

December 17, 2001

BY HAND

Secretary Robert Durand
Executive Office of Environmental Affairs
Attention: MEPA Office
William Gage, EOE #5484/8696
251 Causeway Street, Suite 900
Boston, MA 02114

RE: PROJECT NAME	: L.G. Hanscom Field 2000 Environmental Status and Planning Report
PROJECT MUNICIPALITIES	: Bedford, Concord, Lexington and Lincoln
EOEA NUMBER	: 5484/8696
PROJECT PROPONENT	: Massachusetts Port Authority

Dear Secretary Durand:

Thank you for the opportunity to comment upon the 2000 Environmental Status and Planning Report ("ESPR") for the L. G. Hanscom Field ("Project"). We represent SHHAIR (an acronym for Safeguarding the Historic Hanscom Area's Irreplaceable Resources, Inc.), which is a non-profit corporation dedicated to preservation of the environmental and historic resources in the area of Hanscom Field. SHHAIR is concerned about the expansion of activities at Hanscom Field without compliance with the state's environmental review laws.

The 2000 ESPR process presents an opportunity to learn from the events of the past five years and to fashion a scope that will ensure Massachusetts Port Authority's ("Massport") future compliance with MEPA's legal requirements. As you know, there has been substantial controversy regarding the recent expansion of activity at Hanscom beyond the levels anticipated in prior MEPA filings and, accordingly, beyond the levels allowable by law. Massport's expansion of Hanscom without the requisite environmental process undermines public confidence and defeats the letter and intent of MEPA. This history demonstrates a need to insist upon greater specificity and clarity by Massport in the ESPR itself, as well as to give clear direction to Massport regarding when it must engage in additional environmental review. As

discussed below, the history of the 1995 GEIR Update also reveals some specific improvements that should be made in the 2000 ESPR process.

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, §§ 61-62H) and Section 11.09 of the MEPA regulations (301 CMR 11.00), we request that the Secretary determine the scope of the ESPR in accordance with the attached proposed scope which we have drafted. This letter explains why SHHAIR believes that its proposed scope is necessary and appropriate to ensure compliance with MEPA.

Background

A series of documents have analyzed the environmental impacts of, and planning for, the L.G. Hanscom Airport. In 1978, Massport filed the Hanscom Field Master Plan and Environmental Impact Statement. The 1978 Master Plan articulated policies that “Certificated passenger air carrier operations will not be allowed at Hanscom Field, except in an emergency” and that “Prior to implementation of any new passenger commuter service, proposals for these operations will be thoroughly reviewed with the Hanscom Field Advisory Committee for their economic, noise emission and ground access implications.” *Id.*, pp. 15, 17. The Master Plan stated that the decision not to expand the airfield facilities and not to allow commercial carriers to use Hanscom minimized “the major potential environmental impacts of noise, air pollution and increased traffic congestion.” *Id.*, p. 40. “In other words, in the investigation of a variety of alternatives, Massport rejected those options that would cause extensive environmental harm.” *Id.*

In 1988, Massport submitted a Generic Environmental Impact Report on Hanscom Field under the former MEPA regulations. On April 30, 1997, Massport filed a “Hanscom Field GEIR Update” (the “GEIR Update”). Page 1-8 of the GEIR Update stated that the policies of the 1978 Master Plan “still guide Massport’s management of and planning for Hanscom Field.” It evaluated scenarios for operations in the year 2000 and 2010, but neither scenario anticipated as much commercial commuter operations as now exists at Hanscom. Moderate Growth forecasts (Table 3.1-9) contemplated no 50-seat aircraft until 2010. No scenario in the GEIR Update contemplated 50-seat aircraft at least until after a new GEIR for the year 2000. Under the highest growth scenario (3% growth), the GEIR Update did not contemplate 50-seat commuter service until 2005, and then, only at a level of 750-2,062 operations per year (Table 3.1-10). That scenario contemplated 16 commercial commuter departures per day in 2000, 24 in 2005 and 22 in 2010.

The Secretary of Environmental Affairs issued a Certificate approving Massport’s GEIR Update on June 30, 1997. Massport submitted its Draft Section 61 “Finding for Potential Future Projects” on September 30, 1997. In its finding, Massport made clear that it was not addressing

the entire GEIR Update, but only three types of possible future projects: Aviation Support Projects, new Development Projects, and Airfield Enhancement Projects. Other matters, such as expanded commercial commuter operations, were not discussed in the Section 61 findings. The Secretary accepted Massport's Section 61 finding on November 18, 1997 and required a new GEIR update for the year 2000.

