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October 23, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
 ON THE  
 NOTICE OF PROJECT CHANGE

PROJECT NAME : Pittsfield Municipal Airport Improvement Projects  
 PROJECT MUNICIPALITY : Pittsfield  
 PROJECT WATERSHED : Housatonic River  
 EOE NUMBER : 12480  
 PROJECT PROPONENT : Pittsfield Municipal Airport Commission  
 DATE NOTICED IN MONITOR : October 15, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project change is insignificant and **does not require** the preparation of an Environmental Impact Report.

Project Description/MEPA History

Pittsfield Municipal Airport is a general aviation airport located in the southwest quadrant of the city near the towns of Lenox and Richmond. It is surrounded by Shaker Mountain to the northeast, South Mountain to the east, Mahanna Cobble to the south, and Lenox Mountain to the southwest. Residential communities are within close proximity of the airport's eastern perimeter, with other adjacent land uses including industrial, agricultural, and protected open space. The airport operates Runway (R/W) 8/26, a 5000-foot runway, and R/W14/32, a 3,500-foot crosswind runway. The site also contains a fixed based operator (FBO) terminal, and hangar space, and approximately 57 surface parking spaces. The airport currently averages 7,700 operations per year (opy) (takeoffs and landings) for small aircraft (Airport Reference Code C-II). Business jet operations are forecast to increase 16,200 opy by 2018, from 25% of total opy to approximately 30%. The Airport Master Plan Update (AMPU) was completed by the Pittsfield Airport commission in 2001 in consultation with a Planning Advisory Committee. The Runway Safety Area (RSA) airport improvement project was modified subsequent to the issuance of the Certificate for the DEIR to reduce or avoid impacts to environmental resource areas located within and adjacent to the project site.

As described in the Final Environmental Impact Report (FEIR) submitted for this project in 2005, the airport improvement project included the construction activities listed below:

- Constructing RSAs (400 feet wide and 920 feet long) on the ends of R/W 8/26 );
- Extending R/W 26 northeasterly from the existing 5,000 linear feet (lf) to 5,950 lf, and construction of a partial parallel taxiway from the new terminus of the runway to the existing taxiway, and the re-routing of South Mountain Road around the east end of the extended R/W 26;
- Installing a full precision approach system for R/W 8/26 and relocated navigational aids;
- Increasing the separation between R/W 8/26 and Taxiway A by relocating Taxiway A;
- Demolishing the existing terminal building and constructing a new terminal building with realigned access;
- Expanding the existing automobile parking and aircraft aprons;
- Extending municipal water to the facility and complete sewer improvements;
- Constructing a corporate hangar east of the new terminal building; and,
- Implementing a vegetation management plan (VMP) to remove vegetative obstructions within the approach and transition surfaces of all four runways.

A Secretary's Certificate on the FEIR was issued on July 1, 2005 and determined that project adequately and properly complied with the Massachusetts Environmental Policy Act (MEPA) and its implementing regulations. However, the Secretary's Certificate noted that additional revisions to the project could be necessary in order to meet the requirements for obtaining a Variance under the Wetlands Protection Act regulations. The Certificate directed that a Notice of Project Change (NPC) be filed to describe any proposed changes to the project as it was described in the FEIR that occurred as a result of the wetlands Variance process.

The Proponent has worked with closely with the Massachusetts Department of Environmental Protection (MassDEP) to ensure all the standards for obtaining a Variance have been met. Certain changes have been made to the project design as a result. The current NPC was therefore filed to comply with the Certificate's directive and fully describe those changes. In accordance with Section 11.10(6) of the MEPA regulations, the Proponent filed the NPC with a request that I find that the project changes are insignificant in terms of their environmental consequences. After reviewing the NPC and the Variance issued by MassDEP, I have concluded that the project changes do not significantly increase environmental consequences. Therefore, in accordance with the procedure specified in the regulations, I have issued this Certificate within ten days of the Proponent's request. Because the NPC was circulated in accordance with 301 CMR 11.10(7), the NPC did not require publication and a public comment period.

