



Save the Sound[®]

Action for our region's environment.

April 18, 2022

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Dear Deputy Administrator D'Alessandro,

We are writing to bring to your attention the serious environmental concerns raised by the planned expansion of Tweed-New Haven Airport ("Tweed") and to recommend that the FAA prepare an Environmental Impact Statement (EIS) as required by the National Environmental Policy Act (NEPA).

Summary

An EIS, as opposed to a less rigorous Environmental Assessment (EA), is necessary because **(1)** this is a long-running and highly controversial project, **(2)** a full EIS was required for a previous expansion of this airport with lesser impacts, **(3)** it is foreseeable that taxiways, which are not included in the present proposed project, will be necessary and will impose substantial additional impacts, and **(4)** the impacts will be severe across different categories.

Specifically, the project will significantly affect: **(a)** inland wetlands from direct development and hydrologic changes; **(b)** tidal wetlands from direct development and hydrologic changes; **(c)** storm water flooding, sea-level rise, and other floodplain and resilience issues; **(d)** local and migratory wildlife populations from habitat disruption and reasonably foreseeable passenger and freight aviation; **(e)** water quality from increased traffic and discharges; **(f)** environmental justice in East Haven and New Haven communities from the emissions, traffic, and noise from reasonably foreseeable increases in passenger and freight aviation; and **(g)** greenhouse gas emissions. This project is designed to increase the capacity of the airport, affecting the local ecosystem through its physical expansion but also increased passenger traffic and a reasonably foreseeable utilization of the airport for freight to relieve local supply chain pressure. Considering the foreseeable severity of these impacts in a densely-residential, flood-prone, and environmentally sensitive area, federal law and FAA regulations and policy require that a thorough and adequate EIS be performed.

Legal Standard to Require an EIS

Environmental impact analysis for airports is performed by the Federal Aviation Administration (FAA) in accordance with NEPA, the *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (40 CFR 1500-1508), U.S. Department of Transportation (DOT) Order 5610.1C, *Procedures for Considering Environmental Impacts*, and FAA Order 1050.1F *Environmental Impacts: Policies and Procedures*.

According to section 102(2)(C) of NEPA [40 U.S.C. 4332(2)(C)], “major Federal actions significantly affecting the quality of the human environment” require a detailed environmental impact statement (EIS). The proposed runway extension and construction of a new terminal at Tweed is a major federal action within the meaning of 40 C.F.R. § 1508.1(q)(3)(iv).

“Effects ... means changes to the human environment from the proposed action ... that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action ... including those effects that occur at the same time and place as the proposed action ... and may include effects that are later in time or farther removed in distance from the proposed action or alternatives.” 40 C.F.R. § 1508.1(g). This includes “ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects.” 40 C.F.R. § 1508.1(g)(1).

1. Controversial History of Tweed’s Expansion

Tweed-New Haven Airport plans to extend its runway and develop a new terminal area.¹ Locally, the proposed airport expansion is a controversial topic. The prospect of expanding the airport’s capacity has been the subject of litigation for over fifty years.²

Until 2019, the expansion of the airport was prohibited by a Connecticut state law upon which residents relied to ensure limits upon airport activity.³ After that law was overturned by a federal court, Tweed announced its expansion plans.

In recent years, significant concern has arisen about the vulnerability of the airport property to the impacts of climate change and sea-level rise, as well as the risks that this expansion presents to an extensive wetland system which protects the area from flooding.⁴ The decision by a federal court that the expansion is not barred by state law does not obviate the obligation of the FAA to comply with all applicable Federal statutes, regulations, and guidance.

2. A Prior, Less Impactful, Runway Project Required an EIS

¹ See plans of the airport at <https://www.tweedmasterplan.com/> and <https://thenewhvn.com/faq/>.

² Litigation over the ability of Tweed to extend its runways goes back to at least 1968. See *East Haven v. Eastern Airlines, Inc.*, 282 F. Supp. 507 (D. Conn. 1968).

³ See *Tweed-New Haven Airport Auth. v. Tong*, 930 F.3d 65 (2d Cir. 2019).

