DANBURY MUNICIPAL AIRPORT

Environmental Assessment
Easement Acquisition and Obstruction Removal

Hoyle, Tanner Project Number: 042824

Prepared for: Danbury Municipal Airport
The City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Prepared by:

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This Environmental Assessment becomes a Federal document when evaluated, signed and dated by the responsible FAA official.

Responsible Federal Official: R. Doucett Date: **August 16, 2016**

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1. INTRODUCTION

1.1 Project Overview

The City of Danbury, owner and operator of the Danbury Municipal Airport (DXR; Figure 1), has prepared this document to satisfy the requirements of the National Environmental Policy Act (NEPA) of 1969 to evaluate the acquisition of avigation easements over several parcels of land for the express purposes of removal of obstructions, as well as the obstruction removal (Figures 2 and 3).

Aircraft flying in, out of, and around airports need a certain amount of open space to be able to operate safely. When an object, most notably a tree, grows to a height tall enough to interfere with safe operation of aircraft, then that object is considered an obstruction by the Federal Aviation Administration (FAA) regulations and must be addressed. In January 2013, November 2014, and July 2015, studies were conducted to identify obstructions at DXR and a survey was conducted in 2009 and is being repeated in 2016 using aerial photogrammetry to collect elevations of tree canopies and manmade structures. Obstructions were submitted to the FAA for evaluation and determination if they posed a risk to aircraft operating on and around the airport; the FAA concluded that many of the obstructions need to be addressed. Obstructions can be addressed by several different methods: 1) removal of the obstruction, 2) installation of a light that will enable aircraft operators to clearly see and avoid the obstruction, or 3) changes to operational procedures that aircraft operators follow as they use the airport. This project proposes removal of the identified obstructions.

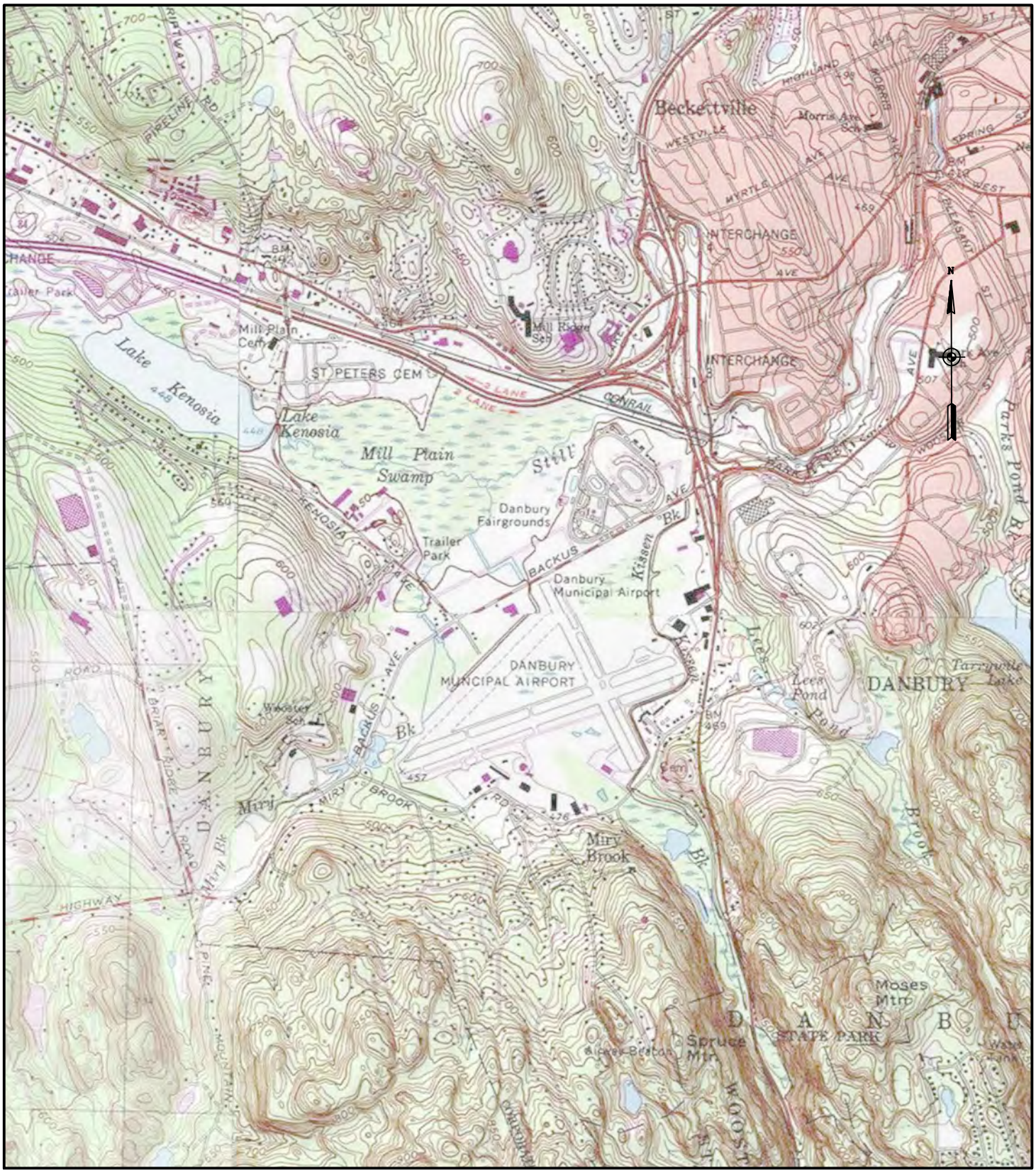
1.2 Danbury Municipal Airport

Danbury Municipal Airport is a public use general aviation airport located three miles (5 km) southwest of the central business district of Danbury, in Fairfield County, Connecticut. The airport opened in 1930. The Airport covers 248 acres and has two active use runways: Runway 8/26, approximately 4,400 feet long, and Runway 17/35, approximately 3,135 feet long. The Connecticut Wing Civil Air Patrol 399th Composite Squadron (NER-CT-042) operates out of the airport from a hangar located next to runway 35.