Prior Disregard of GEIR and MEPA Obligations

Massport then embarked upon a number of activities that exceeded the scope of environmental impacts reviewed in its previous MEPA filings, and refused to comply with MEPA in doing so. For instance, on June 15, 1999, Massport's Board approved commercial operations at Hanscom. It requested and received certification from the Federal Aviation Administration for commercial aviation operations (Part 139 Certification), and commercial aviation at Hanscom has expanded to include 50 seat aircraft at frequencies that exceed projections for 2010 in the GEIR Update. *It was under no obligation to request that certification.* 49 U.S.C. § 44706(f) (nothing requires airport operator to obtain operating Certificate); Centennial Express Airlines v. Arapahoe County Public Airport Auth., FAA Docket No. 16-98-05, slip. op. at 11-12, 19, 1998 WL 1083382 (F.A.A.) (Director's Determination, 1998) (FAA will not force air field to acquire certificate); FAA Order 5190.6A § 4-15(d) at 23 (refusal to apply for FAA certificate not violation of grant assurances). Hanscom now has expanded to serve 50-seat aircraft and greater total passenger capacity despite its representation to the Court in Hanscom Area Towns Committee v. Massachusetts Port Authority, Middlesex Superior Civ. Action No. 99-4461:

“the Secretary’s scoping certificate with respect to the GEIR . . . pointed out that if there is a project that is not within the scope of the type and nature analyz[ed in] the GEIR[,] before Massport can undertake that project at Hanscom *it has to file a notice of project change*”

-and-

“if you exceed that level of operation [set forth in the GEIR update], some environmental process is going to be triggered.”

Transcript (9/22/99), pp. 55, 57, copy attached as Exhibit A (emphasis added).

Commercial flights at Hanscom soon exceeded the GEIR numbers, but Massport ignored its commitment to the Court, which itself reflected MEPA's requirements, that a notice of project change be filed. The GEIR predicted no flights in planes with 50 seats or more until 2010. In fact, with the approval of the Shuttle America operations in 1999, flights of planes with more than 50 seats quickly increased to the point where, within a year of start-up, they occurred at a rate of 32 per day (16 arrivals and 16 departures) according to Shuttle America's own System

Timetable for November, 2000, attached as Exhibit B (they were later cut back for financial reasons). This met the level for 19-seat planes, not 50-seat ones, set forth in the 1995 GEIR Update.¹ Indeed, the Boston Globe reported on September 16, 2001 that Shuttle America flights reached 18 departures (apparently 36 total flights) in February, 2001. See Exhibit C. This exceeded the GEIR Update numbers for any sized plane. If not for action by the FAA, additional flights between Hanscom and Lagaardia would have been added – again without any commitment by Massport to go through any environmental review process. As it turns out, commercial flights out of Hanscom will increase yet again, with five additional Shuttle America flights per day to Philadelphia, in conjunction with US Airways. “Shuttle America, US Airways team up” by Stephanie Stoughton, Globe (10/10/01), attached as Exhibit D (referred to below as “Globe 10/10/01 Article”). Shuttle America also claims “the rights to fly . . . 14 flights” from Hanscom to Lagaardia and it “hope[s] to do so starting in December of this year.” Id.

And, of course, the GEIR Update projected that “enplanements” (presumably, passengers) would be only 8.9 per departure in 2000 (GEIR Update, Table 3.1-10), instead of the

¹ In representations to the Court, counsel for Massport defined the levels as follows (id., p. 56): “the GEIR took a look at the following models of operations and assumed that this under the one percent growth scenario nine departures per day in 2000, twelve in 2005, and eleven in 2010, because they assume an increased aircraft size and therefore fewer departures. Under the three percent growth scenario, sixteen departures in 2000, twenty-four in 2005, and twenty-two in 2010.” Of course, the GEIR itself reveals that all of these departures were to be in 19-seat aircraft in 2000, with 35-seat aircraft beginning in 2005 and no 50-seat aircraft until 2010. The GEIR also defined passenger volumes per day as: (1) under Moderate Growth: 137 in 2000, 145 in 2001, 240 in 2005 and 304 in 2010 and (2) under Robust Growth: 284 in 2000, 308 in 2001, 581 in 2005 and 694 in 2010. See GEIR, section 3.1.6 and Table 3.1-12.

higher passenger level for the 50-seat planes. See Exhibit G (Monthly Air Traffic Reports for 2000). As would be expected with larger planes, actual announced passenger volumes for 2000 (400 passengers per day, or 146,000 per year)² exceeded even the robust projections for passengers (44,400 in 2000; 90,878 in 2005 and 108,453 in 2010), leading to increases in traffic impacts well beyond what was predicted in the GEIR, without any additional environmental review.

Moreover, Massport is in the midst of a Parking Project at Hanscom, which will generate more than 1000 new average days trips (“adt”) on the roadway providing access to the Civil Terminal Building and involves the construction of more than 150 new parking spaces. On August 27, 2001, SHHAIR filed a Notice of Project Change relating to the parking project, documenting that the review thresholds have been exceeded, without compliance with MEPA. That documentation is attached again, as Exhibit E, for the record on this ESPR. On October 4, 2001, the MEPA office acknowledged that “it may be that there will be a greater number of striped spaces” at the Civil Air Terminal’s parking lot, but did not require an ENF at that time because it was “not clear that the number of cars able to park at the terminal will change significantly,” and the impervious area was said not to have increased. In the same letter, the MEPA office stated that it will be difficult to determine whether average daily traffic has increased until the draft ESPR was available.

In short, Massport has not taken its substantive and procedural obligations under MEPA seriously. SHHAIR therefore urges that the Scope on the Secretary’s ESPR include strong language compelling Massport’s prospective compliance with those obligations.

