



**State of Rhode Island
Coastal Resources Management Council**

**In Re: T.F. Green Airport Improvement Program - Coastal Zone Management Federal
Consistency Review; CRMC File 2012-01-027**

Response to Comments

1

2 Introduction

3

4 The Rhode Island Airport Corporation (RIAC) has proposed the T.F. Green Airport Improvement
5 Program project located within the City of Warwick and described in the Final Environmental Impact
6 Statement (FEIS) issued by the Federal Aviation Administration (FAA) in July 2011. The FAA issued
7 a Record of Decision (ROD) on September 23, 2011 based upon the FEIS and all relevant
8 documentation comprising the Environmental Impact Statement record. Based upon its review the
9 FAA selected Alternative B4 as the preferred Airport Improvement Program project (hereafter referred
10 to as the Project). After filing a federal Section 404 permit application with the U.S. Army Corps of
11 Engineers (USACE) the RIAC then filed a federal consistency certification with the USACE for the
12 Project pursuant to 15 CFR Part 930 Subpart D and furnished same to the Coastal Resources
13 Management Council (CRMC). The Project is subject to CRMC Federal Consistency review authority
14 pursuant to the federal Coastal Zone Management Act (CZMA), 16 USC §§ 1451-1464, and the
15 CZMA's implementing regulations at 15 CFR Part 930 Subpart D.

16

17 The CRMC as the State's authorized coastal zone management agency must make a determination as
18 to whether the proposed T.F. Green Airport Improvement Program Project complies with and will be
19 conducted in a manner consistent with the enforceable policies of the State's coastal program. The
20 CRMC issued a public notice on January 24, 2012 that was published in the Providence Journal
21 inviting interested parties to submit written comments no later than February 29, 2012 as to whether
22 the Project is consistent with the enforceable policies of the Rhode Island Coastal Resources
23 Management Program.

24

25 The CRMC received comments from the City of Warwick and from Richard Langseth during the
26 public comment period. The following pages contain the CRMC responses to these written comments.
27 In addition, several of the comments pertained to the recently issued draft RIDEM Rhode Island
28 Pollution Discharge Elimination System (RIPDES) stormwater discharge permit. For convenience of
29 the reader the RIPDES permit and associated RIDEM Fact Sheet can be accessed at the RIDEM web
30 page at the following URL:

31

<http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/pdfs/tfgreen.pdf>

1 Response to Comments

2
3 The following are comments submitted on behalf of the City of Warwick by Planning Director
4 William DePasquale followed by the CRMC's response.

5
6 **Comment:** *Based on our review, we assert that a determination of consistency offered by RIAC
7 with the Coastal Zone Management Act citing "no significant threshold for impact" is
8 deficient a practicable study of the specific and long term "cumulative" impacts on
9 Greenwich Bay from a constantly growing airport landuse whose stormwater
10 contribution has effected water quality, fish/wildlife and wetland habitat within
11 Greenwich Bay its waters and riparian environment.*

12
13 **Response:** An analysis of cumulative impacts was completed in accordance with the requirements
14 of NEPA regulations at 40 CFR 1508.7 and FAA Order 5050.48, section 1007(i), as
15 detailed within the FEIS. The findings for water resources are described in FEIS
16 Section 5.11.6 Cumulative Impacts. CZMA federal consistency review is limited to
17 what potential coastal resource impacts may occur from a proposed project and whether
18 the proposed project will be conducted in a manner consistent with the approved
19 coastal management plan.

20
21 In the instant matter, RIAC has applied for a federal (USACE Clean Water Act Section
22 404) permit to alter and fill federal jurisdictional wetlands and waterways as described
23 in the USACE application. It is the activities associated with the federal permit that
24 trigger CRMC federal consistency jurisdiction pursuant to 15 CFR Part 930 Subpart D.
25 Accordingly, the CRMC must evaluate what potential impacts to the coastal resources
26 may occur from the Project. While the Project is located within the coastal zone, it will
27 not result in any *direct* impacts (*i.e.*, physical alterations) to any coastal resources.
28 However, the CRMC can evaluate any potential *indirect* impacts that may result from
29 the Project. Since a portion of the Project is located within the CRMC Greenwich Bay
30 Special Area Management Plan (SAMP) boundary, it must conform to the goals and
31 policies of the SAMP that are applicable to the Project.