The greater Danbury area is comprised of urban and suburban residential neighborhoods, as well as institutional, commercial and business zones. The airport is located within and bordered on the east and west sides areas zoned as Light Industrial, with Single-Family Residential and Residential Office area to the south of the airport, and General Commercial area to the north. A channelized portion of Miry Brook forms the north-northwest boundary of the airport, while Kissen Brook runs along the east and southern boundary, with wetland systems and ponds associated with both brooks located along the edges of the airport; these are highly urbanized waterbodies surrounded by development.

1.3 Environmental Assessment (EA) Requirement

The proposed Federal Action conducted by the Federal Aviation Administration (FAA) is the potential provision of Federal funding to complete the proposed actions. This Federal action must comply with FAA NEPA requirements. This analysis was conducted in accordance with FAA-issued guidelines, including the “Environmental Desk Reference for Airport Actions”, FAA Order 5050.4B "National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions" and FAA Order 1050.1F "Environmental Impacts: Policies and Procedures."



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Drawing name: H:\042824\Dwgs\EXHIBITS\DXR-USGS-8X11-FIGURE-1.dwg Aug 15, 2016 - 3:03pm

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CHKD. BY	DR. BY	DES. BY	DATE:	SCALE:
ERM	JLC	KRP	AUG, 2016	1"=2000'

DANBURY MUNICIPAL AIRPORT
DANBURY, CONNECTICUT

DANBURY EASEMENT ACQUISITION AND OBSTRUCTION REMOVAL

FIGURE

1

DANBURY MUNICIPAL AIRPORT
DANBURY, CONNECTICUT
DANBURY AIRPORT EASEMENT ACQUISITION AND OBSTRUCTION REMOVAL PLAN - RUNWAY 8
AUGUST 16, 2016

Legend

PROPOSED EASEMENT ACQUISITION

AREA OF TREE REMOVAL

0 50 125 250 FEET

1"=50'

ENGINEER'S SEAL

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DESIGNED BY	DRAWN BY	CHECKED BY
KJF	JLC	KJF

DANBURY MUNICIPAL AIRPORT

CLEARING PLAN
1 OF 2

SCALE: 1"=50'

DATE: MAY 2016

REVISIONS

REV. NO.	DATE	DESCRIPTION	BY

DO NOT SCALE DRAWING

PROJ. No.: 042824

FILE:

AIP No.:

FIGURE 2

SHEET 1 OF 2

Drawing name: H:\042824\Dwgs\Contract\Danbury Airport CLEARING PLAN-FIGURE-2.dwg Aug 16, 2016 - 9:36am

Legend

PROPOSED EASEMENT ACQUISITION

AREA OF TREE REMOVAL

0 50 125 250 FEET

1"=50'

DANBURY MUNICIPAL AIRPORT
DANBURY, CONNECTICUT
DANBURY AIRPORT EASEMENT ACQUISITION AND OBSTRUCTION REMOVAL PLAN - RUNWAY 8
AUGUST 16, 2016

ENGINEER'S SEAL

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DESIGNED BY	DRAWN BY	CHECKED BY
KJF	JLC	KJF

DANBURY MUNICIPAL AIRPORT

CLEARING PLAN
2 OF 2

DATE: MAY 2016

SCALE: 1"=50'

REVISIONS

REV. NO.	DATE	DESCRIPTION	BY

DO NOT SCALE DRAWING

PROJ. No.: 042824

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FIGURE
3

SHEET 2 OF 2

Drawing name: H:\042824\Dwgs\Contract\Danbury Airport CLEARING PLAN-FIGURE-3.dwg Aug 16, 2016 - 9:42am

FAA Order 1050.1F lists actions that may be Categorically Excluded from environmental analysis under specific conditions. Per Paragraph 5-6.4(l), removal of obstructions to air navigation located on airport property, which includes those obstructions that are located outside of the airport boundary but are technically considered within the airport boundary if they are included under an avigation easement, is categorically excluded from analysis. However, upon review of the Extraordinary Circumstances as listed in Order 1050.1F Paragraph 5-2 it was determined that analysis of impacts must be completed.

2. PURPOSE AND NEED/PUBLIC INVOLVEMENT

2.1 Purpose and Need

The Purpose and Need within a NEPA document is a formal statement approved by a federal agency agreeing to the need for the project and the overall project purpose. The statement documents the justification for the project study and provides the basis for evaluating the effectiveness of alternatives.

There is a need to address obstructions that interfere with navigable airspace, including those that penetrate airport airspaces. In general, there are two types of airspace surfaces.

1. Those as defined by Federal Aviation Regulation (FAR) Part 77
2. Those that define operational use of the airport, known as "Terminal Instrument Procedures", or TERPS. TERPS is defined in USDOT National Policy 8260.3B (CHG 26).

FAR Part 77 Airspace

This is airspace as defined in Federal Aviation Regulation (FAR) Part 77. This federal regulation defines the clear space required around all public airport runways. There are various well defined surfaces at each end of a runway, to the sides and surrounding the airport. Obstructions penetrating several different FAR Part 77 surfaces were identified at DXR.