The Current Filing and Applicable Regulations

New MEPA regulations became effective on July 1, 1998. The former GEIR process has been replaced by a flexible provision for establishing “Special Review Procedures.” 301 CMR 11.09. The basic statutory requirement that agencies evaluate and document the environmental impacts of their policies has not changed, however, and the obligation for agencies to minimize the impact of their activities on the environment continues in force. Moreover, because the proponent is an agency of the Commonwealth, MEPA jurisdiction extends to all aspects of the activities at Hanscom that may cause significant Damage to the Environment. 301 CMR 11.01(2)(a)(2).

² For instance, the Monthly Air Traffic Report for December 2000 reflects 15,537 passengers (inbound plus outbound), which is 501 passengers per month. The numbers for November 2000 and some other months in 2000 were even higher.

Accordingly, Massport's 2000 ESPR must assess whether the combined results of its activities at Hanscom Field will result in cumulative damage to the environment. Massport must also explain how it will minimize the environmental effects of its activities. In addition, the Certificate on the GEIR Update referred in several places to items that must be addressed in the 2000 ESPR, and the Scope should reiterate the obligation to analyze those matters.³ See also "List of Actions Required of Massport Before the 200 ESPR Begins", produced by the Environmental Subcommittee of the Hanscom Area Towns Committee, dated November 10, 2001.

SCOPE

General

As set forth above, there have been significant developments relating to the environmental impact of operations at Hanscom, which were not previously analyzed. The ESPR must fully analyze the current and potential environmental impacts of airport use and not focus just on the status of, and planning, for the airport.

To ensure that this analysis occurs, Massport should prepare the ESPR in accordance with Section 11.07 of the MEPA regulations to the full extent possible. Massport should circulate the draft ESPR to any parties submitting written comments on the Scope of the ESPR.

Baseline Conditions

The 1995 GEIR Update analyzed baseline data from 1988 to 1995. The ESPR should analyze the changes that have occurred since 1995, as well as the projected future activities at Hanscom for the period that can now be foreseen meaningfully. Because present commercial aviation use (particularly passenger volumes) exceeds all scenarios analyzed in the GEIR Update, it would not suffice to start from the baseline of the hypothetical scenarios analyzed in the GEIR Update. Massport should take account of the cumulative impacts arising not only from future operations, but also from operations since 1995 that were not previously analyzed.

Project Purpose

Massport should disclose its plans for Hanscom that it currently foresees, regardless of time frame. However, the analysis of environmental impacts should be limited to the period between this ESPR and the next one, presumably in 2005. Massport's proposed scope (p. 4),

³ In light of the amendments to the MEPA regulations, the references in the GEIR update to the 2000 GEIR should be understood as referring to the 2000 ESPR.

providing for “activity levels and passenger forecasts for the year 2015” seems doomed to repeat the mistakes of the past five years and erode the effectiveness of MEPA and the ESPR process as an environmental planning tool.

Fifteen year projections are, of necessity, highly speculative.⁴ By limiting projections to a five-year period and requiring disclosure of plans beyond that time (but deferring environmental review of those plans until projections can meaningfully be made), the Secretary can minimize the possibility that Massport would set forth highly speculative projections and then claim that those intensity levels were already analyzed in the MEPA process. To use 15-year projections in that way would substitute unfounded supposition for true environmental analysis and place the public at the mercy of statistical maneuvering by an agency that has an interest in maximizing its flexibility even to the detriment of the purpose and letter of MEPA. As shown above, Massport has used long-term projections in the 1995 GEIR Update to justify ever higher levels of intensity even before the 2000 ESPR process commenced, with resulting controversy and danger of loss of respect for the process. The 10-year projections in the 1995 GEIR Update were a mistake, which the Secretary should not permit to be exacerbated in the 2000 ESPR.

In analyzing Massport’s future plans, the ESPR should state clearly the purpose of Hanscom, which Massport has designated a general aviation airport. Considerable confusion has arisen because of the increase in commercial aviation notwithstanding Massport’s continued commitment to the 1978 Master Plan and subsequent environmental documents, which envision Hanscom as a general aviation airport. Massport should explain the future activities contemplated at Hanscom for the foreseeable future, in light of the Master Plan. To date, Massport has confusingly claimed allegiance to the 1978 Master Plan, while, at the same time, claiming that Hanscom is intended for commercial, as well as general, aviation. Unfortunately, Massport’s Proposed Scope (p. 1) continues this confusion by claiming that Hanscom not only “supports niche commercial service” – which is new – but also that this role was contemplated in the 1978 Master Plan – which is false.

Alternatives

The ESPR should evaluate the environmental impacts of Massport’s preferred alternatives for conducting its future operations and for future development. It should also

⁴ Indeed, the MEPA regulations, applicable to projects that require an EIR, mandate a new ENF if more than three years elapse between the ENF and the final EIR. See 301 CMR 11.10(2). Ideally, Massport should have to complete an ESPR every three years, consistent with this regulation, but certainly it should not be permitted to use speculative 15-year projections to justify ever-increasing levels of intensity.

evaluate the no-growth alternative, defined as confining growth to the lesser of actual growth or the growth that was contemplated and evaluated in the GEIR Update. If any future scenarios for Hanscom involve increased environmental impacts beyond the no-growth scenarios, Massport should evaluate alternatives to avoid or mitigate impacts from those new scenarios, including use of other airports or other modes of transportation. Evaluation of alternatives should take account of changes in use patterns including the evolving patterns of regional air travel at regional airports such as Worcester, MA, Manchester, NH and Providence, RI, the renovation of the Minuteman National Historic Park and increase in visitors and vehicles, and the existing and planned improvements to rail service in the Northeast Corridor. The alternatives also need to be viewed in light of changing travel demand and mode choice in the aftermath of the recent terrorist attacks.

