U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINSTRATION

FINDING OF NO SIGNICANT IMPACT (FONSI) / RECORD OF DECISION (ROD)

Project
Trenton-Mercer Airport Terminal Area Improvements

Location
Trenton Mercer Airport, Ewing Township, New Jersey

Introduction
This document serves as the Federal Aviation Administration's (FAA) Finding of No Significant Impact and Record of Decision (FONSI/ROD) based on the information and analysis contained in the Final Environmental Assessment (EA), February 2022 for the *Trenton-Mercer Airport Terminal Area Improvements* and all corresponding Appendices, which are hereby incorporated by reference. It provides final agency determinations and environmental approvals for the federal actions necessary to implement the project, a new terminal building and associated improvements, which include: expansion of the terminal aircraft apron, Aircraft Rescue and Fire Fighting (ARFF) building relocation, access road construction for the ARFF building relocation, terminal access road and terminal parking lot reconfiguration, new parking garage and associated utilities, and stormwater management. The FONSI/ROD has been prepared in compliance with the National Environmental Policy Act of 1969 (NEPA), FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, and the Council on Environmental Quality (CEQ) regulations for implementing NEPA at Title 40 of the Code of Federal Regulations Part 1500-1508 (40 CFR 1500-1508)[1].

Background
Trenton Mercer Airport (TTN) is a public-use airport located in Ewing Township, New Jersey and is owned and operated by Mercer County. The airport has two runways, Runway 6-24 and Runway 16-34, and associated taxiways and infrastructure. It covers approximately 1,300 acres and is located four miles northwest of the City of Trenton. The airport offers commercial service by Frontier Airlines and serves a large number of General Aviation aircraft.

Mercer County, the Airport owner and operator, completed an Airport Master Plan Update (AMPU) for the Airport in June 2018[2]. The AMPU made several recommendations for the 20-year planning horizon to assist the Airport in meeting immediate and short-term functional needs of TTN users and tenants. One of the recommendations was a new terminal facility.

The AMPU identified the existing terminal building as a 24,780 Square Foot (SF) facility with poor functional use, due to congestion in passenger flow during peak hours of activity. The

[1] CEQ amended its regulations implementing NEPA on September 14, 2020. Federal agencies have discretion to apply the amended regulations to NEPA processes that were begun before September 14, 2020 (40 CFR § 1506.13 (2020). FAA initiated the NEPA process for this action in September 2019 and has elected to continue using the previous regulations.
[2] The complete AMPU can be found at https://www.ttnterminal.com/airport-master-plan.

existing terminal is undersized for the number of enplanements and operates at a poor level of service. Operations and enplanements at TTN are forecasted to grow. Without expanding the terminal area the level of service will decline. In addition, the terminal is in disrepair and does not meet current standards under the Americans with Disabilities Act and standards of the Transportation Security Administration (TSA).

Regarding terminal functionality, deplaning passengers are required to bypass the interior of the building and re-enter to gain access to the baggage claim area located inside the building. When combined, the existing terminal and baggage facility comprises approximately 28,000 SF. Due to the lack of space in the existing terminal building, the Airport owner leases approximately 5,000 SF off airport property. This leased space houses administrative offices and law enforcement, which are functions that would normally be located in the terminal. Accordingly, references to the existing terminal throughout the EA and this FONSI/ROD use the combined 33,000 SF to be inclusive of all terminal related functions.

In addition to the recommendation of a new terminal facility, the AMPU identified terminal facility requirements and made SF recommendations for all major elements within the terminal structure to ensure correct sizing to accommodate existing and future demand. The recommendations made address sizing standards for ticketing, baggage operations, security screening, hold rooms, and concessions; provide current passenger amenities and levels of service; and ensure adequate sizing to address core deficiencies, including the lack of space, in the existing terminal facility. The AMPU involved extensive stakeholder and public review and input. The existing terminal and other Airport facilities are shown on the Airport Layout Plan (ALP) and Terminal Area Plan (TAP), which can be found in Appendix B of the EA.

Project Description

The Proposed Action consists of the following major elements to meet the overall purpose as detailed in the AMPU in order to meet existing and forecasted terminal needs.

- New terminal building of approximately 125,000 SF and associated Airport improvements to replace the existing terminal and infrastructure, which will enable:
    - Four passenger aircraft parking positions (same as existing) with commensurate boarding and hold room facilities
    - Terminal apron improvements as needed to facilitate boarding/deboarding of aircraft
    - 10 ticket counters
    - 3 Transportation Security Administration (TSA) screening lanes
    - Expand baggage make-up and claim facilities, passenger waiting areas, concession areas, passenger circulation, and building support spaces
- Landside Improvements
    - Reconfiguration of vehicular circulation to improve wayfinding and provide access to the terminal area
    - Reconfiguration of parking areas to improve access and circulation within the parking lots and along the adjacent roadways. The reconfiguration will allow for the addition of spaces lost as a result of the new terminal facility

    - Addition of a terminal parking garage to provide covered parking within walking distance of the new terminal building to meet the forecast demand for vehicle parking based on enplaned passengers while providing an improved level of service for travelers parking in the vicinity of the new terminal building
    - Demolition of existing terminal facility
- Other Facility Improvements
    - Demolition and relocation of existing Aircraft Rescue and Firefighting (ARFF) facility to accommodate the new terminal facility
    - Relocation of existing vehicle impound lot and working canine kennels and canine holding areas adjacent to the ARFF building to available off-airport sites to accommodate the new terminal facility and address existing deficiencies in these facilities

The Proposed Action is located in two areas within the airport. The proposed expanded terminal aircraft apron, new terminal replacement building, terminal access road, terminal parking lot reconfiguration, and new parking garage are sited for development near the existing terminal building. The ARFF building relocation is to be relocated south of the Runway 24 end along Scotch Road. There is no land acquisition involved with the Proposed Action. Construction of the Proposed Action is expected to occur over an approximately 26-month timeframe.

Proposed Agency Actions

The FAA actions involved in the implementation of the Proposed Action include the following:

- Unconditional approval of the TTN ALP to depict components of the Proposed Action, as articulated in the EA, that are subject to FAA approval authority, pursuant to 49 U.S.C. § 40103(b), and § 47107(a)(16), and determination on, and approval of, the effects of this Proposed Action upon the safe and efficient use of the navigable airspace pursuant to 49 U.S.C. §44718 and 14 CFR Parts 77 and 157;
- Environmental determinations required for funding through the Federal grant-in-aid programs authorized by the Airport and Airway Improvement Act of 1982, as amended (recodified at 49 U.S.C. §47107), or the Infrastructure Investment and Jobs Act of 2021 (IIJA), Public Law 117-58 (also referred to as the Bipartisan Infrastructure Law), and/or to support an application to use Passenger Facility Charges (PFCs) under 49 U.S.C. §40117 (this does not determine eligibility or availability of potential funds);
- Determination under 49 U.S.C. §§ 40101(d)(1) and 47105(b)(3) whether the Proposed Action meets applicable design and engineering standards set forth in FAA Advisory Circulars;
- Determination under 49 U.S.C. § 44502(b) that the Proposed Action is reasonably necessary for use in air commerce or in the interests of national defense; and
- Approval of appropriate amendments to the Trenton Mercer Airport Certification Manual (ACM), as required, pursuant to 49 U.S.C. §44706 and 14 CFR Part 139.

Applicability of the FAA Reauthorization Act of 2018

On October 5, 2018, HR 302, the "FAA Reauthorization Act of 2018" (the Act) was signed into law (P.L. 115-254). In general, Section 163(a) limits the FAA's authority to directly or indirectly regulate an airport operator's use, transfer, or disposal of certain types of airport land. However, Section 163(b) identifies several exceptions. The FAA has authority:

1. To ensure the safe and efficient operation of aircraft or safety of people and property on the ground related to aircraft operations;
2. To regulate land or a facility acquired or modified using federal funding;
3. To ensure an airport owner or operator receives not less than fair market value in the context of a commercial transaction for the use, lease, encumbrance, transfer, or disposal of land, any facilities on such land, or any portion of such land or facilities;
4. To ensure that that airport owner or operator pays not more than fair market value in the context of a commercial transaction for the acquisition of land or facilities on such land;
5. To enforce any terms contained in a Surplus Property Act instrument of transfer; and,
6. To exercise any authority contained in 49 U.S.C. § 40117, dealing with Passenger Facility Charges (PFC) as well as other Federal grant-in-aid programs.

In addition, Section 163(c) preserves the statutory revenue use restrictions regarding the use of revenues generated by the use, lease, encumbrance, transfer, or disposal of the land, as set forth in 49 U.S.C. §§ 47107(b) and 47133.

Section 163(d) of the Act limits the FAA's review and approval authority for Airport Layout Plans (ALPs) to those portions of ALPs or ALP revisions that:

1. Materially impact the safe and efficient operation of aircraft at, to, or from the airport;
2. Adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations; or
3. Adversely affect the value of prior Federal investments to a significant extent.

In reviewing the ALP change for the proposed Trenton-Mercer Airport Terminal Area Improvements project, FAA has determined that the following proposed projects are subject to ALP Approval as they may materially impact the safe and efficient operation of aircraft at, to, or from the airport due to a proposed alteration to an aircraft movement area. Therefore, the FAA maintains legal authority to approve or disapprove changes to the TTN ALP to reflect these components of the Proposed Action.

Proposed Action Components Subject to FAA ALP Approval:

a. New Terminal Replacement Building
b. Expand Terminal Aircraft Apron
c. ARFF Building Relocation

FAA has also determined that some components of the Proposed Action would not have an adverse effect on the value of prior Federal investments to a significant extent. Therefore, the FAA no longer retains the legal authority to approve or disapprove changes to TTN ALP to reflect these components of the project. The following potential projects would have no impact on aircraft operations at, to, or from the airport, and would not adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations:

a. Terminal Access Road
b. Terminal Parking Lot Reconfiguration
c. New Parking Garage

Approvals of federal funding and applications for PFCs are federal actions subject to review under NEPA, and are therefore retained for analysis within the attached EA and included in this

finding. In addition to the projects listed above as subject to ALP approval, Mercer County as the airport sponsor for TTN may decide to request federal funding and/or apply to impose and use PFCs for the following projects not subject to ALP approval under Section 163 of the Act:

a. Terminal Access Road
b. Terminal Parking Lot Reconfiguration
c. New Parking Garage

Purpose and Need for the Proposed Action

The Purpose and Need of the Proposed Action (explained more fully in Chapter 2 of the Final EA) is to:

- Facilitate the accommodation of existing and 2035 forecast passenger demand into a new terminal building, including baggage handling, security, passenger comfort, and terminal administrative needs, while meeting the needs of the TSA, airlines, concessionaires, and passengers.
- Aim to address existing chronic and severe passenger terminal area congestion and lack of services due to significantly undersized facilities.
- Address the stages of aging and disrepair associated with the existing terminal structure.