TERPS Operational Surface

TERPS surfaces define how aircraft are to operate when approaching, departing and circling around an airport in various visibility conditions, time, and during night or day. TERPS airspace surfaces are highly dependent on the airport configuration, terrain, surrounding terrain and many other factors. The obstructions deemed hazardous to navigable airspace at DXR are those that penetrate a surface that defines the approach to each end of the runway at the airport.

The purpose of the proposed action is to address the identified obstructions. The majority of the obstructions deemed hazardous to airspace are trees and vegetation. This project proposes removal of the identified obstructions.

Because the obstructions identified for removal are located on private property outside of the existing airport boundary, avigation easements would be required to be purchased by the City of Danbury that will specifically allow the City to remove the identified obstructions.

2.2 Background and Public Involvement

At a regularly scheduled and publicly advertised meeting of the City Council of the City of Danbury on January 5, 2016, the purchase of the easements identified herein for the purpose of removing

obstructions was discussed and unanimously approved (Appendix A). The City of Danbury passed a Resolution to acquire the easements as shown on the plans provided in this document on February 8, 2016 (Appendix A).

The project was advertised as available for review and public comment for 15 days from August 18, 2016 to September 2 2016. Public comments that were received during this period are attached as Appendix A.

3. PROPOSED ACTION AND ALTERNATIVES

The following alternatives have been developed in conjunction with the FAA. The alternatives are evaluated based the ability to meet current FAA criteria and meet the purpose and need for the project as stated in the previous section of this document. There are no alternatives presented here beyond the No Action and Proposed Action because there are no other reasonable or feasible options for meeting the purpose and need of the project.

The potential to install a light that will enable aircraft operators to clearly see and avoid the obstruction is not a reasonable option as these obstructions are located within residential neighborhoods; the impacts of such action would be unwelcome and more challenging to mitigate than the proposed action. Instituting changes to operational procedures is viewed as a "last resort" alternative to be implemented only when obstructions located on private property cannot be removed; preliminary steps conducted in the easement acquisition process show the property-owners to amenable to such easements.

3.1 No Action

This alternative would maintain the existing conditions that have been deemed dangerous to human health and safety by the FAA. This would not meet the purpose and need for the project.

3.2 Alternative A: Easement Acquisition and Removal of Identified Obstructions from TERPS Surface and Part 77

Removal of the obstructions within both the Part 77 and TERPS surfaces was investigated during preliminary project design. The Part 77 surfaces extend substantially beyond the existing airport boundaries and would affect a larger number of private homes and commercial properties. The ability to acquire such a large number of easements in order to complete this alternative would be costs prohibitive to the functioning of the airport. Because of this, this alternative was deemed unreasonable and was not analyzed further.

3.3 Alternative B: Easement Acquisition and Removal of Identified Obstructions from TERPS Surface only (Proposed Action)

This alternative would allow the City to acquire avigation easements that would permit removal of the identified obstructions as depicted on Figures 2 and 3. Trees would be removed by cutting to the ground, stumps will be ground, topsoil and seed will be placed for the homeowners to maintain. This alternative is less impacting than Alternative A, which would have included a larger area.

4. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

4.1 Introduction

There are 14 environmental impact categories identified by FAA Order 1050.1F. Per direction provided in FAA Guidance Memo #2, 2011, "Guidance on Preparing Focused, Concise and Timely Environmental Assessments", it is not the intent of this document to provide detailed discussion or analysis of all categories. Only those areas where there may be significant environmental impact caused by the proposed action, or where there are uncertainties which require evaluation, are identified in this document.

Implementation of the proposed project would have minimal or negligible effects on the human or natural environment. Efforts have been made to minimize those impacts by only removing selected trees, removing by hand where possible, and establishing communication with the affected parcel owners. Easement acquisition would not affect physical resources. Thus, for the following potential environmental impact categories, analysis is not required because the resource is not present within the project boundary or the No Action or Alternatives would not affect it:

- Air Quality
- Climate
- Coastal Resources
- Department of Transportation Act, Section 4(f)
- Farmlands
- Hazardous Materials, Solid Waste, and Pollution Prevention
- Historic, Architectural, Archaeological and Cultural Resources
- Land use
- Natural Resources and Energy Supply
- Socioeconomic, Environmental Justice, and Children's Environmental Health and Safety/Public Health and Safety
- Visual Effects and Light Emissions
- Water Resources (Including Wetlands, Floodplains, Surface Waters, Groundwater, and Wild and Scenic Rivers)

The project area identified for review in the analysis described below includes the areas identified as shown on Figures 2 and 3.

The Proposed Action, as defined in Section 3, could potentially affect the following environmental categories:

4.2 Biological Resources (Fish, Wildlife and Botanical Habitat)

The project was screened for state-listed species by reviewing the CT Department of Energy and Environmental protection (CTDEEP) online mapping, as included in Appendix B. No listed species are shown within the affected areas.

The project was screened for federally-listed species by reviewing the US Fish and Wildlife Service (USFWS) Information, Planning and Consultation (IPAC) System. The report included as Appendix C listed the federally-threatened Northern long-eared bat (*Myotis septentrionalis*) and the Bog turtle (*Clemmys muhlenbergii*) as having habitat within the affected area. Because the proposed action is removal of selected trees from areas that are currently within maintained residential lawn areas that are actively mowed, landscaped and otherwise routinely disturbed or altered, it

is highly unlikely that these species would occur within the project area or be affected by the actions.

5. MITIGATION

Mitigation is typically used to offset impacts caused by the proposed project. The primary methods to reduce environmental impacts are to avoid the resource when possible or minimize the impacts to the resource being impacted. Each method of mitigation is proposed to the regulatory agency where it is revised through an interim process. Ultimately, mitigation is confirmed through the permitting process with local, state, and federal resource agencies.