Cultural and Historical Resources

Massport's increasing land development and increasing air operations at Hanscom Field occur very near the Minute Man National Historical Park (MMHNP). Congress created the MMNHP in 1959 to preserve the historic sites, structures and landscapes associated with the beginning of the American Revolution. In a letter to you dated April 10, 2000, Nancy Nelson, Superintendent of MMNHP, wrote:

With the exceedingly rapid and significant increases in air operations at Hanscom Field, the Commonwealth now appears to be on a collision course with Congressional vision and direction. If pursued to its logical conclusion, the current course of action will predictably result in the incremental but substantial degradation of Minute Man National Historical Park, permanent alteration of the character of the Battle Road and devaluation of the American people's investment in this National Park.

A copy of this letter is attached as Exhibit F.

The ESPR must assess the impacts of Massport's policies on the Park, propose measures to mitigate those impacts, and identify mitigation for traffic impacts on the Battle Road that are appropriate in light of the road's national historical significance. As stated in the June 30, 1997 GEIR Update Certificate, Massport should report in the 2000 ESPR on the progress of its discussions with MMHNP regarding these matters.

Security and Safety

Recent events have underscored the importance of tight security and safety measures at airports. This topic was not, however, discussed at all in the 1995 ESPR. Massport's proposed scope for the 2000 ESPR omits this subject as well. The need to discuss it now is urgent.

Hanscom's proximity to national monuments, air force facilities and population centers makes the possibility of sabotage or terrorist activity very real. Here, it is not only the increase in commercial aviation that presents the threat, but also the myriad of privately owned aircraft that might be misused with tragic consequences. Massport has reported that "there has been a notable increase in corporate flights out of the airport." See Globe 10/10 Article. As security tightens at larger airports, there have been press reports that smaller airports may well become the focus of terrorist activity.

We recognize that it is the very nature of security measures that certain information must be kept confidential, but there should be a full discussion of all measures that will be open to and observable by the public, as well as disclosure of additional measures in a way that will not compromise security. There can be no serious question that this topic belongs in a MEPA analysis. Even if one were to characterize (incorrectly) a threat to life and public safety as non-environmental issues, it is obvious that destruction of historic and other resources is, itself, environmental harm. And other, recent Environmental Impact Statements have analyzed safety in analyzing environmental impacts and in selecting between alternatives.

These same recent events may have other implications, all of which should be explored in the ESPR. For instance, there may be an increased demand for rail and other non-aviation travel options. Massport should consider whether those alternatives deserve increased resources, instead of increasing air travel. In addition, passengers may experience a reduced desire for air travel generally or in response to the impact of necessary additional security measures, calling into question the viability of commercial operations at Hanscom. Because of the changes caused by recent terrorist activity, the discussion of safety and security will require an entirely new section of the ESPR, which will have to discuss all such issues thoroughly to the full extent possible in a public document.

Air Quality and Noise

Noise from Hanscom airport operations is a key element of the airport's impact upon the environment, and must be evaluated comprehensively, using diverse measures, to ensure that all impacts are identified, and that all potential mitigation measures are considered. Similarly, air quality impacts from increased flights, increased commuter traffic and other sources must be thoroughly analyzed.

In particular, SHHAIR joins members of the Hanscom Noise Work Group (HNWG) in asking that the recommendations of that group be recognized as mandatory mitigation and disclosure obligations under MEPA. See HNWG Report dated September 22, 1999. We rely upon the more detailed description appearing in the HNWG's report. Many of the HNWG's recommendations are low or no-cost items that would promote public understanding (e.g., using

a Linear Dimensionless Metric (M4), Community Noise Metrics (M6) and verbal discussion of the INM modeling program (M7-M10)). Massport should be required to report in the ESPR on how to achieve the more costly measures, or, at least to achieve the substantial equivalent of those measures. Massport should also be required to participate in a follow-up group to monitor and refine the metrics recommendations, as provided in the HNWG report (M1).

The pollutants listed under Massport's proposed item IX "Air Quality" are incomplete. For instance, fine particulates (PM-2.5) are now subject to regulation at the federal level and have major significance for public health. As stated in a recent FEIR

Major concerns for human health from exposure to particles smaller than 10 micrometers (PM-10) include effects on breathing and respiratory systems, damage to lung tissue, cancer and premature death. The elderly, children and people with chronic lung disease, influenza or asthma are especially sensitive to the effects of particulate matter. **New studies indicate that the smallest particles, those smaller than 2.5 micrometers (PM-2.5), may cause the greatest risk to public health. These particles are more numerous than the larger particles, and may be more toxic because they are usually acidic.**

Greenbush Rail Restoration FEIR (May 2001, noticed July 9, 2001), pp. V-50 to 51 (emphasis added).

Traffic

The MEPA unit's October 4, 2001 letter to the undersigned states that the draft ESPR must include a traffic study sufficient to permit a determination of the current levels of traffic generation. It also cites the figure of 1,500 trips per day used in the 1995 GEIR.