Existing Terminal Facilities

Section 2.2 of the Final EA describes the existing structure as being in various stages of aging and disrepair (heating, ventilation and air conditioning (HVAC), plumbing, roofing, windows, finishes, etc.). It also does not comply with ADA standards. The existing terminal was constructed in 1975 prior to implementation of current TSA requirements, and as such, the TSA checkpoint does not meet standards.

The general building structure of the existing terminal building is undersized for current and forecast activity. Due to the under sizing, there is an external baggage facility and the Airport leases space off airport property to house administrative offices and law enforcement. Having both administrative and law enforcement functions off airport property creates a lag in response time. Consolidating these functions on airport property would improve situational awareness and response times during an emergency. There is also inadequate space for hold rooms[3], restrooms, concessions, airline offices and operations, TSA screening, baggage drop/screening, and baggage claim.

The existing terminal consists of additions that were added over time, resulting in an inefficient layout that impacts passenger flow and creates passenger congestion. The split-level design of the existing terminal building has different grade changes and there is no direct line of travel.

Level of Service (LOS)

Airport Cooperative Research Program (ACRP) Report 25, Volume 1 serves as a guidebook for airport operators, planners, designers, and other stakeholders involved in planning functional and cost-effective airport passenger terminals. ACRP 25 defines Level of Service, LOS, as the service provided to airport travelers at various points within the airport terminal building. It often relates to the degree of congestion or crowding experienced by travelers at the processing

[3] Hold rooms are the passenger waiting areas within the gate area, where passengers can often sit to await the boarding of their flight.

points within a building that include the ticketing counter/area, the security checkpoint, the holdroom/gate, and baggage claim within the terminal building. It may also be a measure of the amount of waiting or processing time, or the length of the queues or lines encountered by travelers at these locations within a terminal.

The existing terminal operates at a LOS F, which is based upon quantitative and qualitative analysis of the functions and operations within the building, comparisons with other airport terminals, and standards/recommendations for terminal programming and space planning. LOS F, as defined by ACRP 25, is an unacceptable LOS that consists of cross flows, system breakdown, unacceptable delays, and unacceptable level of comfort. It is the lowest possible level of LOS on a scale that ranges from A to F.

The proposed terminal is planned to function and operate at a minimum LOS C within each area of the facility. LOS C is typically used as a design objective with terminal planning because it denotes good service at a reasonable cost. LOS C is defined as good LOS with stable flow, acceptable brief delays, and good level of comfort.

The need to improve the level of service within the terminal is related to the number of enplanements or passengers departing from the airport. The increases in passenger enplanements at TTN are the result of demand within TTN's service area for low-cost airline fares as explained in the AMPU.

Forecast/Enplanements

As part of the AMPU, the FAA approved the passenger forecast shown in Table 1-1 of the Final EA and conditionally approved the ALP subject to environmental review under NEPA[4]. The FAA's forecast approval letters are included in Appendix B of the EA. According to the FAA approved forecasts, annual passenger enplanements are expected to grow from 314,665 in 2016 to 476,507 in 2035.

Since the completion of the AMPU, enplanements have increased at a rate above what was anticipated in the AMPU, with the Airport reporting 404,349 enplanements in 2018. It should be noted that actual enplanements tend to fluctuate based on multiple factors, including but not limited to, economics, changes to airline service and fleet mix, and market demand. Specifically, at TTN, Frontier recently substituted the larger A-320 aircraft for the A-319 aircraft that historically served TTN. The operational characteristics of the A-319 and A-320 are very similar. However, depending on seating configuration, the A-320 provides 18-30 additional seats per flight.

In 2020, the airport accommodated 90,821 total operations. Of these, 6,522 were Air Carrier/Air Taxi, or commercial operations, accommodating 127,921 enplanements. This number was less than forecast. Starting in March 2020, the global COVID-19 pandemic caused a significant reduction in demand for air travel around the globe, including at TTN. As of March 2022, the COVID-19 pandemic is ongoing. However, increased availability of vaccines and improved therapeutics and other variables have correlated to a steady recovery in air travel. As shown in

[4] This condition was satisfied through the development of the Final EA and this decision removes the condition from the approval, granting unconditional approval of the ALP to depict the development contained within the EA itself.

Table 1-3 of the Final EA, enplanements showed growth resuming in 2021. The 2021 enplanements nearly doubled 2020 enplanements (242,577). This demonstrates that a sustained recovery of passengers using TTN is occurring.

The existing terminal has accommodated the historic growth at TTN and can continue to accommodate the unconstrained forecast, but this has resulted in a very poor LOS F. However, terminal capacity needs to increase to accommodate the existing and forecast passenger enplanements at an improved level of service in terms of space available to accommodate passengers within the building itself. Accommodating the forecasted growth within the current terminal will continue to degrade the LOS afforded by the terminal and continue to reduce the overall passenger experience at TTN, further demonstrating the need for a new terminal facility.

The purpose of the expanded replacement terminal is to accommodate current and forecasted passengers at a higher level of service. It is not expected that a larger terminal will induce additional operations at TTN, as the number of operations at a particular airport is primarily driven by market forces relating to travel demand for the region and the airfield's capacity to accommodate that demand (e.g., the size and length of the runways, wind direction, airfield configuration, and other factors). Notably, growth at TTN has occurred despite its undersized terminal, and conversely some other airports experience operational levels that render their terminals to be oversized. The size of the terminal in the Proposed Action is a reasonable size to accommodate the current unconstrained forecast at LOS C[5].

Alternatives

Numerous alternatives were developed and evaluated (detailed in Chapter 3 of the Final EA) that would potentially address the stated Purpose and Need. Screening steps and associated evaluation criteria were defined to assess the ability of each alternative to meet the Purpose and Need, as well as to assess whether the alternative was practicable from operations, cost, and constructability perspectives. The alternatives screening process is shown in Exhibit 3-1 of the Final EA.

A. Terminal

No Action Alternative:

The no action alternative proposes no changes to the existing terminal building and separate baggage claim facility. The ARFF building, parking, and roadway would remain in their current location and configuration. Existing parking would not be able to meet the forecasted future need of approximately 2,900 vehicle parking spaces, including spaces for passenger vehicles, rental cars, employee parking, etc. to accommodate the increase in enplanements estimated (approx. 476,000) for 2035. Even with the recent completion of the Scotch Road lot which replaces the existing unpaved overflow parking near the intersection of Sam Weinroth Road and

[5] A number of commenters expressed concern that an expanded terminal will lead to a new commercial carrier operating at TTN. The FAA discussed this concern with the sponsor, and the sponsor has verbally indicated to FAA that there are no such plans at this time. Furthermore, should a new carrier eventually seek an amendment to their Operation and Specifications (Ops Specs) in order to operate at TTN, that amendment would require FAA approval. Prior to issuing an approval, the FAA is required to conduct a NEPA review to assess the environmental impacts of that action (See FAA Order 1050.1F sections 3-1.2(b)(11) and 5-6.2(d)).

Lockheed Avenue, the Airport lacks approximately 800 parking spaces to meet the forecasted future need.

This alternative would not address the Purpose and Need for the action. The terminal would continue to accommodate the future forecast. However, it would do so at a continually declining LOS F. The TSA checkpoints would continue to be substandard, the administrative and law enforcement space would continue to be located off-airport, the terminal would continue to suffer from poor circulation, and would not meet the requirements of the Americans with Disabilities Act. In accordance with NEPA and FAA Order 1050.1F 6-2.1(d), the No Action alternative serves as the baseline to compare environmental consequences and is carried forward for analysis of environmental consequences.

The No Action alternative assumes that independent actions such as taxiway improvement, obstruction removal, and all other previously approved actions will continue to be implemented in accordance with the provisions of their decision documents. Furthermore, contaminated materials were identified in the vicinity of the current ARFF facility through Phase I and Phase II Environmental Site Assessments undertaken in the development of this EA. The findings have been reported to NJDEP and necessary remediation for this existing condition will occur in accordance with the applicable NJDEP regulations (NJAC 7:26C and NJAC 7:26E) regardless of whether the proposed terminal action proceeds. The No Action alternative assumes that the applicable remediation for this finding will occur in accordance with the prescribed regulatory path. Remediation activities for contaminated materials identified as part of this EA would proceed in accordance with the prescribed regulatory path. Please refer to Chapters 4 and 5 of the Final EA for more details.

Terminal Location Alternatives:
An alternate location analysis was conducted to determine feasible locations on airport property that could meet the Purpose and Need. TTN as shown on Figure 3-3a of the Final EA is broken into quadrants. The north, south, east, and west quadrants of the airport property were evaluated for siting purposes.

Terminal siting considerations included:

- Readiness, availability, and size of potential sites
- Available infrastructure (roads, parking, utilities)
- Operational efficiency (access to landside and airside areas)
- Access to road network

North Quadrant- The north quadrant has insufficient space for the terminal building and necessary terminal elements, such as vehicle parking, roadways, structures and aprons due to the presence of existing hangars, the Fixed Based Operator (FBO) and other general aviation and airport facilities.

East Quadrant- The east quadrant is limited in size, and would not accommodate the terminal building and associated passenger parking. The east quadrant is also constrained by Scotch Road and an existing railroad line.

South Quadrant-The south quadrant is mostly built out and remaining space would be insufficient for terminal needs. Access to any terminal facilities would have to be through existing leaseholds, which would not be feasible. A terminal in this quadrant would exacerbate existing traffic concerns on Bear Tavern Road. Buildings (identified as 33 and 34 on the ALP) and associated apron are currently being redeveloped by an Airport FBO. In addition, a residential neighborhood is located immediately south of this quadrant.

West Quadrant-The existing terminal facility is located in the west quadrant of the Airport property. Therefore, the area in the vicinity of the existing terminal is better suited with existing infrastructure, including access roads, parking, landside and airside development, and utilities. In addition, the west quadrant has better access to the road network and I-295 compared to the other quadrants.