32
33 **Comment:** *Furthermore without enhanced stormwater retrofit of existing point discharges from
34 the airport into the Greenwich Bay watershed the consistency pretense forwarded is
35 discordant with the "Greenwich Bay Special Area Management Plan", as amended,
36 particularly "Chapter 1 entitled: Goals and Objectives", "Chapter 4 - Water Quality"
37 and its secondary impacts on "Chapter 3 - Habitat and Environmental Assets".*

38
39 **Response:** See response discussion below regarding outfalls and stormwater management.

40
41 **Comment:** *In the instant case, the FEIS relies on a wide ranging RIPDES permit essentially
42 assuming consistency with the Greenwich Bay Special Area Management Plan. The
43 FEIS's assessment does not suitably study, disclose and mitigate the specific short and
44 long term impact on groundwater and surface waters of Greenwich Bay from
45 chemicals and pollutants associated the B4 build option that will occur within the
46 northern portion of the GBAY watershed.*

1 **Response:** RIDEM is the state delegated authority for the federal National Pollution Discharge
2 Elimination System permits and establishes state water quality standards based on the
3 federal Clean Water Act and EPA guidance. RIDEM has indicated that the RIPDES
4 permit limitations, which RIAC must comply with, are consistent with state water
5 quality anti-degradation policy. Accordingly, it is reasonable for the CRMC to rely
6 upon the RIDEM issued RIPDES permit as probative evidence that the Project and
7 RIAC will be in compliance with state water quality standards. In addition, proposed
8 subsurface stormwater treatment systems will be subject to a RIDEM Underground
9 Injection Control (UIC) permit and must also comply with state water quality
10 standards. Moreover, the ROD states that “[t]he Project design includes avoidance and
11 minimization efforts to prevent any risks to water quality. The Project will be designed
12 to comply with all applicable federal and state regulatory standards, including 2010
13 RIDEM Water Quality Regulations and the *Rhode Island Stormwater Design and*
14 *Installation Standards Manual* adopted in December 2010.” See ROD at 51.

15
16 **Comment:** *As an example the new consent agreement prepared by and between RIAC and RIDEM*
17 *allows a certain threshold of deicing material dispensed within the cargo and terminal*
18 *areas to enter the waters either directly or to the Greenwich Bay watershed entering*
19 *the drainage system from material dripping or lost on the runway and taxiway when*
20 *the aircraft is taxing or upon takeoff allowing entry into the waters of Greenwich Bay.*
21 *The outstanding question is how much deicing chemicals are entering the Greenwich*
22 *Bay ecosystem and secondarily what are there (sic) BOD impacts on area streams and*
23 *their aquatic resources.*

24
25 **Response:** Deicing fluids are applied to aircraft prior to takeoff at the terminal and cargo facilities,
26 which do not have stormwater outfalls that discharge into the Greenwich Bay
27 watershed. RIDEM and RIAC entered into a Consent Agreement in January 2012 to
28 resolve a long-standing appeal of a 2004 RIPDES stormwater discharge permit. The
29 consent agreement binds RIAC to abide by a newly issued RIPDES permit and
30 implement a glycol impacted stormwater and snow melt collection, storage and
31 treatment system. The system is designed to collect on average 60% of aircraft deicing
32 fluid applied at the airport, which achieves or exceeds the average collection
33 efficiencies consistent with centralized deicing pads across the country. See RIDEM
34 Fact Sheet – Permit RI0021598 at 2. In addition, it is projected that deicing fluid usage
35 in future years will decrease by about 30% over the average annual usage from 2004 to
36 2006 due to the completion of a consolidated glycol dispensing and blending facility in
37 2009. Based on water quality monitoring studies conducted by both RIDEM and RIAC,
38 RIDEM has determined that the proposed level of control provided within the RIPDES
39 permit will prevent violations of in-stream dissolved oxygen criteria. Id. at 12.

40
41 There is, however, a secondary deicing area located near the Runway 5 end that
42 discharges stormwater through Outfall 10 and into Tuscatucket Brook, which is a
43 tributary to Greenwich Bay. See FEIS at 5-221 and Figure 4-27. The secondary deicing
44 areas are used only under limited, extreme weather circumstances when additional
45 deicing may be required. Catch basin inserts will continue to be utilized at secondary
46 deicing locations and GRV (glycol recovery vehicles) will collect glycol-impacted

1 stormwater and transfer it to storage tanks for onsite treatment and discharge to the
2 sewer. See FEIS Appendix A at 4-47. The discharge of deicing fluids into the storm
3 drain system at the secondary deicing area is prohibited under the terms and conditions
4 of the RIDEM RIPDES permit.

