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February 15, 2008

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Donnybrook Country Club Golf Course  
PROJECT MUNICIPALITY : Lanesborough  
PROJECT WATERSHED : Housatonic  
EOEA NUMBER : 13093  
PROJECT PROPONENT : Donnybrook, Inc.  
DATE NOTICED IN MONITOR : January 9, 2008

As Secretary of Energy and Environmental Affairs (EEA), I hereby determine that the Supplemental Draft Environmental Impact Report (EIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). Because the Supplemental Draft EIR provides adequate information regarding environmental impacts and mitigation upon which state agencies can base permitting decisions and no substantive issues remain to be addressed, I will notice the Supplemental Draft EIR as a Final EIR in the February 20, 2008 edition of the Environmental Monitor.

Project Description

As described in the Supplemental Draft EIR, the project consists of development, operation and maintenance of a public 9-hole golf course, associated infrastructure and support facilities. The project includes the renovation of existing buildings for a clubhouse and maintenance facilities, construction of a building for additional storage and maintenance of golf

course equipment, expansion of an existing parking area, construction of cart paths and modification of an existing curb cut. Also, the project includes installation of a groundwater well for irrigation, a new drinking water well and an on-site septic system.

The 365-acre site, which is bisected by Route 7, consists of forested areas, wetlands and agricultural pasture and fields forming large areas of open meadows. Town Brook flows from west to east (under Route 7). Portions of the project site are located within Priority Habitat for the Adder's Tongue-fern, the Long-styled Sanicle, and the Wall-rue Spleenwort, which are state listed as Threatened species under the Massachusetts Endangered Species Act and its implementing regulations. The project is also within Priority Habitat for Ginseng, a species of Special Concern. The site includes the Chadwick House, an eighteenth century stone house, which is listed in the state Inventory of Historic and Archaeological Assets.

### MEPA Jurisdiction and Permitting

The project is undergoing review pursuant to Section 11.03 (1)(a)(1) because it requires a state permit and, at the time of filing, would have altered more than 50 acres of land. The project requires a 401 Water Quality Certificate and a New Source approval and Public Water Supply (PWS) authorizations for pumping tests and construction from the Department of Environmental Protection (MassDEP).<sup>1</sup> The project requires review by the Natural Heritage and Endangered Species Program (NHESP). It requires an Access Permit from the Massachusetts Highway Department (MassHighway), is subject to review by the Massachusetts Historical Commission (MHC) and requires an Order of Conditions from the Lanesborough Conservation Commission (and hence Superseding Orders of Conditions from DEP in the event that local Orders are appealed).

The proponent is not seeking financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to those aspects of the project that are likely to cause significant Damage to the Environment and that are within the subject matter of the required state permits. In this case, MEPA jurisdiction exists over land alteration, wetlands, water quality, drainage, water supply, wildlife habitat/rare species, traffic and historic resources.

### Procedural History

An Environmental Notification Form (ENF) was filed for an 18-hole golf course in August 2003. The Secretary's Certificate on the ENF indicated that the project was subject to a mandatory EIR and provided the Scope for the EIR. The Draft EIR was filed in December, 2005 and the Certificate on the DEIR was issued on January 13, 2006. The Draft EIR Certificate required that a Supplemental Draft EIR be filed to address inadequate information and analysis of alternatives.

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<sup>1</sup> The Supplemental Draft EIR indicates, and MassDEP comments concur, that the project does not require a Water Management Act (WMA) Permit.

The previously filed documents identify the work that was already completed on the front nine holes, located on the west side of Route 7, and described the related enforcement actions, in the form of an Administrative Consent Order with Penalty, taken by MassDEP. The enforcement action addressed the construction (and associated clearing and grading) of three holes (1, 8 and 9) and installation of three culverts (holes 2, 5 and 7).<sup>2</sup>

An NPC was filed in December, 2006 identifying the change in scope from an 18-hole golf course to a 9-hole golf course. A Certificate on the NPC was issued on January 3, 2007 and contained a revised scope for the Supplemental Draft EIR based on the change in scope of the project and comments on the NPC.

### Review of the Draft Supplemental EIR

The Supplemental DEIR includes a thorough description of the project and all project elements and construction phases. It includes existing, proposed and as-built project plans. It includes a site circulation plan and parking demand. It identifies the proposed reuse of the existing buildings (including potential use for events) and proposed agricultural use. The Supplemental Draft EIR includes a revised alternatives analysis and compares the environmental impacts of each. It includes an updated mitigation section that clearly identifies mitigation measures associated with the project.

