Protection of
Minute Man National Historical Park
and Environs

A request for Federal planning
Proposed by Save Our Heritage, Inc
October 20, 2010

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The Aviation Development Threat

The threat of aviation development is why Minute Man National Historical Park (recently expanded in H.R. 146) and Thoreau's Walden (the Cradle of the American Environmental Movement) - are listed by the National Trust as "Most Endangered" places.

Massport, a quasi public/private agency that owns and operates Hanscom Field, has announced plans to **double the private jet infrastructure of the airport**. The FAA -- to date -- has approved the plans (this decision is currently under appeal in the First Circuit).

For decades, since Massport acquired Hanscom Field, the historic communities, their State and Federal representatives, and the National Park Service have worked diligently to establish a means to mitigate noise and pollution impacts generated by the active aviation and secure a policy of limitations of such impacts in perpetuity.

If the expansion of this airport served a critical public need in our transportation system that could not be met any other way, then we might be faced with difficult and painful choices. However, this airport has no commercial service, primarily services private luxury aviation, and **there are nearby alternative airports that are dramatically underutilized and urgently need new aviation business**.

Massport's charter as a quasi-public agency has made them unresponsive to the local controls that other private airports are subject to. Moreover, Massport maintains that their existing FAA grant assurances actually prohibit them from taking actions to protect the surrounding historic areas, which is why this issue cannot be resolved only at the local (or state) levels.

Why collective efforts have failed to protect these National Landmarks

Despite the efforts to protect these sites from adverse aviation impacts by thousands of citizens, the historic towns, prominent historians and environmentalists, Scenic America, The National Trust, Congressman Markey and Tierney, Congresswoman Tsongas, Senator Kerry, the late Senator Kennedy, and Governor Deval Patrick -- inappropriate

piecemeal and incremental expansion has continued apace, and these irreplaceable landmarks are at risk of death by a thousand cuts. (Please see attached history)

To date, federal environmental regulations lack the fine-tuning needed to properly assess and judge aviation impacts within such a rural, quiet, and sensitive natural and historic area as Minute Man Park and its environs. In fact, the FAA currently defines significant impact based on incompatibility with human habitation for people located indoors.

In areas of Minute Man National Park, and its surroundings, the sound levels are close to natural quiet, and jet noise represents a shocking disturbance -- consistently drowning out 18th century interpreters, school field trips, and quiet conversation and contemplation. By the FAA's own determination in FAA Order 1050. 1E (4.3) – current methods of noise assessment may not be appropriate for National Parks and National Wildlife Refuges.

We appreciate that, over time, new metrics will be established and available for application in sensitive environs. However, the Birthplace of the American Revolution and the Cradle of the American Environmental Movement stand **imminently endangered** by environmentally inappropriate aviation expansion plans.

What can be done

In response to requests from Save Our Heritage, historians, environmental organizations, and federal, state, and local representatives, President Clinton in 2001 established a Federal Interagency Working Group charged with the mission to protect the Minute Man National Historical Park, Walden Pond, and Historic Concord and Lexington and their environs (MOU attached). However, the Federal Interagency Working Group made no specific recommendations or plans during the Bush administration and no longer meets. Lack of a clear mission assignment and time frame are generally accepted as the central reasons why this Working Group has not produced any specific recommendations.

We believe that the existing Federal Interagency Working Group could be effective, but that it requires a specific mission assignment, including time frame and deliverables, from the Administration.

After 10 years of consulting with experts, legislators, and former FAA officials, and having exhaustively reviewed alternatives, we have identified a mission assignment for the Federal Interagency Working Group that is:

- Clear enough to allow the Working Group to proceed immediately
- Likely to yield constructive results in a defined time frame
- Compliant with existing statutes
- Defines an objective without being prescriptive
- Flexible and adaptable to situational changes in the future

The attached mission assignment can be summarized as follows:

- The existing 2001 MOU defines the Working Group
- The National Park Service adopts a method for assessing environmental impacts from the Airport on the local historic sites
- The National Park Service determines the current impacts for the baseline year 2010
- The Working Group issues recommendations and planning guidance to manage the impacts so that they are held at the baseline levels or reduced over time.
- That the airport operator, Massport, receive assurance that if they follow such recommendations or plans, doing so would not place them in violation of their federal grant assurances.