⁴ CT Mirror, “Will Climate Change Have Something to say about the Tweed Airport expansion” (January 16, 2022) <https://ctmirror.org/2022/01/16/will-climate-change-have-something-to-say-about-the-tweed-airport-expansion-experts-think-so/>

When the FAA approved a prior expansion of Tweed’s footprint on March 15, 2002, an EIS was completed because the EA had concluded that “due to the potential for significant impact to wetland resources, *the preparation of an Environmental Impact Statement (EIS) was required* in order to disclose probable environmental impact from the improvements.”⁵ That prior project consisted of the construction of runway safety areas on each end of Runway 2-20 and an 850-foot extension of Taxiway B. The EIS determined that 9.89 acres of wetlands would be impacted. The range of impacts was believed to be otherwise limited because the improvements were safety measures and not expected to affect air traffic or the size of aircraft serviced by the airport.⁶

The currently proposed development would affect at least 22.74 acres of inland wetlands and 6.76 acres of tidal wetlands as outlined in the Wetland Delineation Report.⁷ Since the current proposal is even bigger in scope than the project assessed by the FAA in 2002, it will also require the preparation of an EIS. The proposed extension of the runway and construction of a new terminal will not only impact more wetlands than the prior project, but are intended to increase the airport’s capacity and consequently increase its effects on the health, welfare and the environment of the surrounding communities.⁸

3. The NEPA Review is Fundamentally Deficient without Assessing the Taxiway Extension

The official FAA airport planning document, the *Tweed-New Haven Airport Master Plan Update Final Report* from October 2021, outlines how the infrastructure at Tweed must be expanded to meet the desired growth in flights and passengers at Tweed.⁹ The Master Plan categorizes the needs of the airport into different phases and states that in the first phase, meaning within 1-5 years, “Runway 2 and 20 extensions and EMAS, on-going land/easement acquisition/obstruction removal, taxiway reconfiguration Phase I, east side terminal building, east side terminal apron” are required.¹⁰

In an informal public information hearing on November 18, 2021, Tweed stated that its initial plans would only include the extension of Runway 2-20 and the development of the new terminal area, but not the extension and reconfiguration of the taxiway.¹¹ However, a parallel taxiway is a safety measure which would necessarily accompany the extension of the runway. In the 2002 Record of Decision for the prior runway project, the FAA was highly critical of Tweed for its lack of a full-length parallel taxiway, describing them as “basic components for even the

⁵ FAA Record of Decision for an EIS (March 15, 2002), page 2 (emphasis added) https://www.faa.gov/airports/environmental/records_decision/media/rod_tweed.pdf.

⁶ FAA, Tweed-New Haven Airport Runway Safety Area and Taxiway Improvements Project, Final Environmental Impact Statement (May 2000), Preface.

⁷ FHI Studio, Wetland Delineation Report, Master Plan Implementation Projects, Tweed New Haven Airport, New Haven/East Haven, Connecticut, January 2022.

⁸ Tweed-New Haven Airport Master Plan Update – Final Report (October 2021), Chapter 1 – Executive Summary, <https://www.tweedmasterplan.com/master-plan-documents>.

⁹ Tweed-New Haven Airport Master Plan Update – Final Report (October 2021), page 16.

¹⁰ Tweed-New Haven Airport Master Plan Update – Final Report (October 2021), page 20.

¹¹ Public Information Meeting Slides (November 18, 2021), Slide 13, <https://www.tweedmasterplan.com/>.

smallest of general aviation airports.”¹² Unlike the extension of the runway, which is an economic measure, the extension of a taxiway to the runway ends is a safety measure and it is foreseeable, if not inevitable, that they will be added in the future.

Since the extended runway will foreseeably lead to an extended full-length parallel taxiway, the NEPA review must assess the impact of the runway and the taxiway extension in conjunction. A piece-by-piece approach is inappropriate segmentation and prohibited by NEPA. The full-length taxiway will cover additional surface and harm wetlands, and the full scope of these impacts must be considered at this stage of the NEPA review.

4. Impacts of the Proposed Expansion of Tweed-New Haven Airport

The Desk Reference to FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, lists environmental impact categories that must be considered.¹³ The anticipated environmental impacts of the expansion qualify as “Extraordinary Circumstances,” pursuant to FAA Order 5050.4B, Chapter 6. Our particular concerns include, at the very least:

a. Inland wetlands from direct development and hydrologic changes

Tweed has prepared a wetland delineation report for the EA, which has identified 22.74 acres of inland wetlands that may be directly affected by development within the study areas.¹⁴ This assessment does not include all of the potentially affected inland wetlands. The study areas are very limited in size to only consider directly affected sites at each end of Runway 2-20 and where structures will be constructed on the east side of the airport. The wetland delineation report does not examine wetlands that will be affected by the construction of taxiways (it appears from the map that both inland and tidal wetlands would be impacted), nor does it consider indirect impacts upon wetlands outside of the study areas that may occur due to hydrologic changes from wetland loss and increased impermeable surfaces

b. Tidal wetlands from direct development and hydrologic changes

The wetland delineation report has likely failed to identify additional potentially impacted tidal wetlands within the study area. Tweed’s wetland delineation report has identified 6.76 acres of tidal wetlands that may be directly affected by development within the study areas.¹⁵ As set for the above, the relevant study area only examines the south end of Runway 2-20 and does not

