

**DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
EASTERN REGION**

**WRITTEN RE-EVALUATION AND RECORD OF DECISION FOR THE  
FINAL ENVIRONMENTAL ASSESSMENT PREPARED FOR THE  
TRENTON-MERCER AIRPORT TERMINAL AREA IMPROVEMENTS  
AT TRENTON MERCER AIRPORT**

EWING TOWNSHIP, NEW JERSEY

**INTRODUCTION**

The Federal Aviation Administration (FAA) issued a Final Environmental Assessment (EA) and a Finding of No Significant Impact/Record of Decision (FONSI/ROD) to Mercer County approving the Trenton-Mercer Airport (TTN) Terminal Area Improvements on March 21, 2022. In late 2023, Mercer County notified the FAA that advancement of design on the Aircraft Rescue and Fire Fighting (ARFF) Facility had resulted in modifications from the layout as approved in the original EA and FONSI/ROD. In response, the FAA requested that Mercer County provide documentation indicating the proposed design changes so that an analysis of environmental impacts of those changes could proceed.

Mercer County provided the requested documentation on November 22, 2023. The documentation included a description of and rationale for the proposed design changes. Attachments to the documentation included a rendering of the ARFF Facility as originally proposed in the EA, the revised design, a graphic overlaying the two designs for comparison, and additional documentation on resources in areas where the revised design would result in ground disturbance. This Written Re-evaluation and Record of Decision (WR/ ROD) of the March 2022 EA was prepared to evaluate the potential environmental impacts associated with the design changes proposed for the ARFF Facility component of the TTN Terminal Area Improvements. The analysis within this WR/ ROD identifies FAA decisions and Federal Actions associated with proposed ARF Facility design changes and it examines consistency with the individual and cumulative impacts discussed in the TTN Terminal Area Improvements EA and FONSI/ROD. This WR/ ROD also confirms the on-going validity of the information contained in the March 2022 EA and FONSI/ROD. The TTN Terminal Area Improvements EA and FONSI/ROD are incorporated by reference.

**BACKGROUND**

The FAA issued a FONSI/ROD on March 21, 2022 for the TTN Terminal Area Improvements, which approved the construction of a new replacement terminal building at TTN. The proposed and approved site for the new replacement terminal was where the existing ARFF Facility at TTN is located, requiring the construction of a new ARFF Facility on the eastern side of the airfield. The March 2022 EA includes conceptual layouts of both the terminal and ARFF Facility that were used as the basis for approving changes to the TTN Airport Layout Plan to depict both facilities. The FONSI/ROD followed the March 2022 EA. Copies of both documents are available on the Mercer County website at <https://www.ttnterminal.com/>.

Following the issuance of the FONSI/ROD, Mercer County began design on the project components and coordination with the necessary permitting authorities. Portions of the ARFF building access driveway, vehicular parking lot and stormwater basin for the approved ARFF Facility were located within the 100-foot buffer corridor surrounding water courses that flow into the Delaware and Raritan Canal State Park, its

tributaries, the 100-year floodplain associated with the water course and its tributaries as preserved by the Delaware River & Raritan Canal Commission (DRCC). Accordingly, development within the 100-foot buffer requires approval by the DRCC, as noted in the March 2022 EA and FONSI/ROD. Using the 100-foot buffer as a design constraint, Mercer County identified alternate ARFF building access driveway, vehicular parking lot, and stormwater basin designs that completely avoided all development in the buffer area. Additional work on the building and airfield access layouts identified other resources that could be avoided. Shifting the airfield access road from a westerly direction as proposed in the EA to a northwesterly direction would avoid impacts to an existing 60" storm sewer trunk line and two isolated wetlands on the airfield. Additionally, the revised design would reduce the potential area of disturbance associated with ARFF Facility construction from 4.14 acres as depicted in the March 2022 EA to 2.91 acres. Mercer County submitted documentation outlining these proposed design changes and attachments including a rendering of the ARFF Facility as originally proposed in the EA, the revised design, a graphic overlaying the two designs for comparison, and additional documentation on resources in areas where the revised design would result in ground disturbance in November 2023. The documentation provides a basis for analyzing and comparing potential impacts associated with the proposed design changes to the ARFF Facility as compared to the potential impacts of the project approved in the March 2022 FONSI/ROD. A copy of the documentation submitted can be found as Appendix A of this WR/ROD.

## **FAA WRITTEN RE-EVALUATIONS**

To ensure full compliance with the National Environmental Policy Act (NEPA) where there are proposed changes to approved projects, the FAA evaluates the potential change in environmental impacts, in order to determine if a supplemental Environmental Assessment is required. This WR/ROD is based on guidance provided by FAA Environmental Orders 1050.1F and 5050.4B. Both Orders reference re-evaluating NEPA documents when there are new circumstances or information relevant to environmental concerns that come to light after the FAA has issued an environmental assessment or an environmental impact statement.