Based on the evaluation, the north, east, and south quadrants were determined to be unable to meet the Purpose and Need due to insufficient available land to develop. In general, existing infrastructure (e.g. access road, parking, landside and airside development) is also insufficient in these quadrants. Alternatives considering these quadrants were not developed further due to the potential amount of significant socioeconomic impacts from existing leaseholds and prohibitive costs. The west quadrant was determined as the only quadrant that could meet the Purpose and Need.

Terminal Build Alternatives:
All build alternatives involve the following:

- Relocation of the existing vehicle impound lot to an existing off-airport County-owned facility.
- Relocation of the working canine kennels and canine holding areas to the Mercer County Sheriff's Department existing off-airport facility.
- Demolition and relocation of the existing ARFF facility.
- Apron expansion.
- Four aircraft parking positions, similar to the existing terminal, with the addition of passenger boarding bridges at each gate.
- Terminal access roadway, parking reconfiguration as discussed in Sections 3.6.1 and 3.6.2 of the Final EA.

Build Alternatives identified to meet the Purpose and Need were further evaluated by the following criteria:

- Operational flexibility and efficiency
- Phasing and constructability
- Development Cost

Table 3-8 of the Final EA provides a summary of comparison and evaluation of the alternatives.

Terminal Reconstruction
This alternative would consist of a 125,000 SF building. The estimated cost of reconstruction would be $162,500,000. A reconstruction or retrofit of the existing facility would involve

reviving the terminal in its existing footprint with minimal modifications to landside or airside facilities, and upgrades to out-of-date and non-code compliant features.

A terminal extension or addition would have to be built immediately adjacent to and around the existing terminal building. Based on the evaluation of the current conditions of the existing terminal building, only a portion of the existing building foundations would be able to be used. The construction would have to proceed while maintaining access to the existing terminal for passengers, operations, and aircraft. New roadway configurations, parking, and access for departures and arrivals would be significantly disrupted to accommodate the construction.

Construction duration would be significant, approximately 42 months, due to the incorporation of the existing terminal building while maintaining operations. Constructing the new terminal around the existing terminal would also increase costs of excavation and construction. The differences in grades adjacent to the existing terminal would increase the quantity of rock excavation for foundations. These additional requirements to maintain operations, provide passenger access, accommodate significant durations for phasing, and incorporate temporary facilities into the construction would increase the overall project costs substantially.

Terminal Replacement

This alternative involves construction of a new terminal building on a new location in the western quadrant of the airport. In order to meet the purpose and need, three replacement alternatives were developed and evaluated. The existing terminal facility would continue to operate during construction of any of these alternatives. All alternatives would consist of an approximately 26-month construction timeframe.

- Alternative 4A- Replacement Design A
  Alternative 4A considered a compact and rectangular terminal building of approximately 158,000 SF. The estimated cost of construction would be $121,300,000. The terminal layout would be relatively split evenly between secure and non-secure or public areas. There would be spaces for concessions on both the secure and public sides, as well as offices and support facilities, and a play area for children and families. This option provides little flexibility to change uses in the future as air travelers progress within the building from public spaces or ticketing to the security check point, or from concessions to hold room and vice versa.

- Alternative 4B- Replacement Design B
  The alternative proposes constructing a new two-story terminal building, approximately 143,000 SF, approximately 100 feet south of the existing terminal building. The estimated cost of construction would be $115,300,000. The public portion of the facility would be shifted slightly to the south in order to preserve existing parking and roadway facilities. The layout of this alternative is not efficient because of the circulation and queuing space requirements needed to provide LOS C. As a result, this alternative requires 143,000 SF to provide the minimum LOS. While this alternative would improve efficiency and operational flexibility compared to the existing terminal, operational flexibility would not be optimal.

- Alternative 4C- Replacement Design C (preferred alternative)
  This alternative proposes a two-story building, approximately 125,000 SF, located approximately 150 feet south of the existing terminal facility. The estimated cost of construction would be $109,700,000. This alternative provides for a LOS C within a smaller footprint than the other alternatives. This alternative meets current customer demand as well as providing flexibility among the ticketing, security checkpoint, and meet/greet areas to expand or reduce these areas as needed to accommodate crowds. It also allows for improved circulation and concession space.

Reconstruction/expansion of the existing terminal was determined to be impracticable due to the operational constraints during construction and significant costs. As stated in Section 3.5 of the Final EA, maintaining operations and providing passenger access during construction would be challenging and costly. Therefore, the alternative was not developed further.

Alternatives 4A and 4B require additional square footage to provide the desired LOS C due to inefficiencies in their layout and their less than ideal fit in the existing terrain. The preferred terminal replacement alternative was chosen based on the continued operation of the existing facility during construction, distinct secure and non-secure operational layout, and operational flexibility.

Terminal Building Replacement Alternative 4C would provide a new terminal building at a lower cost than the other alternatives. Alternative 4C addresses the Purpose and Need with the smallest footprint, demonstrating that the layout is the most efficient use of space. The layout is flexible, allowing the airport to adapt to evolving traveler or other needs (e.g. security, passenger health and safety) over time. The open nature of the design also enhances the customer circulation, wayfinding, and experience compared to the other alternatives.

As a result, Alternative 4C and the No Action alternative are the only alternatives being carried forward.

B. ARFF Facility

As stated previously, all the terminal building alternatives would require the demolition and relocation of the existing ARFF facility. The terminal building alternatives include expansion of the existing aircraft parking apron to allow aircraft access to the passenger boarding bridges. The expanded aircraft apron would displace the existing ARFF, which is located approximately 200 feet south of the existing apron, and therefore, it would need to be relocated.

Currently, the ARFF consists of four apparatus bays and related equipment, and firefighting agent storage. The existing ARFF building has numerous deficiencies when compared to the design standards listed in FAA AC 150/5210-15A, *Aircraft Rescue and Firefighting Station Building Design*.

At approximately 5,000 SF, the ARFF building is undersized for the current Airport size and operations, and cannot house all of the ARFF vehicles. Relocation of the ARFF building will allow for the construction of a 10,000 square foot ARFF building that meets current standards

and requirements. The proposed ARFF would have five apparatus bays, allowing all ARFF vehicles to be housed in a controlled environment and ready to respond in all weather conditions.

In considering alternate locations for the ARFF facility, the same quadrants that were evaluated for alternate terminal locations in this alternative were also looked at for the relocation of the ARFF facility. Siting factors for the ARFF facility were not the same as the siting considerations for the terminal. Siting considerations for a new relocated ARFF facility are listed below. Table 3-4 of the EA summarizes the results of the location-screening matrix:

- Readiness and availability of potential sites,
- Accessibility to existing roadways,
- Ability of responding ARFF crews to meet Federal Aviation Regulations (FAR) Part 139 response time requirements. Specifically, within 3 minutes from the time of the alarm, at least one required ARFF vehicle must reach the midpoint of the farthest runway serving aircraft from its assigned post,
- Ability of responding airport firefighting and rescue crews to access the terminal during emergencies,
- Airfield visibility for responders positioned at the ARFF facility,
- Conformance to FAA standards with respect to safety areas and imaginary surfaces (FAA AC 150/5360-13), and
- Available infrastructure considerations.

North Quadrant- The north quadrant of the Airport is mostly built out with general aviation (GA) hangars and aprons. Of the two possible locations in the north quadrant, one would displace aircraft tie-downs that would need to be relocated elsewhere and the second would constrain the main vehicle access gate for that portion of the airport.

East Quadrant- The east quadrant is constrained by Scotch Road and the Delaware and Bound Brook Railroad tracks running along Airport property. Therefore, options for developing that quadrant are best suited for smaller facilities, such as an ARFF facility. An undeveloped area immediately north of the New Jersey Army National Guard (NJANG) area, and in close proximity to RW 6-24, is available and not reserved for future GA development as shown on the ALP (Figure 3-3 of the EA). Scotch Road would provide ideal access to the ARFF facility. The east quadrant provides excellent access to the primary runway and visibility of the airfield for responders positioned at the facility.

South Quadrant- The south quadrant has limited space for the ARFF facility and limited vehicle access. ARFF personnel reporting to the ARFF station would need to cross-existing leaseholds. Most undeveloped areas are reserved for future GA development or located adjacent to a residential neighborhood. Visibility of the airfield is poor from the southwest end.

West Quadrant- The west quadrant has limited space for the ARFF facility and would comingle with hangar and/or terminal operations if sited in this location. ARFF operations would negatively impact the hangar and terminal operations, and functions during an emergency and routine ARFF training. Any available space is constrained by existing access to the Air Traffic Control Tower and/or poor visibility of the airfield.

Based on the above criteria, a 10,000 square foot ARFF building, which meets the current standards and needs, located in the east quadrant of the Airport, is the most viable alternative.

C. Terminal Roadway and Parking Reconfiguration

All terminal alternatives impact existing terminal access and parking. Therefore, modifications to the existing parking areas and roadway access to the new terminal building and parking are required. Alternatives for the terminal roadway and parking were developed simultaneously with the intent of being able to mix and match between terminal and roadway/parking options and make minor adjustments depending on the preferred alternatives.

In addition to the required terminal access reconfiguration, the forecasted a future need of approximately 2,900 vehicle parking spaces, including spaces for passenger vehicles, rental cars, employee parking, etc. to accommodate the increase in enplanements estimated (approx. 476,000) for 2035. In order to minimize the footprint, a four level parking structure was deemed the most appropriate parking structure. It was included in both roadway/parking alternatives.

Alternative Considered and Dismissed

One terminal roadway and parking reconfiguration alternative was considered and dismissed from further evaluation in this EA. The roadway ingress/egress layout of this alternative uses the existing roadway layout and cuts through the existing east parking lot as shown on Figure 3-6 of the EA. This alternative would include a four-level parking structure. The parking structure and other surface parking would be accessed from the reconfigured terminal access roadway and Sam Weinroth Road. This alternative's access roadway would improve the wayfinding slightly compared to existing conditions. However, this alternative would combine access for parking and terminal arrivals/departures leading to potential for congestion and driver confusion as it would require several driver decision points in a compressed space. Additionally, this alternative would require pedestrians to cross six lanes of traffic when transiting between the parking lots and the terminal. Furthermore, due to existing topography, the alternative would involve the construction and maintenance of a retaining wall on the south side of the entrance road, which would be costly to construct and in long-term maintenance costs. The design of stormwater management features would also be challenging due to limited space and steep slopes along the south side of the entrance road. This alternative was deemed impracticable due to the construction and maintenance costs, difficulty in meeting regulatory requirements for water quality, safety concerns, the driver confusion and congestion concerns, and the unacceptable user experience.

