoid all impacts to streams supporting fish runs.”* **Fish, Wildlife, and Plants Technical Report 5-4 July 2010** discounting impact from proposed and incremental past actions that have increased pollutants and documented deicing fluid (propylene glycol) discharges from the storm drainage outfalls on T.F. Green Airport to Buckeye Brook, Warwick Pond and its tributaries adversely impacting water temperature and oxygen levels that are important factors in supporting the annual herring run of alewives and blueback herring.
- Nevertheless the DEIS finds *“no significant impact on water resources”*. The City contends this finding to be erroneous and is not supported with credible evidence of evaluating the entire AIP program. The nonfactual determination made within the DEIS relies solely on the immediate physical effect of the preferred build options runway 16/34 component but does not consider all the build components and indirect offsite development associated with the entirety of the preferred alternative B4 increasing impervious surface and pollutant contribution to a diminishing water resource. To assert the preferred action would not have *“significant adverse effect on aquatic life and other wildlife dependent aquatic ecosystems”* is inaccurate without essential study of build out in the larger watershed impacting the 3.5-mile stretch of Buckeye Brook to Mill Cove as described in 40 C.F.R. § 230.11(e) which requires that the DEIS *“Determine the nature and degree of effect that the proposed discharge will have, both individually and cumulatively, on the structure and function of the aquatic ecosystem and organisms.”*
- Although recognized by the Rhode Island Rivers Council, Save The Bay and many other environmental organizations the DEIS avoids a broader discussion of Buckeye Brook and Warwick Pond as susceptible resources that have been degraded to the point of decline and in some case devastation of river herring painted turtles, blue crab, quahogs, oysters, and soft-shelled clams. The DEIS’ anticipation of no likely cumulative effects from the proposed and past Airport Improvement Plans limiting conclusion to *“Alternative B4 would avoid all impacts to streams supporting fish runs.”* **Fish, Wildlife, and Plants Technical Report 5-4 July 2010** is unacceptable to the City of Warwick and does not rise to the level of study required under 40 C.F.R. § 1502.2 (b) which states that *“Impacts shall be discussed in proportion to their significance.”*
- The DEIS discounts water quality impacts due to changes in water flow and water quality citing subjective assessment of *“potential”* water quality improvement *“Construction of the RSA would cause Tributary A to follow a longer flow path through the poorly drained and near level Wetland A13 potentially enhancing the water quality function of the remaining wetland.”* **Wetlands and Waterways Technical Report Page 4-28 July 2010**

- The City of Warwick considers the Buckeye Brook and Warwick Pond resources as areas of concern that have experienced long term water quality degradation from both legal and illegal storm water discharges to Buckeye Brook from years growing impervious coverage on airport property and from increased airport operations that have resulted in well documented downstream harms to aquatic resources such as propylene glycol contamination, low dissolved oxygen, higher water temperatures and turbidity problems. All known harms to these waterways that are expected to increase with the completion of the entire AIP preferred build option. Nevertheless the DEIS refuses to fully acknowledge the build option past and present to these adverse conditions.



- A point of significant controversy in the community; propylene glycol as well as chemical and organic pollutants draining into Buckeye Brook/Warwick Pond ecosystem from outfalls on T.F. Green Airport property affect the same environmental system susceptible to wetland destruction from the preferred build option and the developing airport infrastructure ruining the general ecology of the area and water quality resulting in declining river herring that in turn has secondary impacts on sport and commercial fish impacts from the loss of valuable food for fish, mammals, and amphibians.
- While the DEIS finds “no significant impact on water resources” for the preferred alternative B4 we find no evidence of a detailed evaluation on how the proposed past and reasonably foreseeable future actions will impact “...life stages of aquatic life and other wildlife dependent on aquatic ecosystem...” 40 C.F.R. §§ 230.10(c)(2) even though ample evidence exists that there is a pattern of environmental degradation that has occurring around the airport since the 1960’s.



- The DEIS does not adequately study how the preferred build option will likely elicit new adverse effects on perimeter wetland resources effecting the overall ecological processes of these environmental systems which to date has never been qualitatively reviewed as the individual actions since 1951 were scrutinized only in accordance with their immediate effect on the resources without due consideration to the degraded background condition effect on the functioning or lack of functioning in the larger ecosystem.
- As stated it is clear that this DEIS does not include an accurate baseline assessment. Therefore the DEIS must be amended to include additional data and supplemental analysis describing the existing condition of the wetland system given the changes in the watershed that have occurred since 1962 to gain a threshold determination of the baseline condition so as to resolve whether the wetlands impacted by the preferred build option will or will not recover from the proposed alternations and how the proposed build action would impact the larger overall resource or if the proposed build action will degrade the resource to a point that it cannot recover from.
- Until all the project-related impacts are clearly quantified and described, we can not fully evaluate the effects of the proposed project on the aquatic ecosystem and are unable to make a reasonable determination as to whether or not the proposed discharge will comply with the Guidelines (40 CFR 230.12) or is adequate to fully satisfy obligation of the National Environmental Policy Act.

MITIGATION – LACK OF AVOIDANCE

**33 CFR 332 U.S. Army Corps of Engineers Regulatory Program Regulations
Compensatory Mitigation for Losses of Aquatic Resources
40 CFR § 1508.20 Mitigation
40 CFR § § 230.10(a), 230.10(a)(1)**

- Evaluation of compensatory mitigation is necessary for the DEIS to consider only when avoidance is not feasible as described in 33 CFR PART 332.1 (a) (3) “*Compensatory mitigation for unavoidable impacts*” but as stated earlier the City of Warwick argues the study fails to “*Rigorously explore and objectively evaluate all reasonable alternatives*” per 40 CFR 1502.14 (a) resulting in a faulty comparative analysis of wetland impacts whereby a less damaging practicable alternative was unavailable for study which would have been consistent with 40 CFR 1508.20 (a) “*Avoiding the impact altogether by not taking a certain action or parts of an action*” because said alternative would have avoided the wetland impacts altogether thus not requiring mitigation.
- Consequently the DEIS’s failure to study alternate practicable plans that avoid wetland alterations results in a premature finding that impact are unavoidable and compensatory mitigation is warranted under the United States Army Corps of Engineers regulations 33 CFR Parts 325 and 332 and United States Environmental Protection Agency (EPA) regulations 40 CFR Part 230.
- For both these reason the City argues the proposal does not meet the section 404(b)(1) 40 C.F.R § 30.10(a) requirements that “*no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem...*”

THE PROPOSED MITIGATION WILL NOT OFFSET THE PROJECT'S IMPACTS

- The City of Warwick contends that full functional replacement of mature wetlands has not been demonstrated especially when it comes to replacing habitat value, overall water quality functioning and ground-water hydrology a concern exacerbated by the applicants proposal that seeks compensatory mitigation well outside the immediate impacted watershed of Buckeye Brook that has seen years of adverse effects from the airport use. First consideration must be given to a collaborative approach with the Rhode Island Department of Environmental Management and CRMC to identify opportunity and evaluate reasonable alternative mitigating measures WITHIN the entire 3.5 mile Buckeye Brook ecosystem including Mill Cove as require under 40.C.F.R. §1502.14 (c) and 33 CFR Part 332 - Compensatory Mitigation for Losses of Aquatic Resources.
- The City contends the DEIS fails to diligently explore alternate mitigation sites within the 3.5 mile Buckeye Brook watershed that would provide an improved ecological and physical connection to the resources. Additionally the Spring Green Pond ecosystem which presently drains in to Warwick Pond was “reversed” by man decades ago and could receive restoration back to its original course correcting past wrongs and possibly making this system accessible for herring from Occupasstuxet Cove. In place of this viable and noteworthy mitigation is the following.

Site 1: Flood storage losses in the Buckeye Brook corridor and Warwick Pond may be compensated by excavating uplands south of the Runway 34 End, yielding 3 acres of wetlands.

Site 3: Wetland restoration would be enhanced by removing fill deposits west of Buckeye Brook, providing 1.5 acres of floodplain and wetland compensation by removing an existing road constructed on Airport property.

Site 4: Wetland restoration in the vicinity of Lakeshore Road and Early Avenue may be undertaken off-site of the Airport, providing 0.2 and 0.5 acres of wetland.

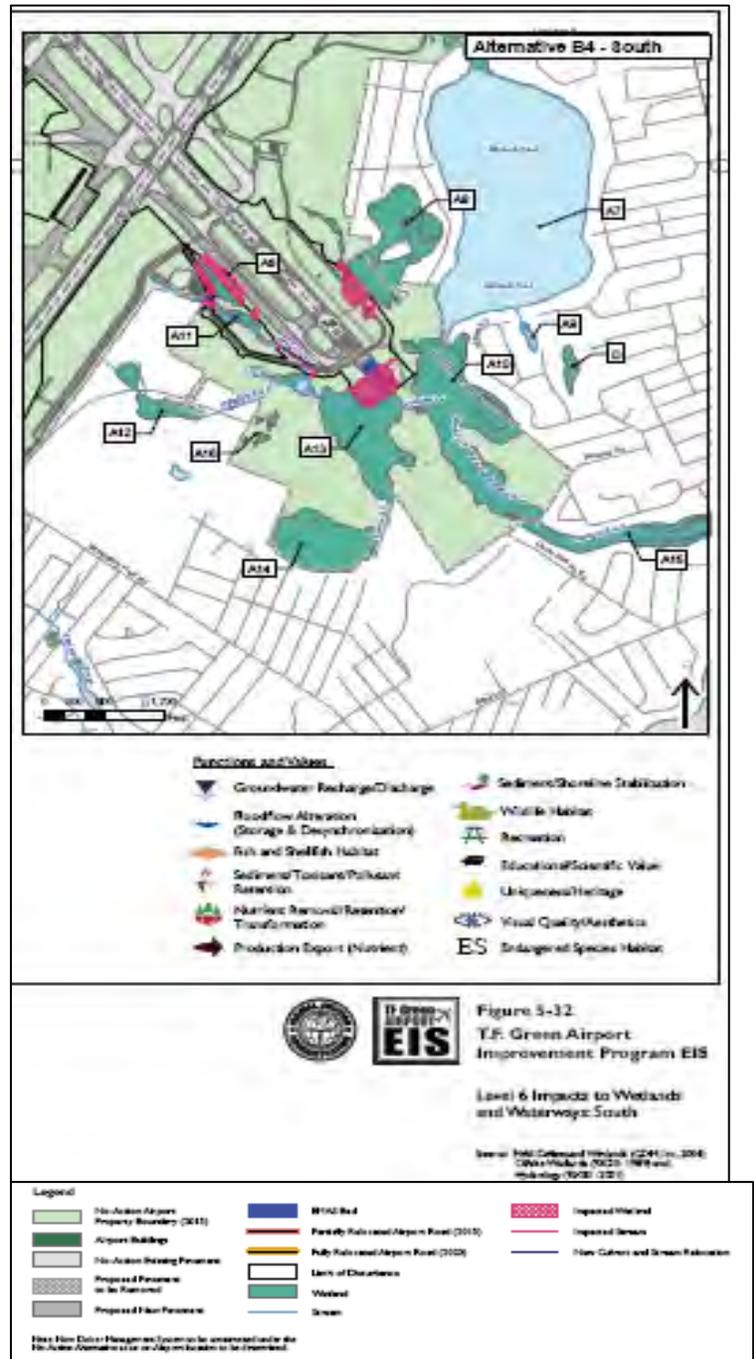
Site 5: Off-site restoration was identified west of Warwick Avenue on the Pawtuxet River along the Cranston/Warwick City boundary, two miles north of the Airport. The site is located upstream of the Pawtuxet River Reservation, which includes high quality wildlife habitat in an urban setting.

Site 6: Land acquisitions would provide an opportunity to restore portions of the wetland and upland buffer. Flood storage, water quality, and groundwater discharge functions would be replaced by this mitigation. Additional opportunities for wetland restoration may be available at the western end of Spring Green Pond.

Site 8: The Three Ponds Brook wetland system south of the Airport Connector offers an opportunity for preservation of bird and fish habitat. Approximately 2.3 acres of wetland impact could be offset by purchasing development rights to 20 acres of upland forest that surround the 15-acre marsh. An additional 0.7 acres of upland buffer enhancement could be provided by securing 10 acres of undeveloped land.

Site 10: A potential 0.5-acre tidal wetland restoration area located off of Station Road would provide support for fish and shellfish habitat and production export functions.

