

JOHN P. HICKEY, Chair  
JAMES MULLEN, Vice-Chair  
SHEILA IRVIN, Clerk  
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNIS, A.I.C.P.  
Executive Director

## **BERKSHIRE CONSERVATION COMMISSION GROUP THIRD MEETING**

**April 1, 2009, 7:00 PM**

### **1) Welcome and introductions**

Attendees:

Terry Eucker, Berkshire Conservation Agent  
Mary Turek, Sandisfield Conservation Commission  
Jim Schantz, Stockbridge Conservation Commission  
Sam Gossage, Egremont Conservation Commission  
Sarah LaValley, Berkshire Regional Planning Commission

Terry provided an overview of the BCCG, and attendees introduced themselves.

### **2) Review of March 4<sup>th</sup> Meeting Notes**

Sam suggested that meeting notes and agendas only be emailed and made available online, and not printed to save paper.

### **3) Discussion/Member Issues**

Member Issues:

Terry noted that the certification process for vernal pools has changed, and a training could be offered at a BCCG meeting if there is interest. BEAT also offers a vernal pool program  
A discussion was held about the appearance of spring peepers.

Jim noted that the DeSisto School property is being auctioned, and the BNRC is investigating buying the mountain top area for public use.

A discussion was held about the Housatonic ACEC- Sarah stated that the ACEC was approved as proposed by the Secretary of Environmental Affairs, and showed the ACEC area on a map. Terry suggested ACEC may be a good future training topic if people have questions.

Terry noted that spring is a good time to check hay bales and silt fences. Jim pointed out the difference between hay and straw bales. Terry will bring in pieces of both for identification.

### **4) Training Workshop: Natural Heritage and Endangered Species Program (NHESP)**

Terry provided a presentation on the laws and regulations related to the NHESP.

The majority of NHESP regulations are contained in 321 CMR 10. The regulations spell out the difference between estimated habitat, and priority habitat. Estimated habitat is habitat of rare wetlands wildlife. Priority habitat also includes plants and upland animals.

Work that is only in priority habitat that is not in a wetland resource area or buffer zone does not need to be filed with Conservation Commissions, so possible impacts to rare species were often missed because people were not aware of the requirement to file with NHESP. Notices of Intent forms now include a place to indicate whether work is in priority habitat areas so Commissioners should make an effort to inform applicants when they need to file with MNHESP. Terry highlighted examples of habitat areas delineated on USGS maps.

Terry provided an overview of some of the exceptions to the wetland regulations, but noted that no impacts to rare upland or wetland vertebrate or invertebrate species are allowed in riverfront areas. A discussion about hiring consultants to assist with identification of rare species was held.

Terry gave an overview of the process for filing with NHESP. Applicants must provide filings to NHESP at the same time they are filed with the local Conservation Commission. NHESP then has 30 days to render a decision; that there is no impact to rare species; that conditions must be applied to avoid impacts; or that the project cannot be done without impacts and the Commission must deny it.. If conditions are required, these must be reflected in the Order of Conditions issued by the Conservation Commission and a copy sent to NHESP. In the event that NHESP does not provide a response in 30 days, the Conservation Commission must develop conditions to protect species.

A discussion followed about MEPA, including thresholds that trigger MEPA review.

Training Workshop materials are available at:

[www.berkshireplanning.org/conservationagent/BCCG](http://www.berkshireplanning.org/conservationagent/BCCG)

#### **5) Next Meeting**

Attendees agreed that the next meeting should be held at the BRPC offices, at 7:00 PM on Wednesday, May 6<sup>th</sup>. The training topic will be forestry and forest cutting plans, and Terry will try to get one of the state foresters to provide the presentation and answer questions.

#### **6) Adjournment**

The meeting adjourned at 8:20