Any traffic study must take account of the ever-increasing numbers of commercial flights at Hanscom, the expansion of activities and facilities of East Coast Aerotech, Fixed Base Operators (Mercury, Jet Aviation), Executive Flyers and other hangars. It must also account for the recent changes surrounding air travel, including the fact that "Shuttle America said its planes have been carrying more passengers in recent weeks, perhaps because travelers wanted to avoid the delays at larger airports." Globe 10/10/01 Article. Massport's traffic study must also be subject to a "reality check", based upon the fact that the parking lot, once nearly empty, now is generally full and there are numerous drop-offs associated with the increased commercial activity at the Civil Terminal. It is apparent from these facts that the existing traffic exceeds the base of 1,500 by at least 1,000 adt, thereby triggering the requirement to file an ENF. The MEPA unit's October 4, 2001 letter states only that "appropriate mitigation" will be required if there is a significant increase in traffic. However, an increase of 1,000 adt will also require the filing of an ENF and further process to ensure that Massport will not increase traffic without full

analysis of alternatives, environmental consequences, avoidance of those consequences and, only then, mitigation.

The existing Hanscom traffic flow relies heavily on using Route 2A, which is overburdened, as evidenced by the fact that a traffic study for the U.S. Air Force dated February, 2000, pp. 22-23 (attached as Exhibit H), found that traffic levels are already at Level of Service F at numerous locations. Regional traffic congestion is a key issue that must be addressed extensively in the ESPR. Massport must consider, update and supplement the information contained in the Environmental Assessment and Finding of No Significant Impact dated July 2000 (and the attached Traffic Impact Study dated February 2000), prepared for the United States Air Force by Fay, Spofford & Thorndike, Inc., which concluded that its mitigation “by no means solves the area’s traffic congestion problems.” Massport must conduct whatever additional studies and analysis are required to produce an analysis of comparable thoroughness to the Fay, Spofford & Thorndike study, related to all of Massport’s activities at Hanscom.

Parking

_____Massport’s letter responding to SHHAIR’s August 27, 2001 Notice of Project Change purports to address the parking issue regarding the planned parking lot improvements at the Civil Air Terminal. On its face, this letter is inconsistent with previous presentations showing the parking lot as partially unpaved, including the aerial photo included in the Draft Vegetation Management Plan, which Mr. Ennis dated as 1999 in Massport’s presentation about the VMP during the meeting at the Lexington Sheraton on August 28, 2001.⁵ Moreover, it is no answer to state that the parking now used by the Civil Air Terminal was previously used by others; obviously Massport’s use of those spaces means that others will need to build new parking spaces to serve their needs. And in any event, there are, indeed, more spaces serving the Civil Air Terminal. The net result is the same: more parking and more impervious space.

To address SHHAIR’s concerns, Massport needs to state clearly:

- 1) when the aerial photos included in the Draft Vegetation Management Plan were taken;
- 2) when the 6 acre lot was paved;
- 3) how many spaces were added to accommodate people who previously used the

⁵ Massport failed to send us copies of its response to SHHAIR’s Notice of Project change until after the MEPA unit had written its October 4 letter. As a result, SHHAIR had no opportunity to address the allegations contained in Massport’s letter. That letter appears very carefully written to avoid misrepresentation, thereby necessitating oblique responses – presumably because a direct response would damage Massport’s position.

- spaces in the Civil Air Terminal parking lot and have now been displaced (such as ECAT); and
- 4) why references are being made to the parking area surveyed in June 2000, when the goal is to identify the growth since the 1995 GEIR Update count.

FAA Permitting, Regulatory Compliance and Planning Documents

Since the GEIR Update, controversy arose when, with little notice and no practical opportunity for input, Massport sought Part 139 approval from the FAA for certificated commercial air operations involving airplanes with more than 50 seats. The ESPR should serve as a mechanism to address such events in advance where possible. Massport should identify any new federal or state permits or approvals that it anticipates may be needed in connection with future operations. It should also state what, if any, environmental process (2005 ESPR, notice of project change, ENF, etc.) it intends to follow before seeking or obtaining such approvals.

The scope of the ESPR analysis and public comment will be affected by the limitations imposed by existing and future FAA filings and permits. Massport should identify areas, if any, in which it may exceed the scope of its existing FAA authority and planning, including the Airport Layout Plan and the Airport Master Plan on file with FAA. Depending on the nature of any such areas, additional environmental review analysis may be required.

Relationship with Local and Regional Planning

As anticipated in the GEIR Update Certificate, area planning efforts and changes in use patterns have continued. The significant planning developments since that Certificate include completion of the Four Town Planning Study/HATS Master Plan; approval of warrant articles in all four HATS towns addressing impacts from Hanscom-related commercial traffic; development, study and planning regarding the Route 2 corridor and nearby roads, and the work of the Hanscom Field Noise Working Group. Massport must also address how its operations will take account of these local and regional planning efforts and must evaluate the consistency of its planned operations with Executive Order 385 (regarding planning for development).

The 1997 GEIR Update Certificate also stated that the GEIR Update should have “discussed fully” the expanding opportunities for rail travel in the northeast and “the potential impact of increased rail travel on Hanscom.” These opportunities and potential impact “should be explicit factors in Massport’s projections of aviation operations.” As stated in that Certificate, the ESPR “should pay particular attention to rail transportation issues.”

