

BERKSHIRE REGIONAL PLANNING COMMISSION

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Executive Director

February 6, 2009

Ian A. Bowles, Secretary of Energy and Environmental Affairs
Attn: Elizabeth Sorenson, ACEC Program
Department of Conservation and Recreation
251 Causeway Street, Suite 700
Boston, MA 02114

Dear Secretary Bowles:

The Berkshire Regional Planning Commission supports the designation of the Upper Housatonic River as an Area of Critical Environmental Concern as proposed by the proponents for several reasons. First and foremost the area is one of rich ecological diversity and home to several rare plant and animal species. We also support the hope and belief of the ACEC nominators that the ACEC designation will direct/instruct local and state reviewing agencies with a mandate to review and regulate activities, most notably future PCB cleanup activities, so that the unique ecological qualities of the area are protected.

While BRPC has concerns regarding the impact of the very low wetlands permitting thresholds created by the ACEC designation on critical public infrastructure and several industrial sites and buildings which are subject to a variety of permits, we do not believe that work to modernize or redevelop those will be unduly impacted. The possible additional protection against PCB disposal in the area provided by the ACEC designation warrants the additional cost and difficulty in obtaining permits and the additional MEPA review that will be required.

We have had discussions with and received letters from municipal officials of Pittsfield, Lenox, Washington, and Lee, as well as the Lee Community Development Corporation. Pittsfield officials have considerable concern regarding the impact of the designation on operations, permits, and potential renovations/expansion of the City's wastewater treatment plant and at the Farnum Reservoir. Lenox officials support the designation as it has been nominated. The Washington Select Board supports the underlying reason for requesting the ACEC (to have more local and state control over the future PCB clean-up) but recognize that only 3.6% of the land in Washington in the proposed ACEC is not already permanently protected open space. Lee officials have provided qualified support for the ACEC designation but request that the boundaries be altered to eliminate an industrial zone and to add a larger portion of Golden Hill, which is partially within the proposed ACEC. The Lee CDC has concerns regarding the impact

on the Valley Mill and potential future redevelopment of the Lane Construction site. We have attached copies of the correspondence as we received it from the directly affected communities.

We respectfully request that you formally designate the Upper Housatonic River ACEC as proposed by the proponents. We also request that each of the directly affected municipalities and BRPC have formal positions on the ACEC steering committee. If you have any questions regarding our comments, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathaniel W. Karns", with a long horizontal flourish extending to the right.

Nathaniel W. Karns, AICP
Executive Director

Attachments (4):

Lee CDC Position Statement Given at Public Hearing, January 29, 2009
Town of Lenox, Board of Selectmen Letter, February 5, 2009
City of Pittsfield, Mayor James M. Ruberto Letter, February 5, 2009
Town of Lee, Board of Selectmen Letter, February 6, 2009

CC: Upper Housatonic River ACEC Steering Committee
Elizabeth Sorenson, ACEC Director
The Honorable James M. Ruberto, Mayor, City of Pittsfield
Select Board, Town of Lee
Select Board, Town of Lenox
Select Board, Town of Washington
The Honorable Benjamin Downing, State Senator
The Honorable Smitty Pignatelli, State Representative, 4th Berkshire District
The Honorable Christopher Speranzo, State Representative, 3rd Berkshire District