Because the development and publishing of an instrument approach would not result in impacts, no additional mitigation is proposed for this action.

6. AGENCIES CONTACTED, PERSONS CONSULTED AND EA PREPARERS

EA Preparers

Hoyle Tanner & Associates, Inc., Kimberly R. Peace, Evan R. McDougal, C.M. 150 Dow St. Manchester, New Hampshire 03101. (603) 669-5555

Agencies and Organizations Contacted/Consulted

Federal Aviation Administration, New England Region, Airports Division (ANE-600), 12 New England Executive Park, Burlington, MA 01803. Contact: Richard Doucette, Environmental Manager (781) 238-761

Appendix A:
Public Involvement

CITY COUNCIL MEETING
January 5, 2016

Honorable Mayor, Mark D. Boughton, called the meeting to order at 7:30 p.m. in the Council Chambers.

PLEDGE OF ALLEGIANCE & PRAYER

Warren Levy led all in the Pledge of Allegiance. Vinny DiGilio led all in prayer.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Philip Curran, Mike Esposito, Jack Knapp, Warren Levy, Gregg Seabury, Christina Chieffalo, Andrew Wetmore, Irving Fox, John Priola, Vinny DiGilio, Joseph Cavo, Thomas Saadi, Fred Visconti, Elmer Palma, Christopher Arconti, John Esposito, Duane Perkins, Ben Chianese, Paul Rotello, Nancy Cammisa, and Joseph Scozzafava.

COUNCIL MEMBERS ABSENT: None.

PRESENT: 21, ABSENT: 0

ALSO PRESENT: Les Pinter, Deputy Corporation Counsel; Dan Garrick, Assistant Director of Finance; Alan Baker, Chief of Police; TJ Wiedl, Fire Chief; Antonio Iadarola, Director of Public Works; Paul Estefan, Airport Administrator; and Jean Natale, Legislative Assistant.

PUBLIC SPEAKING - None.

ANNOUNCEMENTS

Mayor Boughton made the announcements for the month of January.

MINUTES-Minutes of the Council Meeting held December 1, 2015

A motion was made by Councilman Cavo and seconded by Councilman Perkins, to waive the reading and accept the minutes, as all members have copies and additional copies are available in the office of the Legislative Assistant. The motion carried unanimously.

CONSENT CALENDAR

Councilman Seabury read the Consent Calendar as follows:

4. COMMUNICATION-Appointment to the Planning Commission

Receive the communication and confirm the appointment of Kevin Haas to serve as a Member of the Planning Commission with a term to expire November 1, 2018.

5. COMMUNICATION-Appointment to the Cultural Commission

Receive the communication and confirm the appointment of John F. Cooke II to serve as a Member of the Cultural Commission with a term to expire November 1, 2018.

7. COMMUNICATION-Donation - Commercial Projector / Bulbs

Receive the communication and accept the donation from Mr. Anthony Pezzimenti to the City of Danbury of a high definition commercial projector and spare bulbs. A letter of appreciation for this generous donation will be sent.

14. RESOLUTION - FEMA - Assistance for Firefighters Grant

Receive the communication and adopt the Resolution that will allow the City of Danbury Fire Department to apply for and accept funding from the Federal Emergency Management Agency (FEMA) through its FY2015 Assistance to Firefighters' Grant Program. This funding request will not exceed $1,000,000 with FEMA's share of the request being 90%, or $900,000, and the City's share being 10%, or $100,000.

15. RESOLUTION - EMPG Performance Grant

Receive the communication and adopt the Resolution for the "Emergency Management Performance Grant" program for the period October 1, 2015 to September 30, 2016 authorizing Mayor Mark D. Boughton, or his designee Paul D. Estefan, Director of Civil Preparedness to apply for and accept grant funding for the Emergency Operation Center (EOC) not to exceed $50,000.

A motion was made by Councilman DiGilio and seconded by Councilman Perkins, to accept the Consent Calendar as presented. The motion carried unanimously.

1. COMMUNICATION-Appointment of Fire Inspector/Deputy Fire Marshal

A motion was made by Councilman Curran, seconded by Councilman Cavo, to accept the communication and approve the promotion of Firefighter Terence Timan to the position of Fire Inspector/Deputy Fire Marshal in the City of Danbury Fire Department. The motion carried unanimously.

2. COMMUNICATION-Appointments to the Police Department

A motion was made by Councilman Priola, seconded by Councilman Saadi, to accept the communication and confirm John Schalkham to the position of Police Officer. The motion carried unanimously.

A motion was made by Councilman Priola, seconded by Councilman Chianese, to accept the communication and confirm Michael Darby to the position of Police Officer. The motion carried unanimously.

3. COMMUNICATION-Appointment of Chief of Staff - Mayor's Office

A motion was made by Councilman Arconti, seconded by Councilman Seabury, to receive the communication and confirm the appointment of Dean Esposito to the position of Mayor's Office Chief of Staff. The motion carried unanimously.

4. COMMUNICATION-Appointment to the Planning Commission

CONSENTED - Receive the communication and confirm the appointment of Kevin Haas to serve as a Member of the Planning Commission with a term to expire November 1, 2018.

5. COMMUNICATION-Appointment to the Cultural Commission

CONSENTED - Receive the communication and confirm the appointment of John F. Cooke II to serve as a Member of the Cultural Commission with a term to expire November 1, 2018.

6. COMMUNICATION-Non Union Pension Amendment/Release Option

A motion was made by Councilman Fox to receive the communication and refer to an Ad Hoc consisting of the Director of Finance, a Representative from the Mayor's Office, and Corporation Counsel. Hearing no objections, Mayor Boughton ordered the Ad Hoc Committee with the following Councilmembers - Fox as Chair, DiGilio, and Visconti.