Site 11: Approximately 0.5 acres of degraded tidal marsh and 0.2 acres of upland buffer could be enhanced for fish, shellfish, wildlife habitat, and production export functions by eliminating stands of Phragmites (common reeds) to reestablish salt marsh and replant a cleared coastal buffer with native vegetation.



Off-site mitigation is recommended for impacts to multiple wetlands, which provide wetland wildlife habitat function. Five acres on the north side of the Pawtuxet River in Cranston and potentially one to two acres on the south side of the river in Warwick are possible restoration locations. A segment of the Pawtuxet River is being studied to assess impacts associated with removing the dam on the mouth of the Pawtuxet to re-establish a historic fish run.



- As described with DEIS Chapter 6 entitled *Mitigation* page 6-1 dated July 2010 the proposed mitigation for the B4 build option relies primarily on speculative and off-site compensatory mitigation and preservation without a defined funding and implementation plan that is not integral with the forthright plan for evaluation monitoring and funding of offsite land purchases “After investigating wetland mitigation opportunities in the vicinity of the Airport it was found that an assemblage of ten or more mitigation sites would be available to compensate for wetlands losses associated with Alternative B2 or B4.” Wetlands and Waterways Technical Report 4-33 July 2010

- The lack of correlation between the proposed impact and opportunity from mitigation within the Buckeye Brook Mill Cove ecosystem at a sub watershed level demonstrates that the applicant did not “... seek to coordinate with federal, state, and non-governmental organizations involved in wetland and habitat restoration to identify opportunities to partner or fund off-site wetland mitigation.” DEIS Wetlands and Waterways Technical Report 4-37 July 2010.

- Tremendous opportunity exists for compensatory, restorative and preservation activities along the eastern extent of Buckeye Brook and within the Mill Cove area which contains many undersized platted lots of record that are within riparian wetland system providing valuable habitat is also under tremendous development pressure. Instead of the DEIS focusing on mitigation commensurate with the habitat loss in the Buckeye Brook System a majority of the plan proposes proximate mitigation well outside this area in the Pawtuxet River, Three Ponds Brook and Station Street fresh and saltwater wetland systems providing no habitat value for the Buckeye Brook ecosystem that provides woodland habitat for foraging mammals, birds and nesting habitat for songbirds.

- As stated in Chapter 6 of the DEIS entitled Mitigation on page 6-12 dated July 2010 the applicant proposes mitigation for project-related significant wetland and waterway impacts that include on and off-site wetland restoration “*Except in the case of floodplain compensation, **RIDEM does not typically support the creation of new wetlands in existing uplands as a form of compensatory mitigation.** The restoration of previously filled or drained wetlands is, however, supported in some cases.*” **DEIS Wetlands and Waterways Technical Report** and/or replacement, and construction without the proper analysis of the specific ecological and physical limitations of the off site project areas. The proposed mitigation for preferred alternative B4 is based on replacing the lost functions and values of 7.3 acres of wetlands at several sites within larger Narragansett Bay watershed which we find unacceptable as we do with the Mitigation Plans lack of; specific goals of mitigation, evaluation method to gauge success of the mitigation and lack of monitoring and contingency plans in case of project failure.
- The study and application permit proposes mitigation for a 7.3 acres loss of Palustrine Wetlands even though there exists another 7.4 acres of Jurisdiction State Buffer providing in important riparian habitat totaling 14.7 acres of riparian and wetland habitat. **DEIS Table 5-2 Level 6 Build Alternatives Wetlands and Waterways Technical Report Page 5-4 July 2010.** Not only does the study not compensate for the State recognized jurisdictional perimeter wetlands but mitigation cited in the plan often contains rather malleable language such as “*at least partially mitigated*” that is inconsistent with the credentialed findings required under NEPA

*“Certain wetland services can be **at least partially mitigated** within the Project Area. For example, the function of Wetland A13 could be compensated within Airport property in uplands south of this wetland (Site 1 below). The grades for this compensation area would be carefully designed to be capable of storing flood waters for the duration of an event then completely drained to avoid creating persistent open water that could attract waterfowl. This mitigation site may further serve to promote groundwater recharge and discharge during different times of the annual hydrologic cycle. Compensation for ecological services such as wetland wildlife habitat would take place off-site away from the Airport to minimize the potential for aircraft wildlife strikes. Based on the analysis of cumulative statewide wetland impacts in the last century, it is clear that there are opportunities for wetland restoration both inland and along the coast.” **DEIS Wetlands and Waterways Technical Report Page 4-37 July 2010***
- The preferred B4 build option therefore impact 14.7 acres wetland and riparian habitat in the Buckeye Brook corridor and Warwick Pond ecosystems that provide woodland habitat for foraging mammals and nesting habitat for songbirds but the applicant offers weak arguments on why on-site or “in-kind” compensatory mitigation is not practicable and does little to assess the functional values lost by the resource impacted as required through the MOA - Department of the Army and the Environmental Protection Agency Section 404(b)(1) Guidelines II. Policy (c) (3) “*Compensatory actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands) should be undertaken when practicable, **in areas adjacent or continuous to the discharge site** (on-site compensatory mitigation). If on-site compensatory mitigation is not practicable, off-site compensatory mitigation should be undertaken in the same geographic area if practicable (i.e., in close proximity and, to the extent possible, the same watershed). In determining compensatory mitigation, the functional values lost by the resource to be impacted must be considered. Generally, in-kind compensatory mitigation is preferable to out-of-kind.*”
- The DEIS proposes a majority of the mitigation all but .5 acres to be located outside the most impacted and sensitive Buckeye Brook watershed and therefore the proposed mitigation by definition would not offset the specific habitat losses and water quality degradation placed on this ecosystem from years of pollutant discharge and habitat destruction associated with the incremental expansion of the airport use into the abutting ecosystems. The lack off “in-kind” replacement of functions and values inconsistent with federal guidance policies included in the

Memorandum of Agreement Between The Environmental Protection Agency And The Department Of The Army Concerning The Determination Of Mitigation Under The Clean Water Act Section 404(B)(1) Guidelines.

*“If on-site compensatory mitigation is not practicable, off-site compensatory mitigation should be undertaken in the same geographic area if practicable (i.e., in close physical proximity and, to the extent possible, the same watershed). In determining compensatory mitigation, the functional values lost by the resource to be impacted must be considered. **Generally, in-kind compensatory mitigation is preferable to out-of-kind.** There is continued uncertainty regarding the success of wetland creation or other habitat development. Therefore, in determining the nature and extent of habitat development of this type, careful consideration should be given to its likelihood of success. Because the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, restoration should be the first option considered.”*
Memorandum Of Agreement Between The Environmental Protection Agency And The Department Of The Army Concerning The Determination Of Mitigation Under The Clean Water Act Section 404(B)(1) Guidelines

THE PROPOSED MITIGATION IS NOT FUNDED SPECULATIVE PROVIDES NO CERTAINTY THE MITIGATION WILL BE COMPLETED

- Even theorizing the B4 preferred build option was the lone practicable alternative the City of Warwick maintains the mitigation as inadequate and imprecise as to feasibility of its completion, long term management and effectiveness of the collection of functions to be replaced by the destruction of a mature wetland ecosystem.
- The DEIS’s “conceptual” mitigation is not clearly stated and does not include specific funding or binding commitments necessary to provide certainty that the proposed mitigation will be completed because the prospect of purchase and permitting offsite properties described in the plan is at best speculative making the outcome uncertain and the mitigation proposed *not “practicable and capable of compensating for the aquatic resource functions that will be lost as a result of the permitted activity”* thereby inconsistent with 33 CFR Part 332 CFR 40 Part 230.
- The DEIS cites *“Under Alternative B4, approximately 3.0 acres of Wetland A13 would be filled to construct the Runway 34 RSA. Cumulative impacts to functions such as flood storage and water quality would be minimized through the creation of a wetland compensation area within the Airport.”* **Wetlands and Waterways Technical Report page 4-28 July 2010** which does not sufficiently address how loss of wetland habitat would or could be restored or created within the Buckeye Brook wetland system most affected by this build option.
- As the table below illustrates the B4 build option proposes “Conceptual Compensation” an ambiguous phrase that is inconsistent with CEQ - 40 CFR Section 1508.20. The wetland preservation is based on unfunded speculative land purchases to complete the mitigation initiative. The mitigation identified does not rise to the level of obligation required under 40 CFR Sec. 1508.20 (f) because the mitigating measures are not *“integral components”* of build action merely conceptual and highly speculative. The off site purchase of properties and permitting defined by the preferred build option mitigation plan is negligible and unreasonably difficult to achieve ensuring that the “conceptual mitigation” defined in the study will not be implemented.

Final DEIS Chapter 6 – Mitigation page 6-15 dated July 2010

Table 6-11 **Alternative B4 Conceptual Wetland Compensation Estimated Acreage**

Wetland Mitigation Type	Conceptual	USACE New England	Impacted Wetland
	Compensation	District	Area
	Area (acres)	Recommended Ratio	Equivalent

Creation/Restoration (In Kind)	11	2.1:12	5.2
Restoration/Enhancement (Out of Kind)	1.2	2.1:1	0.5
Preservation	45	15:1	3.0
Total	56	NA	8.73

1 The mitigation program will replace the functions and values of the impacted wetlands as required by
2 USACE. Weighted average based on wetland classes impacted. Alternative B4 would require mitigation for
3 impact to 7.3 acres of wetland.

- The project's overemphasis of offset conceptual mitigation fails to provide adequate mitigation to of the resource effected, the lack of funding provides no certainty that the proposed mitigation will be completed while the lack of performance standards limits the realization that the mitigation will be successful in achieving no net loss in habitat value as nothing in the application assures the mitigation proposed would be equal to or greater than that habitat, diversity and water quality lost in the mature wetland being destroyed by the B4 build option which is inconsistent with 33 CFR Part 332 - Compensatory Mitigation for Losses of Aquatic Resources. That reads *“The Clean Water Act and the Guidelines set forth a goal of restoring and maintaining existing aquatic resources. The Corps will strive to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources, and for wetlands, will strive to achieve a goal of no overall net loss of values and functions. In focusing the goal of no overall net loss to wetlands only, EPA and Army have explicitly recognized the special significance of the nation's wetlands resources”*
- A DEIS conceptual mitigation plan fails to provide the necessary certainty that the proposed mitigation will offset the project's impacts because the Plan does not define goals of success or performance standards necessary to ascertain the mitigation techniques are successful in replicating the losses associated with the preferred build option consistent with Department of the Army policy; ***“There is continued uncertainty regarding the success of wetland creation or other habitat development. Therefore, in determining the nature and extent of habitat development of this type, careful consideration should be given to its likelihood of success. Because the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, restoration should be the first option considered.”*** MOA - Department of the Army and the Environmental Protection Agency Section 404(b) (1) Guidelines II. Policy (c)(3)

Table 4-6 Level 5 Alternative B4: Summary of Impacts to Terrestrial Biotic Communities (acres)

Cover Type	Runway 5-23 and Integrated Cargo Facility					Total	Results of Impact	Affected Species
	Runway 16-34	Runway 5-23 and Integrated Cargo Facility	Fully Relocated Airport Road	On-Airport Improvements	Realigned Main Avenue			
Agricultural Land	0.0	0.0	0.0	0.0	0.0	0.0	Loss of foraging Raccoon, deer and habitat common songbirds	
Upland Forest	1.2	0.0	0.0	0.0	0.0	1.2	Loss of nesting Songbirds habitat	
Shrubland	1.7	0.0	0.0	0.0	0.0	1.7	Loss of foraging Mammals and habitat songbirds	
Annually Mowed Grassland1	2.8	0.0	0.0	0.0	0.0	2.8	Loss of foraging Common mammals habitat and songbirds	
Forested Wetland	0.5	0.0	0.0	0.0	0.0	0.5	Loss of foraging and Open nesting nesting habitat songbirds	

Scrub-Shrub Wetland	2.8	0.0	0.0	0.0	0.0	2.8	Loss of foraging Common small habitat mammals Loss of foraging Common songbirds habitats
Emergent Wetland	1.8	0.0	0.0	0.0	0.0	1.8	Loss of nesting Songbirds habitat Loss of foraging Songbirds habitat
Emergent Wetland – common reed	2.2	0.0	0.0	0.0	0.0	2.2	Loss of marginal Songbirds (e.g. Red-nesting habitat winged Blackbird) Loss of marginal Muskrat and other foraging habitat small mammals
Total Habitat Impact	13.0	0.0	0.0	0.0	0.0	13.0	

Source: VHB, Inc.