5
6 **Comment:** *Consequently we proffer a determination of “no significant impact” should include*
7 *provisions for considering the entirety of impact from instant as well as past airport*
8 *projects measured against what has been a consistently degrading baseline of*
9 *condition. Moreover how can the existing and proposed drainage be improved to*
10 *comply with the goals, objectives and recommendations of the Greenwich Bay Special*
11 *Area Management Plan.*

12
13 **Response:** As noted above, the FEIS conducted an analysis of baseline conditions compared to
14 what potential impacts the Project may have on the coastal resources, including a
15 cumulative impacts analysis for water resources in Section 5.11.6 of the FEIS.
16 Stormwater drainage will be improved with the implementation by RIAC of their
17 RIDEM-approved stormwater pollution prevention plan (SWPPP), the glycol recovery
18 and treatment facility to be operational in October 2014, and the RIPDES stormwater
19 discharge permit. In addition, all new impervious areas including the extended Runway
20 5-23, new parking areas and taxiways, and the relocated Main Avenue constructed as
21 part of the Project will require stormwater treatment in accordance with the 2010
22 *Rhode Island Stormwater Design and Installation Standards Manual*. Indeed, the RIAC
23 consistency certification letter in reference to the above manual states that “every
24 component of the Improvement Program will be designed in compliance with the
25 Manual.” See RIAC letter to USACE dated November 22, 2011 at 3.

26
27 **Comment:** *We find the instant proposal inconsistent with the following:* (referencing specific
28 sections of the Greenwich Bay SAMP)

29
30 **Response:** Please see the CRMC Staff Review and Recommendation document for the Project
31 addressing this comment (a separate document to be posted online with this response
32 document).

33
34 **Comment:** *We request consideration for improving end-of-pipe stormwater treatment solutions for*
35 *all soluble pollutants including BOD (Biochemical Oxygen Demand) related to glycol*
36 *contribution entering the system from outfalls draining areas 10, 11, and 12 (see map)*
37 *to Tuscatucket Brook that are outside the planned collection area for glycol collection*
38 *areas.*

39
40 **Response:** Outfalls 011A and 012A have been combined behind a single headwall and the two
41 drainage areas have a single shared stormwater discharge now noted as Outfall 011A.
42 See FEIS Table 4-32 at 4-48 and Figures 4-27 and 5-42. Neither outfall is noted as
43 receiving stormwater drainage from the secondary deicing area in Table 4-32.
44 However, Outfall 010A receives stormwater runoff from the southern end of Runway
45 5-23 and an associated taxiway including a secondary deicing area. *Id.* This particular

1 secondary deicing area, however, is rarely used and involves far less glycol than the
2 primary terminal and cargo area deicing locations. See FEIS at 5-221.
3

4 Specifically in regard to the secondary deicing areas, the RIDEM states in a Fact Sheet
5 issued on April 10, 2012 that “[u]nder limited circumstances (*e.g.*, extreme weather)
6 deicing may be required at secondary deicing locations during wet weather deicing
7 events. Catch basin inserts will be utilized at secondary deicing locations and glycol
8 collection vehicles will collect the retained deicing runoff and transfer it to on-site
9 storage tanks for on-site treatment.” See RIDEM Fact Sheet – Permit RI0021598 at 7.
10 In addition, Stipulation B.4.a.(1)(vii)c of the Stormwater Pollution Prevention Plan
11 Requirements, which is incorporated in the pending RIPDES stormwater discharge
12 permit (RI0021598), states “[p]rocedures for ensuring that aircraft deicing fluids
13 (ADFs) do not enter the storm drainage system near secondary deicing areas. Catch
14 basin inserts in secondary deicing areas shall remain closed during deicing events. The
15 inserts may be opened once the deicing fluids have been collected.” See RIPDES
16 Permit No. RI0021598 at 16.
17

18 Limited water quality monitoring data was collected during the periods 2006 to 2010
19 for these particular outfalls. The data show propylene glycol concentrations of less than
20 10mg/L or no data for Outfall 10A and no data for Outfall 11A/12A during the limited
21 sampling dates. In addition, BOD levels were generally less than 3.0mg/L for all three
22 outfalls with the highest recorded levels of 8.1mg/L on two separate dates at Outfall
23 10A. See FEIS Appendix K.3 at K-22 and 23. Water quality monitoring conducted
24 during 2004 to 2007 in development of the FEIS indicate extremely low fecal coliform
25 counts during dry and wet weather events for Outfall 011A/012A. See FEIS at 4-60.
26