We are asking that the Administration, through the secretaries of Transportation and Interior, charge the Federal Interagency Working Group, as defined in the existing MOU, with the specific objectives outlined in the attached mission assignment. With this clarified mission assignment, we have confidence that the Working Group will be able to fulfill its original mission for effective long-term protection of Minute Man Park and its environs.

Note that this mission assignment does not require that any thresholds for impact significance be established or precedents set on this issue. Impact thresholds remain an issue of some controversy among experts and government organizations worldwide. The mission assignment simply requests that plans be devised, and feasibility investigated, for holding impacts at current levels.

Why this approach is needed in this case

Hanscom Field is **the only airport in the country** that directly abuts a living history National Historical Park, a National Wildlife Refuge, and over 1,000 National Register eligible 18th and 19th century historic sites. There are approximately 5300 general aviation airports in this country; **there is one Birthplace of the American Revolution and, likewise, one Cradle of the American Environmental Movement.**

The airport operator, Massport, has repeatedly stated that any actions they take to manage the airport in balance with its important cultural and natural surroundings might be interpreted as violations of their federal grant assurances -- essentially claiming that their "hands are tied" in any attempts to control impacts. **If federal guidance and recommendations were provided, the airport operator could be more confident that any actions they take following such federal guidance would not be interpreted as violations of their grant assurances.**

Proposed Interagency Workgroup Assignment

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It is proposed that the Federal Interagency "Hanscom – Minute Man National Historical Park Working Group," as defined in the existing MOU of January, 2001, (attached) shall be reconvened and tasked with the following specific objectives:

1. In consultation with the FAA, the National Park Service shall define the appropriate measurement method to be used for assessment of noise impacts to Minute Man National Historical Park and other local historic sites eligible for listing on the National Register of Historic Places, subject to the constraint that any metrics defined must be able to be modeled using the data sets from the FAA Integrated Noise Model.

2. The year 2010 shall be defined as the baseline year for noise impact planning purposes.

3. Future airport planning, regional aviation planning, FAA approvals, and guidance provided by the FAA and National Park Service for Hanscom Field shall be guided by the principle that projected noise impacts as determined by the prescribed metric shall be held to or reduced from the baseline value.

4. Planning mechanisms to control or limit the noise impacts shall be defined and studied, including but not limited to: means to mitigate noise impacts of operations; means to limit aviation infrastructure expansion; assignment of certain classes of operations such as ticketed commercial and cargo to other system airports under the FAA multi-airport sponsor program; means to encourage use of alternative underutilized airports for recreational and training operations; use of fees; fixed limitation of the airport layout plan; no further transfer of Federal land to the airport; and impact mitigating tower procedures. Feasibility and effectiveness will be determined to identify the most effective means (or combination of means) to achieve objective #3.

5. To provide assurances that any actions taken by the airport operator, the Commonwealth of Massachusetts, or the FAA to further these objectives shall not be construed to be a violation of grant assurances of Airport Improvement Program funding or any other federal funding.

6. The Work Group solicit and integrate the inputs of the surrounding towns, and review their findings and reports with local, state, and federal elected representatives of towns for comment prior to release.

7. A planning document will be created that defines:

   - the noise impact metric and how it will be measured and modeled on an ongoing basis
   - describes the goal of maintaining the impacts at or below the baseline value
   - identifies guidance for means to achieve the goals
   - identifies planning and permitting processes and documents, including regional planning, that should incorporate this guidance
   - clarifies that actions taken to further these goals will not be construed to be violations of grant assurances.

8. The Interagency Working Group shall complete its work on this mission assignment in one year from this date; until then, construction activity related to infrastructure expansion should be deferred.

