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September 28, 2005

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Mr. Arthur P. Kreiger
Mr. Douglas H. Wilkins
43 Thorndike Street
Cambridge, Massachusetts 02141

Re: EOE A #5484/8696, 2000 L.G. Hanscom Field Environmental Status and Planning Report; Notice of Project Change and Request for Advisory Opinion

Dear Messrs. Kreiger and Wilkins,

I am writing in response to the letter and Notice of Project Change (NPC) received by this office on August 1, 2005 filed by you on behalf of SHHAIR (Safeguarding the Historic Hanscom Area's Irreplaceable Resources). SHHAIR requests that I require review under the Massachusetts Environmental Policy Act (MEPA; G.L. c. 30, ss.61- 62H) and the MEPA regulations (301 CMR 11.00) of the proposed development of Hangar 24 by Crosspoint Aviation Services (Crosspoint) under lease to, and in response to a solicitation by, the Massachusetts Port Authority (Massport). SHHAIR contends that the proposed Crosspoint development is a "terminal" for the purposes of the MEPA regulations and requests that I either publish the NPC for comment and require an Environmental Notification Form (ENF) and Mandatory EIR pursuant to the review thresholds at 301 CMR 11.03(6)(a)4 ("Construction of a New runway or terminal at an existing airport") or require an ENF pursuant to 301 CMR 11.03(6)(b)7 (Expansion of an existing terminal at any ... airport [other than Logan Airport] by 25,000 or more [square feet]).

MEPA reviews the potential environmental impacts of Massport's Hanscom Field operations under the Environmental Status and Planning Report (the ESPR, formerly known as the Generic Environmental Impact Report, or GEIR). Since 1985, a series of GEIR/ESPR documents have provided a retrospective analysis of recent past trends in the environmental effects of activities at Hanscom Field and an analysis of potential future conditions under various development scenarios. The 2005 ESPR, for which a scope was issued by the Secretary on May 31, 2005, requires that Massport present an overview of the operational environment and planning status of Hanscom Field and provide long-range projections of environmental conditions against which the effects of future individual projects can be compared. The ESPR does not replace MEPA review of individual projects that exceed regulatory thresholds, nor does it relieve Massport of its

obligations under MEPA for project-specific analysis of impacts and mitigation. As stated in the May 31, 2005 scope, “[f]or each project-specific review, Massport would be required to perform an individual analysis of impacts and mitigation (to be implemented, for those projects that require a stand-alone EIR, through Section 61 Findings).” This requirement is consistent throughout the GEIR/ESPR record. As described above, SHHAIR contends that the proposed Crosspoint development is a “terminal” for the purposes of MEPA review, exceeds review thresholds cited above, and requires MEPA review as an individual project.

In considering your request, I have consulted with, and carefully reviewed the materials provided by, SHHAIR, Massport, the Federal Aviation Administration (FAA), the Massachusetts Aeronautics Commission (MAC), the MEPA regulations, the MEPA record of the Hanscom Field GEIR/ESPR process, and other MEPA actions on proposed airport development where hangars and/or terminals have been addressed.¹ In addition, I have received and carefully considered correspondence from the Hanscom Area Towns Committee (HATS), the HATS Environmental Subcommittee, the towns of Lexington, Concord, and Bedford, and the legislative delegation.

As stated in the NPC, the MEPA regulations do not provide a definition of the word “terminal.” As also stated in the NPC, the regulations provide at 301 CMR 11.02(1) for circumstances where a definition is required, as follows: “As used in 301 CMR 11.00, any term not defined in accordance with 301 CMR 11.02 (2) [the definitions section] shall have the meaning given to the term by any statutes, regulations, executive orders, or policy directives governing the subject matter of the term.” My review of the MEPA record for its past treatment of similar subject matter demonstrates that MEPA has not previously considered a “hangar”, as a structure the principal purpose of which is to store and maintain aircraft, to constitute a “terminal” for the purposes of the review thresholds at 301 CMR 11.03 – including those where, as here, nominal amenities are provided for the comfort and convenience of those who use the aircraft served by the facility. In addition, while neither the FAA nor MAC provide statutory definitions for “terminal”, the sources cited below have stipulated on behalf of their respective agencies that the proposed Crosspoint facility is considered by them to be a “hangar”, not a “terminal.” Last, a review of the anticipated impacts associated with the Crosspoint facility under the applicable dimensional thresholds at 301 CMR 11.03 demonstrates that the proposed development does not exceed (or even approach) impacts that would