Proposed Alternative

This alternative roadway reconfiguration is focused in areas of existing parking to use existing facilities and minimize reconstruction work. The entrance portion of the roadway would be located approximately 200 feet to the south of the existing southern parking area exit. Vehicles entering the Airport from the south along Sam Weinroth Road would have a dedicated right-hand turn lane, separated from the entrance for vehicles approaching from the north along Sam Weinroth Road. One lane along the curb would be dedicated to drop off and pickup of passengers. Separate access for parking and terminal arrivals/departures would provide improved pedestrian safety and a better user experience and wayfinding. The new four-level parking structure would be located on the existing parking area. Modifications and

improvements to the parking entrances with ticket control and gate systems would be necessary. The alignment of the proposed roadway takes advantage of existing topography. The proposed roadway would provide suitable locations for stormwater management features.

Discussion

The potential environmental impacts of the Proposed Action were identified and evaluated in the Final EA dated February 2022. The FAA determined that the Final EA for the Proposed Action adequately describes the potential impacts of the Proposed Action and compares them to the No Action Alternative. The Final EA also considered and responded to all comments received during the public review process.

The Final EA examined the following environmental impact categories: Air Quality; Biological Resources; Historic, Architectural, Archaeological and Cultural Resources; Climate; Hazardous Materials, Solid Waste, and Pollution Prevention; Land Use; Natural Resources and Energy Supply; Noise and Noise-Compatible Land Use; Socioeconomics, Environmental Justice and Children's Health and Safety Risks; Traffic; Visual Effects; Water Resources; and Cumulative Impacts from Past, Present, and Reasonably Foreseeable Future Actions.

The environmental impact categories of Coastal Resources, Section 4(f), Farmlands, and Wild and Scenic Rivers were not relevant to the Proposed Action due to their absence within the study area and no further analysis was conducted. (Reference Section 4, *Affected Environment* of the EA)

The following provides a summary of the analysis of various resource categories, which are described in greater detail in chapters 4 and 5 of the Final EA.

Air Quality

Since the Proposed Action will not result in additional operations and will employ energy efficient technology, the operation of the terminal and associated improvements will not result in increased emissions once constructed. All emissions increases will be short-term and a result of construction. Construction of the Proposed Action would result in short-term changes in air emissions from sources such as exhaust emissions from non-road construction equipment such as haul trucks, site clearing, and grading. On-road vehicles include those associated with transport and delivery of supplies, materials and equipment to and from the site, and construction worker trips. Additionally, fugitive dust emissions include site preparation, land clearing, material handling, equipment movement on unpaved roads and evaporative emissions from the application of asphalt paving.

The emissions inventory for construction-related activities associated with the Proposed Action for all criteria pollutants is presented in Table 5-4 of the Final EA. As required by the implementing regulations of the Clean Air Act, construction-related pollutant emissions were compared against the General Conformity de minimis thresholds established by the USEPA. As shown in Table 5-4, annual construction-related emissions between 2021 and 2023 would be below the de minimis thresholds for all pollutants including NOx, VOCs and PM2.5. Therefore, a General Conformity determination is not required to demonstrate the Proposed Action will comply with the applicable State Implementation Plans. Because the construction-related

emissions did not exceed de minimis thresholds and the operation-related emissions do not change materially from the No Action, the Proposed Action would not cause a new violation, or increase the frequency or severity of an existing violation. Therefore, no significant adverse air quality impacts are expected to result from construction of the Proposed Action.

Biological Resources

As discussed in Section 4.2 of the EA, New Jersey Natural Heritage Program (NJ NHP) and US Fish and Wildlife Service (USFWS) indicated the presence or potential presence of rare plants, threatened or endangered wildlife species or wildlife habitat, or Natural Heritage Priority Sites within and in the vicinity of the Proposed Action areas. The Indiana bat (Myotis sodalis, federally Endangered) and Northern long-eared bat (NLEB; Myotis septentrionalis, federally Threatened) were listed as federal species that should be considered in effects analysis.

The Proposed Action would require approximately 3.5 acres of on-airport land clearing (e.g., trees) for site preparation and construction. Vegetation and trees to be cleared are common species and are not considered unique or critical habitat. After construction, approximately 1.68 acres of the 3.5 acres along the south side of the new terminal access road and terminal building would be revegetated with native species. Revegetation would take into consideration the natural environment while maintaining the safety of airport operations.

An acoustic bat survey was conducted in the Summer of 2015. Since the Proposed Action falls within the acoustic study area, the USFWS New Jersey Field Office indicated that no additional presence/absence studies would be required for the terminal replacement, provided tree clearing does not occur from April 1 to September 30.

Tree removal would be limited to October 1 through March 31 to avoid direct impacts to individual bats and potential occupied roost trees. Implementation of this tree clearing timing restriction would also provide protection to migratory birds that may be transiting the area during the nesting season. Proposed landscaping and revegetation would cover roughly 50% of the cleared area. New Jersey's Division of Fish & Wildlife (NJDFW) also noted that it agreed with the timing restriction.

Substantial loss, reduction, degradation, disturbance, or fragmentation of native species' habitats or their populations is not anticipated. Based on the above time restrictions being implemented and coordination with USFWS and NJDFW, the Proposed Action is not likely to adversely affect biological resources nor does it have the potential to exceed the significant thresholds listed above for non-listed species.

Historic, Architectural, Archaeological, and Cultural Resources

As discussed in Section 5.3 of the Final EA, no historic, architectural, archaeological, or cultural resources were identified within the site. Therefore, the Proposed Action is not expected to have an effect on any of these resources. According to the Phase IA Survey, the area of potential effect (APE) for archaeology has been disturbed from prior airport development, and was determined to have a low sensitivity for prehistoric and historic archaeological sensitivity.

NJ SHPO concurred with the Phase IA findings, including the following:

- APE has a low sensitivity for prehistoric and historic archaeological sensitivity and no additional archaeological investigation is recommended; and
- No intensive-level survey for resources identified to be more than 50 years of age is recommended.

Based on the above, the Proposed Action would not result in adverse effects to historical, architectural, archeological, and cultural resources. All documentation regarding NJ SHPO coordination can be found in Appendix D of the Final EA.

Climate

Although there is no significance threshold for GHGs, GHG emissions associated with the construction and demolition activities were quantitatively evaluated and compared to state, national, and global levels.

The Proposed Action would not induce aircraft operations or passengers or change the aircraft fleet using TTN beyond forecast operations compared to the No Action. During the years of construction and after construction, operational emissions associated with aircraft, traffic, and parking emissions would essentially be the same (i.e. no increase or change) with the implementation of the Proposed Action and the No Action alternative (See Appendix E of the Final EA for operational emission estimates for the Parking garage which are insignificant). Therefore, operational emissions associated with airfield emissions sources, parking, and traffic were not inventoried or evaluated as part of this EA.

A temporary increase in GHG emissions associated with construction and demolition activities is expected from use of gasoline and diesel fueled equipment. This would not be regionally significant and would comprise a very small fraction (peaking at 7,285 metric tons) of the U.S.'s annual based emissions of 6,472 million metric tons of carbon dioxide equivalents (MMTCO2e) and the State of New Jersey's most recent GHG inventory emissions of 97.0 MMTCO2e. It would be an even smaller fraction of the 49 gigatons of carbon dioxide equivalent global GHG emissions.

Hazardous Materials, Solid Waste, and Pollution Prevention

To determine if hazardous materials were present on the Proposed Action site, a Phase I Environmental Site Assessment (ESA) was conducted in May of 2019. The study area included the existing terminal building, Aircraft Rescue and Fire Fighting (ARFF) building, and locations of the proposed terminal and proposed ARFF buildings located within the TTN property. The Phase I Assessment identified five (5) recognized environmental conditions (RECs) at locations identified on Figure 4-3 of the Final EA. The term REC is used to identify potential environmental impairments on a property.

Based on the recommendations from the Phase I ESA, a Phase II ESA was conducted that consisted of soil sampling and analysis in areas of proposed earth disturbance associated with the new TTN Terminal and ARFF project. The goal of the Phase II was to adequately characterize areas of disturbance in order to inform the design and develop project/site specific soil and material handling plans and specifications. The Phase II ESA was conducted in November 2020. The Phase II recommendations and remedial approach are summarized below. Full details of the Phase I and Phase II ESA can be found in Appendix F of the Final EA.

REC No. 1 – Fueling, Maintenance and Aircraft Operations

- No further sampling is required at this time.
- A soil and material management plan shall be included in the construction contract.

REC No. 2 – Historic Fill

- No further sampling is required at this time within the Terminal Expansion Area.
- Additional Polycyclic Aromatic Hydrocarbons (PAH), and Arsenic sampling and analysis, shall be conducted within the proposed ARFF Building area.
- A soil and material management plan shall be included in the construction contract.

REC No. 3 – Historic Firefighting Drills

- The Phase I and II ESA findings have identified PFAS compounds as contaminants of concern.
- Additional groundwater characterization and reporting shall be conducted to adequately delineate the nature and extent of PFAS impact.
- Groundwater flow direction (southwesterly) and gradient (0.04 ft/ft) will be used in the development and refinement of stormwater runoff studies/designs.
- NJDEP has regulatory authority with regard to notifying, assessing, remediating, and reporting PFAS groundwater impact cases. Construction of the project will adhere to the NJDEP regulatory path described in Section 5.7 of the Phase II ESA.
- Continued evaluation will be completed under the regulatory remediation authority of the NJDEP Technical Requirements for Site Remediation.

REC No. 4 – Potential Underground Storage Tank (UST)

- No USTs were detected in the area south of the existing Terminal building. No further action at this time.
- A UST fill port/vent pipe was noted in the area north of the existing ARFF building (Sheriff's dog kennel). UST closure in accordance with NJDEP Underground Storage Tank Rules, NJAC 7:14B-9 shall be conducted prior to or as part of the terminal expansion project.

REC No. 5 – Reported NJ Spills & Releases

- No further sampling is required at this time.
- A soil and material management plan shall be included in the construction contract.

The Phase I and II ESA findings have identified PFAS compounds as contaminants of concern. Although PFAS compounds are not currently federally regulated, NJDEP has a mandated and prescribed regulatory path for notifying, assessing, remediating, and reporting groundwater impact cases. A Licensed Site Remediation Professional (LSRP) was contracted by TTN to assist with completion of ESAs as part of the terminal project EA. Because PFAS was identified in the studies undertaken for the EA, Mercer County is required to remediate the PFAS contamination regardless of whether the terminal project proceeds. The LSRP will oversee NJDEP required remediation and will notify the public of the remediation development at the appropriate intervals, as prescribed by applicable State regulations. Section 5.7 of the Phase II

ESA summarizes the NJDEP regulatory process. In addition, a flow chart of the site remediation program process for the Proposed Action is included in Appendix F of the Final EA.