27 Both RIDEM and RIAC monitored in-stream water quality during a winter storm in
28 February 2011 where aircraft deicing fluids were applied at the airport. Both data sets
29 indicate that there was no exceedance of dissolved oxygen (DO) criteria. And, in
30 reference to the implementation of the RIAC stormwater pollution prevention plan and
31 the proposed Deicer Management system, RIDEM states that “[b]ased on the historical
32 monitoring, DEM has determined that the proposed level of control will prevent
33 violations of in-stream DO criteria.” See RIDEM Fact Sheet Permit No. RI0021598 at
34 12.
35

36 The RIDEM also states that “[w]ater quality monitoring to date does not indicate
37 discharges from T.F Green are significant sources of Phosphorus, Fecal Coliform
38 bacteria, or Enterococcus.”, and that RIDEM “has determined that all permit limitations
39 are consistent with the Rhode Island Anti-degradation policy.” See RIDEM Fact Sheet
40 Permit No. RI0021598 at 11.
41

42 Given the above information concerning aircraft deicer fluid application and
43 management, the RIDEM findings in regard to the pending RIPDES stormwater
44 discharge permit and that the installation of new stormwater BMPs will be required for
45 the Project to address all new impervious surface areas, it is reasonable to conclude

1 based on these facts, that it appears the water quality of Tuscatucket Brook will not be
2 significantly impacted as a result of the Project.
3

4 **Comment:** *It is our opinion that the proposed runway improvements to 5-23 should be considered*
5 *a new development with all the drainage within the subject watersheds depicted in this*
6 *map subject to today's structural stormwater treatment practices defined in the 2010*
7 *Rhode Island Stormwater Design and Installation Standards Manual including*
8 *retrofitting said outfalls to meet the water quality objectives of the Greenwich Bay*
9 *Special Area Management Plan.*

10
11 **Response:** The CRMC agrees that all new improvements to Runways 5-23, as with all other new
12 impervious areas of the Project, should be considered new development for purposes of
13 implementing state regulatory stormwater management requirements. As stated in the
14 FEIS in Section 5.11.4.3 “[t]he construction of any new impervious areas would be
15 designed to meet the 2010 *Stormwater Design and Installations Standards Manual* and
16 therefore would not adversely affect water quality.” See FEIS at 5-218. In the
17 discussion pertaining to Water Quality in Section 10.9 of the ROD, it states “[t]he
18 Project will be designed to comply with all applicable federal and state regulatory
19 standards, including 2010 RIDEM Water Quality Regulations and the *Rhode Island*
20 *Stormwater Design and Installation Standards Manual* adopted in December 2010.”
21 See ROD at 51.
22

23 Additionally, the planned relocation of Main Avenue to accommodate the 1530-foot
24 extension of Runway 5-23 to the south will result in a new roadway segment. See ROD
25 Figure 2-1 at 3. The entire new segment of Main Avenue will be required to meet state
26 regulatory stormwater management standards and will incorporate stormwater best
27 management practices (BMPs) that may consist of bioretention, vegetated swales and
28 vegetated buffers. See FEIS Table 6-13. Currently, the Project is only at the 30%
29 design stage and stormwater designs have yet to be finalized. As stated in the FEIS,
30 “[t]he stormwater management report for the Improvement Program projects would
31 include a more detailed analysis that would include an evaluation of the smaller storm
32 events and could also redistribute the subsurface and surface infiltration/detention
33 systems within smaller sub-watersheds. This analysis would also include design of the
34 outlet control structures to increase the efficiency of these systems resulting in smaller
35 systems than those determined in the FEIS analysis.” See FEIS at 6-34.
36

37 Since all new BMPs must be designed in accordance with new state stormwater
38 standards, they will provide improved water quality treatment as compared to the
39 existing drainage system along Main Avenue. Further, there will be a net reduction of
40 2.4 acres of impervious area within the Callahan Brook watershed after completion of
41 the Project. See FEIS Table 5-116 at 5-217. The combined effects of the new Main
42 Avenue segment stormwater BMPs and the reduction of impervious surface area will
43 decrease the volume of stormwater runoff and associated pollutants to Callahan Brook,
44 a tributary to Greenwich Bay.
45
46

1 The following are comments submitted by Richard Langseth, Executive Director of the Greenwich
2 Bay Watershed Group. His comments are based primarily on a review of the FAA Record of Decision
3 (ROD) and on a United States Environmental Protection Agency (EPA) letter dated September 6, 2010
4 followed by the CRMC's response.

