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May 2, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Palmer Motorsports Park
PROJECT MUNICIPALITY : Palmer
PROJECT WATERSHED : Chicopee
EEA NUMBER : 14089
PROJECT PROPONENT : NER Investments, LLC
DATE NOTICED IN MONITOR : March 26, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) 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). The proponent may prepare and submit for review a Final Environmental Impact Report (FEIR).

As described in the DEIR, the project includes the construction of a motorsports track, access roadway, paddock area, grass parking lots, 10,900 square feet (sf) of appurtenant structures (concession stands, private garages, maintenance buildings, etc.), a water supply well, and a stormwater management system. The project site is approximately 658 acres in area, located in Palmer and Ware, with access to the site off West Ware Road in Palmer. No work is proposed in the Town of Ware. Approximately 498 acres of the project area is located within the Town of Palmer. The project will include the construction of an approximately one mile long access road and the construction of a 2.14 mile long track. The project site is characterized by steep grades, and is primarily forested woodland under existing conditions. The property has a history of logging and presently contains several gravel roads, cart paths, hiking trails.

The project will disturb approximately 65.1 acres and create 20.25 new acres of impervious surfaces. While the site contains extensive wetland systems, the DEIR states that direct impact (alteration) to wetland resource areas will be limited to approximately 10,728 sf of Riverfront Area near the site driveway along West Ware Road. The project will require the development of a public water supply well on-site, which must be sited to meet the Massachusetts Department of Environmental Protection (MassDEP) regulations and guidelines for a public water supply. Based upon the information in the DEIR, this water supply will service the project site only.

The project is undergoing review pursuant to Sections 11.03(1)(a)(1) and 11.03(1)(a)(2) as the project will require a State agency action and will result in the direct alteration of 50 or more acres of land and the creation of ten (10) or more acres of impervious area. The project will require a permit from MassDEP for the development of a public water supply as well as a Groundwater Discharge Permit for wastewater disposal. The project will require a Construction General Permit under the National Pollutant Discharge Elimination System (NPDES) program from the United States Environmental Protection Agency (U.S. EPA). An Order of Conditions has been issued by the Palmer Conservation Commission and a Special Permit and Site Plan Approval has been granted by the Palmer Planning Board.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land, wetlands, water supply, wastewater, and stormwater.

Review of the DEIR

The DEIR included a detailed description of both existing and proposed conditions on the project site. Furthermore, the DEIR clarified the types of uses proposed, including the frequency and scale of events, on-site fueling and maintenance activities, and other ancillary uses associated with use of the motorsports track. The DEIR identified permits required for project completion, their approval status, and the permit granting authority.

The DEIR presented several alternatives analyses and evaluated various site uses, alternative project locations, alternative access roadway locations, and track and facility layouts within the proposed project site. As part of this analysis, the DEIR outlined site constraints, i.e., topography, wetland systems, and noise reduction requirements, that ultimately influenced track layout and design. Original alternatives included more expansive areas of impervious surfaces and substantial areas of wetland impact due to wetland crossings. The proponent obtained a waiver from the Town of Palmer to further reduce project impact through the provision of grassed parking areas in lieu of paved surfaces.

Approximately 13 percent of the overall project site will be altered to accommodate the Preferred Alternative. According to the DEIR, it is estimated that between 250,000 and 300,000 cubic yards of earth materials will be exported off-site in association with grading activities. A

large portion of cut activities will occur as part of the access driveway construction to achieve the 12 percent grade limitation. As needed, rock will be crushed on-site for use as the track base and larger boulders will be utilized in stone walls on-site. The DEIR indicated that should blasting be required the proponent will obtain necessary permits, follow MassDEP protocols, and will not use perchlorate. Retaining walls will be used in several locations to limit impacts to adjacent wetlands and reduce grading impacts. The DEIR included a comprehensive erosion and sedimentation control plan for implementation during the construction period.

The DEIR included a conceptual location for a public water supply well and an on-site wastewater disposal area. The DEIR discussed the types of wastewater generators on-site, i.e., public restrooms, showers and concession stands. The motorsports track will not have a sewage pump out station for recreational vehicles (RVs) that may use the site.

The project site contains extensive wetland systems, including Bordering Vegetated Wetlands (BVWs), Bank, Riverfront Area, Land Under Water Bodies and Waterways, Vernal Pools and locally regulated Isolated Vegetated Wetlands (IVWs). Direct alteration of wetland resource areas is limited to approximately 10,728 sf of Riverfront Area. Additional temporary and permanent impact to buffer zone to BVW will occur in conjunction with track and driveway construction. The DEIR discusses how the proposed stream crossing will be constructed in a manner consistent with the MassDEP Stream Crossing Standards. The DEIR has also demonstrated that efforts have been made to avoid, minimize or mitigate impact to regulated wetland resource areas. The project has obtained an Order of Conditions from the Palmer Conservation Commission.