FAA Orders 1050.1F and 5050.4B provide guidance as to the circumstances under which it is necessary to supplement an EA. FAA Order 1050.1F, paragraph 9-2 provides that where there are changes in the proposed action, or new information relevant to environmental concerns, the FAA may prepare a written re-evaluation that will either conclude the contents of previously prepared environmental documents remain valid, or that significant changes require the preparation of a Supplemental or new EA.

FAA Order 1050.1F, paragraph 9-2(c) states "A new or supplemental EA or EIS need not be prepared if a written re-evaluation indicates that:

- (1) The proposed action conforms to plans or projects for which a prior EA and FONSI have been issued or a prior EIS has been filed and there are no substantial changes in the action that are relevant to environmental concerns;
- (2) Data and analyses contained in the previous EA and FONSI or EIS are still substantially valid and there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts; and
- (3) Pertinent conditions and requirements of the prior approval have been, or will be, met in the current action.

## **DESCRIPTION OF THE PROPOSED CHANGES TO THE ARFF FACILITY**

- ARFF Access Road - In the EA, the access road between the proposed ARFF building and Runway 6-24 ran in a westerly direction connecting with Runway 6-24 at roughly 50 degrees. With this

orientation, the access road crossed and impacted an existing 60” storm sewer trunk line which pipes the West Branch Shabakunk Creek underneath TTN and placed it near two existing isolated wetlands. The revised access road layout would run in a northwesterly direction connecting with Runway 6-24 at roughly 90 degrees. This orientation avoids the conflicts with the existing 60” storm sewer trunk line crossing and also provides a greater buffer with the existing isolated wetlands areas as indicated above. The reoriented access road provides a shorter distance to the primary Runway 6-24 and is in compliance with the required response time of three (3) minutes.

- **ARFF Building Entrance Driveway** - The ARFF building will be accessed off existing Scotch Road. The approved driveway shown in the EA layout is located within the DRCC’s 100-foot buffer. In discussion with DRCC and per DRCC regulations and guidelines, the development as approved in the March 2022 EA was not permitted. Accordingly, the site access entrance driveway was relocated further north on Scotch Road to avoid any disturbance/impact to regulated DRCC 100-foot buffer areas.
- **Vehicular Parking Lot and Stormwater Basin** - The ARFF building’s vehicular parking lot and associated pavement including proposed stormwater management basin originally included in the EA was partially located in the DRCC’s 100-foot buffer. In discussion with DRCC and per DRCC regulations and guidelines, these elements were relocated outside of the 100-foot buffer to avoid any impact to the regulated areas. Additionally, the overall pavement area (impervious area) was reduced from 1.48 Acres to 1.05 Acres thereby reducing the environmental impacts.
- **Area of Land Disturbance** - The total project limit of disturbance for ARFF building and site elements presented in the EA was approximately 4.14 Acres. The total project limit of disturbance for the revised design of the ARFF building and site elements is approximately 2.91 Acres, which is an approximately 30% reduction in the potentially affected area.

Additional information can be found in the documentation submitted by Mercer County outlining these revisions to the ARFF Facility design, located in Appendix A of this WR/ ROD.

## **PROPOSED AGENCY ACTIONS**

The FAA actions involved in the implementation of the ARFF Facility design revisions as a component of the TTN Terminal Area Improvements include the following:

1. Unconditional approval of the updated ALP for the Trenton Mercer Airport to depict the components of the Proposed Action as rendered in the March 2022 EA and updated in Attachment B of the additional documentation submitted by Mercer County on November 22, 2023, 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;
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) 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 Proposed Action is reasonably necessary for use in air commerce or in the interests of national defense; and
5. 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.

## **SUMMARY OF CHANGES TO ENVIRONMENTAL IMPACTS AND MITIGATION**

This section describes the affected environment and anticipated impacts associated with the revised design for the ARFF Facility at TTN.

### **Affected Environment**

The March 2022 EA described the existing environment and conditions. The environmental setting has not changed since the March 2022 EA.

### **Environmental Consequences of the Proposed New Projects**

The potential environmental impacts associated with the revised design for the ARFF Facility are presented in the additional documentation provided by Mercer County on November 22, 2023. The revised design avoids development within the DRCC 100-foot buffer in the vicinity of the ARFF Facility, avoids impacts to a 60” storm sewer trunk line, increases the buffer distance to two isolated wetlands, reduces new impervious surfaces associated with the ARFF Facility from 1.48 acres to 1.05 acres, and reduces the overall limits of disturbance for the ARFF Facility from 4.14 acres to 2.91 acres. Environmental impacts associated with the revised design of the ARFF Facility at TTN are similar in nature and lesser in scale than the environmental impacts analyzed in the March 2022 EA and FONSI/ROD.

## **MITIGATION MEASURES**

As discussed above, the revised design of the ARFF Facility at TTN will have similar impacts to those described for the March 2022 EA and FONSI/ROD. As such, no new mitigation measures are proposed and the mitigation measures and reporting requirements identified in the 2022 EA and FONSI/ROD are unchanged.