- In summary the DEIS mitigation strategy contains an imprecise approach that lacks a defined funding, implementation and monitoring strategy accomplishing little in defining, mitigating and evaluating long term effectiveness of the mitigation proposed, The long term functionality of the effected wetlands is unknown as is a contingency plan, maintenance and long-term management plan providing no certainty that restorative and preservation plan will be completed by 2015 the build year for runway 16/34.

THE CITY'S COMPREHENSIVE PLAN

- The instant application requests habitat displacement, degradation and destruction that is directly contrary with the City's Comprehensive Plan and 40 CFR 1502.16 (c) *Possible conflicts between proposed action and the objectives of Federal, regional, State, and local land use plans, policies and controls for the area concerned*” and statewide planning initiatives designed to protect wetlands and water quality impacts Greenwich and Narragansett Bay(s).
- The Rhode Island Comprehensive Planning and Land Use Regulation Act R.I.G.L. Title 45, Chapter (22.2), requires all municipalities prepare a comprehensive plan for which any land use decisions must conform. The Warwick City Council adopted the Warwick Comprehensive Plan on August 14, 1991 since then the Comprehensive Plan has been the City's policy document for which decisions are based.
- The preferred B4 preferred build option impacts over 14 acres of wetland and riparian habitat in the Buckeye Brook corridor and Warwick Pond ecosystems the loss of habitat will eventually lead to a reduction in population and possibly of species which is which directly conflicts with the local, state approved Comprehensive Plan that states a clear importance of wetlands as providing critical natural resource essential for habitat preservation. The Plan states: *“All of Warwick's wetlands provide valuable wildlife habitat...” “... which support wildlife, primarily birds and aquatic life. The most important of these are the coastal and freshwater wetlands, salt and fresh water marshes, streams, ponds, and the Bay.”* Warwick Comprehensive Plan Natural Resources Element- Chapter 2 Municipal Characteristics.
- Contrary to the nonfactual determinations contained in the DEIS that trivializes the loss of 7.3 acres of wetlands the City of Warwick Comprehensive Plan recognizes that *“In a developed suburban setting such as Warwick, most of the native wildlife has disappeared or dwindled to*

very low populations.” Warwick Comprehensive Plan Natural Resources Element- Chapter 2 Municipal Characteristics in spite of that the DEIS is indifferent as to the need for a larger quantitative and qualitative assessment of the entire wetland complex addressing 40 CFR. § 1508 “actions taking place over a period of time” and “reasonably foreseeable future actions” required study to determine the limits of impact on the remaining critical mass of wetlands.

- Cumulative impacts that further wetland destruction proposed within the B4 preferred build option discounts the findings within the City’s Comprehensive Plan which recognizes years of individual discharges of fill material and incremental destruction of wetland habitats have collectively resulted in major impairment to aquatic and riparian resources in the City. The City’s Comprehensive Plan recognizes many mammals, amphibians, reptiles, and birds depend on wetlands for feeding, nesting, migration stopovers or for wintering habitat including small wetlands that appear dry much of the time are crucial to the survival of certain species The destruction of 7.3 acres of valuable wetland habitat will result in further fragmentation of habitat, loss of wildlife habitat, species and populations within the City of Warwick..
- 40 CFR. §§ 230.41(b) recognizes that “Discharges can also change the wetland habitat value for fish and wildlife” and are “likely to damage or destroy habitat and adversely affect the biological productivity of wetlands ecosystems” which in the instant case will occur with the preferred build option a destruction of wetland habitat and values cannot be said to be appropriately mitigated. Unnecessary filling of freshwater wetlands within Buckeye Brook/ Mill Cove is unacceptable and contrary with the City of Warwick Comprehensive Plan that identifies this watershed as a critical sensitive resource and “2.11 Key Environmental Asset” in the community recognizing “The following locations in particular have been identified as having value as wildlife habitat: Buckeye Brook/ Mill Cove... All of Warwick's wetlands provide valuable wildlife habitat, but several are more important, even unique, in providing a rare ecological phenomenon in such a highly developed area. **Highest on the list of wildlife habitats is Buckeye Brook and its attendant marshlands. The brook provides a means for herring to "run" upstream each spring to spawn in Warwick Pond. The marshlands along Mill Cove support large amount of aquatic life and are one of the City's best shelters for ducks.**” Warwick Comprehensive Plan Natural Resources Element- Section 2.6 and 2.11 entitled Wildlife.
- The preferred B4 build option destruction of 7.3 acres of habitat in the Buckeye Brook corridor is directly inconsistent with the “Goals and Objectives” of the City of Warwick Comprehensive Plan to “7) To protect remaining wetlands, open space and shoreline areas. a)Protect freshwater bodies, coastal waters, areas with soil limitations, unique natural features, fish and wildlife habitat, and threatened and endangered species habitat through land use planning and regulatory management programs.”... “9) To preserve wildlife habitat...To enforce wetlands regulations” Warwick Comprehensive Plan Natural Resources Element- Chapter 6 and 9 entitled Goals and Objectives Wildlife.

33 CFR § 320.4 General policies for evaluating permit applications.

The following policies shall be applicable to the review of all applications for DA permits. Additional policies specifically applicable to certain types of activities are identified in 33 CFR parts 321 through 324.

33 CFR § 320.4 (b) Effect on wetlands.

33 CFR PART 332 COMPENSATORY MITIGATION FOR LOSSES OF AQUATIC RESOURCES

33 CFR PART 332.1 (a) (1) The purpose of this part is to establish standards and criteria for the use of all types of compensatory mitigation, including on-site and off-site permittee-responsible mitigation, mitigation banks, and in-lieu fee mitigation to offset unavoidable impacts to waters of the United States authorized through the issuance of Department of the Army (DA) permits pursuant to section 404 of the Clean Water Act (33 U.S.C. 1344) and/or sections 9 or 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).

33 CFR PART 332.1 (a) (3) Compensatory mitigation for unavoidable impacts may be required to ensure that an activity requiring a section 404 permit complies with the Section 404(b)(1) Guidelines. During the 404(b) (1) Guidelines compliance analysis, the district engineer may determine that a DA permit for the proposed activity cannot be issued because of the lack of appropriate and practicable compensatory mitigation options.

EPA's 404(b) (1) 40 CFR 230.3(b) The term adjacent means bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man-made dikes or barriers, "adjacent wetlands"

EPA's 404(b)(1) 40 CFR 230.5(c) Examine practicable alternatives to the proposed discharge, that is, not discharging into the waters of the U.S. or discharging into an alternative aquatic site with potentially less damaging consequences.

40 CFR 230.5(k) Make and document Factual Determinations.

EPA's 404(b)(1) 40 CFR 230.10(a) "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant environmental consequences."

EPA's 404(b)(1) 40 CFR 230.10(a)(1) For the purpose of this requirement, practicable alternatives include, but are not limited to: 40 CFR 230.10(a)(1)(i) Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters;

EPA's 404(b)(1) 40 CFR 230.10(a)(2) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered

EPA's 404(b)(1) 40 Guidelines CFR 230.10(c)(2) "Significantly adverse effects of the discharge of pollutants on life stages of aquatic life and other wildlife dependent on aquatic ecosystems, including the transfer, concentration, and spread of pollutants or their byproducts outside of the disposal site through biological, physical, and chemical processes."

EPA's 404(b)(1) 40 CFR 230.10(c)(3) "Significantly adverse effects of the discharge of pollutants on aquatic ecosystem diversity, productivity, and stability. Such effects may include, but are not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy"

Clean Water Act Section 404(b)(1) 40 CFR 230.10(d) "Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted unless appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic ecosystem. Subpart H identifies such possible steps"

EPA's 404(b)(1) Guidelines 40 CFR 230.11 Factual determinations – "The permitting authority shall determine in writing the potential short-term or long-term effects of a proposed discharge of dredged or fill material on the physical, chemical, and biological components of the aquatic environment in light of Subparts C through F"

EPA's 404(b)(1) Guidelines 40 CFR 230.11(e) "Aquatic ecosystem and organism determinations. "Determine the nature and degree of effect that the proposed discharge will have, both individually and cumulatively, on the structure and function of the aquatic ecosystem and organisms."

40 CFR 230.11(g) Determination of cumulative effects on the aquatic ecosystem.

40 CFR 230.11(g)(1) Cumulative impacts are the changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges of dredged or fill material. Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems

40 CFR 230.11(g)(2) Cumulative effects attributable to the discharge of dredged or fill material in waters of the United States should be predicted to the extent reasonable and practical. The permitting authority shall collect information and solicit information from other sources about the cumulative impacts on the aquatic ecosystem. This information shall be documented and considered during the decision-making process concerning the evaluation of individual permit applications, the issuance of a General permit, and monitoring and enforcement of existing permits.

40 CFR 230.11(h) Determination of secondary effects on the aquatic ecosystem.

EPA's 404(b)(1) 40 CFR 230.11(h)(1) "Secondary effects are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material."

40 CFR 230.12(a)(3)(i) There is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem, so long as such alternative does not have other significant adverse environmental consequences;

40 CFR 230.12(a)(3)(ii) The proposed discharge will result in significant degradation of the aquatic ecosystem under 230.10(b) or (c);

40 CFR 230.12(a)(3)(iii) The proposed discharge does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem

40 CFR 230.12(a)(3)(iv) There does not exist sufficient information to make a reasonable judgment as to whether the proposed discharge will comply with these Guidelines.

40 CFR 230.21 Suspended particulates/turbidity. 40 CFR 230.21(a) Suspended particulates in the aquatic ecosystem consist of fine-grained mineral particles, usually smaller than silt, and organic particles. Suspended particulates may enter water bodies as a result of land runoff, flooding, vegetative and planktonic breakdown, resuspension of bottom sediments, and man's activities including dredging and filling. Particulates may remain suspended in the water column for variable periods of time as a result of such factors as agitation of the water mass, particulate specific gravity, particle shape, and physical and chemical properties of particle surfaces.

40 CFR 230.21(b) Possible loss of environmental characteristics and values: The discharge of dredged or fill material can result in greatly

EPA's 404(b)(1) Guidelines 40 CFR 230.32 (b) Possible loss of values "The discharge of dredged or fill material can result in the loss or change of breeding and nesting areas, escape cover, travel corridors, and preferred food sources for resi-upon wildlife habitat may result from changes in water levels, water flow and circulation, salinity, chemical content, and substrate characteristics and elevation. Increased water turbidity can adversely affect wildlife species which rely upon sight to feed, and disrupt the respiration and feeding of certain aquatic wildlife and food chain organisms. The availability of contaminants from the discharge of dredged or fill material may lead to the bioaccumulation of such contaminants in wildlife. Changes in such physical and chemical factors of the environment may favor the introduction of undesirable plant and animal species at the expense of resident species and communities. In some aquatic environments lowering plant and animal species diversity may disrupt the normal functions of the ecosystem and lead to reductions in overall biological productivity."

40 CFR 230.32(a) Wildlife associated with aquatic ecosystems are resident and transient mammals, birds, reptiles, and amphibians.

EPA's 404(b)(1) Guidelines 40 CFR 230.41(b) Possible loss of values: The discharge of dredged or fill material in wetlands is likely to damage or destroy habitat and adversely affect the biological productivity of wetlands ecosystems by smothering, by dewatering, by permanently flooding, or by altering substrate elevation or periodicity of water movement. The addition of dredged or fill material may destroy wetland vegetation or result in advancement of succession to dry land species. It may reduce or eliminate nutrient exchange by a reduction of the system's productivity, or by altering current patterns and velocities. Disruption or elimination of the wetland system can degrade water quality by obstructing circulation patterns that flush large expanses of wetland systems, by interfering with the filtration function of wetlands, or by changing the aquifer recharge capability of a wetland. Discharges can also change the wetland habitat value for fish and wildlife as discussed in Subpart D. When disruptions in flow and circulation patterns occur, apparently minor loss of wetland acreage may result in major losses through secondary impacts. Discharging fill material in wetlands as part of municipal, industrial or recreational development may modify the capacity of wetlands to retain and store floodwaters and to serve as a buffer zone shielding upland areas from wave actions, storm damage and erosion.

EPA's 404(b)(1) Guidelines 40 CFR 230.75(f) Avoiding the destruction of remnant natural sites within areas already affected by development.

40 CFR 230.77(d) "When a significant ecological change in the aquatic environment is proposed by the discharge of dredged or fill material, the permitting authority should consider the ecosystem that will be lost as well as the environmental benefits of the new system."