The DEIR included drainage calculations and overall stormwater management design plans. The DEIR described the inclusion of various stormwater Best Management Practices (BMPs) including infiltration swales, detention ponds, oil and gas separators, Stormceptor units, and large grassed areas for overland flows. Total Suspended Solids (TSS) calculations indicate that removal rates in excess of the 80 percent required by the MassDEP Stormwater Management Guidelines will be achieved. The DEIR also outlined the special provisions for use and containment of oil and hazardous materials given the proposed motorsports uses on the property. The DEIR included an operation and maintenance plan for the drainage system.

The DEIR included a traffic study confirming the limited impact of the project on nearby infrastructure. This study was based on a hypothetical 300 car/1,000 person drawing from traffic studies conducted at other Sports Car Clubs of America (SCCA) events in New England. The project site does not require any State Agency actions associated with traffic or roadway improvements. The Special Permit decision issued by the Palmer Planning Board contained within the DEIR outlined additional traffic improvements (lighting, pavement markings, signage) to be undertaken on local roadways.

A detailed description of construction period impacts, sequencing, and erosion and sedimentation controls was included in the DEIR. The DEIR indicates that it will be necessary to construct the approximately mile-long access roadway first, before equipment can be staged in the center of the site and work commenced on construction of the paddock and track. The DEIR noted that the proponent will consider participation in MassDEP's Diesel Retrofit Program

during the bidding and contractual negotiation process for the selection of a general contractor. The DEIR outlined mitigation measures associated with the project including: designation of a total of 81.28-acres under conservation restrictions, the creation of trailhead parking for the existing hiking trails, and the establishment of easements to facilitate future hiking trails.

Scope for the Final EIR

Wetlands/Stormwater

MassDEP has noted in its comment letter that there may be discrepancies in the amount of Riverfront Area impact or final stormwater calculations given the dates of plans included in the DEIR in comparison to those approved under the Order of Conditions. The FEIR should clarify these differences, if any, between the work proposed in the DEIR and that allowed in the Palmer Conservation Commission's Order of Conditions regarding Riverfront Area alteration and stormwater management.

The FEIR should include a summary of how the project complies with each of the nine standards of the MassDEP Stormwater Management Policy (SMP). The FEIR should include design information and models for proprietary BMPs to be used on-site.

Wastewater

The FEIR should provide additional information regarding sanitary disposal volumes. The FEIR should clarify the types of uses that will discharge to the disposal system and discharge volumes allocated to each separate use in accordance with Title 5 guidelines. The FEIR should outline how wastewater disposal will be achieved on site in a manner consistent with associated permitting requirements.

Water

MassDEP has commented that the Interim Wellhead Protection Area (IWPA) radius for the proposed public water supply well was calculated incorrectly. In response to MassDEP's comments, the FEIR should include a plan that accurately reflects the Zone I and IWPA radii given the anticipated water supply well withdrawals. The revised IWPA will likely include sections of the track, track maintenance area and private garages. A figure should be included in the FEIR that is of sufficient scale to accurately convey project details within the IWPA, including the proposed location of the groundwater discharge location for septic disposal and any stormwater discharge locations. The FEIR should describe how proposed activities within these wellhead protection areas will comply with the MassDEP *Guidelines and Policies for Public Water Systems*.

Furthermore, the FEIR should describe the potential environmental impacts associated with well construction and on-going maintenance, including tree clearing, grading, access roadways, wetland crossings, or other impacts not identified in the DEIR.

Air Pollution

The project will be required to comply with the MassDEP noise policy and accompanying regulations at 310 CMR 7.10. The MassDEP noise policy considers a facility in violation of the regulation at 310 CMR 7.10 if the facility increases the broadband sound level by more than 10dB(A) above ambient, or produces a “pure tone” condition. These criteria are measures at the facility’s property line and at the nearest inhabited residence. All activities at the facility must be in compliance with these criteria. The DEIR included a noise analysis to demonstrate compliance with the MassDEP noise policy.

In addition to a general response to comments, the proponent shall provide a detailed response to the air pollution control section the comment letter dated, April 25, 2008 submitted by MassDEP, and I hereby incorporate by reference the additional requests for information contained in that letter as part of the scope of the FEIR.

Sustainable Design

The FEIR should outline waste reduction and water use reduction plans that may be employed on site during track operations. The FEIR should include a discussion of any other sustainable design initiatives that may be implemented on-site.

Mitigation

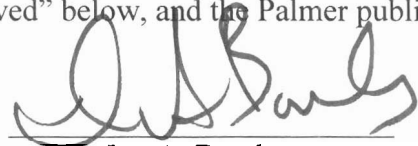
The FEIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each state agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, and identify the parties responsible for implementation. Given the phasing of project construction, the FEIR should describe when mitigation measures will be completed in relation to project construction and operation.

Comments/Circulation

The FEIR should contain a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the FEIR should include a response to comments. This directive is not intended to, and shall not be construed to enlarge the scope of the FEIR beyond what has been expressly identified in the initial scoping certificate or this certificate.

The Final EIR should be circulated in compliance with Section 11.16 of the MEPA regulations. Copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of “comments received” below, and the Palmer public library.

May 2, 2008
Date



Ian A. Bowles

Comments received:

- 04/25/2008 Massachusetts Department of Environmental Protection – WERO
- 04/25/2008 Connecticut River Watershed Council

IAB/HSJ/hsj