### Jurisdiction and Permitting

The airport improvement project was subject to review and required a mandatory Environmental Impact Report (EIR) pursuant to 301 CMR 11.03 (3)(a)(2) of the MEPA regulations because it involved the alteration of wetland resource areas requiring a Variance in accordance with the Wetlands Protection Act. The project required a U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Permit for stormwater discharges from a construction site of over one acre, a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP), and Article 97 approval for a transfer of conservation land. The project will result in a “take” of rare species habitat and thus requires a Conservation Management Permit from the Natural Heritage and Endangered Species Program (NHESP). Because the Proponent is receiving financial assistance from the Massachusetts Aeronautics Commission (MAC), MEPA jurisdiction broadly extended to all aspects of the project with the potential to cause Damage to the Environment as defined in the MEPA Regulations. Since the time the FEIR was filed, the Proponent has obtained the required wetlands Variance and completed the required Article 97 land transfer.

### Project Change Description

According to the information provided in the NPC, the Proponent has worked closely with MassDEP subsequent to the Secretary’s issuance of the Certificate on the FEIR to revise the proposed Pittsfield Airport Improvements Project to further reduce impacts to wetland resource areas located within and adjacent to the project site.

The proposed project changes include:

- Reducing the length of R/W 26 from 5,950 lf to 5,790 lf to allow for the re-routing of South Mountain Road to avoid impacts to BVW;
- Eliminating the proposed parallel taxiway to R/W 26 to reduce the width of the proposed crossing of Wild Acres Brook;
- Reducing the proposed full approach lighting system from 2,400 lf to 1,400 lf to avoid placement of light towers in wetlands resource areas associated with Wampenum Brook, and eliminating the proposed installation of the full instrument landing system (ILS);
- Reducing the project’s total impervious surface area from 3.5 acres to 2.0 acres by reducing the length of R/W 26 and eliminating the proposed parallel taxiway to R/W 26;
- Reducing the total wetlands and upland area to be managed under the Vegetation Management Plan from 211 acres to 180 acres; and,

- Modifying the Proponent's mitigation commitments and proposed wetlands mitigation plan to provide a net increase in total wetlands mitigation area and employing an environmental monitor (EM), a Wetlands Specialist (WS) and an Independent Observer (IO) during final project design, project construction and post-construction mitigation monitoring.

The project changes described in this NPC do not require any new or amended state agency actions. As noted above, on October 9, 2009, the Commissioner of MassDEP issued the Proponent a Variance from the Wetlands Protection Act Regulations that allows the project, as currently proposed, to proceed in compliance with the Wetlands Regulations. In its issuance of a Variance, MassDEP has determined that the Proponent's Waiver Request application has satisfactorily demonstrated that the currently proposed RSA airport improvements project has been designed to serve as airport safety improvements, and that these specific project elements comply with the variance criteria of overriding public interest, no reasonable alternatives, and mitigation measures comparable to the standards set in previous variance decisions issued by MassDEP.

### Wetlands

The proposed changes will result in a reduction in the project's permanent impacts to wetland resource areas located within and adjacent to the project site including Inland Bank, Land Under Water, Land Subject to Flooding and Riverfront Area.

The Proponent's proposed Runway Safety Area (RSA) airport improvement project will impact the following resource areas:

- bordering vegetated wetlands (BVW) – approximately 6.0 acres of wetlands fill and 22.4 acres for obstruction removal under the Proponent's VMP;
- land under water (LUW) wetlands - approximately 4,560 square feet (sf);
- inland stream Bank – approximately 2,028 lf ;
- bordering land subject to flooding (BLSF) – approximately 5,466 cubic feet (cf); and,
- Riverfront Area (RA) - approximately 6.8 acres for project construction and approximately 8.9 acres for obstruction removal under the Proponent's VMP.

To mitigate the project's impacts to BVW resource areas the Proponent has committed to construct a total of approximately 6.0 acres (1.0:1.0 ratio) of wetlands replication in three separate areas (Replication Areas B, E and I) located adjacent to existing wetlands resource areas within and adjacent to the airport project site. According to MassDEP, these areas will also provide some compensatory flood storage for the project's floodplain impacts. Project construction will also be phased to minimize simultaneous land disturbance, which itself reduces potential erosion and sedimentation into wetland resource areas.

The project will also impact (LUW), wetlands Bank, and BLSF associated with the routing and culverting of a section of Wild Acres Brook under R/W 26 and a section of Mud Pond Brook under R/W 8. To mitigate these impacts, the Proponent has committed to restore sections of Wild Acres Brook located to the north of South Mountain Road. Specifically, the Proponent will construct a new stream channel segment of Wild Acres Brook to the north of South Mountain Road to create improved habitat for fisheries and improve wildlife connectivity to Wild Acres Brook habitat located to the south of South Mountain Road. The Proponent will also remove an existing concrete dam located south of Old Mountain Road to restore natural flow and fisheries habitat to additional areas of Wild Acres Brook.