40 CFR 1500.2(e) Unavoidable Adverse Effects – "Effects that can not be avoided due to constraints in alternatives. These effects do not have to be avoided by the planning agency, but they must be disclosed, discussed, and mitigated, if possible"

40 CFR 1502.14 (a) "Rigorously explore and objectively evaluate all reasonable alternatives."40

CFR 1502.14 (b) "Devote substantial treatment to each alternative considered in detail including proposed action."

40 CFR 1502.14 (f) "Include appropriate mitigation measures not already included in proposed action or alternative

40 CFR 1502.16 (a) Environmental consequences. (a) Direct effects and their significance (Sec. 1508.8).

40 CFR 1502.16 (c) Possible conflicts between proposed action and the objectives of Federal, regional, State, and local land use plans, policies and controls for the area concerned.

40 CFR Sec. 1502.2 Implementation. (f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1).(g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.

40 CFR Sec. 1502.22 Incomplete or unavailable information.

EPA's 404(b)(1)40 CFR 230.10(c)(4) "Significantly adverse effects of discharge of pollutants on recreational, aesthetic, and economic values"

CEQ 40 CFR 1508.20 1508.25(b)(3)) and NEPA itself requires agencies to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (42 U.S.C. § 4332(2)(E)).

40 CFR 1508.25. Scope – "The range of actions, alternatives, and impacts to be considered in an environmental impact statement"

40 CFR 1508.27(b) "Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment."

CEQ 40 CFR 1508.7 - "Cumulative Effect – "The incremental environmental impact or effect of the proposed action ,together with impacts of past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time."

40 CFR 1508.8 - "Indirect Impacts (Effect) - A direct result of an action which occurs at the same time and place; or an indirect result of an action which occurs later in time or in a different place and is reasonably foreseeable; or the cumulative results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions (40 CFR 1508.8)."

The Guidelines indicate that no dredged or fill material shall be permitted if it will cause or contribute to significant degradation of waters of the United States (40 CFR 230.10(c)).Wetlands, and particularly riparian areas, are becoming reduced in size and highly fragmented within the DEIS for interrelated and interacting communities and populations of plants and animals.

CEQ NEPA regulations identify mitigation in the NEPA process as measures to avoid, minimize, rectify, reduce, or compensate for environmental impacts. 40 § C.F.R. 1508.20. The CEQ regulations provide for mitigation in the form of alternatives (see 40 C.F.R. §§ 1502.14(f).

NEPA (102(2)(C)(iii)) The analysis should provide as much detail about alternatives to the proposed action as is necessary to support comparisons of impacts

42 U.S.C. § 4332 (E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"

Appendix A

Warwick Historic District Commission

Warwick City Hall
3275 Post Road
Warwick, Rhode Island 02886

September 10, 2010

LaVerne F. Reid
Manager, Airports Division
Federal Aviation Administration
New England Region
12 New England Executive Park
Burlington, MA 01803

Re: TF Green Improvement Program
Environmental Impact Statement
Hangar No. 1 and Rhode Island State Airport building

Dear Ms. Reid:

The City of Warwick is committed to preserving our historic properties. They are an important source of civic pride and a part of our national heritage. Alternative B4, the preferred build action as proposed in the Draft Environmental Impact Statement (DEIS), will eliminate Hangar No. 1 and irrevocably alter the National Register-listed Rhode Island State Airport Terminal Building, both of which are inconceivable and unacceptable consequences.

Hangar No. 1 has been evaluated and determined to be eligible for listing on the National Register of Historic Places by both the Federal Aviation Administration (FAA) and the Rhode Island Historic Preservation and Heritage Commission (RIHP&HC). It has been determined to be associated with events that have made a significant contribution to the broad patterns of our nation's history in the areas of transportation, commerce, engineering and architecture. Located prominently at the western endpoint of a row of historic aviation related buildings, Hangar No. 1 was an essential component in the evolution of the State Airport and is a rare, surviving example of a "unified" or "combined" type, pre-World War II airport hangar. Constructed in 1938, it was part of a state-of-the-art airport facility that adapted contemporary engineering principles to meet the functional requirements of a relatively new building type. The property not only embodies distinctive architectural characteristics that represent a period of construction, including details evocative of the early airplane era, it is also important for its association with the initial development of the first state owned airport in the nation.

Hangar No. 1 was designed by a prominent Providence based architectural firm, Oresto, DiSaia, and is one of the few notable examples of the Art Deco and Art Moderne styles in Rhode Island. It consists of three distinct, attached blocks. The office block, facing Airport

Road, the main hangar, constructed at the south end of the office block, and the operations and aircraft control tower. Originally known at the Hillsgrove State Airport Hangar, it was constructed six months before the airport was renamed Theodore Francis Green Airport. After World War II, it was renamed Hangar No. 1.

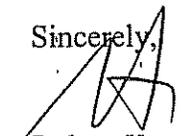
For both its architectural and historic significance, the Warwick Historic District Commission strongly and adamantly objects to any proposal that would jeopardize this building and will continue to advocate for the preservation of Hangar No. 1.

The Warwick Historic District Commission also opposes any airport expansion proposal that would impact the integrity or visibility of the National Register-listed Rhode Island State Airport Terminal building. Opened to the public in 1933, it is noteworthy for being the first modern style public building erected by the state. It reflects the influence of the International style of architects of the 1920s and the decorative principles of the Art Deco style. The design also reflects the attitude of a generation, an optimism toward progress and technology which characterized the era.

Alternative B4 as proposed in the DEIS, would eliminate landside views of the Rhode Island State Airport Terminal building and alter the historic entry into the terminal building, impacting an important view corridor. The Nomination form on record cites as significant "the Terminal together with its immediate surroundings, including a sight line from Occupasstuxet (Airport) Road to the Terminal and a pattern of radial pathways on the apron south of the Terminal which was part of the original design for the building and its environs." The surrounding landscape is flat, with open taxiways and runway complex clearly visible. Visual access to the property is a contributing factor to understanding its public and historic significance.

It is imperative that we all strive to protect the Nation's significant historic properties for future generations and protect important historic resources like Hangar No. 1 and the Rhode Island State Airport Terminal building and its context. At the September 9, 2010 meeting, the Warwick Historic District Commission made a finding that Hangar No. 1 and the ability of the public to view the Rhode Island State Airport Terminal building are significant and important historic resources and approved a motion to contact the Rhode Island Preservation and Heritage Commission in order to be considered as an interested party in any future decision regarding these resources.

Sincerely,



Robert Kunz, Chair

Warwick Historic District Commission

cc: Mr. Edward F. Sanderson, Executive Director, RIHP&HC
Mayor Scott Avedisian, City of Warwick
Mark Carruolo, Planning Director

Warwick Historic District Commission

Warwick City Hall
3275 Post Road
Warwick, Rhode Island 02886

September 10, 2010

Mr. Edward F. Sanderson
Executive Director
Deputy State Historic Preservation Officer
Rhode Island Historical Preservation and Heritage Commission
Old State House
150 Benefit Street
Providence, RI 02903

Re: TF Green Airport Improvement Program
Environmental Impact Statement
Hangar No. 1 and Rhode Island State Airport building

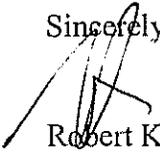
Dear Mr. Sanderson:

At the September 9, 2010 meeting, the Warwick Historic District Commission (WHDC), considered the implications of the preferred build action, Alternative B4, in regards to Hangar No. 1 and the Rhode Island State Airport Terminal building.

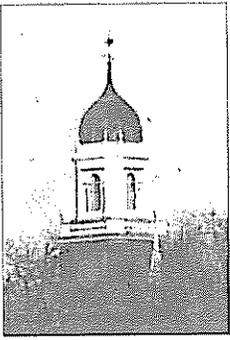
A finding was made by the WHDC that Hangar No. 1 and the ability of the public to view the National Register listed Rhode Island State Airport Terminal building are significant and important historic resources. As such, the Warwick Historic District Commission respectfully requests to be considered as an interested party in any future decisions regarding these resources.

Thank you for your attention in this matter.

Sincerely,


Robert Kunz, Chair
Warwick Historic District Commission

Cc: Dr. Richard Greenwood, RIHP&HC
Ms. LaVerne Reid, FAA



CITY OF WARWICK
PLANNING DEPARTMENT

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

TELEPHONE: 401-738-2000 EX: 6289
PLANNING FAX: 401-737-5652
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SCOTT AVEDISIAN
Mayor

MARK CARRUOLO
Director

Office of Planning

Office of Community
Development

Office of Landscape
Architecture

Planning Board

Warwick Station
Redevelopment Agency

Zoning Board

Conservation Commission

Harbor Management
Commission

Historic District
Commission

Historic Cemetery
Commission



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

 Printed on recycled paper with non-toxic inks

Date: August 23, 2010
To: Bill DePasquale, Principal Planner
From: Sue Cabeceiras, Staff Assistant
Re: Airport Runway Expansion Project

The Warwick Historical Cemetery Commission reviewed the proposed B4 Runway Expansion project for TF Green Airport at its August 3, 2010 meeting. A motion was approved to send you the following comments concerning this project and its impacts on Cemetery #26 and #77.

Cemetery #26 is located within the gated area of the existing airport. This area would remain an object free area. The proposals are 1) to lay the headstones flat, 2) relocate the cemetery and/or 3) create a new memorial outside the area of impact. Laying the stones flat would result in the deterioration of the engraving on the stones and of the stones themselves through cracking or breakage. This may also cause the stones to be lost over time. Mr. Dillon met with the Commission and mentioned that it may be possible to get an FAA waiver to keep the stones upright and that is the preferred alternative that this Commission would accept. Relocating the bodies to another cemetery should only be a last choice option and is one that would not get the support of the Commission if other options exist.

Cemetery #77 is located adjacent to Main Avenue and the proposed alternative would require construction associated with relocating Main Ave occurring within 25 feet of this cemetery. According to John Sterling's book, "Warwick, Rhode Island Historical Cemeteries" there are 15 burials at this cemetery with only 2 headstones. An archeological study is required before any work could take place to determine the limits of the actual cemetery, and from there, the 25 foot buffer area. The site plans submitted are 1:1,000 and it is impossible to denote the actual limits of disturbance. A site plan drawn to a maximum scale of 1:200 would be required to determine the actual impact. Mr. Dillon mentioned that the roadway may be shifted to avoid the cemetery. Either way, before any work is performed in the vicinity of either cemetery, an archeological study must be performed to ensure the actual boundaries of each cemetery and that work does not take place in cemetery #77. A copy of this study must be submitted to the Warwick Historical Cemetery Commission, care of Sue Cabeceiras and also to Mark Carruolo of the Warwick Planning Department.

KEVIN SULLIVAN
PROGRAM COORDINATOR



SCOTT AVEDISIAN
MAYOR

CITY OF WARWICK
OFFICE OF HOUSING & COMMUNITY DEVELOPMENT

3275 POST ROAD WARWICK RHODE ISLAND 02886-7152
TEL (401) 738-2000 EX: 6376 FAX (401) 732-9522
T D.D. (401) 739-9150

September 9, 2010

Ms. LaVerne F. Reid
Manager, Airports Division
Federal Aviation Administration
New England Region
12 New England Executive Park
Burlington, MA 01803

**Re: City of Warwick Objection
Final Draft Environmental Impact Study Statement (EIS) for T.F. Green Airport
Warwick, Rhode Island dated July 2010**

Dear Ms. Reid,

I am writing to you on behalf of the City of Warwick's Office of Housing & Community Development. The city is the recipient of Community Development Block Grant (CDBG) Program funding from the U.S. Department of Housing and Urban Development.

The purpose of the CDBG program is to develop viable communities by providing decent housing, a suitable living environment, and opportunities to expand economic opportunities, principally for low- and moderate-income persons.

In order to provide decent housing with a suitable living environment for low to moderate income families that housing has to be affordable. The area to be impacted by the airport expansion is one of the city's more affordable neighborhoods. At present, this area population is comprised of households that have 42.98% low to moderate income. These are households that are 80% or below the median income of \$72,100.

The proposed runway expansion will require the acquisition of approximately 121 affordable single family homes in this neighborhood. When coupled with the loss of 512 affordable residential dwellings to airport development since 1983 the effect on the city's affordable housing stock is substantial.