Comment:
The establishment of any numeric thresholds for impacts in National Parks and other sensitive receptors remains an area of some controversy among experts and government organizations worldwide. Note that this mission assignment does not require that any specific thresholds for significant impact be defined, nor does it attempt to prescribe any particular controls, limits, or other means to achieve the objective. It simply requires that a plan be devised to hold impacts at or below current levels. This assignment is clearly within the scope and intent of the original MOU. If at some future time, federal methods and metrics are established for determining impacts at National Parks and other historic sites, planning for this area should be updated accordingly.

The 2001 Federal Interagency Working Group MOU

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

U.S. DEPARTMENT OF TRANSPORTATION

THE
U.S. DEPARTMENT OF THE INTERIOR

AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION

ESTABLISHING THE

HANSCOM – MINUTE MAN HISTORICAL NATIONAL PARK WORKING GROUP

TO PROMOTE THE LONG-TERM PROTECTION OF RESOURCES OF THE

MINUTE MAN NATIONAL HISTORICAL PARK

AND OTHER SIGNIFICANT HISTORIC SITES IN THE VICINITY OF HANSCOM FIELD

BACKGROUND: Minute Man National Historical Park (MMNHP) was established by Congress in 1959 to "consolidate, preserve, selectively restore and interpret portions of the Lexington-Concord Battle Road, as well as the associated structures, properties, and sites so that the visitor may better appreciate and understand the beginning of the American Revolution as a significant chapter in the American Historical Heritage."

The National Park Service has the mission to protect and preserve the national resources of Minute Man National Historical Park and other nearby nationally significant historical and natural resources from adverse transportation impacts. The Department of Transportation and other signatory federal agencies. in accordance with their respective statutory missions, are committed to help the National Park Service accomplish this mission.

PURPOSE: This Memorandum is established to create a partnership of relevant Federal agencies to promote--consistent with applicable law and in consultation with non-Federal stakeholders--the protection and preservation of the resources within the Minute Man National Historical Park and other nearby significant historic sites from current and future adverse transportation impacts in coordination with identifying and achieving the region's long-term transportation and land-use visions .

GOALS:

1. Achieve mutual understandings of each respective agency's missions and authorities.
2. Identify, develop, and implement opportunities to engage other Federal, State, and local stakeholders.
3. Develop and implement strategies that facilitate a coherent comprehensive planning process.

4. Serve as a catalyst to initiate collaboration with State and local stakeholders to find and develop mutually beneficial solutions to preserve the area's nationally significant resources.
5. Identify and pursue processes to ensure the full participation of the National Park Service in relevant aspects of transportation planning—including but not limited to the activities of the Boston Metropolitan Planning Organization, as well as the full participation of Federal, State, and local transportation and land-use agencies in relevant aspects of planning for the MMNHP.
6. Develop principles and structures of collaborative decision-making through the planning process that can further the purposes of this Memorandum and serve as a model for future collaborative efforts to protect significant cultural or natural resources throughout the Nation.

STRUCTURE:

The Working Group will consist of two sub-groups to include representatives of relevant Federal agencies at the Headquarters (Washington) and Field (Boston) levels.

The Washington Sub-Group will be co-chaired by the Assistant Secretary for Transportation Policy and the Director of the National Park Service (or their designees) and will include representatives from the Federal Highway Administration, Federal Aviation Administration, Assistant Secretary for Fish and Wildlife and Parks, National Park Service, and Advisory Council on Historic Preservation. Other elements of the Departments of Transportation and of the Interior--such as but not limited to their other Departmental offices and other constituent agencies or operating administrations--are encouraged and welcome to be included. Similarly, representatives from any other Federal agency that may have an interest are encouraged and welcome to be included.

The Boston Sub-Group will be co-chaired by the Regional Director of the National Park Service and the Chair of the Region One Intermodal Transportation Group (or their designees) and will include representatives from the Federal Highway Administration, Federal Aviation Administration, and the Volpe National Transportation Systems Center. Representatives from any other Federal entity that may have an interest—such as but not limited to the Air Force, Fish and Wildlife Service, Environmental Protection Agency, Federal Transit Administration, and Federal Railroad Administration—are encouraged and welcome to participate.