To mitigate the project's impacts to RA, the Proponent has committed to restore a total of approximately 4.3 acres of Riverfront Area (RA) along a section of Wild Acres Brook located to the north of South Mountain Road, a section of Mud Pond Brook located to the north of R/W 8, and a section of Wampenum Brook located along Old Tamarack Road. The Proponent has also committed to permanently protect a 36-acre parcel of land (Eastern Mitigation Parcel) located at the eastern end of the project site that serves as the headwaters to the Wepenum wetlands resource area. The proposed RA restoration activities include soils enhancement, native shrub plantings and invasive species removal of previously disturbed areas.

MassDEP has also conditioned the issuance of its Variance Decision to require the Proponent to also complete restoration activities associated with a section of Sackett Brook located in the Canoe Meadows Wildlife Sanctuary in Pittsfield. The Sackett Brook restoration project includes the removal of the existing Gravesleigh Pond Dam and a concrete access bridge that is currently restricting brook flow. According to MassDEP, the Sackett Brook restoration project will provide mitigation for the Proponent's RSA improvement project's impacts to habitat loss and fragmentation in the Wild Acres Brook resource area. I note that MassDEP's Variance Decision includes a condition that would require the Proponent to complete a restoration project associated with a section of the Upper Housatonic River in the event the Proponent cannot obtain the necessary approvals to construct the Sackett Brook Restoration project or the Proponent can demonstrate to MassDEP that the Sackett Brook Restoration project is infeasible.

I find that MassDEP's Variance Decision contains conditions for performance to ensure that the Proponent's mitigation plan includes on-site and off-site mitigation activities that will allow the project to be conditioned so as to contribute to the protection of the interests identified in the Wetlands Protection Act.

### Rare Species

The project site contains priority habitat for the Chestnut-colored Sedge (*Carex castanea*), Crooked-stem aster (*Symphotrichum prenanthoides*), Barren Strawberry (*Waldsteinia fragarioides*), and Few-flowered Spikerush (*Eleocharis quinqueflora*).

In its comments on the FEIR, NHESP had commended the Proponent's efforts to seek FAA approval to modify the proposed safety areas associated with runway 08 and 26 to reduce the project's potential impacts to the Few-flowered Spikerush (*Eleocharis quinqueflora*).

NHESP has informed the MEPA Office that the Proponent has been engaged in consultations with NHESP to develop an appropriate Conservation and Management Plan (CMP) and Conservation and Management permit application for the proposed airport improvement project. The CMP includes a habitat management plan for all existing and proposed grassland and shrubland areas located in the runway areas to accommodate grassland birds. Project revisions have occurred that include the relocation and/or alteration of a number of the wetland replication areas and a reduction in direct impacts to three of the rare plants and eliminated impacts to a third. The project changes also eliminated a wetland replication area that would have necessitated timing consideration for the American Bittern (*Botaurus lentiginosus*).

The Proponent has committed to a mowing program to avoid impacts to nesting grassland birds during the project construction period. Impacts to the Chestnut-colored Sedge, Crooked-stem Aster and Baren Strawberry will result in a "take" and require a CMP. As part of the CMP, the Proponent has committed to translocate impacted plants, collect seeds, and manage translocation areas to prevent/control invasive plant species. The Proponent has also committed to permanently protect a parcel of land and conduct additional plant surveys. The Proponent's habitat management plan contains a monitoring plan that will enable the proponent and NHESP to evaluate the success of the proponent's proposed habitat mitigation activities. According to NHESP, the Proponent is presently re-calculating all the project's impacts to rare species to finalize the details of the Proponent's CMP. The Proponent should forward a copy of the final CMP to the MEPA Office for the project file.

#### Article 97/Agricultural Lands

The Proponent's RSA airport improvements project required the conversion of approximately 21.0 acres of Article 97 land located in the City of Pittsfield's Wild Acres Park Conservation Area. Pursuant to EEA's Article 97 Land Disposition Policy, the Proponent replaced this loss of Article 97 land, including the replacement of existing Park structures and uses that would be directly impacted during project construction or made inaccessible by completion of the proposed RSA airport improvements project, with several parcels of land (approximately 63.0 acres total), consisting of wetland and upland resource areas, farmlands, and open fields. The Proponent consulted with the Department of Agricultural Resources (DAR), and committed to an on-site mitigation plan to address the project's conversion of approximately 56.0 acres of agricultural land and prime agricultural soils to non-agricultural uses. According to the Proponent, the Proponent acquired approximately 66.0 acres of prime agricultural soils and farmland that has been deeded to the Wild Acres Conservation Area.