The reduction in scope has significantly reduced the potential impacts associated with the project. Land alteration and creation of impervious surfaces associated with the original plan were estimated at 105 acres and 8.2 acres respectively. Actual impacts, based on as-built plans, consist of 41 acres of land alteration and creation of impervious surfaces. The construction of the golf course has resulted in significant wetlands impacts for which MassDEP issued an enforcement order directing the proponent to pay a significant fine and conducted wetlands restoration. As required, the Supplemental Draft EIR provides a narrative of the wetlands history, including the dates of permits and enforcement orders, evaluates the performance of the wetlands restoration efforts and provides a stormwater management plan. All of the required Orders of Conditions have been issued by the Lanesborough Conservation Commission. The project change avoided the potential alteration of 5,000 sf of Bordering Vegetated Wetland and over 100,000 sf of Riverfront Area associated with the back nine holes.

Water demand is identified as 15,000 gallons per day (gpd) (based on water meter readings) which is significantly lower than the threshold for a Water Management Act (WMA) Permit and lower than the 52,350 gpd estimate included in previous submittals. The Supplemental Draft EIR does not include an assessment of potential project impacts on water quality and groundwater, provide detailed information on the hydrology of Town Brook, or describe the proposed water quality monitoring plan, action thresholds and management responses outlined in the IPM Plan. An email from MassDEP, dated January 30, 2008 indicates

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<sup>2</sup>DEP and the proponent entered into an Administrative Consent Order (ACO) requiring the creation of a wetlands replication area and a large monetary fine. DEP permitted the proponent to retain the culverts installed in the area of the second, fifth and seventh holes because it was determined that removal would cause additional impacts to wetlands.

that the proponent was required to analyze water samples at the end of the pumping test as part of the water supply permitting process. Testing was conducted for Synthetic Organic Chemicals (SOCs), which includes pesticides. SOCs were not detected during the testing. An email, dated February 14, 2008, from the proponent's consultant confirms the proponent's commitment to conduct the water quality monitoring program.

The Supplemental Draft EIR indicates that the project will generate approximately 1,815 gpd of wastewater, which is a reduction from the estimate of 2,850 gpd identified in previous filings. The size of the septic tank has been increased to address comments from MassDEP

The Supplemental Draft EIR identifies the completion of required rare species surveys and indicates that a Rare Plant Management Plan was submitted to NHESP. This plan is referenced in the Integrated Pest Management (IPM) plan and will include low-spray or no-spray areas, signage to support these restrictions and annual habitat maintenance.

The comment letter from MassDEP indicates that the proponent is in compliance with the ACO and indicates that the proponent should request an inspection and Certificate of Compliance from the Lanesborough Conservation Commission. MassDEP does not identify the need for any additional analysis or information and indicates that the Section 61 Findings are adequate. Comments from NHESP indicate that it has approved the Donnybrook Rare Plant Protection Plan/Remediation Plan and that it has determined that the project has not resulted in a "take." These comments also indicate that any changes to the project or additional work beyond that identified in project plans may require an additional filing with NHESP.

The Berkshire Regional Planning Commission (BRPC) has provided a comprehensive review of the document in its comment letter and identified issues of continued concern including the need to disclose any additional development planned and the need for on-going water quality monitoring. The proponent has indicated that no additional development of the site is planned; however, if any additional development of the project site is proposed in the next five years, including the expansion to an 18-hole golf course, a Notice of Project Change (NPC) should be filed with the MEPA Office to ensure that the cumulative impacts of the project are considered. In addition, I urge the proponent to consider the BRPC's recommendation to reduce the square footage of the fairways around the streams for Hole #2 and Hole #7 to further minimize impacts. Finally, I expect the proponent will provide a copy of the revised water quality monitoring plan to BRPC and implement the water quality monitoring plan. Results from the monitoring program should be shared with the BRPC, the Lanesborough Conservation Commission and MassDEP.

Based on a review of the Supplemental Draft EIR, comment letters and consultation with state agencies, I hereby determine that the Supplemental Draft EIR adequately and properly complies with MEPA and its implementing regulations. Because it provides adequate information regarding environmental impacts and mitigation and no substantive issues remain to be addressed, the Supplemental Draft EIR will be noticed in the February 20, 2008 edition of the Environmental Monitor as a Final EIR.

February 15, 2008

Date



Ian A. Bowles

Comments received:

- 2/8/08 Department of Environmental Protection/Western Regional Office (MassDEP/WERO)
- 2/6/08 Natural Heritage and Endangered Species Program (DFW/NHESP)
- 2/8/08 Berkshire Regional Planning Commission (BRPC)

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