7. COMMUNICATION-Donation - Commercial Projector / Bulbs

CONSENTED - Receive the communication and accept the donation from Mr. Anthony Pezzimenti to the City of Danbury of a high definition commercial projector and spare bulbs. A letter of appreciation for this generous donation will be sent.

8. COMMUNICATION-Extension of Collective Bargaining Agreement between City and Fire Union, Local 801

Councilmembers Cavo, Esposito, Curran, and Visconti recused themselves and left the dais at 7:48 p.m.

Mr. Boughton responded to Mr. Saadi's questions stating the Union has ratified the contract, noting the vote results, as well as the source and date of the retroactive funds.

A motion was made by Councilman Knapp, seconded by Councilman DiGilio, to receive the communication and authorize the funding for the two-year extension of the Collective Bargaining Agreement between the City of Danbury and the Fire Union, Local 801 AFF AFL/CIO from July 1, 2015 to June 30, 2017. The motion carried 17-0, Councilmembers Cavo, Esposito, Curran, and Visconti were recused.

Councilmembers Cavo, Esposito, Curran, and Visconti returned to the dais at 7:43 p.m.

9. COMMUNICATION-Awards by Purchasing Agent, Code of Ordinance, Section 2-148

A motion was made by Councilman Arconti to receive the communication and refer to an Ad Hoc consisting of Purchasing Agent, Director of Finance, and Corporation Counsel. Hearing no objections, Mayor Boughton ordered the Ad Hoc Committee with the following Councilmembers - Arconti as Chair, Priola, and Chianese.

10. COMMUNICATION-Water and Sewer Connection Charges, Section 16-4 and 21-48

A motion was made by Councilwoman Chieffalo to receive the communication and refer the matter of Water and Sewer Code Amendment to an Ad Hoc consisting of Corporation Counsel, the Department of Public Works and Public Utilities, and the Director of Finance. Hearing no objections, Mayor Boughton ordered the Ad Hoc Committee with the following Councilmembers - Curran as Chair, Priola, and Chianese.

11. COMMUNICATION-Master State/ Municipality Agreement for the Readjustment, Relocation and /or Removal of Municipal Facilities on Highway Projects

A motion was made by Councilman Cavo, seconded by Councilman Seabury, to receive the communication and adopt the Resolution to sign the Agreement entitled, Master Agreement Between the State of Connecticut Department of Transportation and the City of Danbury for the Readjustment, Relocation and/or Removal of Utility Facilities on Highway Projects. The motion carried unanimously.

In response to Mr. Rotello's inquiry, Mr. Pinter outlined the difference between the way this is being done now vs. the way it will be done from now on.

12. COMMUNICATION-Request to Purchase City Property (North St.)

A motion was made by Councilman DiGilio to receive the communication and refer the request to Planning, the City Engineer, Corporation Counsel, and the Tax Assessor's Offices for reports. Hearing no objections, Mayor Boughton so ordered.

13. RESOLUTION - Refunding of General Obligation Bonds

A motion was made by Councilwoman Cammisa, seconded by Councilman Knapp, to receive the communication and adopt the resolution authorizing the Mayor and the City Treasurer to refund current General Obligation Bonds not-to-exceed $15 million if bond rates will be financially favorable and in the best interest of the City of Danbury. The motion carried unanimously.

Councilman Saadi received confirmation for the record, that the City has done this many times in the past; the bond authorization refunds expire; and they are for different amounts.

14. RESOLUTION - FEMA - Assistance for Firefighters Grant

CONSENTED - Receive the communication and adopt the Resolution that will allow the City of Danbury Fire Department to apply for and accept funding from the Federal Emergency Management Agency (FEMA) through its FY2015 Assistance to Firefighters' Grant Program. This funding request will not exceed $1,000,000 with FEMA's share of the request being 90%, or $900,000, and the City's share being 10%, or $100,000.

15. RESOLUTION - EMPG Performance Grant

CONSENTED - Receive the communication and adopt the Resolution for the "Emergency Management Performance Grant" program for the period October 1, 2015 to September 30, 2016 authorizing Mayor Mark D. Boughton, or his designee Paul D. Estefan, Director of Civil Preparedness to apply for and accept grant funding for the Emergency Operation Center (EOC) not to exceed $50,000.

16. RESOLUTION - FAA Grant - Runway 8

A motion was made by Councilman Levy, seconded by Councilman DiGilio, to receive the communication, adopt the Resolution between Danbury and the State of Connecticut, that the City Council authorize Mayor Mark D. Boughton and/or Paul D. Estefan, Airport Administrator, to apply to Federal Aviation Administration to obtain grant funding for reimbursement for the cost of acquiring the mentioned real properties, to obtain the real property appraisals as are necessary, file the grant application, to appropriate the 2.5% of the total grant amount, if the grant is approved, to execute any of the necessary documents, and to take any additional actions necessary to effectuate the purpose hereof. The motion carried unanimously.

Mr. Pinter responded to Mr. Rotello's questions regarding the time it may take to get the easements.

Mr. Estefan responded to Mr. Rotello's questions regarding the operators' costs due to relocation during inclement weather. FAA rule changes were discussed. He also responded to Mr. Visconti's inquiry regarding Reliant, the FAA rules, and poles vs. trees. In addition, Mr. Saadi received answers regarding rule changes related to the flight 'feather,' trees, and Part 135 Certificate rules.

17. DEPARTMENT REPORTS - Police, Health-Housing & Welfare, Dream Homes, Public Works, Permit Center, Unit, Elderly, Library, Board of Ethics

A motion was made by Councilman Cavo, and was seconded by Councilman Perkins, to waive the reading of the Department Reports as all members have copies and copies are on file in the Legislative Assistant's Office for review. Motion carried unanimously.