¹ SHHAIR letter and NPC dated August 1, 2005 and supplemental information submitted on August 26, 2005, a meeting with Mr. Douglas H. Wilkins, Anderson & Kreiger, on September 13, 2005, and a meeting with representatives of the Hanscom Area Towns Committee (HATS) and the National Parks Service on September 21, 2005; Massport informational letters of August 26, September 2, and September 26, 2005 and meetings on August 24 and September 22, 2005; personal communication with John C. Silva, Manager, Environmental Programs, FAA, September 20, 2005; personal communication with Jeffrey P. Senterman, MAC Environmental Planner, September 21, 2005; MEPA Certificates #10316 (April 29, 2005, New Bedford Airport Improvements), #13502 (May 9, 2005, Turners Falls Municipal Airport Plan), #12480 (July 1, 2005, Pittsfield Municipal Airport Improvement Projects), #12267 (July 2, 2004, Barnstable Municipal Airport), #13289 (July 9, 2004, Plymouth Municipal Airport Development Study), #5901/12749 (January 8, 2004, Mansfield Municipal Airport), and #9376 (June 16, 1997, Minute Man Air Field Five-Year Improvement Program).

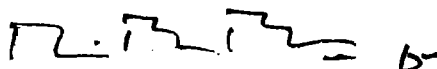
otherwise trigger a requirement to file an ENF. I note that while the proposed development itself does not exceed dimensional review thresholds, Massport has committed to require through the lease agreement with Crosspoint a number of design features intended to further minimize impacts on the physical and visual environment, and will expressly limit the administrative and waiting areas of the facility to no greater than the approximately 13,000 square feet as presented in the Crosspoint proposal.

Based on the foregoing, I find that the proposed Crosspoint development is not a "terminal" for the purposes of 301 CMR 11.03, is unlikely to have significant environmental consequences, and does not warrant publication of the NPC or a requirement that Massport file an ENF for publication and public comment.

Nevertheless, this opportunity to evaluate a specific project in the context of the ESPR has illustrated to me the importance of ensuring that the terms by which the ESPR assesses potential future development and its attendant impacts are contemporary, comprehensive, and effective. Given the premise of the ESPR as a living document, Massport proposes in constructive response that the 2005 ESPR is an opportunity to answer with greater detail and specificity the questions raised about the functions and uses of the proposed Crosspoint development, and to expand the analysis to address similar issues regarding: 1) the nature and potential impacts associated with existing and forecasted development of similar and other potential facilities at Hanscom Field; 2) the nature of Hanscom Field's historic, existing, and anticipated future roles in the state transportation network and regional aviation network; 3) the existing and anticipated future roles of Hanscom Field as a corporate general aviation reliever airport with limited commercial and cargo service; and 4) mitigation measures appropriate to address any environmental impacts revealed by closer examination of existing and forecasted future development. Further, in recognition of the important interest of the surrounding communities in the assessment of current and potential future development through the ESPR process, Massport proposes to continue to improve the public participation and review process on which the ESPR – and the importance to Massport of being an engaged and responsive neighbor – is based.

Accordingly, Massport has asked that I publish notice in the *Environmental Monitor* on October 8, 2005 of Massport's request to expand upon the May 31, 2005 Scope for the 2005 ESPR as summarized above. I agree, and will publish Massport's September 26, 2005 letter as a Notice of Project Change for a 20-day comment period, and issue an amended Scope for the 2005 ESPR on November 7, 2005. I thank SHHAIR and the representatives of the wider local constituency for asking questions that have challenged us to enhance the value of the ESPR as a planning tool for the aviation community and the public.

Sincerely,



Stephen R. Pritchard

**Cc: Senator Susan Fargo
Representative Jay Kaufman
Representative Cory Atkins
Representative Thomas M. Stanley
Thomas J. Kinton, Jr., Massport
Tom Ennis, Massport
Sheldon Moll, Hanscom Area Towns Committee
Astrid Glynn, Office of Commonwealth Development**