¹² FAA Record of Decision for an EIS (March 15, 2002), page 7,

https://www.faa.gov/airports/environmental/records_decision/media/rod_tweed.pdf

(“The potential for runway incursions (more than one aircraft or ground vehicle operating on the runway at the same time) is also a safety concern where taxiways do not extend to the runway end, such as Runway 2. Full-length parallel taxiways segregate taxiing aircraft from aircraft landing and taking off. In the absence of a parallel taxiway to the runway end, aircraft would be forced to back-taxi on the runway prior to takeoff or after landing. This makes the runway unavailable for longer periods of time and increases the risk of a runway incursion. Full-length parallel taxiways are basic components for even the smallest of general aviation airports. Runway 2-20 is one of the few air carrier runways in New England without a full parallel taxiway.”).

¹³ FAA Order 1050.1F Desk Reference (February 2020), page I-2,

https://www.faa.gov/sites/faa.gov/files/about/office_org/headquarters_offices/apl/desk-ref.pdf.

¹⁴ FHI Studio, Wetland Delineation Report, Master Plan Implementation Projects, Tweed New Haven Airport, New Haven/East Haven, Connecticut, January 2022.

¹⁵ FHI Studio, Wetland Delineation Report, Master Plan Implementation Projects, Tweed New Haven Airport, New Haven/East Haven, Connecticut, January 2022.

consider the parallel taxiway that would ultimately accompany any runway extension. Any environmental review of this project must examine the tidal wetlands upon which the taxiway would be built and consider indirect impacts, such as hydrologic changes, to nearby tidal wetlands.

Additionally, the boundaries of the tidal wetlands on the wetland delineation report appear to be drawn at the edge of the airport's mowed safety areas. Yet many of these areas are likely wetlands. It is unlikely that the tidal wetlands terminate along a straight line where Tweed manages vegetation, but rather that the mowing hinders the identification of specific vegetation which are present but subject to mowing.

This expansion will certainly impact far more tidal wetlands than those directly subject to fill and development. First, the wetland delineation report describes "extensive vegetative tidal wetland systems with constructed channels and areas of open water" along the southern perimeter of the airport.¹⁶ The Master Plan's wetlands map depicts a large expanse of estuarine wetlands between Runway 2-20 and the site of the future terminal, as well as along substantial portions of Tuttle Brook and Morris Creek. Adjacent to the airport property is the Morris Creek Nature Preserve, a pristine tidal wetland through which the airport's stormwaters flow to Long Island Sound. These wetlands, and the valuable ecological services they provide, may be substantially impacted by the increase in impermeable surfaces on the airport property and the loss of stormwater retention services from inland wetlands. Second, development of the airport may impair imminent marsh migration caused by rising sea-levels. This low-lying property is expected in coming years to accommodate ecosystem migration from the downstream Morris Creek Nature Preserve.¹⁷ Additional development on the airport property can be expected to directly interfere with the future of this major wetlands ecosystem.

To the best of our knowledge, the Tweed wetland determination has not yet been reviewed or concurred with by the Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, or the State of Connecticut.

c. Storm water flooding, sea-level rise, and other floodplain and resilience issues

Tweed-New Haven Airport serves a vital function as a flood management zone. The airport and its surrounding neighborhoods are shaped by New Haven Harbor to the west, the Farm River to the east, and Long Island Sound to the south. The airport's low elevation and extensive wetlands retain stormwater and protect the surrounding community from flooding. The protected communities include a state-designated environmental justice community along the east boundary of the airport and the Morris Cove Historic District, a neighborhood listed on the National Register of Historic Places, along the west boundary. Fewer wetlands and additional impermeable surface area will reduce the retention capabilities of the airport and displace floodwaters into the surrounding community.

The flood impacts of this expansion will be greatly amplified in the coming years by climate change. Intensifying rainstorms and rising sea-levels increasingly encroach upon the airport and

¹⁶ FHI Studio, Wetland Delineation Report, Master Plan Implementation Projects, Tweed New Haven Airport, New Haven/East Haven, Connecticut, January 2022, page 3.