5
6 **Comment:** *I have found no reference in the ROD addressing stormwater pipes and bedding
7 materials left in place within the Greenwich Bay Special Area Management Plan areas
8 being impacted. This is an area of special concern to the Greenwich Bay Watershed
9 Group. I have commented on this item in written comments presented to the FAA's
10 consultant and at public meetings and the hearing. This issue has been ignored and
11 presents a stormwater deluge challenge to Brushneck Cove and Greenwich Bay. This
12 entire issue falls within the SAMP and should be directly addressed by the CRMC in its
13 consistency determination.*

14
15 **Response:** The EPA in their comments on the DEIS identified issues concerning the assumptions
16 for the conversion of impervious to pervious areas, accounting for appropriate drainage
17 characteristics, and stormwater drainage pipes and bedding material within the
18 Voluntary Land Acquisition Program (VLAP) areas. The CRMC raised similar
19 concerns in its September 13, 2010 letter to RIAC. See FEIS Appendix A at A-91. As
20 shown in Figure 5-8 (Volume 2) of the FEIS, VLAP areas are located at the headwaters
21 of Tuscatucket Brook and near the headwaters of Callahan Brook, both which drain to
22 Brushneck Cove and into Greenwich Bay.

23
24 The assumptions and stormwater drainage analysis for these voluntary land acquisition
25 areas was modified in the FEIS. See FEIS Section 5.11 and Appendix A.1.13. Although
26 the roadways and drainage structures will remain after residential structures and
27 parking areas are demolished and replanted with grass within the voluntary land
28 acquisition areas, overall runoff volumes will decrease from these areas because there
29 will be less overall impervious surface area. The Tuscatucket Brook watershed will see
30 a 0.4 acre decrease and the Callahan Brook watershed will see a reduction of 3.5 acres
31 of impervious surface area within these voluntary land acquisition areas. See FEIS
32 Table 5-116.

33
34 Additionally, the FEIS states that "stormwater runoff characteristics of land that is
35 converted from impervious surfaces to pervious surfaces and any remaining stormwater
36 collection infrastructure would be accounted for in the design of stormwater BMPs.
37 Any areas that are converted from impervious to pervious surfaces will result in water
38 quality improvements, regardless of any stormwater collection systems that remain."
39 See FEIS Appendix A.2 at A-68.

40
41 Further, all new impervious areas, including the extended Runway 5-23, new parking
42 areas and taxiways, and the relocated Main Avenue, will require stormwater best
43 management practices (BMPs) in accordance with the recently revised *Rhode Island*
44 *Stormwater Design and Installation Standards Manual* that has been adopted by both
45 RIDEM and CRMC. The ROD and FEIS both state that all improvements will meet
46 such requirements. For example, the ROD states the following:

1 “To address CRMP Section 300.6 Stormwater Management for Large Projects, the
2 Project will comply with the requirements of the most recent version of the Rhode
3 Island Stormwater Design and Installation Standards Manual for the stormwater
4 design.” See ROD at 66.

5
6 “Greenwich Bay SAMP Section 120.2 — Improve Greenwich Bay’s Water
7 Quality, which indicates that RIAC should “implement Best Management Practices
8 (BMPs) to reduce storm water discharge volume and nitrogen and bacteria
9 concentrations,” will be implemented according to SAMP Section 470.5B.17,
10 which identifies recommended actions for meeting the goal of improved water
11 quality within Greenwich Bay. RIAC will implement BMPs to reduce storm water
12 discharge volume and nitrogen and bacteria concentrations as part of the design and
13 implementation of the Project.” *Id.*

14
15 In addition, the EPA in a letter to the FAA dated August 2, 2011 stated “EPA’s
16 comments on the DEIS requested that the FAA address deficiencies and concerns
17 related to wetland impacts and mitigation, water and air quality impacts, and
18 environmental justice. While we have no further comments on the FEIS regarding
19 those issues, we anticipate continued involvement with the project through the Corps of
20 Engineers’ Clean Water Act Section 404 process.”(Emphasis added.) See ROD at A-5.
21 It appears from the EPA statements therein that the Agency is satisfied that previously
22 noted deficiencies and concerns within the DEIS were adequately addressed within the
23 FEIS.