Once this affordable housing is lost there is limited ability to replace it given that the city does not have other large areas of undeveloped land that could be used to replace these homes. The impact from this loss on affordable housing in the city should be fully considered as part of this Environmental Impact Study.

Sincerely,

Kevin Sullivan
Program Coordinator
Office of Housing & Community Development



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

July 22, 2010

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

Re: T.F. Green Airport Improvement Program – Draft Environmental Impact Statement:
Draft Section 4(f) Evaluation dated July 2010

Dear Mr. Doucette:

The RI Coastal Resources Management Council (CRMC) received the above reference Draft Environmental Impact Statement (DEIS) on Friday, July 9, 2010. The DEIS was submitted by your office and included an Executive Summary; Volumes 1 (DEIS Chapters); Volume 2 (DEIS Figures); Technical Reports for Coastal Resources, Floodplains, Fish, Wildlife, and Plants, and Water Quality; and Appendices. Pursuant to the federal Coastal Zone Management Act (16 USC §§ 1451-1464) and 15 CFR Part 930, the CRMC as the State's designated coastal zone management agency will conduct a federal consistency review of the proposed project, as the activity is located within the City of Warwick, a coastal community of the State.

We note that Section 8.6 (Required Permits and Actions) of the DEIS indicates that the proposed project would need "consistency with the approved state coastal zone management program" during the permit application process. See DEIS, Volume 1 at page 8-10. Further, Section 1.3 of the DEIS Coastal Resources technical report indicates that the FAA will forward a copy of the DEIS and a "written certification of consistency with Rhode Island's CZM policy." See DEIS Coastal Resources technical report at page 1-3.

Please be advised that the above documentation provided to the CRMC on July 9, 2010 did not include the certification of consistency required under 15 CFR Part 930 D. Therefore, the consistency determination is deemed incomplete and review cannot commence until the information referenced above is provided to CRMC. As noted above, the document indicated that FAA would file with CRMC a "written certification of consistency with Rhode Island's CZM policy" (*Id.*). Would you please clarify whether the FAA or the Rhode Island Airport Corporation (RIAC) will be

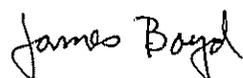
filing the consistency determination request? In addition, was it the intention of the FAA to file the current DEIS with CRMC to fulfill the "necessary data and information" requirements under 15 CFR § 930.58, or will the Final EIS be the basis for state coastal zone management program consistency review?

We suggest that it would be more efficient for CRMC to complete the consistency review when the Final EIS has been completed. We say this because the proposed project and the preferred alternative design (B4) may be changed based on the results of the DEIS public comment period (July 16 to August 30, 2010) and the public hearing scheduled by the FAA for August 17, 2010. Further, it is our understanding that a Final EIS with 75% project design will be required by RIDEM Freshwater Wetlands and Water Quality Certification Programs for review of state permit applications. The CRMC typically conducts concurrent reviews with RIDEM on large projects such as this one when both agencies have jurisdiction. Therefore, it would be more efficient if both agencies are reviewing the same application information and data, and it would allow the CRMC to issue an informed decision in accordance with 15 CFR Part 930 D.

Once we receive your consistency filing as noted above our review will begin and the six-month period we have to review the document will start. We are hereby providing written notice within 30 days of having received the DEIS in accordance with the state agency response requirement of 15 CFR § 930.60.

Please call (401-783-3370) or email me jboyd@crmc.ri.gov with any questions.

Sincerely,



James Boyd, Coastal Policy Analyst
Coastal Resources Management Council

cc: Grover Fugate, CRMC Executive Director
Jeffrey Willis, CRMC Deputy Director
Brian Goldman, CRMC Legal Counsel
Brenda Pope, RI Airport Corporation
Robert J. DeSista, U.S. Army Corps of Engineers
David Kaiser, NOAA OCRM
Benny Bergantino, RI Statewide Planning Program



State of Rhode Island and Providence Plantations

HOUSE OF REPRESENTATIVES

REPRESENTATIVE JOSEPH M. McNAMARA *District 19*
Chairman, Committee on Health, Education and Welfare
Committee on Environment and Natural Resources

Bill DePasquale

August 16, 2010

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

RECEIVED

AUG 19 2010

CITY OF WARWICK
PLANNING DEPARTMENT

Dear Mr. Doucette:

I would like to respectfully request that these comments be submitted as Federal Aviation Administration's Draft Environmental Impact Statement for the proposed Airport Improvement Program at T.F. Green Airport in Warwick Rhode Island. My primary comments will address Section ES 4.5, entitled "Environmental Justice and Children's Health and Safety Risks". I will specifically address the expected increase in airport related noise that children enrolled in Warwick schools will experience and the effect of that increased noise level on the teaching and learning in our schools. Both the Rhode Island Airport Corporation and the FAA have replaced windows and doors of several schools as part of the CFR Part #150 noise mitigation initiative. However with the projected increases in airport related noise levels in and around schools, I would respectfully request that the Airport Corporation in collaboration with the Warwick School Department conduct a school facility audit to address the impact of increased noise exposure on teaching and learning in the Warwick School system. This audit could establish baseline data to evaluate decibel lowering building modifications such as sound proofing, HVAC system changes (specifically air conditioning systems) and the addition of the acoustical interior design elements. Furthermore I would request that the Rhode Island Airport Corp. and the FAA fully fund the addition of air conditioning systems to all Warwick schools that are currently exposed to high decibel airport related noise. The addition of soundproof doors and windows has proven to be ineffective when educators are forced to open classroom windows for ventilation purposes for much of the school year.

Many research studies have confirmed that excessive noise has a negative effect on a child's ability to learn. An international expert on noise and other forms of environmental stress has found that children in schools bombarded by frequent aircraft noise do not learn to read as well as children in quiet schools. (Hopkins) Children appear to adapt to chronic noise exposure by "turning out" auditory stimuli. Children not only tune out aircraft noise, but also tune out auditory stimulation in general. This

indiscriminate filtering includes speech, a fundamental building block of reading. Auditory discrimination is an essential skill in language development. Children with no discernible hearing loss who are exposed to noise are less adept at tasks dependent upon speech perception. Noise also affects adults such as teachers who are instructing students. Teachers in noisy schools report greater fatigue, annoyance and less patience than their counterparts in quieter schools. Teaching time is lost due to pauses during noise bursts. (Evans) Several teachers in Warwick schools have stated that they are “used to” the aircraft noise and have “adjusted their teaching” to accommodate disruption due to aircraft noise. The transient nature of aircraft flyovers, which have short term noise levels, may disrupt children’s concentration more than the constant nature of road traffic noise, which children seem to cope with and not be distracted. (Clark and Martin)

Much of the research on noise and children relates to the auditory system. Certainly, auditory damage is a concern to parents and teachers, however, non-auditory effects of noise on children should also be of concern. Non-auditory effects fall into three categories: physiological, motivational, and cognitive.

Physiological effects include elevated blood pressure levels associated with going to school near a major source of noise. These elevated blood pressure levels are within the normal range, but are higher than those of students not exposed to these noise levels. These elevated blood pressure levels of children appear to continue into adulthood, thereby increasing their risk for cardiovascular disease. (Maxwell and Evans)

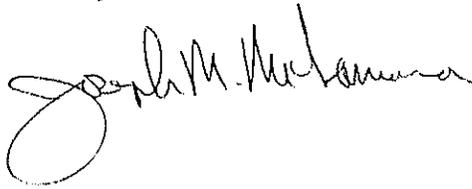
Exposure to uncontrollable noise also affects student motivation. The student develops a form of learned helplessness. One study found that students who attended a school near a major source of noise were less likely to solve a challenging puzzle and to be able to focus on it. Students were also more likely to abdicate their choice for a reward to their teachers and demonstrate less tolerance for frustration. (*Maxwell and Evans)

Several studies have documented the link between chronic noise and the negative effect on student reading skills. It has been suggested that children with learning disabilities may also be more susceptible to the negative effect of chronic noise exposure. One study identifies the link between a noisy school located near airports and low reading scores. In this study, the school had lower reading scores than reading scores from a quiet school. (Maxwell and Evans)

The Rhode Island Department of Education has a “Value-Added” reading assessment that compares the performance of each school’s students with the performance of students statewide. This assessment adjusts for poverty, non-English speaking students, special needs and minority racial group identity. A comparison of Warwick schools located directly in the high noise flight path with other Warwick schools in similar neighborhoods with similar school demographics showed there were considerable discrepancies. This difference in reading scores between flight path schools and its quieter neighboring schools points to the correlation between the chronic noise exposure and poorer reading scores. (R.I. Dept. of Education)

In conclusion, Research has clearly demonstrated that chronic exposure to aircraft noise has a detrimental effect on teaching and learning in Warwick schools exposed to continuous aircraft noise. I believe that a facility analysis would highlight the need for an upgraded air conditioning and ventilation system to reduce aircraft noise and mitigate the environmental stress that this exposure has on both our children and Warwick's educational community. If you have any questions relating to this please feel free to contact me at 401-222-2296. I have also submitted a list of articles in research that have been cited in my comments.

Sincerely,



Joseph M. McNamara
Chairman, Health Education & Welfare
Representative - District 19

Mayor Scott Avedisian ✓
Peter Horoschak, Ed.D.
Kevin Dillon
Christopher Friel

JMM/lac

WORKS CITED

Clark, Charlotte, R. Martin et al. "Exposure-Effect Relations Between Aircraft and Road Traffic Noise Exposure at School and Reading Comprehension". American Journal of Epidemiology 163(1) 2006: 27-37.

Evans, G.W. and L. Maxwell. "Chronic Noise Exposure and Reading Deficits: The Mediating Effects of Language Acquisition". Environment and Behavior (29) 5 1997: 638-656.

Harris Miller and Hanson Inc. T.F. Green Airport Improvement Program EIS (DNL) Contours 2010 Figure 0.0-0 Draft FAA. 2010.

Hopkins, Gary. "Have You Heard? Noise Can Affect Learning!" Education World July 18,1997.
<http://www.educationworld.com>

Information Works: Measuring Rhode Island Schools for Change 2009. Rhode Island Department of Elementary and Secondary Education. 2009.

JAMES F. DEVANNEY D.M.D., P.C.

362 Main Avenue
Warwick, R.I. 02886
(401) 737-4184

legitimate and required expense eligible for funding by the FAA as part of the mitigation planned for the preferred build option B4 that calls for the relocation of Main Avenue.

I trust that you agree that acquiring property east of my business would not conflict with the safety or operations at the airport and would be consistent with the FAA's airport noise compatibility program designed to mitigate noise sensitive land uses and were practicable resell the property for a compatible land use. I contend that providing mitigation funding to modify the front entrance of my building toward the relocated Main Avenue and allowing purchases of neighboring property would create a win-win-win scenario. The city preserves its tax base, the State of Rhode Island retains vibrant growing business and RIAC/FAA shows it can work with the community to establish compatible land use around the airport per RIAC's promises to the city and given the reimbursement desires of the FAA.

I request that your direction the consultant include the aforementioned funding related to the B4 build option's assessment of mitigation for Main Avenue as well as acquisition language within the DEIS so that the Final EIS reflects these initiatives as action eligible for federal funding.

Thank you, I anxiously await your written response.

James F. Devanney D.M.D., P.C.



Mark Carrwo
Bill DePasquale
Peter Ruggiero
Chief President
Airport Plaza

September 17, 2009

Mr. Kevin Dillon
President and Chief Executive Officer
Rhode Island Airport Corporation
2000 Post Road
Warwick, RI 02886

RECEIVED

SEP 23 2009

CITY OF WARWICK
PLANNING DEPARTMENT

Dear Mr. Dillon:

I am a partner of Airport Plaza Associates, owner of Airport Plaza located at the corner of Post Road and Airport Road in Warwick, Rhode Island. I am writing to you to express our concern about recent news stories about the expansion of the cross runway at T.F. Green Airport and the impact this proposed expansion will have on businesses located on or near Airport Road. After years of being assured that Airport Road would not be affected by any planned airport improvements, I now learn that, at a minimum, traffic patterns around my business on Post Road and Airport Road will be significantly disrupted or that the road may be rerouted, or in part abandoned.

Complicating the issue for business owners such as myself is the aura of secrecy that surrounds the proposed airport expansion and the inability of interested citizens to get definitive answers to the many questions that they have. For instance, a draft Environmental Impact Statement was unveiled on June 3, 2009 that describes the planned airport improvements, but this document is not available to the public. Media reports seem to indicate that even the City of Warwick is somewhat in the dark about exactly *what* is planned and *when* the plans will be carried out. The June 3rd presentation to the public about the airport's future expansion has generated many questions and provide few solid answers. Since then, the silence on the plans from RIAC has been deafening, except for opinion pieces and occasional news articles in local papers. Nothing definitive!