Stormwater and Water Resources

The GEIR Update Certificate cited DEP's comments regarding application of its Stormwater Management Policy to future expansion at Hanscom. DEP cited Hanscom's significant contribution to flooding and recommended alternatives to the direct discharge of stormwater to the Shawsheen River. The GEIR Update Certificate stated that the "2000 Update should include a report on the status of changes to Hanscom's stormwater management program and on any revisions to its procedures for notifying the four Hanscom communities of changes to the plan." The ESPR should address this issue, as well as any effects on local water resources and drinking water supplies from the storage and use of fuel, oil and deicing compounds.

Public Participation

Under section 11.09 of the MEPA regulations, the Secretary may provide for public participation through a means other than a traditional Citizens Advisory Committee. The Legislature has already designated HATS as the planning committee for local communities for purposes of communication with Massport. St. 1980, c. 290. HATS should therefore be treated as a "Participating Agency" for purposes of the ESPR review, and Massport should accord HATS the rights and status of a CAC, in addition to any statutory rights HATS may have. The National Park Service ("NPS") is also directly affected by Massport's plans for Hanscom and should also have status as a Participating Agency. HATS and NPS should, at a minimum, receive a draft copy of the ESPR sufficiently in advance of filing with the Secretary so that they may make meaningful comment, and should have the opportunity to meet with responsible Massport officials for purposes of discussing issues raised by the draft. To facilitate analysis and dialogue, Massport should consider agreeing to defray the cost of consultants to HATS for the purpose of analyzing the issues raised by the draft ESPR.

The schedule for public review should be 60 days and, to ensure a realistic opportunity for public participation, should not coincide with the vacation or holiday months of July, August and December.

Thank you for your consideration of this letter.

By its attorneys

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Date: December 17, 2001

Enclosures

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 Margaret Coppe

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PROPOSED SCOPE

December __, 2001

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE SCOPE OF THE
2000 ENVIRONMENTAL STATUS AND PLANNING REPORT
FOR THE USE OF THE L.G. HANSCOM FIELD

PROJECT NAME : L.G. Hanscom Field 2000 Environmental Status and
Planning Report
PROJECT MUNICIPALITIES : Bedford, Concord,
Lexington and Lincoln
EOEA NUMBER :
PROJECT PROPONENT : Massachusetts Port
Authority
DATE NOTICED IN MONITOR :

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, § 61-62H) and Section 11.09 of the MEPA regulations (301 CMR 11.00), I hereby determine the scope of the 2000 Environmental Status and Planning Report (“ESPR”) for this project.

The 2000 ESPR is to be the latest in a series of documents analyzing the environmental impacts of and planning for the L.G. Hanscom Airport. In 1978, the Massachusetts Port Authority (“Massport”) filed the Hanscom Field Master Plan and Environmental Impact Statement. The 1978 Master Plan articulated policies that “Certificated passenger air carrier operations will not be allowed at Hanscom Field, except in an emergency” and that “Prior to implementation of any new passenger commuter service, proposals for these operations will be thoroughly reviewed with the Hanscom Field Advisory Committee for their economic, noise emission and ground access implications.” Id., pp. 15, 17. The Master Plan stated that the decision not to expand the airfield facilities and not to allow commercial carriers to use Hanscom minimized “the major potential environmental impacts of noise, air pollution and increased traffic congestion.” Id., p. 40. “In other words, in the investigation of a variety of alternatives, Massport rejected those options that would cause extensive environmental harm.” Id.

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commuter operations as now exists at Hanscom. Moderate Growth forecasts (Table 3.1-9) contemplated no 50-seat aircraft until 2010. No scenario in the GEIR Update contemplated 50-seat aircraft at least until after a new GEIR for the year 2000. Under the highest growth scenario (3% growth), the GEIR Update did not contemplate 50 seat commuter service until 2005, and then, only at a level of 750-2,062 operations per year (Table 3.1-10). That scenario contemplated 16 commercial commuter flights in 2000, 24 in 2005 and 22 in 2010.

The Secretary of Environmental Affairs issued a Certificate approving Massport's GEIR Update on June 30, 1997. Massport submitted its Draft Section 61 Finding for Potential Future Projects" on September 30, 1997. In its finding, Massport made clear that it was not addressing the entire GEIR Update, but only three types of possible future projects: Aviation Support Projects, new Development Projects, and Airfield Enhancement Projects. Other matters, such as expanded commercial commuter operations, were not discussed in the draft Section 61 findings. The Secretary accepted Massport's Section 61 findings on November 18, 1997 and required a new GEIR update for the year 2000.

Effective July 1, 1998, new MEPA regulations became effective. The former GEIR process has been replaced by a flexible provision for establishing "Special Review Procedures." 301 CMR 11.09. The basic statutory requirement that agencies evaluate and document the environmental impacts of their policies has not changed, however, and the obligation for agencies to minimize the impact of their activities on the environment continues in force. While this is the first scoping document for Hanscom Field under the new regulations, Massport's 2000 ESPR still must assess whether the combined results of its activities at Hanscom Field will result in cumulative damage to the environment not otherwise susceptible of adequate review and, if so, explain how Massport will minimize those effects. See Scope for Boston Logan Airport 1999 ESPR (the purpose of the ESPR is "providing a big picture planning context, in which large scale policy and planning issues, as well as the cumulative impacts associated with current and anticipated activities, are addressed."). The Certificate on the GEIR Update referred in several places to items that must be addressed in the 2000 GEIR Update. In light of the amendments to the MEPA regulations, these references should be understood as referring to the ESPR.

