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August 15, 2008

DRAFT RECORD OF DECISION

PROJECT NAME: George D. Harlow Field 20-Year Airport Improvement Plan
PROJECT MUNICIPALITY: Marshfield
PROJECT WATERSHED: Weymouth & Weir
EEA NUMBER: 13499
PROJECT PROPONENT: Marshfield Airport Commission
DATE NOTICED IN MONITOR: July 9, 2008

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and **propose to grant a Phase 1 Waiver** (as defined below), allowing the construction of a proposed aircraft hangar prior to the completion of a Final Environmental Impact Report (FEIR) for the entire project, which encompasses a series of larger airport improvement projects as outlined below. In a separate Certificate issued today, I have addressed issues specific to the hangar project.

Project Description

The project consists of a 20-year program of projected improvements to the George D. Harlow Field Airport (the "Airport"), to be performed as program funding permits. The project site is a municipally-owned general aviation airport on an approximately 170-acre parcel in Marshfield that mainly serves corporate, business and recreational flyers. The Airport has one paved runway, 3,001 feet in length and 75 feet in width, with a full-length parallel taxiway. The Airport is under the care and custody of the Marshfield Airport Commission pursuant to Chapter 90 of the General Laws.

The Airport is surrounded by extensive wetland systems that border along both Bass Creek and Green Harbor River. Bass Creek flows along the northern end of the airfield and Green Harbor River flows along the southern end of the airfield. Both rivers come to a confluence 1,800 feet southeast of the airfield before flowing toward Green Harbor. Between the confluence of these two river systems are large wetland systems that extend, in some areas, to the edge of the runway. The Airport and surrounding lands are within the Coastal Zone of the Commonwealth.

The project site and abutting areas are located within Priority and Estimated Habitat for the Eastern Box Turtle, as indicated in the 12th Edition of the Massachusetts Natural Heritage Atlas. The Airport abuts the Daniel Webster Wildlife Sanctuary, a 530-acre site under the control of Mass Audubon that has been designated as an Important Bird Area (IBA). In addition, Mass Audubon recently acquired additional abutting land to the west of the airport. Portions of the Mass Audubon land will be directly impacted by the airport's Vegetation Management Program.

In 2000, the Airport commissioned an Airport Master Plan Update (AMPU) in response to concerns with the Airport's aging infrastructure. The Airport's sole runway, Runway 6-24 and its parallel taxiway, are in deteriorating condition and have exceeded their design lives of 20 years, having been last reconstructed in 1983 (runway) and 1972 (taxiway). The Airport, the Federal Aviation Administration (FAA) and the Massachusetts Aeronautics Commission (MAC) provided funding for the AMPU and the DEIR. The purpose of the AMPU was to identify those facilities in need of improvement, identify conditions that are not in conformance with FAA design and safety standards, and recommend strategies to improve the identified deficiencies.

The proposed improvements outlined in the DEIR include projects directly related to the safe operations of aircraft (referred to as Airside Improvements) and projects not directly related to the safe operation of aircraft (referred to as Landside Improvements). The proposed activities are designed to improve safety and security; achieve standard runway-to-taxiway separation and taxi widths; provide runway lighting systems; extend the runway and the taxiway; and construct new hangar facilities and associated aprons. The project also involves the acquisition of adjacent land and residential properties; vegetation management to clear protected air space; and the installation of stormwater management facilities. The Proponent's Preferred Alternative will result in impacts to 2.26 acres of Bordering Vegetated Wetlands (BVW) and 1.81 acres of Riverfront Area; 128 acres of tree clearing in wetlands; creation of 5.2 acres of new impervious surface; and the addition of approximately 8,000 cubic yards of fill in a regulatory floodway.

MEPA History

An Environmental Notification Form (ENF) for the project was submitted in April 2005. The Secretary's Certificate on the ENF (May 9, 2005) presented the Scope for the Draft EIR (DEIR). The Proponent submitted the DEIR in February 2008. In a March 28, 2008 Certificate, the Secretary determined that the DEIR adequately and properly complied with MEPA, and laid out the Scope for the FEIR. The Proponent has not yet submitted the FEIR.

Project Change Description

The NPC has been submitted for several hangar buildings that were proposed in the ENF and DEIR. The DEIR proposed the addition of several hangar buildings with a total floor area of 38,800 square feet (sf):

- 5-unit T-hangar building: 8,800 sf
- 13-unit T-hangar building: 22,800 sf
- Two conventional hangars (60-feet by 60-feet): 7,200 sf

As outlined in the NPC, the Proponent now proposes to construct one 106-foot by 85-foot conventional hangar instead of two 60-foot by 60-foot hangars. This change increases the total area of hangar space by 1,810 sf, or 4.6 percent of the hangar floor area presented in the DEIR. The subject hangar is proposed to be constructed in the same location as the previously reviewed plan. The hangar will be located on an existing paved aircraft parking apron no longer in use, and therefore the project will not result in new impervious surface.

Jurisdiction

The project is undergoing review and is subject to the preparation of a mandatory EIR pursuant to the following sections of the MEPA regulations: 301 CMR 11.03(3)(a)(1)(a) because it will result in the alteration of more than an acre of BVW and 301 CMR 11.03(3)(a)(2) because it requires a Variance from the Wetlands Protection Act (WPA). The project also meets the following ENF review thresholds: 301 CMR 11.03(2)(b)(2) because it will result in a “take” of rare species protected pursuant to the Massachusetts Endangered Species Act (MESA, MGL c. 131A); and 301 CMR 11.03(6)(b)(3) because it proposes the expansion of an existing runway at an airport.