Mr. DiGilio thanked Public Works for their preparedness during recent inclement weather. Mr. Perkins thanked Mr. Iadarola's team for getting the paving repair work done at Brushy Hill, the granite posts addressed at Elmwood, and inquired whether Materialite is a pre-treatment. Mr. Baker responded to Mr. Saadi regarding effective strength estimates.

18. Algonquin Gas Transmission Line, Algonquin Incremental Market Spectra Energy Partners City Property 46 Driftway Road, Danbury, Connecticut

A motion was made by Councilman Cavo, seconded by Councilman Saadi, to add Item 18. Algonquin Gas Transmission Line, Algonquin Incremental Market Spectra Energy Partners City Property 46 Driftway Road, Danbury, Connecticut to the Agenda. Motion carried unanimously.

A motion was made by Councilman Cavo to refer Item 18. to an Ad Hoc consisting of the Director of Public Works, the Director of Planning, and a Representative from the Mayor's Office, and Corporation Counsel. Hearing no objections, Mayor Boughton ordered the Ad Hoc Committee with the following Councilmembers - Chieffalo, Cavo, and J. Esposito.

ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilman Levy, seconded by Councilman John Seabury, to adjourn. The motion carried unanimously. The Mayor extended all committees, and the meeting adjourned at 8:28 p.m.

Respectfully submitted,

Lori Goor
Recording Secretary

Attest,
Mark D. Boughton, Mayor

16-5

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A.D. 2016

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

WHEREAS, in order to enhance airport safety, the City of Danbury wishes to acquire property or interest in property or land specified in accordance with attachments hereto including Tax Assessor's lots nos. D19003, D19004, D19005, D19006, D19009 and E19009, all as more particularly described in Schedules A, B, C, D, E and F attached hereto; and

WHEREAS, the City has sought and received the opinion of the Commissioner of the Connecticut Department of Transportation that public convenience, necessity or safety require the acquisition of said land in accordance with relevant state statutes; and

WHEREAS, said land will have to be acquired either by negotiation with the property owners or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, the City of Danbury intends to apply to the Federal Aviation Administration for grant funding for the purpose of obtaining reimbursement for the cost of acquiring said land; and

WHEREAS, pursuant to the Federal Aviation Administration grant application process, 90% of the grant funds will be committed by the Federal Aviation Administration, 7.5% of the grant funds will be committed by the State of Connecticut and the City will be responsible to fund 2.5% of the total grant amount, if the City ultimately secures said grant.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the office of Corporation Counsel, be and hereby is authorized to acquire the said land as set forth in Schedules A, B, C, D, E & F within six (6) months of approval hereof, either by negotiation or eminent domain, through the institution of suit against the interested property owners, their heirs, executors, administrators, successors and assigns and their respective mortgage holders and encumbrancers;

AND BE IT FURTHER RESOLVED THAT the City Council authorizes Mayor Mark D. Boughton and/or Paul D. Estefan, Airport Administrator, to apply to the Federal Aviation Administration to obtain grant funding for reimbursement for the cost of acquiring the above-mentioned real property, to obtain the real property appraisals as are necessary to file the grant application, to appropriate the 2.5% of the total grant amount, if the grant is approved, to execute any necessary documents, and to take any additional actions necessary to effectuate the purposes hereof.

CITY OF DANBURY
OFFICE OF THE CITY COUNCIL
THIS DOCUMENT IS A CERTIFIED COPY
OF THE ORIGINAL ON FILE IN THE
OFFICE OF THE CITY COUNCIL

LEGISLATIVE ASSISTANT 2/8/16 DATED

Appendix B:
Natural Diversity Data Base Map, June 2016, CTDEEP

Natural Diversity Data Base Areas

DANBURY, CT

June 2016

State and Federal Listed Species & Significant Natural Communities

Town Boundary

NOTE: This map shows general locations of State and Federal Listed Species and Significant Natural Communities. Information on listed species is collected and compiled by the Natural Diversity Data Base (NDDB) from a number of data sources . Exact locations of species have been buffered to produce the general locations. Exact locations of species and communities occur somewhere in the shaded areas, not necessarily in the center. A new mapping format is being employed that more accurately models important riparian and aquatic areas and eliminates the need for the upstream/downstream searches required in previous versions.