Documentation of the remedial investigations of PFAS impacts to the NJDEP will be required. It will be performed by the LSRP and reviewed by NJDEP. Based on the findings from the delineation activities proposed above, submittal of data will be incorporated into a Remedial Investigation Report (RIR). The submittal of the RIR will be conducted in accordance with NJAC 7:26E (NJDEP Technical Requirements for Site Remediation) and NJAC 7:26C (Administrative Requirements for the Remediation of Contaminated Sites) to meet the regulatory and/or mandatory timeframes, as applicable. NJDEP has established these technical requirements, which provides the framework used to remediate a contaminated site and protect public health, safety, and the environment.

Initial reporting submitted to NJDEP will include an initial Receptor Evaluation (human and ecological) identifying potential receptors near the TTN site. Investigations of identified receptors will be documented in the RIR, which will include a Classification Exception Area (CEA) for groundwater. The LSRP retained for the PFAS investigation will be responsible for oversight, review, and submittal of the RIR including supporting information to be uploaded to the NJDEP portal. The NJDEP process also includes a requirement for the development of a Remedial Action Workplan (RAW) and Remedial Action Report (RAR). The RAW and RAR are developed by the LSRP and reviewed by NJDEP. On March 23, 2021, NJDEP participated in a coordination meeting with the FAA, reviewed the Draft EA, agreed with this remediation framework.

Appropriate engineering and administrative controls shall be implemented, as required, to avoid releases of any hazardous materials or wastes. The Proposed Action would adopt a Spill Prevention Control and Counter Measure Plan (SPCC) that would be followed in the event of a release, minimizing hazards to employees and the environment.

Additionally, prior to the demolition of the structures a lead base paint (LBP), an asbestos containing material (ACM) survey would be performed by a qualified professional. If LBP and/or ACM are documented, an abatement plan would be developed and implemented in accordance with state and federal regulations by a licensed contractor.

Implementation and operation of the Proposed Action would comply with all applicable federal, state, and local regulations regarding hazardous materials, hazardous waste management, solid waste, and pollution prevention. Contaminated materials encountered during construction will be remediated in accordance with State and Federal requirements. It is generally expected that contaminated materials that are encountered would be removed from the site and disposed of at an appropriately licensed location. However, remediation methods will ultimately be determined by site-specific conditions.

The amount of solid waste to be generated by the Proposed Action during the operational phase is not expected to significantly increase over the levels produced by current TTN operations. Furthermore, findings and recommendations from the Phase II ESA are discussed in this EA and incorporated into the project's final design.

To further avoid and minimize the risk of unanticipated incidental impacts, TTN will implement pollution prevention and mitigation measures. These measures are listed in the Mitigation Section.

Land Use

The Proposed Action will occur within TTN property and in accordance with current Airport land use. The Airport is located within the industrial park zone in Ewing Township. The Airport reviews developments in conjunction with Mercer County Planning and Ewing Township for compatibility with Airport function and use. The Proposed Action is compatible with the land use and zoning.

Land use surrounding the Airport will remain unchanged and no adverse effects are anticipated. Implementation of the Proposed Action will not relocate residences, disrupt established communities, or induce negative socioeconomic impacts. Overall, no significant impact to land use compatibility is anticipated from implementation of the Proposed Action.

Natural Resources and Energy Supply

Public Service Electric & Gas Company (PSE&G) will be providing the airport with electric and natural gas service. Treated municipal water is supplied to the Airport via Trenton Water Works. The Proposed Action will use readily available natural resources for construction and demolition of the Proposed Action.

The proposed terminal building and ARFF facility will be built to current standards and therefore be more energy efficient than the existing structures. The new terminal will have new mechanical, electrical, and plumbing (MEP) systems. It will also contain an electrical substation, housed in the basement level of the new terminal building that transforms power from 13.2 kilovolts down to 480/277 volts for distribution to equipment in the building. The higher voltage system has fewer line losses and reduces the voltage drop for the given power flow to the facility.

Based on the preceding, the Proposed Action will not result in significant impacts to natural resources and energy supply, and existing utilities can supply the anticipated demand.

Noise and Noise-Compatible Land Use

The Proposed Action involves the replacement of the existing four-gate terminal building with a larger four-gate terminal, and associated terminal access and parking improvements. The Proposed Action is needed to accommodate passenger needs and safety. The Proposed Action does not include any changes to runway lengths, runway alignments, instrument procedures, navigational equipment, or other factors that affect airfield capacity, nor is it expected to induce any growth in forecasted activity beyond what is contained in the current forecast. As noted above, under the No Action Alternative the existing terminal is capable of accommodating the unconstrained forecast at TTN, but the terminal would continue to operate at a poor level of service.

A noise study was conducted using the Aviation Environmental Design Tool (AEDT), the approved FAA noise and air quality model. The study compared noise levels under the No

Action and the Proposed Action for the base year and 2022. The study demonstrated that the majority of the 65 DNL contours remain on airport property for both the Proposed Action and the No Action, and no 1.5 dB or greater change within 65 dB DNL contour has been found off airport property. The only notable changes within the 65 dB DNL contours between the Proposed Action and the No Action, are around the terminal area and on the east side of Sam Weinroth Rd. This change is attributed to the relocation of aircraft parking under the Proposed Action. In both scenarios, (Proposed Action and No Action) the 65 dB DNL contour extends onto Sam Weinroth Rd. and remains on airport property.

The Proposed Action will not result in additional residents or noise sensitive areas experiencing a 1.5 dB increase in noise. Therefore, the operation of the Proposed Action compared to the No Action does not cause significant noise impacts and does not change land use compatibility or non-compatibility.

The Proposed Action is located within Ewing Township and construction is subject to the Township's Noise Control Ordinance, which has been reviewed and approved by NJDEP. Among other things, the Township's Noise Control Ordinance regulates impulsive sound, continuous sound levels and time of sound.

In accordance with Ewing Township noise requirements, construction contract documents will limit certain activities at certain times of day. Construction equipment will be properly equipped and maintained to minimize off-site construction noise impacts. Sound level limits and hours of operation are summarized below.

- For residential property or the residential portion of a multi-use property, a sound source or sources cannot equal or exceed a maximum sound level of 65 dBA between the hours of 7 AM and 10 PM.
- For residential property or the residential portion of a multi-use property, a sound source or sources cannot equal or exceed a maximum sound level of 50 dBA between the hours of 10 PM and 7 AM.
- For a commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility, a sound source or sources cannot exceed a maximum sound level of 65 dBA at any time.

Although it is not being pursued at this time, it is important to note that should another low fare/high frequency carrier be introduced to TTN, it would require an amendment to the air carrier's Operation and Specifications (Ops Specs) document. This document outlines the terms an air carrier must comply with to ensure an air carrier operates safely in air transportation. In order to approve an amendment to add an airport to an airline's Ops Specs, the FAA must find that the airline has demonstrated that it can safely and efficiently operate to/from that airport. The amendment of the Ops Spec is a federal action that is subject to NEPA. As a result, the appropriate environmental documentation must be prepared and reviewed to assess the impacts.

Socioeconomic, Environmental Justice, and Children's Health and Safety Risks

The Proposed Action will not promote shifts in populations, incomes, and growth patterns; public service demands; or negative pressure over business and economic activity, disruption to established neighborhoods, or urban proliferation. The Proposed Action does not require

alterations to public services including fire and police protection, education, and utility services or businesses. The Proposed Action is located mostly on Airport property and will not negatively affect landowners. Therefore, it will produce a substantial change in the community tax base.

The Proposed Action will result in positive socioeconomic impact. During the construction phase, temporary jobs will be created that support the local economy. With the Proposed Action, TTN will continue to support existing jobs and local economy.

Based on a comparison of demographic data between the Proposed Action area and the percentages of low income and minority populations in the surrounding townships, county, state, and nation, it was determined that the study area for the Proposed Action did not include an environmental justice population. Notably, the percentage of minority population and population below the poverty level within the study area were both below 50%. Neither were meaningfully greater than the comparison populations of the townships, county, and State. See Section 4.12.1 and Table 4-4 of the Final EA for more information. In addition, any impacts to environmental resources are primarily concentrated on Airport property and will be mitigated, and are not anticipated to impact environmental justice populations. Therefore, disproportionately high and adverse human health or environmental effects are not anticipated to occur among minority or low income populations as a result of the Proposed Action.

The Proposed Action has also been evaluated for its potential to cause disproportionate effects on children's environmental health or safety, including, but not limited to, water quality, air quality, and noise. The Proposed Action does not have the potential to lead to a disproportionate health or safety risk to children because the impacts to environmental resources are primarily concentrated on Airport property and will be mitigated.

Based on the analysis, there will be no substantial induced or secondary impacts to socioeconomic resources, environmental justice populations, or children's health and safety resulting from the Proposed Action.

Traffic

The FAA has not established a significance threshold for traffic in FAA Order 1050.1F. A traffic analysis was performed to determine the anticipated traffic impacts at study area intersections resulting from the Proposed Action and the anticipated increase in vehicular traffic to and from the Airport as a result of the forecasted enplanements. The Traffic Engineering Report (TER) is included in Appendix G of the Final EA.

The results of the analysis indicated the network operates well overall, but with some capacity/queuing issues at certain approaches and turn movements. The westbound approach at the intersection of Bear Tavern and Sam Weinroth, which currently operates with significant delay (LOS F), is projected to see an increase in delay based on the traffic analysis results.

Analysis showed that existing delays will worsen because of background growth in traffic volumes regardless of whether the Proposed Action proceeds. Consideration of signalization or a modern roundabout for intersection control should lead to acceptable traffic operations for all

movements at the intersection. It is recommended that Mercer County pursue such a remedy independently of the Proposed Action. Intersection improvements are outside the scope of the EA. Construction traffic is not expected to coincide with the peak traffic hours. Additionally, some traffic currently entering the airport would be diverted to the parking lot on Scotch Road because of temporary displacement during construction.

In conclusion, the Proposed Action is not expected to cause a significant traffic impact.