24
25 Thus, since the FEIS does account for the new hydrologic analysis, as detailed in
26 Sections A.1.13, and all new impervious surfaces will be treated with best management
27 practices as describe above, the issue of concern has not been ignored and should not
28 result in a stormwater deluge to Brushneck Cove or Greenwich Bay.

29
30 **Comment:** *I have found no correction of analysis in the ROD. Some of this acquired land is within
31 the Greenwich Bay Special Area Management Plan area. To the extent that this issue
32 falls within the SAMP it should be directly addressed by the CRMC in its consistency
33 determination.*

34
35 **Response:** The correction of analysis was completed in the FEIS. See preceding response.

36
37 **Comment:** *Regarding Wetlands Mitigation Site 12, the Conimicut Point Marsh, Page 50 of the
38 Record of Decision shows that a Wetlands Working Group was convened on February
39 23, 2011. It reports that "USACE will act on the (Section 404) permit following
40 publication of this ROD and completion of the RIDEM permitting process. This area is
41 within the CRMC coastal jurisdiction and not the RIDEM jurisdiction and I have not
42 found evidence that a CRMC process was initiated or completed. I am asking for a
43 review of the CRMC files to determine if CRMC has conducted a review of this matter.
44 It should be included in the consistency determination.*

1 **Response:** As noted in Section 10 of the ROD and the FEIS in Section 6.9.1, wetland mitigation is
2 proposed to meet the federal EPA and U.S. Army Corps of Engineers (USACE)
3 compensatory wetland mitigation requirements for proposed wetland alterations at the
4 Runway 34 end. Potential compensatory wetland mitigation sites are shown in Figure
5 6-2 of the FEIS. Federal jurisdictional vegetated freshwater wetland impacts have been
6 reduced from 7.3 acres in the DEIS to 5.0 acres in the FEIS as a result of modifying the
7 Alternative B4 airport Project design. The 5.0 acres of impacted freshwater wetlands
8 are located on airport property at the Runway 34 end and are located exclusively within
9 the state freshwater wetland jurisdiction of the RIDEM and *not* within the Greenwich
10 Bay watershed. See FEIS Volume 2, Figures 4-32 and 5-40. RIDEM has exclusive
11 freshwater wetland jurisdiction in this matter and will be processing all necessary state
12 permits associated with the proposed freshwater wetland alterations associated with the
13 Project.

14
15 As noted above, the construction activity associated with the Project does *not* involve
16 any alteration of freshwater or coastal wetlands within CRMC jurisdiction.
17 Furthermore, there are no proposed wetlands alterations associated with the Project that
18 are located within the Greenwich Bay watershed. Consequently in this matter,
19 compensatory mitigation under Section 300.12 of the state coastal program is *not*
20 required. Thus, the CRMC federal consistency review process does not need to address
21 this particular issue. Nevertheless, the CRMC was involved in the Wetland Working
22 Group process and had previously suggested sites 10 and 11 as potential mitigation
23 sites if alternative off-site locations were needed to fulfill federal mitigation
24 requirements. See FEIS Appendix C.5. Mitigation sites 10 and 11 were suggested by
25 the CRMC because they are located within the Greenwich Bay watershed and are listed
26 in Table 10 and depicted in Figure 15 of the CRMC Greenwich Bay Special Area
27 Management Plan as recommended potential coastal wetland restoration sites.
28 Ultimately, these two sites were not selected by the Wetland Working Group, and
29 consequently not included in the FEIS.

30
31 Mitigation Site 12, which is adjacent to Mill Cove at Conimicut Point (see FEIS
32 Figures 6-2 and 6-8), was added as a result of the suggestion of Save The Bay and the
33 Mill Cove Conservancy and was discussed at the February 15, 2011 Wetlands Working
34 Group meeting. See FEIS Appendix C.5. Mitigation Site 12 was suggested because of
35 the development pressure on existing undeveloped parcels within the coastal wetland
36 complex there. It was proposed that the coastal saltmarsh at this location could be
37 better preserved by purchasing development rights and preventing further wetland and
38 upland buffer alterations. This proposed mitigation action would not involve alterations
39 to coastal wetlands, and thus a CRMC state Assent is not required. The USACE
40 affirmed that the proposed mitigation program (which includes Mitigation Site 12)
41 meets the federal mitigation requirements and that USACE is likely to approve a Clean
42 Water Act Section 404 Permit for the Project. See ROD at 50.

43