This lack of information leads to great uncertainty and anxiety for property owners around the airport. All of us are unable to make long term plans concerning our businesses due to the lack of information about what exactly is going to happen at the airport. We have to deal with inquiries from tenants, prospects lost, valuation issues, etc. With this letter, I am hoping that you can clarify some of the issues that are important to us.

My understanding of the proposal as it currently stands is that the cross-over runway at the airport will be extended in such a way as to intrude into a portion of Airport Road. This intrusion will necessitate the demolition of some buildings on Airport Road, the rerouting of Airport Road through an adjacent neighborhood to reconnect with

Post Road, and potentially, the closing of a portion of Airport Road which affects our property. My questions about this proposal include the following:

1. Why is the runway being extended?
2. Is there a safety issue with the current length of the runway?
3. If there is a safety issue, what is the issue and how does the extension address that issue?
4. Is the runway extension mandatory or is the extension optional? If the extension is mandatory, by what regulation and/or agency is it mandated?
5. Is there a federal or state regulation that mandates that the extension must be done on the Airport Road end of the runway? If so, what is that regulation?
6. If there is no regulation, what factors were considered in the decision to extend the runway into Airport Road?
7. When will the public be given access to the final proposal?
8. Who decides?

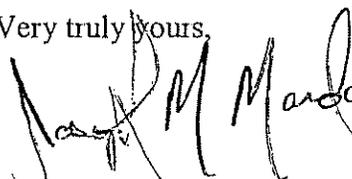
It is also my understanding that if the proposal currently under consideration is approved, the timeline for completion of the runway project will be 2015. Is my understanding accurate? If yes, when would the affected businesses be notified and when would any takings occur?

I and many other business and home owners I've spoken to believe that we are entitled to as much information as possible about the impact of the proposed airport improvements on my business. The proposal, known as B4, has untold impacts on us, our neighbors, our tenants, our employees, and customers. Yet, no one is talking to us. I would strongly recommend that you convene a meeting of the affected businesses in the area. I strongly recommend that written materials be made generally available in

Mr. Kevin Dillon
September 17, 2009
Page 3

advance with sufficient lead time for us to understand the issues. Any assistance that you can provide is appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joseph M. Mardo". The signature is written in a cursive style with a large, stylized initial "J" and "M".

Joseph M. Mardo, Partner

JMM:dad

cc: Kathleen C. Hittner, M.D.
Mayor Scott Avedisian
Senator Sheldon Whitehouse
Congressman James Langevin
John J. Partridge, Esquire

RECEIVED

SEP 21 2009
jjp@psh.com
CITY OF WARWICK
PLANNING DEPARTMENT

September 18, 2009

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

Re: I.F. Green Airport Program Environmental Impact Statement

Dear Mr. Doucette:

We have been retained by Airport Plaza, LLC, a Rhode Island limited liability company and the owner of a shopping center complex at the corner of Post Road (U.S. Route 1) and Airport Road, Warwick, Rhode Island.

We have previously communicated with you in an effort to obtain a copy of the draft Environmental Impact Statement ("EIS") which was presented on June 3, 2009 at a public hearing held in Warwick, Rhode Island sponsored by the Federal Aviation Agency and the Rhode Island Airport Corporation ("RIAC") complete with all presentation boards, photos, and testimonial data slide show slides. We have also availed ourselves of all websites including the EIS website. Our client, as well as other property owners and businesses located in the affected area of Warwick have expressed their concerns with respect to the so-called "safety zone" which is proposed as part of Runway 1632 improvements and presented in a drawing, for our purposes, as Alternative B4. Allegedly, the shift in Runway 1634 is approximately only one hundred (100) feet and this alignment would minimize impact to businesses. We believe this conclusion is incorrect and as requested, we hereby accept the invitation of the FAA to express our clients' opposition to the northern extension of Runway 1632.

Among other things, the new proposal ("Proposal" or "B4 Proposal") indicates a preference for a rerouting of Airport Road in some fashion so that it no longer terminates at Post

Road at its existing location. Airport Road is one of the busiest state highways in Rhode Island. Any change in traffic flow on Airport Road is a serious issue for all businesses located in the affected area and creates the potential for new traffic problems for motorists.

The economic impact of the Proposal is most serious for the affected businesses, their tenants, and their hundreds of employees. As far as we can determine, no economic analysis has been conducted which probes into the economic effects of the Proposal with respect to Airport Road. Such analysis would, however, demonstrate the significant economic difficulties faced by those who would be affected by the implementation of B4. It is apparent that the interests of such businesses, tenants, and employees have not been considered by the appropriate authorities in the presentation of B4. In fact, we are reliably informed that the economic impact on affected businesses was not seriously discussed at the Warwick public hearing and find that the draft EIS contains no useful information as to the economic effect of the implementation of B4.

We have a number of specific issues and questions with regard to the Proposal.

1. Nowhere in the Proposal, as we understand it, is there a statement of the legal requirements that mandate the extension of the so-called "safety zone" north of Airport Road. No statement was offered by anyone at the Warwick hearing as to the legal mandate for the extended "safety zone." Research and discussion with consultants leaves significant doubt as to whether the proposed "safety zone" enlargement is required by federal law, regulation, or administrative action. We would appreciate it if you would inform us as to the specific statute, regulation or administrative authority which mandates the so-called extension of the "safety zone."

2. Assuming that it is mandated by federal law, regulation, or administrative decision, please inform us as to the rationale for the specific proposal. In particular, please inform us as to any study referencing the safety issues that led to the necessity of the reconfiguration of Airport Road. If it exists, please compare that analysis to a southeastern extension of the cross runway.

3. Further, we understand that the figure "10" was utilized on June 3 to indicate "affected businesses." No specificity of location, number of employees affected, or effect on property values was offered. Please inform us as to the economic data utilized by the FAA in making public the number "10" and further identify the employment at such businesses and the consideration given to the economic impact on the same. To the extent that the number "10" has been utilized to indicate affected employers, please indicate whether such number came from employers directly in the specific proposed land taking or, as seems unlikely, on all affected businesses in the immediately adjacent areas.

4. Is the proposed extension of the "safety zone" one which has been requested by RIAC or is it one which is solely within the discretion of the FAA?

In essence, we are looking for an understanding as to the necessity of this Proposal and whether that is mandated by federal law, regulation, or administrative decision. If this is, in fact, only a desire of the Airport, and not mandated by federal law, regulation, or administrative decision, that is important for us to understand as we formulate our position with regard to the entire issue.

5. We have not seen anything which relates to a traffic count on Airport Road nor anything which indicates that the proposed serpentine reconfiguration meets state highway standards. Please inform us if that issue has been resolved with the Rhode Island Department of Transportation.

6. We have also requested information with respect to the specific time frames for public input in to the process. Despite our inquiries, we are still unable to determine the termination of the public input period for the Proposal publicly offered on June 3, 2009.

7. Where can we obtain maps which were used in the presentation to the public on June 3, 2009? It would appear that none are available to either the interested public or to the City of Warwick.

8. Please advise us as to where we can obtain copies of traffic studies with respect to the Airport Road rerouting referenced at the Warwick hearing.

9. It seems unclear at this point as to whether Airport Road is to be abandoned at Route 1 (Post Road) or at some other point on the highway, leaving a dead end. This is critical information and it would appear not to be presently available. Please provide this information to us.

10. Please advise us as to the use of Runway 1632. In particular, we desire to know the number of incoming flights and outgoing flights that use the cross runway on a monthly and yearly basis. If this information is not directly available, please tell us where to obtain the same.

11. Please advise us as to the existence of any economic analysis or comparison as to the extension of a safety zone to the south and the B4 Proposal requiring the reconfiguration of Airport Road.

12. Our traffic engineers are very concerned about such an abandonment or taking on Airport Road as it critically affects businesses with access and egress on to Airport Road between Post Road and such point of abandonment. The diminution in value of such premises is likely significant. Please tell us when, how, and who makes that decision as to what portion of Airport Road is to be taken through eminent domain or otherwise.

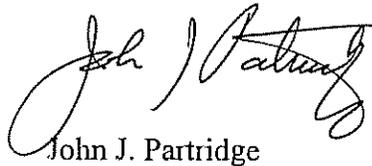
Finally, we have received information that the Proposal, if adopted, would be implemented by 2015. This means that in order to accomplish the Airport Road changes,

Mr. Richard Doucette
September 18, 2009
Page 4

planning and construction will begin in 2012-2013. This gives our clients little time to prepare for such change.

We look forward to your prompt response with respect to this information. We further look forward to further communication with your office. We note that your Agency has stated it continues to work with the City of Warwick and the Inter-Agency/Tribal Coordination Group "to assess the environmental and community aspects of its various alternatives" and that you are working to "minimize impacts to the residential communities and businesses of the Airport."

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Partridge". The signature is fluid and cursive, with the first name "John" being particularly prominent.

John J. Partridge

JJP:dad

bcc: William J. DePasquale Jr., AICP ✓

RECEIVED

JUL 23 2010

CITY OF WARWICK
PLANNING DEPARTMENT
John J. Partridge
jjp@psh.com

July 22, 2010

VIA E-MAIL AND REGULAR MAIL

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

Re: T.F. Green Airport Improvement Program

Dear Mr. Doucette:

As you will recall, this firm has been retained by Airport Plaza, LLC as owner of a shopping center complex at the corner of Post Road (U.S. Route 1) and Airport Road, Warwick, Rhode Island to represent its interests in connection with the T.F. Green Airport Improvement Program. On July 9, 2010, the FAA released a Draft Environmental Impact Statement ("2010 EIS") with regard to the above-referred to improvement program. As we understand it, the 2010 EIS represents an analysis by the Federal Aviation Administration with respect to various proposals for structural changes to T.F. Green Airport, particularly with respect to the impact of construction on natural resources as well as social, economic, and cultural resources including noise, land use, and socio-economic impacts. We understand that a public meeting is scheduled for Tuesday, August 17, 2010 which fulfills National Environmental Policy Act ("NEPA") requirements.

We further understand that the FAA utilizes such a hearing and comment periods in order to inform the 2010 EIS decision-making process through the specific knowledge of attendees and interested persons as to the location, resources, and potential environmental, social, and economic affects that a proposed action may have on such locations and resources.

In order to prepare for such hearing, and after an extensive review of the materials which have been made available on-line on July 9, 2010, our client has raised a number of

questions with respect to that portion of alternative B4, a designated preferred alternative, which relates to proposed modifications to runway 16-34 and Airport Road. We note that the materials thus far reviewed indicate substantially more information as to the effects of the proposed changes in the Runway Safety Area under consideration than the 2009 draft environmental impact statement.

As we understand the proposed alternative B4 improvement program, the 2010 EIS calls for the following changes to the runway and Airport Road:

1. Shifting runway 16-34 along its current axis approximately one hundred (100) feet to the north, moving runway 16 towards Airport Road.
2. Relocating Airport Road so that a relocated Airport Road would intersect Post Road at Hasbrouck Avenue.
3. As we further understand it, the timing for such runway shift and location of Airport Road is 2015.

Of particular concern is that the 2010 EIS states that the six hundred (600) foot runway safety area at the northern end of runway 16 would impact a corner of the Airport Plaza building. Specifically, the comment is as follows:

“This alternative would provide a 600-foot RSA with a 400-foot EMAS on the Runway 16 End. The RSA would be nonconforming since a corner of the Airport Plaza building and the Perimeter Road would be within the OFA. The OFA would not conform to FAA design standards with a portion of a building and the Perimeter Road within the area, however, the FAA can permit nonconforming OFAs when work on the runway does not constitute the development of a new runway or runway extension, as is the case with Runway 16-34. According to the FAA, OFA standards can be modified.” (Emphasis supplied.)

While a drawing (Figure ES-11) (attached) included in the 2010 EIS seems to indicate an intersection of the RSA and the northern most section of an Airport Plaza building, imaging issues make the exact location of such improvement virtually impossible to locate with certainty.

As you certainly would realize, our client is very concerned as to the potential impact to Airport Plaza. Clarity with respect to the issue raised by the above quoted statement is necessary. We also wish to better understand the positioning of the RSA. We, therefore, in preparation for the August 17, 2010 hearing, request that such information be made available to our client promptly through engagement by the FAA and its consultants, with our client's engineers substantially prior to the hearing on August 17, 2010.