Visual Effects

Above ground structures will be constructed within the TTN boundaries away from neighboring developments. These proposed structures will not increase current light emissions or produce significant adverse light emission impacts. Lighting associated with the Proposed Action will incorporate energy efficient technologies, and, as feasible, the use of natural lighting. The lighting design will follow TTN safety/security standards and applicable local codes and regulations. Energy efficient luminaries will be used, with appropriate spacing to avoid excessive lighting and visual effects outside TTN's boundaries. In addition, the use of shielding will be considered to block certain light and minimize light trespassing to neighboring properties, as applicable.

The Proposed Action will involve the following airside and landside lighting changes:

Airside lighting:

- Installation of terminal apron box shield/downward facing lighting similar to existing apron lighting to direct lighting downward and reduce ambient lighting.
- Lighting will be attached to the sides, roofline, or other parts of the terminal building, and directed down with box-shielded fixtures toward the east, onto the apron, and ramps, stair exits, or other areas on the airside for workers and users of the terminal.
- ARFF facility security lighting will be similar to existing ARFF lighting. It will be, attached to the sides, roofline, or other parts of the ARFF building and directed down with box-shielded fixtures.

Landside lighting:

- Pedestrian level fixtures lighting walkways will use bollard lighting or overhead lighting from roadway lighting that is directed downward onto paths and sidewalks with shielded fixtures. The terminal drop-off area will use bollard lighting.
- Roadway lighting will follow standard NJDOT-style lighting with downward facing and box/shielded style fixtures.
- Parking lot lighting will be similar to existing lighting. It will use box shield/downward facing lighting.
- The ARFF facility will use box shield/downward facing lighting for landside parking area and security lighting on the building.
- Parking garage lighting: The outer row of lights on the covered tiers will operate dusk to dawn by photocell or astronomic clock. The lights will be LEDs (light-emitting diodes) and follow Illuminating Engineering Society (IES) guidelines.

Based on the above evaluation and given the Airport's size, location, history, and surrounding land use, an increase in light emissions is unlikely to affect the nature of the visual character of the area or contrast with visual resources in the study area. Further, the Proposed Action would not block visual resources. Therefore, significant visual impacts from the Proposed Action are not anticipated.

Water Resources

The Proposed Action avoids and minimizes impacts to water resources and is not expected to cause significant impacts. Design considerations, controls during construction, and other mitigation measures will be implemented to further minimize impacts to water resources and water quality. The use of Best Management Practices (BMPs) for stormwater management will include the installation of stormwater basins to reduce the peak flow and detain the rainfall from entering the stream immediately, discharging over a longer period, thereby allowing for some settlement of total suspended solids (TSS) or sediments. Where possible, infiltration of the runoff into the existing soils and groundwater will occur. The use of grass or vegetative swales, grass and vegetative basins, and other BMPs will be designed to reduce runoff and improve water quality on the Proposed Acton's site. NJDEP's regulations require that the Stormwater Pollution Prevention Plan (SWPPP) demonstrate a net reduction in stormwater runoff (see N.J.A.C. 7:8-5.6.).

Wetlands, Floodplains, and Surface Waters

The Proposed Action minimizes direct impacts to approximately 0.22 acres within state-regulated (jurisdictional) wetlands (designated as Wetland "AA") and 0.86-acres within the 50-foot wetland transition area ("buffer"). Wetland impacts will result from the excavation and filling for construction of the terminal building and terminal apron; conversion of the existing terminal access road to lawn/landscaping; stormwater management features; and roadway resurfacing. A summary of wetlands and acreage of impacts is provided in Table 5-9 of the EA.

Due to the onsite constraints and limitations, compensatory mitigation for freshwater wetlands and riparian zone impacts is proposed through the purchase of NJDEP-approved mitigation bank credits. Letters of Intent (LOIs) for the proposed terminal and ARFF work areas were submitted to the NJDEP. LOIs were issued by the NJDEP in March 24, 2021 and September 18, 2020, respectively. Continued coordination via a NJDEP Permit Pre-Application Meeting will finalize the design and determine the amount of mitigation required as part of the permit.

There are no FEMA designated floodplains within the Proposed Action's footprint. However, NJDEP-regulated riparian zones and Flood Hazard Area (FHA) associated with an unnamed tributary of the Delaware River are located within a small portion of the proposed terminal replacement footprint. Approximately 1.14 acres of riparian zone impacts and approximately 0.04 acres of FHA impacts will result from site preparation associated with construction of the terminal building and stormwater management features, which include a stormwater basin and outfalls. A small portion of the Proposed Action impacts may be considered temporary disturbances, and the FHA will be restored to its original or improved condition.

Authorization from the NJDEP Division of Land Use Regulation will be required in accordance with the *Flood Hazard Area Control Act (FHACA) Rules at N.J.A.C. 7:13*. Stormwater runoff

from the proposed terminal and ARFF relocation will be designed and managed in accordance with state regulations to manage the 100-year storm event and avoid flooding on- and off-site. Proposed stormwater management features will address flooding conditions associated with the existing terminal area watershed.

Mitigation will be required to compensate for the impacts to these regulated areas. Opportunities for riparian zone mitigation on Airport property are limited and will likely result in a conflict with FAA regulations (FAA AC 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports). Therefore, mitigation would be satisfied through compensatory mitigation for riparian zone impacts through the purchase of NJDEP-approved mitigation bank credits. The NJDEP will determine the amount of mitigation required as part of the permit application process.

In terms of surface waters, as shown in Figure 5-4 of the EA, the Proposed Action involves limited unavoidable direct impacts of approximately 0.17 acres to a NJDEP-regulated perennial headwater stream (unnamed). The construction of the new terminal will result in the filling and alteration of a small segment of the stream. This portion of the stream appears to be highly disturbed, manipulated, and partially channelized. Evidence of scour and erosion were also noted along the upper reach of the stream, near an existing culvert. The streambed and adjacent areas are highly degraded due to the presence of fill, scour, and invasive species.

The Proposed Action will disturb more than one acre of land and therefore, will require a NJPDES permit. First, a Soil Erosion and Sediment Erosion Control Plan Certification must be obtained by the Mercer County Soil Conservation District. The Proposed Action will be designed in accordance with the NJPDES permit, current NJDEP New Jersey State Standards and Specifications for Erosion and Sediment Control, and the current New Jersey State Stormwater Management Rules.

Delaware River & Raritan Canal Commission (DRCC)

The Proposed Action will automatically be considered a "major project", as defined within N.J.A.C. 7:45-1.3- *Title 7 - Environmental Protection, Chapter 45 - Rules for the Review Zone of the Delaware and Raritan Canal State Park*. Therefore, approval from DRCC will be required. This includes review of stormwater runoff quantity and water quality impact (N.J.A.C. 7:45-8), and evaluation of stream corridor impacts (N.J.A.C. 7:45-9). The Proposed Action will result in approximately 3.8 acres of direct impacts (e.g., earth disturbance, fill) to the stream corridor, which is defined as "Any water course that flows into the Park, its tributaries, the 100-year floodplain associated with the water course and its tributaries, and all of the land within a 100-foot buffer adjacent to the 100-year flood line associated with the water courses and their tributaries." Impacts to the stream corridor include filling and excavation for construction of the terminal.

The DRCC and County/TTN entered into a Memorandum of Agreement (MOA) on April 28, 2011, which permits activities in regulated areas to maintain a safe, secure, and legally compliant airport facility. The MOA is included in Appendix B of this EA. Off-site mitigation for DRCC stream corridor impacts will be satisfied at a ratio of 2:1 or equivalent to its functional value, via land acquisition plus a deed restriction on behalf of the DRCC. Land meeting the mitigation criteria is expected to be available. Continued coordination will be occurring with DRCC and

required permits will be obtained before construction. Adherence to permit conditions and requirements will mitigate any potential adverse impact and ensure water quality standards are maintained.

Groundwater
BMPs such as engineering and administrative controls will be incorporated into the design of the Proposed Action to avoid contamination of groundwater. Based on the above information, the Proposed Action is not expected to cause any significant impacts to groundwater quality in the work areas during the operation or construction phases of the Proposed Action. Based on the above, impacts will be mitigated and reduced below the significance thresholds established by the FAA.

Cumulative Impacts
To assess cumulative environmental impacts within the area, independent actions that occurred within the past three years and actions planned for the next five years (see Table 5-12 of the Final EA for a list of the projects) were reviewed to consider the resulting cumulative effect.

Any past action that involved a federal action has demonstrated independent utility from other actions, has undergone NEPA review, and, if warranted, mitigation to offset an impact was provided. These past actions designed to maintain existing airport infrastructure and improve operational safety have taken place on or near the airport and include the recent RPZ/obstruction removal project, pavement rehabilitation projects, taxiway projects, runway safety area improvements, equipment purchases, customer accommodations, and modifications within the existing terminal. The cumulative effect, taking into account any mitigation, of these past actions and the Proposed Action do not exceed significance thresholds.

Many of the environmental impacts of the Proposed Action – including noise, traffic, and air quality impacts – will be mostly temporary and experienced only during construction, reducing the likelihood of a significant incremental impact. The permanent impacts to resources – such as from wetlands impacts and tree clearing – were minimized and will comply with applicable mitigation requirements. Additionally, agencies with permitting authority over the Project have outlined the permitting and mitigation requirements. However, to date none have raised concerns about potential unmitigatable impacts in accordance with the pertinent regulations.

The specific impacts from future actions are not yet known because detailed planning information has not yet been developed. Based on planned type and location of future action(s), significant impacts or exceedance of thresholds is not anticipated. The environmental impacts of potential future Airport actions will be analyzed in separate environmental documents, reviewed by the FAA, and by permitting/approval regulatory agencies. These actions will be designed to avoid, minimize, and/or mitigate environmental impacts on Airport property. The FAA and sponsor have coordinated with the State of New Jersey and USEPA to consider their concerns related to the Proposed Action. They will continue to do so when appropriate in future NEPA reviews.

In conclusion, the Proposed Action is not expected to cause cumulative significant impacts when considered with past and reasonably foreseeable future actions.

Public and Agency Participation

TTN made the draft EA, notices, public information (scoping) meetings and hearing readily accessible to the public. In accordance with CEQ and FAA public involvement guidance, TTN implemented a proactive approach to ensure effective public participation and access to information through use of traditional in-person scoping meetings and print announcements, a virtual public hearing, and a website for the Proposed Action.

Public scoping meetings were held on October 23, 2018 and January 23, 2019. Both meetings were held in person. Display materials were made available for public inspection prior to and following a formal presentation. Both meetings included public question and answer sessions with the consultant team preparing the EA. The presentation materials are included in Sections 3 and 6 of Appendix I.