The primary role of the Washington Sub-Group is to consult with and provide policy and legal support for the Boston Sub-Group—serving as an interface between the field offices and the senior Headquarters officials of their agencies. The Washington Sub-Group will meet quarterly. Other meetings may be held if the need arises.

The role of Boston Sub-Group is to proactively accomplish the goals outlined above and to keep the Washington Sub-Group advised of their progress and needs. The early engagement of State and local officials and other stakeholders will be a critical element of this process.

Each Sub-Group may adopt procedures for its operation and management.

This MOU shall take effect on the date of the last signature hereto. This MOU may be terminated by any party to the extent of the party's role under the MOU by providing written notice to the other parties. This MOU is only intended to improve the internal management of the executive branch and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural.

enforceable at law or equity by any entity against the United States, its agencies, its officers, or any other person.

IN WITNESS THEREOF, this Memorandum of Understanding is executed by the signatures below:

For the
Department of Transportation

Eugene A. Conti, Jr.
Assistant Secretary
for Transportation Policy

Kenneth R. Wykle
Federal Highway Administrator

Jane F. Garvey
Federal Aviation Administrator

For the
Department of the Interior

Kenneth L. Smith
Assistant Secretary
for Fish and Wildlife and Parks

Robert G. Stanton
Director, National Park Service

For the
Advisory Council on Historic Preservation

John M. Fowler
Executive Director

Dated: January 19, 2001

Chronological History of Protection Challenges

1977 - Massport takes over Air Field after its use as an active US Air Force Base

1990 - Massport expansion plans spur unanimous community opposition from surrounding towns: Concord, Lexington, Lincoln, and Bedford, MA

1996 – Massport environmental impact statement contends plans for expansion will have no negative impacts – the community, site stewards and the National Park Service have no input.

1999 – Ticketed commercial operations start up against unanimous opposition

1999 – A Section 106 of the National Historic Preservation Act is denied and FAA decision to allow expanded flights is appealed

2001 – President Clinton establishes Federal Interagency Working Group to protect the Park and environs from negative transportation impacts

2002 – *Hanscom at the Crossroads*, a document calling for an immediate moratorium on additional aviation, infrastructure improvements or new development until a regional plan is in place.
Signed by: Congressmen Ed Markey, John Tierney, and Martin Meehan, Massachusetts State Senators and Representatives; and nine surrounding Towns.

2003 – Minute Man Park, Walden and Environs are designated ***Last Chance Landscape*** *by* **Scenic America** due to Hanscom Airport expansion

2003 – Minute Man Park, Walden, and Environs are named amongst the ***11 Most Endangered Historic Places in America*** **by the National Trust for Historic Preservation**– David McCullough delivers keynote at designation
- Fed Ex proposes to set up cargo operations at Hanscom
- Ken Burns writes Boston Globe op-ed in opposition to plans -- unanimous community opposition ensues; Fed Ex withdraws plans

2006 -- Massport proposes the demolition of historic Hangar 24 and its replacement with a large new FBO (corporate jet service facility), with an above ground fuel tank

2008 – Following the Massachusetts Historical Commission's recommendation, FAA begins a Section 106 (4f) review of the Hangar 24 proposal – and decides to include the build-out of East Ramp in its Environmental Assessment (totaling 460,000 sq ft of new infrastructure for corporate jets; the biggest expansion plans at Hanscom Field in decades).

2009 – ***America's Great Outdoors*** Initiative via Ominbus Public Lands Management Act 2009– Minute Man Park boundary is expanded to include the revolutionary landmark -- Barrett's Farm (A ***Save America's Treasures*** Project) and 60 acres. The Park and environs are included in ***Freedom's Way National Heritage Area.***

2009 – Senate and House pass resolutions (H. res. 599, S. Res. 275) honoring Minute Man National Historical Park

2010 - Despite virtually unanimous Consulting Party opposition, the FAA approves the Hangar 24 and East Ramp development proposal.

2010 – Appeal of Hangar 24 FAA Environmental Assessment Decision is filed in First Circuit