¹⁷ See <https://maps.coastalresilience.org/connecticut/>.

imperil the surrounding community. Even now, the Morris Creek tide gate has only a limited capability to protect the airport property. In a 2019 article, New Haven's city engineer said, "As soon as there's any storm surge at high tide, no water is getting out of the neighborhood back into the water (of Long Island Sound) [...] So water has to go somewhere. In this case it goes into the airport."¹⁸ Just this past year, the airport became so inundated in a rainstorm that New Haven dispatched firefighters to pump out the terminal building.¹⁹

The NEPA review should be based on the best available science and state law regarding sea level rise. The Connecticut Institute for Resilience & Climate Adaptation (CIRCA) recommends planning for up to twenty inches of sea-level rise in Long Island Sound by 2050;²⁰ Connecticut has adopted and incorporated this scenario into state law.²¹ Specifically for Tweed, CIRCA's Connecticut Sea Level Rise and Storm Surge Viewer classifies significant portions of the airport as high probability areas of inundation, and further parts as low-lying areas that "need further evaluation due to the hydrologic complexity created by flood control structures, bridges, and culverts".²²

d. Local and migratory wildlife populations from habitat disruption and reasonably foreseeable passenger and freight aviation

Given that the expansion of the airport will affect migratory birds, protected under the Migratory Bird Treaty Act, and may affect threatened or endangered species, consultation with the U.S. Fish and Wildlife Service (USFWS) is necessary.²³

The Tweed-New Haven area is a vital corridor for avian migration. Lighthouse Point Park, located just south of the airport, is the most significant reporting site northeast of Cape May for counts of fall migrating raptors.²⁴ Local ornithological organizations gather at the park for an annual migration festival.²⁵ An increase in passenger and freight aviation out of Tweed will result in a greater number of strikes, which will affect migratory bird populations.

Possible impacts on avian habitat could also result from foreseeable deliberate action resulting from the expansion. Under similar circumstances, i.e. the proximity of extensive wetlands and avian populations, the FAA has recommended the elimination of avian habitat in the interest of human safety. Furthermore, as acknowledged in the Master Plan, the salt marsh habitat found at the site is typically identified in Connecticut's Natural Diversity Data Base (NDDDB) as a state

¹⁸ Giovanni Zinn as quoted by the CT Mirror, "Climate Change versus Tweed Airport" (April 29, 2019) <https://ctmirror.org/2019/04/29/climate-change-versus-tweed-airport/>.

¹⁹ New Haven Independent, "Storm Passes; Flooding Lessons Sought" (July 9, 2021), <https://www.newhavenindependent.org/index.php/article/storm/>.

²⁰ CT DEEP, Sea Level Rise in Connecticut, <https://portal.ct.gov/DEEP/Coastal-Resources/Coastal-Hazards/Sea-Level-Rise>.

²¹ Conn. Gen. Stat. § 25-68o.

²² CIRCA, Connecticut Sea Level Rise and Storm Surge Viewer, <https://circa.uconn.edu/sea-level-rise-and-storm-surge-viewer/>.

²³ FAA Order 1050.1F Desk Reference, page 43, https://www.faa.gov/sites/faa.gov/files/about/office_org/headquarters_offices/apl/desk-ref.pdf.

²⁴ Audubon, Important Bird Areas, Lighthouse Point Park, <https://www.audubon.org/important-bird-areas/lighthouse-point-park>.

²⁵ New Haven Bird Club, Annual Migration Festival, Lighthouse Point Park, New Haven, <https://www.newhavenbirdclub.org/event/annual-migration-festival-lighthouse-point-park-new-haven/>.

critical habitat because listed species depend on it for life cycle stages such as breeding, migration, and foraging.²⁶

e. Water quality from increased traffic and discharges

Surface water quality, and related coastal resources, are threatened by increased stormwater runoff and pollutants. The increased capacity of the airport will result in increased traffic, intensive land use, aircraft deicing, and vehicular activity, adding to the pollutant levels found on the airport property that will be carried by stormwater into the nearby wetlands and watercourses. The increase in impervious surfaces, combined with the loss of wetland resources, will increase the amount of stormwater runoff carrying these pollutants into the nearby watercourses.

Tweed-New Haven Airport Authority's history of noncompliance with its water quality permits raises particular concerns about water quality impacts. The EPA ECHO database indicates that Tweed has been in significant violation of its Clean Water Act pretreatment permit, number SP0002421 issued by CT DEEP, since October 1, 2020.²⁷ At the time that the permit was reissued in 2020, CT DEEP's records indicated that Tweed was already in violation of the permit and was subject to an enforcement action.²⁸

f. Environmental justice in East Haven and New Haven communities from emissions, traffic, and noise from reasonably foreseeable increases in passenger and freight aviation

In addition to flooding, the considerable impacts upon surrounding communities from increased emissions, traffic, and noise merit heightened scrutiny due to environmental justice concerns. Due to economic conditions, the Town of East Haven, within which the eastern half of the airport resides, has been named a "distressed municipality" and is thereby an environmental justice community under Connecticut law.²⁹ Individual census block groups within the City of New Haven are also identified as environmental justice communities.