Public comments received at the October 23, 2018 and January 23, 2019 scoping meetings, and between initiation of the Proposed Action and the start of the formal public comment period, were considered. They are included in Appendix I of the EA.

A Notice of Availability (NOA) for the Draft EA/Notice of Public Hearing was published in the newspaper of record, the Times of Trenton, as well as the Bucks County Courier Times on May 3, 5, and 7, 2021. Supplemental notices, including Spanish language notices, were published in the Times of Trenton and the Bucks County Courier Times on May 24, 2021. Copies of the Affidavits of Publication for the NOA/Notice of Public Hearing are included in Appendix I. The NOA initiated a 45-day public comment period for the Draft EA from May 3 - June 16, 2021. Throughout the NEPA review process, TTN and the FAA sought input in writing from the public and federal, tribal, state and local agencies. The comment period providing sufficient time for the public and agencies to provide input and comments on the Proposed Action. A summary of the participation approach is below.

The Draft EA was made available for public review on the Trenton Mercer Airport webpage. Paper copies of the Draft EA were made available at three public libraries in Mercer County (NJ), 1 public library in Pennsylvania, and the Yardley, Pennsylvania Borough office. Copies could also be provided to interested parties upon request to Mercer County. A project-specific website (www.ttnterminal.com) was maintained for the Proposed Action throughout the development of the EA. The website provided information pertinent to the EA and included a link for the public to submit written comments to a project-specific email address (trenton@mjinc.com). The project-specific e-mail address was established and received comments through the conclusion of the public comment period on June 16, 2021. A mailing address for written comments was also provided.

The Public Hearing was held virtually on June 2, 2021 due to the ongoing COVID-19 pandemic. This format was chosen to ensure the health and safety of all meeting participants. The hearing format included closed captioning for the hearing impaired and Spanish language translation services. The public requested neither the translation services nor special accommodations. The hearing began at 7:00 PM (Eastern Time) with a short welcome and presentation. The public provided comments following the presentation. A transcript of the presentation and public

comments is included in Appendix I. The hearing was scheduled to conclude at 9:00 pm; however, the hearing was well attended and continued until no more comments were offered. The hearing concluded at approximately 10:15 pm.

In addition to the oral comments submitted during the Public Hearing, over 400 written comments were also received. The written comments and a transcript of the testimony received at the Public Hearing are included in Appendix I of the Final EA.

All comments received on the Draft EA were considered and responses are included in Chapter 6 of the Final EA. In addition, several common themes emerged from the public comment period and were repeated in several public comments. As a result, responses to the common themes were created and can be found in the beginning of Chapter 6.2.2 of the Final EA.

As part of the agency review and public comment process, this EA was made available to federal, state and local agencies, and interested Tribal nations, as applicable. No response from Tribal nations was received. The following public agencies entities provided written comments during the 45-day public comment period:

- New Jersey Department of Environmental Protection
- Yardley Borough
- Princeton Mercer Regional Chamber of Commerce
- Princeton Mercer Regional Convention and Visitors Bureau

All public and agency comments received have been compiled and are presented in Table 6-1 of the Final EA, with their respective responses, as applicable.

Permits

The following permits are anticipated. The airport sponsor is required as a condition of this ROD to obtain these permits, and any other unforeseen applicable permit, prior to implementation of the Proposed Action. The sponsor is responsible for adhering to all specified mitigation measures or conditions contained in the permits, or as presented and agreed upon in correspondence. No construction of the Proposed Action shall commence until all required permits are obtained. The applicable permits are listed below.

- NJDEP: Freshwater Wetlands General Permit or Freshwater Wetlands Individual Permit
- NJDEP: Wetland Transition Area Waiver
- NJDEP: Dewatering Permit
- NJDEP: Water Quality Certification
- NJDEP: Treatment Works Approval
- NJDEP: Authorization/Flood Hazard Area General Permit/ Permit-by-Certification, or Individual Permit
- Mercer County Soil Conservation District and NJDEP: NJ Pollution Discharge Elimination System (NJPDES)
    - Construction General Permit
    - Stormwater Pollution Prevention Plan
- NJ Department of Agriculture: Soil Erosion and Sediment Control Plan (SESCP) Certification
- Delaware and Raritan Canal Council (DRCC): Jurisdictional Review

- Mercer County Soil Erosion and Sediment Control Plan
- Water Quality Management Plan Consistency Determination
- Ewing Township Planning Commission Approval
- Ewing Township Site Plan Approval
- State and County Building Permits

Mitigation

In addition to any mitigation associated with the permit approvals above, the following mitigation measures and/or conditions listed below will be carried out.

Biological Resources

- Tree removal will be limited to October 1 through March 31 to avoid direct impacts to individual bats and potential occupied roost trees.
- NJ Division of Fish & Wildlife fisheries timing restrictions for filling of mapped open waters will be followed.
- Landscaping and revegetation will be accomplished to provide roughly 50% of tree removal impacts.

Historic, Architectural, Archaeological, and Cultural Resources

In the event of inadvertent discoveries, the following actions would be followed:

- If human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered, immediate telephone notification of the inadvertent discovery, with written confirmation, will be provided to the SHPO.
- If the inadvertent discovery occurred in connection with the Proposed Action, the person, in addition to providing the notice described above, must stop the activity in the area of the inadvertent discovery and make a reasonable effort to protect the human remains, funerary objects, sacred objects, or objects of cultural patrimony discovered inadvertently.
- Resumption of activity: The activity that resulted in the inadvertent discovery would resume after coordination with SHPO and receipt of written confirmation.

Hazardous Materials, Solid Waste, and Pollution Prevention

- New drainage systems will include oil/water separators.
- Disposal of debris and solid waste generated by the project will be done according to applicable federal, state and local regulations.
- Excess soils will be re-used on-site to the maximum extent possible.
- Construction equipment will be staged and operated in designated areas.
- Construction vehicle maintenance and inspections will be performed to reduce the risk for accidental spills.
- Proper equipment/vehicle maintenance and routine inspections will be performed to reduce the risk for incidental releases of vehicle fluids.
- Manufacturer's specifications will be followed when performing maintenance on equipment or storing hazardous material (e.g., batteries, fluids, lubricants, solvents, paints, etc.).
- Spill and leak prevention and response procedures will be implemented for construction equipment.

- Spill kits will be maintain to rapidly respond to and limit impacts from accidental releases of vehicle fluids.
- Releases of regulated quantities will be reported and cleaning will be performed according to applicable regulatory requirements.
- Management of solid wastes in designated areas and routine pickup for disposal will conform with applicable regulations.
- "No-Foam" AFFF testing systems will continue to be used to eliminate future discharge of AFFF to the environment for equipment testing purposes.
- The identification of PFAS in the groundwater adjacent to the existing ARFF requires that the site comply with NJDEP's Site Remediation Program (NJAC 7:26E and NJAC 7:26C)[6].
- UST investigation and remediation will be completed in accordance with NJAC 7:14B and/or 7:26 F. The Site Remediation Program will be completed by an LSRP and reviewed by NJDEP, in accordance with NJAC 7:26E and NJAC 7:26C.

Noise

- To minimize and reduce construction noise from the Proposed Action within the surrounding community, noise mitigation will be implemented where practical and can include, but is not limited to, the use of noise pathway controls such as noise barriers and enclosures, and development of a Noise Control Plan. A detailed list of recommendations is included in the Noise Technical Memorandum within Appendix E of the EA and incorporated as mitigation in this FONSI/ROD.

Wetlands

- The Airport will provide appropriate compensation for freshwater wetlands. Compensatory mitigation for freshwater wetlands impacts is proposed through the purchase of NJDEP-approved mitigation bank credits within the watershed. Two (2) wetland mitigation banks are located within a service area that includes the Lower Delaware Watershed Management Area (WMA #11), the Nishisakawick, and Willow Grove Lake. All mitigation banks have credits available to sell. The NJDEP will determine the amount of mitigation required as part of the permit application process.

Floodplains

- The Airport will provide appropriate compensation for riparian zone impacts. Mitigation will likely be satisfied through compensatory mitigation for riparian zone impacts through the purchase of NJDEP-approved mitigation bank credits. Two riparian zone mitigation banks are located within a service area that includes the Lower Delaware Watershed Management Area (WMA #11): the Nishisakwick and Wickecheoke Creek Mitigation Banks. All mitigation banks have credits available to sell. The NJDEP will determine the amount of mitigation required as part of the permit application process.

[6] As discussed in the Hazardous Materials, Solid Waste, and Pollution Prevention Section of this FONSI/ROD, due to the findings associated with the Phase II ESA conducted for this EA, TTN will be required to mitigate the PFAS contamination currently present in accordance with applicable state regulations regardless of the approval of the Proposed Action.

Stream Corridor impacts per Delaware River & Raritan Canal Commission (DRCC)

- The Airport will provide appropriate compensation for stream corridor impacts. Mitigation will most likely involve off-site mitigation that can be satisfied at a ratio of 2:1 or equivalent to its functional value, via land acquisition with an agreement with the property owner plus a deed restriction on behalf of the DRCC. Final mitigation requirements will be determined during the mitigation process.

All permit requirements/mitigation measures will be tracked and monitored as a condition of this FONSI/ROD. The Airport Sponsor must provide bi-annual (every six months) updates to the FAA and post those updates on the airport or project-specific website in a manner that is readily accessible to the public. Bi-annual updates will be required until the terminal, parking garage, and ARFF facility that are the subject of this EA are complete and operational.

Best Practices

In addition to the previously specified mitigation conditions and permitting requirements, Mercer County has agreed to implement the following BMPs during construction to minimize impacts:

Exhaust and Construction

Based on NJDEP recommendations regarding construction activities involving non-road diesel construction equipment operating in a small geographic area over an extended period of time, Mercer County has committed to implement the following measures to minimize the impact of diesel exhaust:

- All on-road vehicles and non-road construction equipment operating at or visiting the construction site shall comply with the three-minute idling limit, pursuant to N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15. Consider purchasing "No Idling" signs to post at the site to remind contractors to comply with the idling limits. Signs are available for purchase from the Bureau of Mobile Sources at (609) 292-7953 or http://www.stopthesoot.org/sts-no-idle-sign.htm.
- All non-road diesel construction equipment greater than 100 horsepower used on the Proposed Action for more than ten days should have engines that meet the USEPA Tier 4 non-road emission standards, or the best available emission control technology that is technologically feasible for that application and is verified by the USEPA or the CARB as a diesel emission control strategy for reducing particulate matter and/or NOx emissions.
- All on-road diesel vehicles used to haul materials or traveling to and from the construction site should use designated truck routes that are designed to minimize impacts on residential areas and sensitive receptors such as hospitals, schools, daycare facilities, senior citizen housing, and convalescent facilities.