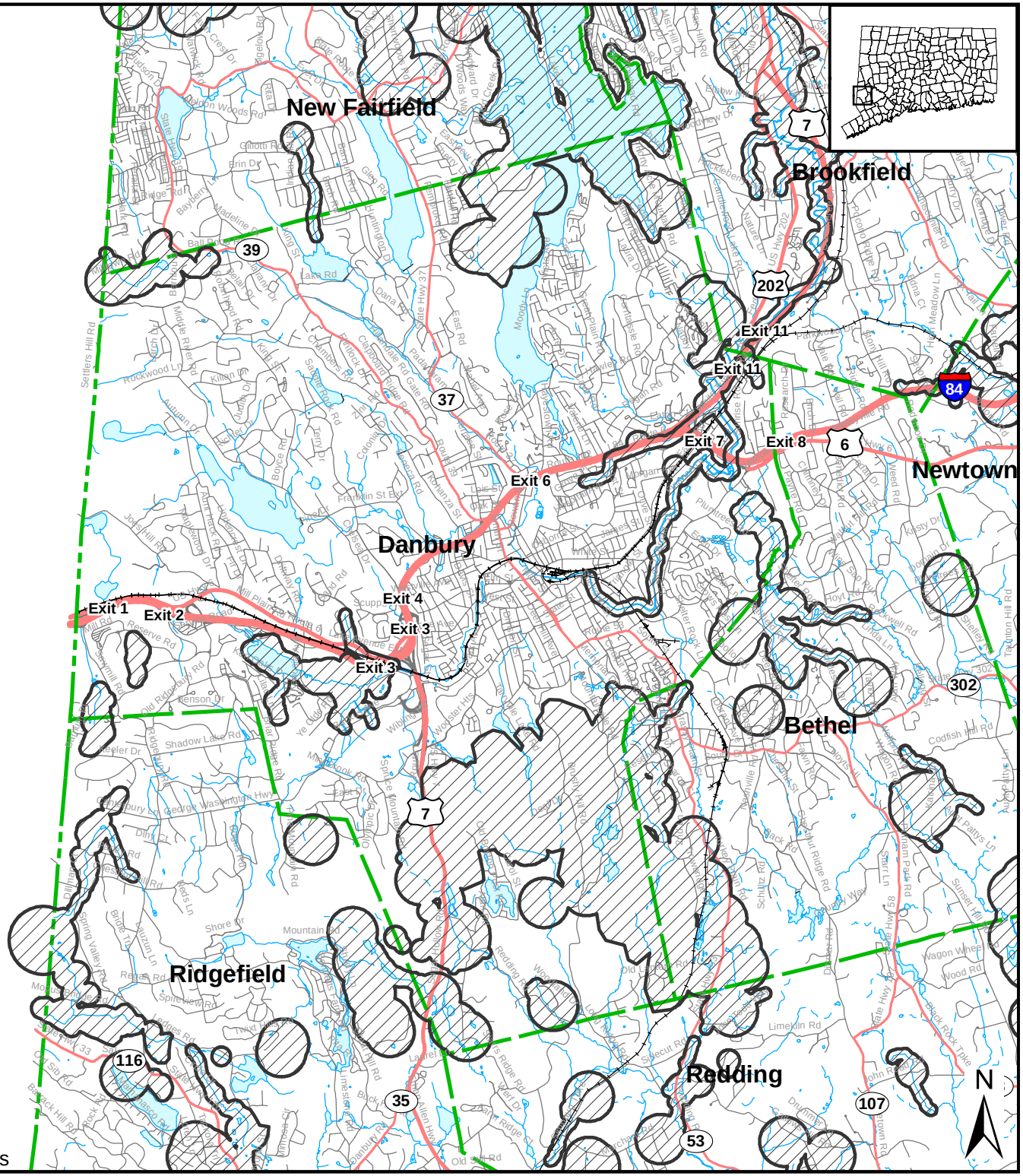
This map is intended for use as a preliminary screening tool for conducting a Natural Diversity Data Base Review Request. To use the map, locate the project boundaries and any additional affected areas. If the project is within a shaded area there may be a potential conflict with a listed species. For more information, complete a Request for Natural Diversity Data Base State Listed Species Review form (DEP-APP-007), and submit it to the NDDB along with the required maps and information. More detailed instructions are provided with the request form on our website.

www.ct.gov/deep/nddbrequest

Use the CTECO Interactive Map Viewers at www.cteco.uconn.edu to more precisely search for and locate a site and to view aerial imagery with NDDB Areas.

QUESTIONS: Department of Energy and Environmental Protection (DEEP)
79 Elm St., Hartford CT 06106
Phone (860) 424-3011

Connecticut Department of Energy & Environmental Protection
Bureau of Natural Resources
Wildlife Division



Appendix C:
USFWS IPaC Review

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 COMMERCIAL STREET, SUITE 300
CONCORD, NH 03301
PHONE: (603)223-2541 FAX: (603)223-0104
URL: www.fws.gov/newengland

Consultation Code: 05E1NE00-2016-SLI-2036 August 09, 2016
Event Code: 05E1NE00-2016-E-02839
Project Name: Danbury Tree Removal Miry Brook

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment

United States Department of Interior
Fish and Wildlife Service

Project name: Danbury Tree Removal Miry Brook

Official Species List

Provided by:

New England Ecological Services Field Office
70 COMMERCIAL STREET, SUITE 300
CONCORD, NH 03301
(603) 223-2541
http://www.fws.gov/newengland

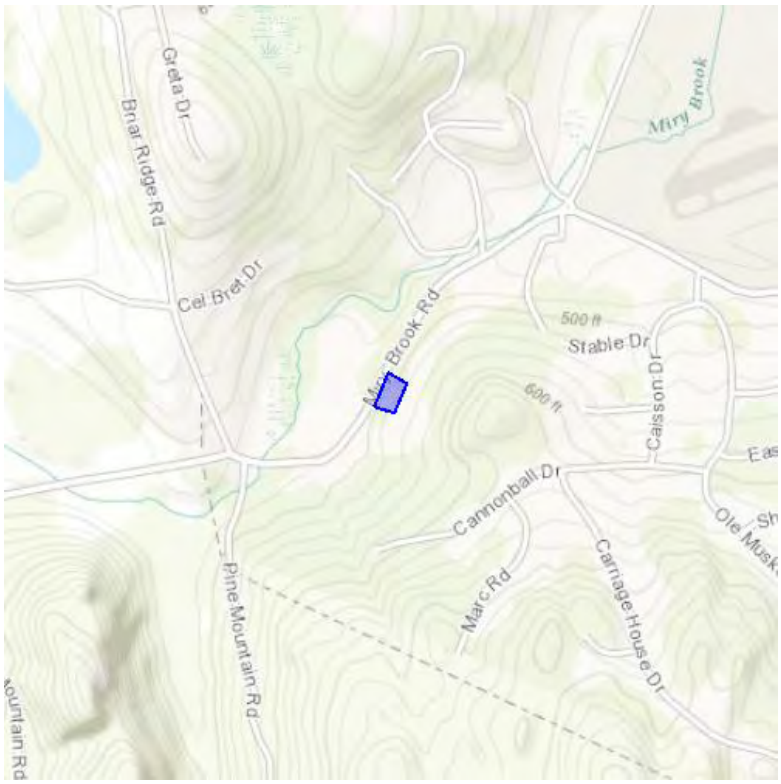
Consultation Code: 05E1NE00-2016-SLI-2036
Event Code: 05E1NE00-2016-E-02839