The project requires the following permits and/or approvals: Environmental Assessment and a Section 404 Permit from the U.S. Army Corps of Engineers (USACE); a National Pollutant Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA); 401 Water Quality Certification, a Variance from the MA Wetlands Protection Act (WPA) and a Superceding Order of Conditions (SOC) from the Department of Environmental Protection (MassDEP); a Conservation & Management Permit from the Natural Heritage and Endangered Species Program (NHESP); Federal Consistency Review by the Office of Coastal Zone Management (CZM); review by the Massachusetts Historical Commission (MHC); an Order of Conditions from the Marshfield Conservation Commission; and a Floodplain Special Permit and an Inland Wetland Special Permit from the Town of Marshfield. Because the Proponent is seeking financial assistance from MAC, MEPA jurisdiction is broad and extends to all aspects of the project that have the potential to cause significant Damage to the Environment.

The hangar project requires approval from the Marshfield Zoning Board of Appeals and the Marshfield Conservation Commission for construction in the 100-year floodplain. The project does not require any state permits, financial assistance, or land transfer.

Criteria for a Phase 1 Waiver

Section 11.11 of the MEPA Regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the Proponent, unless based on delay in compliance by the Proponent; **and** b) not serve to minimize or avoid Damage to the Environment.

The MEPA regulations at 301 CMR 11.11(4) state that, in the case of a partial waiver of a mandatory EIR review threshold that will allow the Proponent to proceed with Phase 1 of the project prior to preparing an EIR, I shall base the finding required in accordance with 301 CMR 11.11(1)(b) on a determination that:

- (a) the potential environmental impacts of Phase 1, taken alone, are insignificant;
 - (b) ample and unconstrained infrastructure facilities and services exist to support Phase 1;
 - (c) the project is severable, such that Phase 1 does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated;
- and,**
- (d) the agency action on Phase 1 will contain terms such as a condition or restriction, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

Findings

Based upon the information submitted by the Proponent and after consultation with the state permitting agencies, I find that the waiver request has merit and that the Proponent has demonstrated that the proposed project meets the standards for all waivers at 301 CMR 11.11(1). I find that strict compliance with the requirement to submit the FEIR prior to completion of the proposed hangar project would result in an undue hardship for the Proponent. The hangar will be used to shelter corporate aircraft from the effects of weather in a seaside environment, and to protect the aircraft from accidental collisions with other parked aircraft, vandalism or theft. While the project was originally planned for construction after the completion of the FEIR, the recent and dramatic rise in the cost of steel has prompted the owner of the hangar to request permission from the Marshfield Airport Commission to proceed with the project now due to increasing material costs. As outlined in the NPC, the project is important to the Marshfield Airport Commission because the airport derives much of its operating revenues from the leasing of land for hangars. By leasing hangars to corporate clients, the Commission is not compelled to seek funds from the Town of Marshfield for the subsidization of the airport.

I also find that compliance with the requirement to submit the FEIR prior to the completion of Phase 1 would not serve to avoid or minimize Damage to the Environment. In accordance with 301 CMR 11.11(3), this finding is based on my determination that:

1. The potential environmental impacts of Phase 1, taken alone, are insignificant;:
 - The proposed hangar project will not result in any disturbance to BVW or rare species habitat.
 - The proposed hangar project requires review from the Marshfield Conservation Commission as the entire airport is located within the 100-year floodplain. As outlined in the DEIR, the Proponent is required to mitigate its flood storage losses for the entire airport improvement project by providing flood storage areas that will be installed simultaneously with the proposed reconstruction of the runway.
 - The proposed hangar project will not result in an increase in the amount of impervious surface at the airport. The hangar is proposed to be constructed on an existing, paved aircraft parking apron that is no longer in use.
 - The minor change to the hangar project will result in an insignificant increase in project impacts. The proposed hangar is now 1,180 sf or approximately 4.6 percent larger than the hangar proposed in the ENF and DEIR.
 - The construction of the hangar does not meet any MEPA review thresholds on its own nor does it require any state agency actions.
2. Ample and unconstrained infrastructure facilities and services exist to support Phase 1
 - The hangar project requires no new or special infrastructure or facilities. The proposed hangar will be served by Town water and sewer, both of which are currently available on site. The hangar will not include any floor drains.
3. The project is severable, such that Phase 1 does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated.
 - The proposed hangar project is severable from the remainder of the airport improvements project in that it does not rely on any elements of the future improvements to proceed. Approval of the project change and the Phase 1 Waiver request does not restrict the means by which potential environmental impacts associated with other proposed improvement projects may be avoided, minimized or mitigated.
4. The Agency Action on Phase 1 will contain terms such as a condition or restriction in a Permit, contract or other relevant document approving or allowing the Agency Action, or other evidence satisfactory to the Secretary, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to Commencement of any other phase of the Project:
 - The proposed hangar project does not require any Agency Action on its own. The Proponent is required to submit the FEIR for review in advance of receiving any state permits for any other phase of the project.

Conclusion

Based on these findings, I have determined that this waiver request has merit, and am issuing this Draft Record of Decision (DROD), which will be published in the next edition of the Environmental Monitor on August 27, 2008 in accordance with 301 CMR 11.15(2), which begins the public comment period. The public comment period lasts for 14 days and will end on September 10, 2008. Based on written comments received concerning the DROD, I shall issue a Final Record of Decision (FROD) or amend the Scope for the FEIR within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6).

I hereby **propose to grant** the waiver requested for this project, which will allow the Proponent to proceed with Phase 1 of the project prior to preparing the Final Environmental Impact Report (EIR) for the entire project, subject to the above findings, and conditions, if applicable.

August 15, 2008

Date

Ian A. Bowles

Comments Received:

7/24/2008	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
7/29/2008	Department of Environmental Protection, Southeast Regional Office
8/5/2008	Massachusetts Office of Coastal Zone Management

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