Federal Agency Findings

In accordance with all applicable laws, the FAA makes the following findings for the Proposed Action based on all appropriate information and analysis contained in the EA and other portions of the Administrative Record of the EA:

A. The FAA has given this Proposed Action the independent and objective evaluation required by the Council on Environmental Quality (40 C.F.R. Section 1506.5).

The FAA's review and decision process included the FAA's rigorous exploration and objective evaluation of reasonable alternatives and probable environmental consequences; regulatory agency and Native American consultations, as required; and public involvement. FAA furnished guidance and participated in the preparation of the EA by providing input, advice, and expertise throughout the planning and technical analyses, along with administrative direction and legal review. FAA has independently evaluated the EA and takes responsibility for its scope and content.

B. <u>There are no adverse impacts to historic properties that would result from the Proposed Action in accordance with Section 106 of the National Historic Preservation Act (NHPA) and implementing regulations (36 C.F.R. §800).</u>

The FAA finds the Proposed Action will not adversely affect the any historic properties listed or eligible for listing on the National Register of Historic Places. The FAA ensured that appropriate analyses were performed and required coordination was conducted with regulatory agencies having an interest in or jurisdiction over all resources. The FAA conducted the required consultation with the New Jersey State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. Coordination with the NJ Historic Preservation Office resulted in their agreement with the Finding of "No Historic Properties Affected" pursuant to 36 CFR 800.4 (d) (1) based on the following:

- No registered archaeological sites are situated within or proximate to the Area of Potential Effects (APE).
- The Phase IA historical and archaeological survey concluded that the entirety of the APE for archaeology has been disturbed from prior grading, airport development, and underground utility installations. As a result, the APE was determined to have a low sensitivity for prehistoric and historic archaeological sensitivity, and no additional archaeological investigation was recommended.
- The reconnaissance-level historic architectural survey identified no properties previously listed on or eligible for the New Jersey and National Registers of Historic Places within the APE for architecture.

C. <u>The Proposed Action will have a de minimis impact on historic properties protected under Section 4(f) of the Department of Transportation Act of 1966 and will not result in the physical or constructive use of other Section 4(f) properties (49 U.S.C. §303(c)).</u>

The FAA is satisfied that the Proposed Action will not have a significant effect on Section 4(f) properties. Section 4(f) resources are not located within the project areas. In addition, the Proposed Action does not propose the physical or constructive use of any Section 4(f) resource, nor will it result in substantial impairment to the property's activities, features, or attributes that qualify it for protection under Section 4(f). The Proposed Action is located on Airport property, mostly used for aviation purposes, and will not have impacts on Section 4(f) resources.

D. <u>The Proposed Action will conform to the State Implementation Plan (SIP) in accordance with Section 176 of the Clean Air Act (CAA) Amendments (42 U.S.C. §7506(c)).</u>

As stated above, the Proposed Action is located in Mercer County, New Jersey, which is in a non-attainment area for 8-hour ozone and in a maintenance area for carbon monoxide and Particulate Matter 2.5 Micrometers. The Proposed Action's total emissions during construction are below the General Conformity *de minimis* thresholds based on emissions calculations and therefore, would conform to the SIP. Therefore, a Conformity Determination is unnecessary and significant adverse impacts to air quality would be unlikely. The requirements of the General Conformity Rule have been met as discussed in Chapter 5 of the EA. Further, the pollution inventories prepared for each year of construction indicated that the Proposed Action will not result in an exceedance of the NAAQS. As such, the Proposed Action conforms to the New SIP, complies with Section 176(c)(1) of the CAA and would not:

- Cause or contribute to any new violation of any standard in any area.
- Increase the frequency or severity of any existing violation of any standard in any area.
- Delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

E. <u>The Proposed Action does not result in any harm to Federal or state threatened and endangered species or their habitat (Section 7(c) of the Endangered Species Act of 1974, U.S.C. § 1531, as amended).</u>

The USFWS database identified two federally listed Threatened and Endangered Species, the Indiana Bat and Northern Long-Eared Bat. Although no critical habitats were identified in the Proposed Action location, these bats may potentially nest in the wooded areas surrounding the airport. Tree clearing will be limited to October 1 through March 31. Landscaping and revegetation will be occurring and aid in mitigating 50% of the tree removal. Based on the above and measures to avoid, minimize, and mitigate impacts, it is anticipated that the Proposed Action is not likely to adversely affect biological resources nor does it have the potential to exceed the significant thresholds listed above for non-listed species.

F. <u>Executive Order 11988 directs federal agencies to reduce the risk of flood loss, minimize the impacts of floods on human safety, health and welfare, and restore and preserve the natural and beneficial values served by floodplains. The EO has been followed and as required, complied with appropriately.</u>

The FAA is satisfied that the Proposed Action would not be a "significant floodplain encroachment," as defined in FAA Order 1050.lF and Executive Order (EO) 11988. The Final EA found that there were no other practicable alternatives to meet the purpose and need of the Proposed Action. Compensatory mitigation will be required. The NJDEP will determine the amount of mitigation required as part of the permit application process.

G. <u>Executive Order 11990, which directs federal agencies to avoid long and short-term impacts associated with the destruction or modification of wetlands has been followed, and as required, complied with appropriately</u>.

The FAA is satisfied that the Proposed Action would not create a significant loss or degradation of wetlands. The Final EA found that there were no other practicable alternatives to meet the purpose and need of the Proposed Action. Compensatory

mitigation will be required. The NJDEP will determine the amount of mitigation required as part of the permit application process.

H. <u>The interest of the communities in or near where the Proposed Action may be located were given fair consideration (49 U.S.C. §47106(b)(2).</u>
The FAA is satisfied that the interests of the communities in or near where the Proposed Action will be located were given fair consideration as demonstrated by the Final EA, including Chapter 6 and Appendix I, Public Participation and Agency Involvement, which includes the following information: Public Comments, Public Response Matrix, and Public Workshops.

I. <u>There are no disproportionately high and adverse environmental effects on minority and/or low-income populations that would result from the Proposed Action (Executive Order 12898) (U.S. DOT Order 5610.2(a)).</u>
The FAA is satisfied that the analysis correctly identified low-income and minority populations that potentially could be affected by the Proposed Action. None of the resources evaluated (noise, off-airport traffic, and visual impacts) indicated disproportional impacts to Environmental Justice Communities.

<u>Decision and Order:</u>
The FAA recognizes its responsibilities under the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations (40 C.F.R Part 1500 to Part 1508), and its own directives and guidance. Recognizing these responsibilities, I have carefully considered the FAA's goals and objectives in relation to the various aspects of the *Trenton Mercer Airport Terminal Area Improvements Environmental Assessment* (EA) as discussed in the February 2022 EA. I have used the environmental process to make a more informed decision. The review included: the purpose and need that this Proposed Action would serve; the alternative means of achieving the purpose and need for the Proposed Action; the environmental impacts of the alternatives discussed herein; and the mitigation and conditions necessary to preserve and enhance the human environment. This decision is based on a comparative examination of environmental impacts, operational factors, and economic factors for each of the alternatives. The EA provides a fair and full discussion of the impacts of the Proposed Action. The NEPA process included appropriate planning and design for avoidance and minimization of impacts, as required by NEPA, the CEQ regulations, other special purpose environmental laws, and appropriate FAA environmental directives and guidance.

The FAA has determined that environmental and other relevant concerns presented by interested agencies and the general public have been addressed in the EA. The FAA believes that with respect to the Proposed Action, there are no outstanding environmental issues within FAA's jurisdiction to be studied. Further, it is the determination of the FAA that, with respect to the Proposed Action, the requirements of NEPA and all other applicable federal environmental requirements and Executive Orders have been met. In making this determination, the FAA must decide whether to approve the federal actions necessary for the Proposed Action implementation. FAA approval signifies that applicable federal requirements relating to airport development planning have been met and permits the airport Sponsor to proceed with development. Not approving these actions would prevent the Sponsor from proceeding with the development.

After careful and thorough consideration of the facts contained herein and subsequent to my review of the EA and all of its related materials, I find that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101 of NEPA and other applicable environmental requirements, and will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to section 102(2)(C) of NEPA.

Accordingly, pursuant to the authority delegated to me by the Administrator of the FAA, I find that the actions summarized in this FONSI/ROD are reasonably supported and approved. I hereby direct that action be taken together with the necessary related and collateral actions, to carry out the agency actions noted above.

Specifically:

1. Unconditional approval of the TTN ALP to depict the Proposed Action as articulated in the EA, pursuant to 49 U.S.C. § 40103(b) and § 47107(a)(16), and determination of the Proposed Action's effects upon the safe and efficient utilization of navigable airspace pursuant to 14 CFR Parts 77 and 157 and 49 U.S.C. §44718;
2. Environmental determinations required for funding through the Federal grant-in-aid programs authorized by the Airport and Airway Improvement Act of 1982, as amended (recodified at 49 U.S.C. §47107), or the Infrastructure Investment and Jobs Act of 2021 (IIJA), Public Law 117-58 (also referred to as the Bipartisan Infrastructure Law), and/or to support an application to use Passenger Facility Charges (PFCs) under 49 U.S.C. §40117 (this does not determine eligibility or availability of potential funds);
3. Determination under 49 U.S.C. §§ 40101(d)(1) and 47105(b)(3) as to whether the Proposed Action meets applicable design and engineering standards set forth in FAA Advisory Circulars;
4. Determination under 49 U.S.C. § 44502(b) that the airport development is reasonably necessary for use in air commerce or in the interests of national defense; and
5. Approval of appropriate amendments to the TTN Airport Certification Manual (ACM) , as required, pursuant to 49 U.S.C. 44706 and 14 CFR Part 139.

Approved: DAVID A FISH Digitally signed by DAVID A FISH Date: 2022.03.21 08:16:24 -04'00'

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David A. Fish Date
Director, Airports Division
Federal Aviation Administration
Eastern Region

Right of Appeal

This FONSI/ROD constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. § 46110. Any party seeking to stay implementation of the ROD must file an application with the FAA prior to seeking judicial relief as provided in Rule 18(a) of the Federal Rules of Appellate Procedure.