Project Type: LAND - CLEARING

Project Name: Danbury Tree Removal Miry Brook
Project Description: Removal of trees that are identified airspace obstructions.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-73.49762344665578 41.36537596392145, -73.49798187025954 41.364724485010264, -73.49749177694319 41.36460919770379, -73.49715282620309 41.36514722337261, -73.49762344665578 41.36537596392145)))

Project Counties: Fairfield, CT

Endangered Species Act Species List

There are a total of 2 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	**Status**	**Has Critical Habitat**	**Condition(s)**
Northern long-eared Bat *(Myotis septentrionalis)*	Threatened		
Reptiles			
Bog Turtle *(Clemmys muhlenbergii)* Population: northern	Threatened		

Critical habitats that lie within your project area

There are no critical habitats within your project area.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 COMMERCIAL STREET, SUITE 300
CONCORD, NH 03301
PHONE: (603)223-2541 FAX: (603)223-0104
URL: www.fws.gov/newengland

Consultation Code: 05E1NE00-2016-SLI-2035 August 09, 2016
Event Code: 05E1NE00-2016-E-02838
Project Name: Danbury Tree Removal

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

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We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment

United States Department of Interior
Fish and Wildlife Service

Project name: Danbury Tree Removal

Official Species List

Provided by:

New England Ecological Services Field Office
70 COMMERCIAL STREET, SUITE 300
CONCORD, NH 03301
(603) 223-2541
http://www.fws.gov/newengland

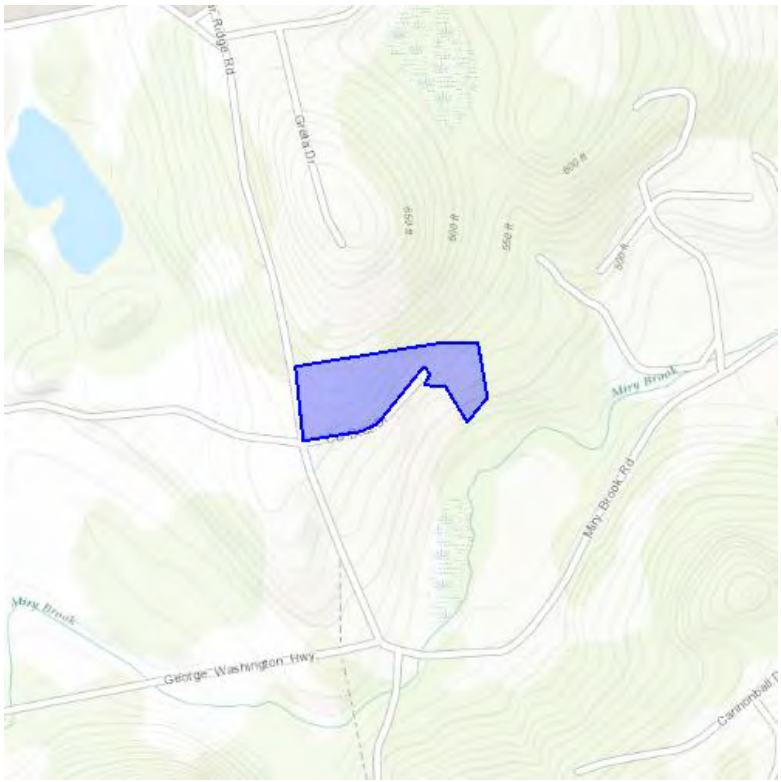
Consultation Code: 05E1NE00-2016-SLI-2035
Event Code: 05E1NE00-2016-E-02838

Project Type: LAND - CLEARING

Project Name: Danbury Tree Removal
Project Description: Removal of trees that are aviation obstructions.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-73.50318025964951 41.36766233900892, -73.50053216825471 41.36798074752661, -73.499795794487 41.36798074751126, -73.49962509899342 41.36722681453529, -73.49999084464798 41.366897411433946, -73.50038099932135 41.367391515460604, -73.50078091629257 41.36740612959615, -73.50067362793197 41.36755255236918, -73.50080527095997 41.36765501182109, -73.50165869604096 41.3668608156006, -73.50197079784266 41.36676930528617, -73.50302420858496 41.36662658482456, -73.50318025964951 41.36766233900892)))

Project Counties: Fairfield, CT

United States Department of Interior
Fish and Wildlife Service

Project name: Danbury Tree Removal

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Northern long-eared Bat *(Myotis septentrionalis)*	Threatened		
Reptiles			
Bog Turtle *(Clemmys muhlenbergii)* Population: northern	Threatened		

Critical habitats that lie within your project area

There are no critical habitats within your project area.

Appendix D:
FAA Finding of No Significant Impact (FONSI)

FAA Finding of No Significant Impact (FONSI)

After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed federal action is consistent with existing national policies and objectives as set forth in Section 101 of the National Environmental Policy Act (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 101(2) (c) of the NEPA.

APPROVED: _____ DATE: _August 16, 2016

Richard P. Doucette
Manager, Environmental Programs