The second issue of concern is that the 2010 EIS calls for the displacement of twelve (12) businesses, including three restaurants and two retail businesses. However, the names of the businesses are not included in the 2010 EIS nor their location. Since our client maybe affected, it also requests information as to the twelve (12) businesses that are affected by alternative B4.

Thirdly, with respect to those businesses that are listed as affected by alternative B4, we would like to know what research has been conducted by your consultant such as interviews, and the economic data reviewed which affect potential displacements. Our client is unaware of any contacts by your consultant with affected business, including its own location which provides employment and business opportunities for many individuals.

In order to proceed expeditiously to review such information, our client is prepared to have engineers meet with your representatives at your most early convenience to obtain such information and to review with your consultants, in particular, the engineering related to the changes in the safety zone from its existing limitations. We would also like the information requested as to affected businesses. In each case, we need to have the data available to us sufficiently before the August 17, 2010 public hearing in order to prepare our input.

Please contact the undersigned at your early convenience so that the exchange of information can be accomplished. Certainly, it is in the best interests of affected parties to be fully prepared to make suggestions at the public hearing based on the information obtained. This would be in full compliance with the FAA's National Environmental Policy Act requirements with respect to public input.

Thank you very much for your consideration in this matter and we look forward to a prompt availability of such information to our client's engineers.

Very truly yours,



John J. Partridge

JJP:dad

cc: Mr. David Bohn, P.E., Vanasse Hangen Brustlin, Inc.
Mr. William J. DePasquale, Jr., AICP, Planning Department, City of Warwick ✓
Mr. Kevin A. Dillon, A.A.E., Rhode Island Airport Corporation
Mr. Joseph M. Mardo, CLS, Airport Plaza, LLC

>> Written Comment Form

First Name <u>MILES</u>	Last Name <u>MOORE</u>	Remember to read the "What to include in your comments" section of your Public Hearing brochure before writing on this form.
E-Mail:		
Affiliation/Organization: <u>None</u>		
Mailing Address Address Line 1: <u>141 Keeley Ave</u> Address Line 2:		
City: <u>WARWICK</u>	State: <u>RI</u>	Are you currently an elected official? <input type="checkbox"/> Yes
Zip: <u>02886-7828</u>		Elected Office: _____

Subject(s) of your comments: (MOST WIND COMES FROM THE WEST)

AIR CRAFT NOISE, FUMES AND DISCOLORATION FROM FUMES

Please print your comments clearly: THE DNL CONTOURS HAVE NOT CHANGED FROM 1989 TO NOW. THEY DO NOT REFLECT FLIGHT PATTERN THAT IS BEING DONE. PILOTS ARE ABLE TO MAKE A 10° TURN WHEN REACHING 400 FT. THAT PUTS THEM JUST ABOUT OVER 141 KEELEY AVE (I AM IN THE MIDDLE OF 4 SCHOOLS THAT HAVE BEEN SOUND PROOFED) IT SHOULD BE IN THE DNL CONTOURS. IF THIS CHANGE COMES WITH INTERNATIONAL FLIGHTS AND RUN INTO THE NIGHT ADDING TO NOISE, FUMES AND ADD TO WHAT I AM GETTING NOW

I WOULD LIKE TO HAVE READINGS DONE

Continue on the back of this paper >>

>>Place form in comment box or mail to:
Mr. Richard Doucette
Environmental Program Manager
FAA New England Region
12 New England Executive Park
Burlington, MA 01803

Public Hearing

>> Your comments matter to us



on my Property To See what levels of noise -
Times I am receiving NADU.

If you require additional paper, please ask for a second form and attach it to this one.

>>Comments may also be submitted
online <http://www.vhb.com/pvd/eis/>
or via e-mail tfgreen@vhb.com

To: Richard Doucette/ANE/FAA@FAA

Cc: slp2@cox.net

Date: 08/02/2010 09:39 AM

Subject: 2 Lucile Street Warwick RI - TF Greene Expansion of runway
5-23

Dear Mr. Doucette:

I live at 2 Lucile Street, Warwick RI and I am writing this letter to you to invite you watch a few aircraft come in for landing in the Lucile Street area. I have just learned from a neighbor that my house, and several others on Lucile Street were omitted from the proposed acquisition program.

Especially concerning was the rumor I heard that the FAA had in fact designated a larger area which included my home, but objections from local politicians about lost tax revenue resulted in fewer homes being included.

While I understand that at some point a line must be drawn, in this case the line is either wrong or not broad enough. To say that 3 Lucile Street is impacted but 2 Lucile Street is not, is not possible since the homes are only a few feet apart. All it takes is for someone to witness a few planes landing in this area, and you will see that the actual landing path is slightly to the east of where the FAA maps indicate.

This is particularly true in bad weather during "instrument only" landings, when supposedly the aircraft fly by true location as opposed to visual location.

I'm sure you get letters all the time from residents that are only marginally impacted by the flight path. This is not one of those letters -

we are not marginally impacted, we are directly impacted. The planes fly

directly over our house and several others on the street which appear to have been left off the acquisition list. I would appreciate a phone call at your earliest convenience.

David & Stacy Coutu
2 Lucile Street
Warwick, RI 02886

401-742-6753.

To: Richard Doucette/ANE/FAA@FAA

Date: 08/09/2010 02:19 PM

Subject: RE: 2 Lucile Street Warwick RI - TF Greene Expansion of runway 5-23

Richard, thanks very much for your response. I'm not sure how a drop in flights changes anything on our end - the planes come in once an hour or more, and with an expansion that would allow the takeoffs to occur several hundred feet closer to our house. We were told by local politician that "it was all about money", so hence my comment about lost tax dollars...

We will be attending the meeting in RI on 8/17, but I feel very strongly that we need an FAA representative to physically stand in a few of these yards and see where the planes come over so we can show this person why the current map appears incorrect.

When can an FAA representative meet with a few of us on Lucile Street to witness the flight path?

-----Original Message-----

From: richard.doucette@faa.gov [mailto:richard.doucette@faa.gov]

Sent: Monday, August 02, 2010 9:56 AM

To: Coutu, David

Subject: Re: 2 Lucile Street Warwick RI - TF Greene Expansion of runway 5-23

Mr and Mrs Coutu:

Thank you for your comment letter regarding the TFGreen EIS. Your comments will be considered as we move forward to the Final EIS. No final decision will be made until the FAA issues its decision, likely in 2011. You should be aware that the reason for the change in the homes eligible for FAA land acquisition funds was unrelated to tax revenue or other issues. This was caused by the drop in flights into and out of the airport.

Richard Doucette
Environmental Program Manager
FAA New England Region, Airports Division
(781) 238-7613

From: "Coutu, David" <DCoutu@MassMutual.com>

Coutu, David

From: Coutu, David
Sent: Monday, August 23, 2010 5:06 PM
To: 'richard.doucette@faa.gov'
Subject: RE: 2 Lucile Street Warwick RI - TF Greene Expansion of runway 5-23

Richard, thanks for answering.

Please put yourself in the shoes of the homeowner - your noise contour map was drawn using computerized models without checking actual conditions, especially in so-called fringe areas where the contour line says one house on a block is in the line, yet the neighbors house 25 feet away is not.

If you have the Radar data, then that will help make my point as well. Radar should show position of the aircraft, with some degree of error. That data should show you that aircraft do not line up exactly on the same line each time - it varies, and can be one house to the left, or one house to the right on an approach. On takeoff, it can vary even more, depending on how quick the climb is. Because of these variations, it makes no sense that your noise contour zone in the Lucile Street area is so narrow.

There is no need to review all of the land areas, only the fringe areas in the B-4 alternative. Now that you have decided alternative B-4 is the FAA preferred alternative, you are talking about a very small area south of Main Ave to inspect - why would the FAA not want to do this, at least to appease the few homeowners in that area? In my opinion, if you were to accommodate this meager request, you really would avoid a lot of negative publicity.

-----Original Message-----

From: richard.doucette@faa.gov [mailto:richard.doucette@faa.gov]
Sent: Monday, August 23, 2010 3:57 PM
To: Coutu, David
Subject: RE: 2 Lucile Street Warwick RI - TF Greene Expansion of runway 5-23

Sorry I have not responded sooner, but I have been away from the office for over two weeks.

It will not be possible for an FAA representative to meet with you or any other landowner at this time. Once a Draft EIS is released, we accept comments and all those comments will be answered in the Final EIS. Viewing a small sample (or even a large one) at any one point in Warwick is not necessary. We have radar data from the air traffic control tower that provides us with accurate data, and will continue to utilize that data in our analysis.

Richard Doucette
Environmental Program Manager
FAA New England Region, Airports Division
(781) 238-7613

From: "Coutu, David" <DCoutu@MassMutual.com>

July 20, 2010

Richard Doucette, Environmental Program Manager
Federal Aviation Administration
New England Region
12 New England Executive Park
Burlington, MA 01803
richard.doucette@faa.gov

I am writing this memo to document with you my concern over my exclusion of 1 Lucile Street Warwick R.I, in relationship to Voluntary Land Acquisition for Project-Related Noise Mitigation. My source of reference is T.F. Green Executive Summary, Draft Environmental Impact Statement, Draft Section 4(f) Evaluation-July 2010, Alternative B4 Runway South Figure ES-10.

- Color Purple under Voluntary Land Acquisition for Project-Related Noise Mitigation indicated that 1 Lucile Street is excluded. However, after complete examination of both Alternative B4 Runway South Figure ES-10 and direct street zoning map, Greeley Ave. intersecting Lucile St. and Bingham appears to be off slightly to the East, which changes total alignment of the V.L.A. 1 Lucile St. should be encompassed directly with Green line 70 in Alternative B4 Runway South figure ES-10 based on the over head air traffic.
- I have lived at 1 Lucile Street for 45 years and the traffic pattern for runway 5 either VFR or Instrument brings the aircraft directly and solely overhead-1 Lucile Street. Grid map ES-10 is slightly off to the East resulting in my discrepancy.

Richard based on the facts presented what are our next steps? I was advised to contact you directly; however is there anyone else I need to contact in addition. I certainly appreciate your time, dedication and focus on my exclusion concern. Will you follow back with me within 24 hours to discuss our next steps ahead to rectify my claim over the phone, (401) 738-4271 and in writing? You are welcome to come over my address to see exactly how the overhead air traffic falls right over my roof and into the Related Noise Mitigation Zone. I can provide supportive documentation such as pictures showing the air traffic over a week's period. I was advised my claim will be evaluated before your record of decision is complete. Thank you for your cooperation and speedy resolution!

Much appreciated,

Domenic,

Domenic Vacca
1 Lucile Street
Warwick, R.I. 02886
11055vacca@verizon.net
(401) 738-4271

Troy Vacca

From: "Troy Vacca" <TVacca@appliedmedical.net>
To: <troyvacca@verizon.net>
Sent: Saturday, July 24, 2010 2:05 PM
Attach: pic28692.gif
Subject: FW: 1 LUCILE STREET-VLA-PRNM

-----Original Message-----

From: richard.doucette@faa.gov [mailto:richard.doucette@faa.gov]
Sent: Wednesday, July 21, 2010 7:32 AM
To: Troy Vacca
Subject: Re: 1 LUCILE STREET-VLA-PRNM

Mr Vacca:

Thank you for your letter. You need not contact anyone else. We are gathering comments on the Draft EIS and will continue to do so until the end of August. We will then begin the work of developing the Final EIS, which will take several months. Your comment will be evaluated along with all others, and our final decision is not expected until 2011.

Richard Doucette
Environmental Program Manager
FAA New England Region, Airports Division
(781) 238-7613

From: Troy Vacca <TVacca@appliedmedical.net>

Troy Vacca

From: "Troy Vacca" <troyvacca@verizon.net>
To: "Troy Vacca" <troyvacca@verizon.net>
Sent: Monday, August 09, 2010 4:30 PM
Subject: Fw: I LUCILE STREET WARWICK RI 02886 V.L.A.-P.R.N.M

----- Original Message -----

From: Troy Vacca
To: RICHARD DOUCETTE@FAA.GOV
Cc: tvacca@appliedmedical.net
Sent: Monday, August 09, 2010 12:54 PM
Subject: I LUCILE STREET WARWICK RI 02886 V.L.A.-P.R.N.M

August 9, 2010

Richard Doucette, Environmental Program Manager
Federal Aviation Administration
 New England Region
 12 New England Executive Park
 Burlington, MA 01803
 tfgreen@vhb.com
 richard.doucette@faa.gov

Dear Richard,

I hope all is well. The reason for my additional email is inform you that I am willing to Voluntarily offer my house 1-Lucile Street, up for your current buyout program, July 2010 E.I.S.-10. My understandings is that some home owners who are inside of your current proposal for V.L.A. will decline such offer, leaving allocated funds unspent. I ask that my property be purchased with the use of those allocated funds from homeowners who decline your current offer to move under V.L.A. The reason for my willingness to offer my property up under your current buyout program-V.L.A., comes in five parts.