Since the 1997 GEIR Update, Massport has planned or implemented a number of new projects, activities and commercial commuter operations. On June 15, 1999, Massport's Board approved commercial operations at Hanscom. It requested and received certification from the Federal Aviation Administration for commercial aviation operations (Part 139 Certification), and commercial aviation at Hanscom has expanded to include 50 seat aircraft at frequencies that exceed projections for 2010 in the GEIR Update.

Because the proponent is an agency of the Commonwealth, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment.

SCOPE

General

The purpose of the ESPR is to assist in planning for growth at Hanscom by providing information about the physical characteristics of Hanscom Field and its environs, describing past and current activities there and analyzing and projecting their growth since baseline conditions, exploring potential policy directions, activities and development options and describing their impacts, and analyzing those impacts to determine what kinds of mitigation they would require and who would be responsible for implementing mitigation.

Massport is free to follow the format used for the GEIR Update, but the ESPR must also respond to the issues in this Certificate. As set forth above, there have been significant developments relating to the environmental impact of operations at Hanscom, which were not previously analyzed. The ESPR must fully analyze the current and potential environmental impacts of airport use and not focus just on the status of, and planning for the airport.

To ensure that this analysis occurs, Massport should prepare the EIR in accordance with Section 11.07 of the MEPA regulations as modified by this Certificate. Massport should circulate the ESPR to any parties submitting written comments on the ESPR required by regulation. The ESPR should include a copy of this Certificate and a copy of each comment letter received.

Baseline Conditions

The 1995 GEIR analyzed baseline data from 1988 to 1995. The ESPR should analyze the changes that have occurred since 1995, as well as the projected future activities at Hanscom. Because present commercial aviation use exceeds all scenarios analyzed in the GEIR Update, Massport should take account of the cumulative impacts arising not only from future operations, but also from operations since 1995 that were not previously analyzed.

Project Purpose

Massport should disclose its plans for Hanscom for the foreseeable future, i.e. the next five years. In analyzing those plans, the ESPR should state clearly the purpose of Hanscom, which Massport has designated a general aviation airport. Considerable confusion has arisen because of the increase in commercial aviation notwithstanding Massport's continued commitment to the 1978 Master Plan and subsequent environmental documents, which envision Hanscom as a general aviation airport. Massport should explain the future activities contemplated at Hanscom for the foreseeable future, in light of the Master Plan.

Alternatives

The ESPR should evaluate the environmental impacts of Massport's preferred alternatives for conducting its future operations and for future development. It should also evaluate the no-growth alternative, defined as confining growth to that contemplated and evaluated in the GEIR

Update. If any future scenarios for Hanscom involve increased environmental impacts beyond the no-growth scenarios, Massport should evaluate alternatives to avoid or mitigate impacts from those new scenarios, including use of other airports or other modes of transportation. Evaluation of alternatives should take account of changes in use patterns including the evolving patterns of regional air travel at regional airports such as Worcester, MA, Manchester, NH and Providence, RI, the renovation of the Minuteman National Historic Park and increase in visitors and vehicles, and the existing and planned improvements to rail service in the Northeast Corridor.

Cultural and Historical Resources

Massport's increasing land development and increasing air operations at Hanscom Field occur very near the Minute Man National Historical Park, which Congress created in 1959 to preserve the historic sites, structures and landscapes associated with the beginning of the American Revolution. The ESPR must assess the impacts of its policies on the Park, propose measures to mitigate those impacts, and identify mitigation for traffic impacts on the Battle Road that are appropriate in light of the road's national historical significance. As stated in my June 30, 1997 GEIR Update Certificate, Massport should report in the ESPR on the progress of its discussions with Minute Man National Historical Park (MMHNP) regarding these matters.

Safety and Security

Hanscom's proximity to historic resources, air force facilities and population centers make it imperative that the ESPR discuss how the operations using the airport can be made safe, and how security will be ensured. Massport must consider all alternatives for ensuring safety and security and must consider whether some operations can be conducted more safely and securely at other locations or with other travel modes. It must consider the probable impact of the current wave of terrorist attacks on commercial air operations at the airport, both in terms of passenger volumes and in terms of necessary safety and security measures.

Air Quality and Noise

Noise from Hanscom airport operations is a key element of the airport's impact upon the environment, and must be evaluated comprehensively, using diverse measures, to ensure that all impacts are identified, and that all potential mitigation measures are considered. Massport should incorporate all recommendations of the Hanscom Noise Working Group and must commit to continuing to work with a follow-up group in conjunction with representatives of the towns and groups representing affected citizens. Similarly, air quality impacts from increased flights, increased commuter traffic and other sources must be thoroughly analyzed. Analysis of small particulates must be included.

