



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
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June 28, 2012

Robert DeSista, Deputy Chief
Regulatory Division CENAE-R-PEB
Department of the Army
New England District, Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Re: Consistency Determination for TF Green Airport Improvement Program - Warwick, RI
Reference ACOE File NAE-2005-395 and CRMC File # 2012-01-027

Dear Mr. DeSista:

The Rhode Island Airport Corporation (RIAC) has proposed the T.F. Green Airport Improvement Program project described in the Final Environmental Impact Statement (FEIS) issued by the Federal Aviation Administration (FAA) in July 2011. The FAA subsequently issued a Record of Decision (ROD) on September 23, 2011. Based upon its review the FAA selected Alternative B4 as the preferred Airport Improvement Program project (hereafter referred to as the Project).

Pursuant to the federal Coastal Zone Management Act (CZMA), 16 USC §§ 1451-1464, and the CZMA's implementing regulations at 15 CFR Part 930 Subpart D, the Rhode Island Coastal Resources Management Council (CRMC) has federal consistency review authority in this matter because the Project is located within the coastal community of Warwick and it requires a federal Clean Water Act (CWA) Section 404 permit. In addition, a portion of the Project is located within a CRMC Special Area Management Plan (SAMP), the Greenwich Bay SAMP.

As you know, the RIAC has filed a CWA Section 404 permit application with the USACE New England District for the Project, which requires the placement of fill material in waterways and wetlands subject to Corps of Engineers jurisdiction. Pursuant to 15 CFR § 930.57(b), the RIAC subsequently filed a letter dated November 22, 2011 with the USACE New England District certifying that "the T.F. Green Airport Improvement Program complies with the enforceable policies of Rhode Island's approved Coastal Zone Management Program, and will be conducted in a manner consistent with such program." See RIAC letter at 2. The RIAC then furnished a copy of same to the CRMC, including a copy of the USACE Section 404 permit application and other necessary data and information in accordance with 15 CFR § 930.58. The RIAC

and CRMC mutually agreed pursuant to 15 CFR § 930 Subpart D to stay the six-month consistency review period and that the CRMC would issue its CZMA consistency determination on or before July 1, 2012 (See attached Agreement).

The CRMC has conducted a thorough review of the Project FEIS, the FAA's ROD, and the other necessary data and information in accordance with 16 USC §§ 1451-1464 and the CZMA's implementing regulations at 15 CFR Part 930 Subpart D for Consistency for Activities Requiring a Federal License or Permit. The necessary data and information includes a copy of the Corps of Engineers Section 404 permit for the Project along with a January 2012 Consent Agreement executed between RIAC and RIDEM and the pending RIDEM RIPDES stormwater discharge permit for the TF Green Airport.

After careful consideration of the above, the CRMC concludes that the proposed Project is consistent with the State's federally approved coastal zone management program provided the Project is constructed and operated in accordance with the FEIS, the FAA ROD, the RIDEM RIPDES stormwater discharge permit and other applicable state and federal permits.

Should you have any questions regarding this determination, please contact me or James Boyd of my staff at 401-783-3370.

Sincerely,



Grover J. Fugate, Executive Director
Coastal Resources Management Council

/lat

cc: Kevin Dillon, President CEO
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