## **CONCLUSION**

In response to the request from Mercer County, the FAA reviewed and analyzed the additional documentation provided on November 22, 2023 regarding proposed design revisions to the ARFF Facility at TTN, which analyzed and compared potential impacts associated with the revised design as compared to the potential impacts approved in the March 2022 EA and FONSI/ROD. Subsequent to this review and analysis, the FAA prepared this WR/ROD.

Based on FAA Order 1050.1F, paragraph 9-2(c), the FAA concludes that a new or supplemental EA need not be prepared; this WR/ROD and attached documentation indicate that:

- (1) The proposed action conforms to plans or projects for which a prior EA and FONSI have been issued and there are no substantial changes in the action that are relevant to environmental concerns;
- (2) Data and analyses contained in the previous EA and FONSI are still substantially valid and there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts; and

(3) Pertinent conditions and requirements of the prior approval have been, or will be, met in the current action.

Based on FAA Order 5050.4B, paragraph 1402 b., FAA concludes that a supplement to the EA for this project is not required since the airport sponsor did not make substantial changes to the proposed action that could affect the action's environmental effects and there are no significant new changes, circumstances or information relevant to the proposed action, its affected environment, or its environmental impacts.

Therefore, as discussed above and in accordance with FAA Order 1050.1F, *Policies and Procedures for Assessing Environmental Impacts*, and FAA Order 5050.4B, *NEPA Implementing Instructions for Airport Actions*, preparation of a new or Supplemental EA is not required.

## FEDERAL AGENCY FINDINGS

The March 2022 EA/FONSI/ROD contained nine Federal Findings pertaining to the TTN Terminal Area Improvements that was approved. Those findings were:

**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 ultimate 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. 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).**

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 all 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. 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)).**

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 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. 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)).**

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 specific 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 Jersey State Implementation Plan and complies with the Clean Air Act Section 176(c)(1) 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. 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).**

The US Fish and Wildlife Service (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. 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, has been followed and as required, complied with appropriately.**

The FAA is satisfied that the Proposed Action would not be a "significant floodplain encroachment," as defined in FAA Order 1050.1F 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. 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.**

The FAA is satisfied that the Proposed Action would not be 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. 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)).**

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. 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)).**

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.

As this WR/ ROD for the revised design for the ARFF Facility at TTN demonstrates, there are no substantial changes relevant to environmental concerns to the project that was the subject of the March 2022 EA. Additionally, the revised design for the ARFF Facility at TTN does not result in any significant new circumstances or information relevant to environmental concerns. Therefore, the nine Federal Agency Findings of the March 2022 FONSI/ROD remain valid, and no changes to any of the Findings are required.

## **DECISION AND ORDER**

This WR/ROD was prepared pursuant to FAA Orders 1050.1F, *Environmental Impacts: Policies and Procedures*, and 5050.4B, *National Environmental Policy Act Implementing Instructions for Airport Actions*, Paragraph 1401. This WR/ROD along with the FAA's March 2022 FONSI/ROD constitute the FAA's decisions with regard to the TTN Terminal Area Improvements, including the revised design for the ARFF Facility at TTN. The FAA has independently evaluated the information contained in the March 2022 EA and the additional documentation submitted on November 22, 2023, and takes full responsibility for the scope and content that addresses the FAA actions.

I have carefully and thoroughly considered the facts contained in the March 2022 EA and FONSI/ROD, the additional documentation submitted on November 22, 2023, and this Written Re-evaluation of the March 2022 EA and FONSI/ROD. Based on that information, I find the proposed Federal Actions are consistent with existing national environmental policies and objectives of Section 101(a) of the *National Environmental Policy Act of 1969* (NEPA). I also find the proposed Federal Actions with the required mitigation as presented in the March 2022 EA/FONSI/ROD and the additional documentation submitted on November 22, 2023, will not significantly affect the quality of the human environment or include any condition requiring any 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 WR/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 components of the Proposed Action as rendered in the March 2022 EA and updated in Attachment B of the additional documentation submitted by Mercer County on November 22, 2023, subject 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: \_\_\_\_\_ FOR  
Airports Division Director Date  
Federal Aviation Administration  
Eastern Region

DISAPPROVED: \_\_\_\_\_  
Airports Division Director Date  
Federal Aviation Administration  
Eastern Region

**Right of Appeal**

This Written Re-evaluation/Record of Decision (WR/ROD) presents the Federal Aviation Administration's findings and final decision and approvals for the actions identified, including those taken under the provisions of Title 49 of the United States Code, Subtitle VII, Parts A and B.

Any party having a substantial interest may appeal this order to the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business, upon petition filed within 60 days after entry of this order in



accordance with 49 U.S.C. §46110.

Any party seeking to stay the implementation of this WR/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.