Traffic

Massport must conduct a traffic analysis sufficient to calculate current traffic and anticipated traffic over the next five years. The analysis must reflect current conditions, and must reflect any increases in commercial passenger and private aircraft passenger numbers due to recent changes affecting air travel. It must analyze the anticipated increase in use of Hanscom due to delays and fears associated with increased security at major airports and fear of terrorism.

The existing Hanscom traffic flow relies heavily on using Route 2A, which is overburdened, as evidenced by the fact that a traffic study for the U.S. Air Force dated February, 2000, pp. 22-23, found that traffic levels are already at Level of Service F at numerous locations. Regional traffic congestion is a key issue that must be addressed extensively in the ESPR. Massport must consider, update and supplement the information contained in the Environmental Assessment and Finding of No Significant Impact dated July 2000 (and the attached Traffic Impact Study dated February 2000), prepared for the United States Air Force by Fay, Spofford & Thorndike, Inc., which concluded that its mitigation “by no means solves the area’s traffic congestion problems.” It must conduct whatever additional studies and analysis are required to produce an analysis of comparable thoroughness, related to all Massport’s activities at Hanscom.

Parking

The GEIR (Table 2.1-4) stated that 462 parking spaces served the Civil Air Terminal. Massport now proposes 624 parking spaces. As previously noted in MEPA’s letter dated October 4, 2001, the GEIR was not entirely clear on allocation of parking space. The ESPR needs to be very clear in defining and allocating parking spaces. In addition, to clarify the historical development of the parking, it needs to answer clearly the following questions:

- 1) when the aerial photos included in the Draft Vegetation Management Plan were taken
- 2) when was the 6 acre lot FULLY paved
- 3) how many spaces were added to accommodate people who previously used the spaces in the Civil Air Terminal parking lot and have now been displaced (such as ECAT)
- 4) why references are being made to the parking area surveyed in June 2000, when the goal is to identify the growth since the 1995 GEIR count.

FAA Permitting, Regulatory Compliance and Planning Documents

The scope of the ESPR analysis and public comment will be affected by the limitations imposed by existing and future FAA filings and permits. Massport should identify areas, if any, in which it may exceed the scope of its existing FAA authority and planning, including the Airport Layout Plan and the Airport Master Plan on file with FAA. Depending on the nature of any such areas, additional environmental review analysis may be required.

Since the GEIR Update, controversy arose when Massport sought Part 139 approval from the FAA for certificated commercial air operations involving airplanes with more than 50 seats. The

ESPR should serve as a mechanism to address such events in advance where possible. Massport should identify any new federal or state permits or approvals that it anticipates may be needed in connection with future operations. It should also state what, if any, environmental process (2005 ESPR, notice of project change, ENF, etc.) it intends to follow before seeking or obtaining such approvals.

Relationship with Local and Regional Planning

As anticipated in the GEIR Update Certificate, area planning efforts and changes in use patterns have continued. The significant planning developments since that Certificate include completion of the Four Town Planning Study/HATS Master Plan; approval of warrant articles in all four HATS towns addressing impacts from Hanscom-related commercial traffic; development, study and planning regarding the Route 2 corridor and nearby roads, and the work of the Hanscom Field Noise Working Group. Massport must also address how its operations will take account of these local and regional planning efforts and must evaluate the consistency of its planned operations with Executive Order 385 (regarding planning for development).

The 1997 GEIR Update Certificate also stated that the GEIR Update should have “discussed fully” the expanding opportunities for rail travel in the northeast and “the potential impact of increased rail travel on Hanscom.” These opportunities and potential impact “should be explicit factors in Massport’s projections of aviation operations.” As stated in that Certificate, the ESPR “should pay particular attention to rail transportation issues.”

Stormwater and Water Resources

The GEIR Update Certificate cited DEP’s comments regarding application of its Stormwater Management Policy to future expansion at Hanscom. DEP cited Hanscom’s significant contribution to flooding and recommended alternatives to the direct discharge of stormwater to the Shawsheen River. The GEIR Update Certificate stated that the “2000 Update should include a report on the status of changes to Hanscom’s stormwater management program and on any revisions to its procedures for notifying the four Hanscom communities of changes to the plan.” The ESPR should address this issue, as well as any effects on local water resources and drinking water supplies from the storage and use of fuel, oil and deicing compounds.

Public Participation

Under section 11.09 of the MEPA regulations, the Secretary may provide for public participation through a means other than a traditional Citizens Advisory Committee. The Legislature has already designated HATS as the planning committee for local communities for purposes of communication with Massport. St. 1980, c. 290. HATS should therefore be treated as a “Participating Agency” for purposes of the ESPR review, and Massport should accord HATS the rights and status of a CAC, in addition to any statutory rights HATS may have. The National Park Service (“NPS”) is also directly affected by Massport’s plans for Hanscom and should also have status as a Participating Agency. HATS and NPS should, at a minimum, receive a draft copy of the ESPR sufficiently in advance of filing with the Secretary so that they may make meaningful comment, and should have the opportunity to meet with responsible Massport officials for purposes of discussing issues raised by the draft. To facilitate analysis and dialogue, Massport should consider agreeing to defray the cost of consultants to HATS for the purpose of analyzing the issues raised by the draft ESPR.

The schedule for public review should be 60 days and, to ensure a realistic opportunity for public participation, should not coincide with the vacation or holiday months of July, August and December.

Robert Durand
Secretary of Environmental Affairs

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