1. My house suffers from tremendous noise now and the structure shakes from the planes flying immediate over head.
2. The noise that comes from the aircraft is the same level if not higher in my yard and home in comparison to my immediate 2 neighbors. 5 Lucile Street, 25-30 feet to my immediate west and 50 Bingham street, 25-30 feet to my immediate north. Both properties adjoin to 1 Lucile Street and have been accepted under V.L.A. E.I.S.10-SOUTH. According to home owner, Lena Elliott,-50 Bingham Street. she admits the noise is identical at both of our properties and clearly understands that this program is unfair to the others not being accepted under V.L.A.-P.R.N.M. She further states that the plan will immediately drop home values that are left and the plan is unfair and unequal. However, she has been acceptable for the V.L.A.
3. Increased pollution and noise frequencies from larger aircraft and more frequent arrivals and departures as the T.F. Green airport expands.
4. Your plan is forcing me into a financial hardship, economic depression and eviction.
5. Your proposed plan will negatively effect my home as home values will diminish immediately as you continue to demolish current dwellings and land. Your plan will inject financial cancer to my current surrounds causing financial hardship, economic downward pressure and financial disaster.

Therefore, I am willing to offer my property up for V.L.A.-P.R.N.M. under this current proposed plan and phase. According to my neighbors and local politicians, we ask, what, noise doesn't travel to my property? I ask, do you think I am not being effected? I foresee you eventually purchasing these surrounding houses that remain, as you should. However, at that time they will be worth half in value. I am not asking for something that isn't fair, my house isn't blocks away from the houses being purchased currently. It is in the middle and I should have the option for V.L.A.. It appears that the plan is driven by allotted finances and not fairness. Please allow fairness and equality while making your decision. You can do that but sharing the allotted money and purchase my property as it too is effected from all the above. My case will not rest until an agreement has been proposed. Please allow me to be included as it is fair and equal.

Thank you for your time. I am available to speak directly by means listed below. I would appreciate you working with the appropriate channels necessary to make this come to fruition. Please advise.

Kind Regards,

Domenic

Domenic Vacca
1 Lucile street
Warwick, R.I. 02886
mymvacca@verizon.net

August 19, 2010

To: Richard Doucette
FAA New England Region

From: Joseph E. Fournier
310 Greeley Ave.
Warwick, RI 02886

Dear Mr. Doucette:

I am writing in regard to the recent TF Green Airport Public Hearing. Let me begin by stating that I am in favor of the expansion of the airport. I hope it will benefit the state with increased tourism, business and jobs. However, several speakers did seem to make valid arguments that it will not accomplish these goals. I guess we shall see what the future brings. As one of the homeowners who will be severely impacted by any change at the airport, I am concerned that there appears to be little attention being paid to those of us who may or may not be displaced. There is much attention being made to the environmental impact and while I agree that this is important, I do not feel that the human impact is being properly considered. It appears that a governmental agency has established its goals and is intent upon moving forward with little concern as to how the average citizen will be affected.

There are a couple of points I would like to make. My family has owned this piece of property since 1964. While it was purchased with knowledge that the airport was next door you must admit that it was not the airport that is there today, nor is it the one that is proposed for tomorrow. We, the property owners around the airport, have been living for many years in a position where we did not know what to do with our homes. If we invested in them, would we be able to get a fair return, if we did not update the property we would be living in decaying neighborhoods. Now the airport corporation is effectively destroying our neighborhood on its own. You are taking down homes in what appears to be random fashion; I know you claim to be following a specific process. One has to wonder how the changes already made at the airport may have contributed to the recent flooding of homes. Why did it happen now when it had never occurred in the past forty plus years?

Your plan calls for either acquisition or sound mitigation. I believe that we should be given a choice. Why should you make the decision for us? RIAC sound-proofed my home about ten years ago but now you have destroyed my neighborhood. It looks as though a tornado has gone through it. If this was indeed the case, we would be on the national news getting all kinds of sympathy. But because it is the result of governmental action, people say "Oh well, at least it is not my neighborhood." You should be ashamed!

I do not know the geographic boundaries that should be purchased but I believe it is not an exaggeration to say that at the very least RIAC should offer to purchase all of the homes in the area of Main Ave. to West Shore Road from George Arden to Groveland.

Sincerely,

Joseph E. Fournier

330 Greeley Ave -VLA

330 Greeley Ave.-VLA

Brown, Donna

Sent: Monday, August 02, 2010 11:48 AM

To: richard.doucette@faa.gov

Cc: troyvacca@verizon.net

August 2, 2010

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

Dear Mr. Doucette,

I am writing this letter to voice my concerns about being excluded from the voluntary land acquisition for Project-Related Noise Mitigation. I live at 330 Greeley Avenue, Warwick, RI 02886. I have been in contact with my neighbor, Mr. Domenic Vacca, 1 Lucile Street, Warwick. Our source of reference is the T.F.Green Executive Summary Draft Environmental Impact Statement, Draft Section 4(f) Evaluation - July, 2010, Alternative B4 Runway South Figure ES-10. After carefully reviewing the information, we determined that there is a discrepancy in the east/west configuration. He has sent you correspondence documenting the fact that the grid map ES-10 is slightly off to the East. Upon closer examination of Mr. Vacca's information, you will see that my property should be included in the Voluntary Land Acquisition.

I understand that the final EIS will take several months to complete. Please consider my concerns when developing the final plan.

Thank you for your time.

Sincerely,

Donna Brown
330 Greeley Avenue
Warwick, RI 020886

Re: 330 Greeley Ave.-VLA

richard.doucette@faa.gov
Sent: Monday, August 02, 2010 11:51 AM
To: Brown, Donna

Thank you for your comment letter. We will consider your comments as we move forward with the Final EIS. An FAA decision is anticipated in 2011.

Richard Doucette
Environmental Program Manager
FAA New England Region, Airports Division
(781) 238-7613

From: "Brown, Donna" <Donna.Brown@ppsd.org>
To: Richard Doucette/ANE/FAA@FAA
Cc: "troyvacca@verizon.net" <troyvacca@verizon.net>
Date: 08/02/2010 11:49 AM
Subject: 330 Greeley Ave.-VLA

August 2, 2010

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

Dear Mr. Doucette,

I am writing this letter to voice my concerns about being excluded from the voluntary land acquisition for Project-Related Noise Mitigation. I live at 330 Greeley Avenue, Warwick, RI 02886. I have been in contact with my neighbor, Mr. Domenic Vacca, 1 Lucile Street, Warwick. Our source of reference is the I.F.Green Executive Summary Draft Environmental Impact Statement, Draft Section 4(f) Evaluation - July, 2010, Alternative B4 Runway South Figure ES-10. After carefully reviewing the information, we determined that there is a discrepancy in the east/west configuration. He has sent you correspondence documenting the fact that the grid map ES-10 is slightly off to the East. Upon closer examination of Mr. Vacca's information, you will see that my property should be included in the Voluntary Land Acquisition.

I understand that the final EIS will take several months to complete. Please consider my concerns when developing the final plan.

Thank you for your time.

Sincerely,

Donna Brown
330 Greeley Avenue
Warwick, RI 02886

*****This information may be confidential and/or privileged. Use of this information by anyone other than the intended recipient is prohibited. If you received this in error, please inform the sender and remove any record of this message.*****

August 29, 2010

Mayor Scott Avedisian
Warwick City Hall
3275 Post Road
Warwick, RI 02886

RE: FAA: New England Region, Richard Doucette
TF Green Airport Voluntary Land Acquisition for Noise Mitigation,
Alternative B4 Improvement Program

Dear Mayor Avedisian:

Thank you for speaking with me at the TF Green Public Hearing on August 17th. You advised me to speak with William DePasquale, the Principal Planner regarding my home no longer being included in the future voluntary land acquisition as the airport had previously advised me.

Here is a recap of our situation:

My house along with 6 other houses near the intersections of Lucille St and Greeley Ave in Warwick are being excluded from the Voluntary Land Acquisition. The FAA is citing the flight path does NOT go above us. The Grid Map ES-10 is incorrect; the flight path is too far to the east of where these planes actually fly. The planes are flying over the intersection of Lucille and Greeley.

In regards to the noise impact on my home, the FAA is also citing the noise level does not exceed 70 DNL and therefore we are being excluded from the land acquisition. Homes are being taken 200 feet from us for the noise impact. We have asked Richard Doucette from the FAA and various officials to sit at our homes and listen and feel and measure the noise impact from the airport. It is deafening!

The FAA is planning on leaving 7 homes at this intersection surrounded by vacant land to the north and west. Not only is their computer diagram showing the flight path incorrect, their computer generated noise impact diagram is also incorrect.

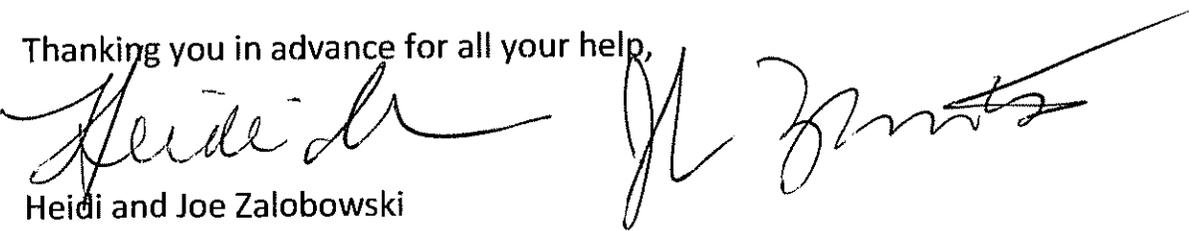
Lastly, the financial impact of leaving our home just houses away from the airport's vacant land, with the plane noise and visually the airplanes flying immediately overhead; will destroy the value of my house, forcing us into financial hardship.

I am giving Mr. DePasquale copies of letters written to Mr. Richard Doucette, Environmental Program Manager at the New England Region FAA from the following addresses requesting to be included in the Land Acquisition:

ZALOBOWSKI	340 Greeley Avenue
BROWN	330 Greeley Avenue
FOURNIER	310 Greeley Avenue
VACCA	1 Lucille Street
COUTU	2 Lucille Street

Mayor Avedisian, please help us to be included in the Voluntary Land Acquisition for the Alternative B4 Runway South Airport Improvement Program.

Thanking you in advance for all your help,



Heidi and Joe Zalobowski
340 Greeley Ave, Warwick RI 02886

CC: William DePasquale
Principal Planner
Warwick City Hall
Annex Building - 2nd Floor
3275 Post Road
Warwick, RI 02886

August 22, 2010

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

Dear Mr. Doucette:

We are writing this letter to voice our concerns about being excluded from the voluntary land acquisition for Project Related Noise Mitigation. We live at 340 Greeley Ave, Warwick RI 02886. Previously our home was included in the future voluntary land acquisition, and now it is not.

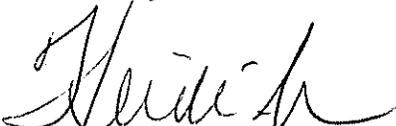
After carefully reviewing the Alternative B4 Acquisition Map, we've determined that there is a discrepancy in the east/west configuration. The flight pattern seems to be too far west, it seems however, FAA regulations do not take into account actual flight paths; the only criteria used for the noise contour of 70 DNL or greater is a path that goes directly south of the runway.

I would like for you to come to my house and watch where these planes really fly over and evaluate the noise they create. How is it that houses, 250 feet away to the west and to the north are being included in the Voluntary Land Acquisition and we are not?

During the course of writing this correspondence to you, my husband and I had to stop speaking 3 times due to the noise of the planes flying over our home, between 7:30 -- 8:00pm.

We understand that the final EIS will take several months to complete. Please consider our concerns in developing the final plan.

Sincerely,



Hedi Zalobowski



Joseph Zalobowski III