Increased airport capacity serves the goal of accommodating larger aircraft and more flights.³⁰ Not only will the increased air traffic itself impact the surrounding communities, but so will the inevitable additional passenger and freight ground traffic that follows. Tweed's expansion has been identified as an opportunity to use the airport for freight.³¹ Supply chain pressure and increasing warehouse capacity in Connecticut,³² including within only a few miles of Tweed

²⁶ Masterplan, Chapter 5.5.2. Threatened and Endangered Species, <https://www.tweedmasterplan.com/master-plan-documents>.

²⁷ EPA, ECHO, Detailed Facility Report, Tweed-New Haven Regional Airport, <https://echo.epa.gov/detailed-facility-report?fid=110002497824>.

²⁸ Fact Sheet for PERMIT No. SP0002421, https://portal.ct.gov/-/media/DEEP/Public_Notice_Attachments/draft_permits/Tweed---Fact-Sheet-Draft-5.pdf.

²⁹ <https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Justice-Communities>

³⁰ Tweed-New Haven Airport Master Plan Update – Final Report (October 2021), Chapter 1 – Executive Summary, <https://www.tweedmasterplan.com/master-plan-documents>.

³¹ South Central Region Council of Governments, May 2021 Board Agenda, 53, https://scrcog.org/wp-content/uploads/2021/05/5_SCRCOG_May21.pdf.

³² Hartford Courant, "As warehouses rise and thrive across Connecticut, this town's residents are pressing for a moratorium on building" (Mar. 29, 2022), <https://www.courant.com/news/connecticut/hc-news-hc-news-south-windsor-warehouses-20220329-6lg2ugzhlbei3mymeutnjk5axe-story.html>.

Airport,³³ make it foreseeable that Tweed will use its increased capacity for freight traffic. Additional passenger flights will result in additional ground passenger vehicles, and cargo aircraft will result in trucks, which emit fine particulate matters, such as PM 2.5, and will add to cumulative air pollution levels and adversely affect quality of life and public health. These adverse impacts will disproportionately affect these nearby environmental justice communities.

Other imminent projects will change the conditions in these communities and contribute to cumulative impacts. The area between Tweed Airport and the Port of New Haven is a neighborhood called The Annex, which is one of the communities in Connecticut most overburdened by pollution. Particularly concerning, New Haven Harbor is about to be dredged and widened in an effort to increase the capacity of the Port of New Haven. Like the proposed expansion of the airport, the expansion of the harbor can be expected to increase ship and truck traffic, which will then increase cumulative pollution levels in the area and harm quality of life and public health.

g. Greenhouse gas emissions

As outlined in the Airport Master Plan, the expansion of Tweed serves the purpose of accommodating additional air traffic. An increase in air traffic, and accompanying carbon-based ground traffic, will lead to an increase in CO₂ emissions. Every ton of CO₂ emissions adds to global warming and the potential consequences of facilitating climate change are severe.³⁴ An increase in emissions runs contrary to the goal of the Paris Agreement to limit global warming to 1.5°C, to which the United States has legally committed itself, and to the 2030 emissions reduction target set forth in the Nationally Determined Contribution of the United States.³⁵ To mitigate climate change to acceptable levels, significant reductions of CO₂ emissions have to occur across all sectors of the economy within the next few years.³⁶

Conclusion

For all the reasons set forth above, we urge the FAA to follow the requirements of the NEPA process and thoroughly investigate, identify, and disclose through an Environmental Impact Statement how the physical expansion of the airport and the foreseeable increases in air and ground traffic will alter local ecosystems and impact nearby overburdened communities.

³³ Branford Seven, “Amazon Distribution Center Proposed for Exit 53 in Branford” (Sept. 15, 2021), https://www.branfordseven.com/amazon-distribution-center-proposed-for-exit-53-in-branford/article_71d56276-162c-11ec-9cf1-ff120a2a9b96.html.

³⁴ IPCC, Sixth Assessment Report, Summary for Policymakers, page 28, https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM_final.pdf

³⁵ <https://www.state.gov/the-united-states-officially-rejoins-the-paris-agreement/>; United States of America, Nationally Determined Contribution, Reducing Greenhouse Gases in the United States: A 2030 Emissions Target, 4, <https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/United%20States%20of%20America%20First/United%20States%20NDC%20April%2021%202021%20Final.pdf>.

³⁶ IPCC, Sixth Assessment Report, Summary for Policymakers, page 14, https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM_final.pdf

Sincerely,

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