The Proponent worked closely with DAR regarding the deed language to ensure that the Proponent's agricultural land mitigation plan will adequately compensate for the loss of agricultural land. Approximately 8.83 acres of the prime agricultural soils and farmland areas to be deeded to the Wild Acres Park Conservation Area will be designated for continued active agricultural use. The Proponent worked with the farm landowner to place the remaining farm land in an Agricultural Conservation Restriction (CR). The CR permanently preserved 114 acres of agricultural land. Details of the Proponent's Article 97 and Agricultural lands mitigation plan must be included as a Section 61 mitigation commitment.

### Historic/Archaeological

In its comments on the FEIR, the MHC identified a property located at the end of R/W 8 (26 Cloverdale Street/Charles T. Barker House) proposed for demolition that is included in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth, and eligible for listing in the National Register of Historic Places. MHC determined that the demolition of the 26 Cloverdale Street/Charles T. Barker House property would have an adverse effect on historical properties pursuant to 36 CFR 800.5(a)(2)(i) and 950 CMR 71.05(a). As a result of the proposed project changes described in the NPC, the Proponent has eliminated the need to acquire and demolish the 26 Cloverdale Street/Charles T. Barker House property. As currently proposed, the RSA airport improvement project will not result in any impacts to historic resources.

### Stormwater/Water Quality

The Proponent's Stormwater Management Plan was revised to accommodate the proposed project changes and incorporates Best Management Practices (BMPs) including detention basins, infiltration wells, water quality swales, and sediment sumps to achieve the 80% Total Suspended Solids (TSS) removal performance standard. The Proponent has committed to monitoring and maintenance of this system to ensure that water quality is not degraded as a result of this project. The Proponent has also committed to employ erosion/sedimentation control measures to minimize adverse impacts to the onsite wetlands resources during construction. I note that MassDEP's Variance Decision contains numerous conditions which adequately address the consistency of the proposed airport drainage and stormwater management system with the MassDEP Stormwater Management Guidelines and Standards for areas with higher potential pollutant loads. MassDEP is also requiring additional analysis and improvements of the Proponent's existing airport stormwater management system for those portions of the airport that are outside of the currently proposed construction area. MassDEP's Variance Decision also requires regular maintenance of all stormwater management features.

Construction Period Impacts/Coordination

Because the Proponent will be receiving financial assistance from the Commonwealth for this project, the Proponent must participate in MassDEP's Clean Air Construction Initiative to minimize emissions from diesel-powered construction equipment. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas and rare species habitat areas. The Proponent should require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel pursuant to MassDEP's Clean Construction Equipment Initiative.

Mitigation / Section 61 Findings

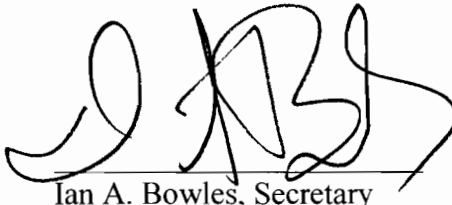
The NPC contains a copy of MassDEP's October 9, 2009 Variance Decision which includes a detailed description of the Proponent's Mitigation Plan and mitigation commitments for all areas of project impact. The NPC contained Proposed Section 61 Findings for MassDEP (wetlands, water quality), the Division of Fisheries and Wildlife (rare species), and the Massachusetts Historical Commission. The Final Section 61 Findings will be included with all state permits issued for this project, and will be considered binding upon the proponent as mitigation commitments. A copy of the Final Section 61 Findings must be forwarded to the MEPA Office in accordance with Section 11.12 of the MEPA regulations.

Conclusion

After a review of the NPC, I find that the proposed project change is insignificant, in accordance with the MEPA regulations at 301 CMR 11.10(6). No further MEPA review of the project is required as a result of the proposed change. I commend the Proponent for working with MassDEP and NHESP to further reduce the project's impacts to wetland resource areas and rare species habitat.

October 23, 2009

DATE

  
Ian A. Bowles, SecretaryNPC #12480  
IAB/NCZ/ncz