



Department of Conservation and Recreation
Stewardship Council Meeting
January 9, 2009

Wachusett Reservoir, Regional Headquarters, West Boylston, Ma

Meeting Minutes

Stewardship Councilors in Attendance: Chair, Dick Cross; Councilors, Whitney Hatch, Dan Wolf, Michael Dutton, James Van Dyke, Elisa Campbell, Laura Johnson and Henry Lee.

Public Attendees: Mike Ryan, Friends of the Fells; Mike Leonard, North Quabbin Forestry; Ellen Arnold, Friends of Upton State Forest; Ray Weber, Friends of Robinson State Park; David Gafney, Citizen; Joe Zorzin, Citizen; Lucy Gionfriddo, Agawam Resident; Claudia Hurley, Friends of Robinson State Park; Steve Kaiser, Association of Cambridge Neighborhood; A. Richard Miller, Cochituate State Park Advisory Committee; Jill Miller, Citizen; Bill Boles, Friends of Wompatuck/NEMBA; James McCaffrey, Sierra Club; Oakes Plimpton, Borderland; Mike Hurley, Robinson State Park; Heidi Ricci, Mass Audubon; Sharl Heller, Forest and Parks Friends Network.

DCR Staff in Attendance: Commissioner Rick Sullivan, Stephanie Cooper, Jeff Daley, Gary Davis, Dan Clark, Jim French, Conrad Crawford, Jim DiMaio, John Scannell, Marcelle Valentin, Joe Rotondo and Stuart Conner.

I. Call To Order (1:00 p.m.),

- a. Chair, Dick Cross welcomed all and mentioned the "Man of the Year" article in the Lynn Journal about Commissioner Sullivan and their praise for controlling the aquatic weeds from the beaches around Lynn Shore Drive. Chairman Cross introduced John Scannell, Regional Manager of the Wachusett Reservoir. Mr. Scannell gave a brief history of the Wachusett Reservoir, Quabbin Reservoir and Ware Reservoir. He explained the filtering process and how the reservoirs provide water for two million citizens. Mr. Scannell also mentioned the impact the December ice storm has had on the area and how DCR Wachusett staff had worked with the municipalities to clear the roads.

II. Commissioner's Report, Commissioner Rick Sullivan

- a. Commissioner Sullivan thanked Chairman Cross on the mention of the Lynn article but pointed out that the credit is really due to Samantha Overton-Bussell, Pete Church, Nick Gove and all of the other DCR Urban Parks Division staff for doing such a great job enhancing the experience at the beaches in Lynn and other park facilities. Commissioner Sullivan thanked the DCR staff for their team work, quick response and diligent efforts clearing the roads and picking up the debris during and after the ice storms. The Central and Western Regions of the Commonwealth experienced significant damage from the serious December ice storm. There are still some dangerous areas in the trails such as certain areas within Dubuque State Forest. Commissioner Sullivan informed the Council that there are closure signs on the trails due to fallen trees, limbs and debris. Commissioner Sullivan mentioned that the closed locations are cited on the DCR website. DCR worked with MEMA to help clear the roads for municipalities and now DCR is coordinating with FEMA for assistance and reimbursements on the cost to clear up the trails and roads in our facilities.
- b. DCR kicked off the first day hikes for the New Year at nine parks across the Commonwealth. Commissioner Sullivan mentioned the federal economic stimulus proposal. He said that he did not yet have details of how this federal initiative may impact DCR; however a number of DCR

senior staff, including himself, are participating on task forces established by Governor Patrick to prepare for potential economic stimulus funding. DCR has already been requested to submit all projects believed to meet the eligibility criteria, outside of those that are part of the Accelerated Bridge Program (ABP).

- c. Regarding bridges, the major projects currently being worked on are the BU, Craigie and the Longfellow Bridges.
- d. Repairs, including a new ice surface, have been completed at the Kelly Rink in the Jamaica Plain area of Boston and the rink is now open and being well-used by the community.
- e. In the absence of Jeff Daley, Commissioner Sullivan gave an update on the Asian Longhorn Beetle (ALB). On December 18th, Congressman James McGovern announced that the ALB project had received final approval of \$24.5 million in federal funding to support the eradication efforts in the greater Worcester area. On Wednesday December 31, 2008, the ALB eradication team awarded two separate contracts for the first phase (year 1) of removals.
 - i. On Wednesday December 31, 2008, the ALB eradication team awarded two separate contracts for the first phase (year 1) of removals. The removal contract went to Northern Tree Service and Mayer Tree Service respectively. The second contract was to Northern Tree Service for grinding all of the regulated materials that cannot be ground by a mobile chipper, which the cutting crews will have. All removal work will be completed by April 30, 2009 and all clean up and repair work will be completed by June 30, 2009. The team will continue with aggressive surveys throughout the 63 square miles over the next year hoping to survey a good amount of the estimated 630,000 potential host trees in the area. Replanting will be done for every tree removed.
- f. Commissioner Sullivan mentioned the Forests visioning public process. DCR's goal is to reach out to stakeholders, which will be by the consultants and not DCR staff, in order to seek input on issues to be discussed from an unbiased position. DCR staff will not be members of the group that will ultimately provide recommendations at the end of the public process. Commissioner Sullivan said he is looking forward to this process.
- g. Comment:
 - i. Councilor Henry Lee inquired if the Quabbin Reservoir is over capacity due to all the rain what the historical amount of surplus is. John Scannell responded that the reservoir is over spilling for two reasons, conservation of water by the constituents and the rain fall, but does not know historical amount of surplus. Mr. Scannell noted that these conservation measures help the reservoir retain more water; and that DCR works closely with the MWRA who manages the water system. Councilor Elisa Campbell mentioned that this issue is within the purview and jurisdiction of the MWRA.

III. Committee Updates and Meeting Schedules

a. **Finance Committee**

- b. Councilor Whitney Hatch gave the budget update. He stated that there is discussion on the revenue proposal, a process for public hearings and adjusting fees. The committee inquired and received background on what was behind the fee proposal, how the fiscal situation looks and the process. The revenue proposal – originally there was discussion of up to 2.6 million in additional revenue and the agency did a good job to pull back increases on certain fees; there will be proposals for adjustments. The budget for FY09 had to come up with 8.9% reductions, the administration has asked for another round reduction of \$750,000 which the agency hopes will resolve the budget issues. DCR identified 2.3 million in potential cuts in the FY10 budget. There are a few new positions that were already approved, but will not be filled and backfills of vacant positions will not be filled as part of the budget decrease.

- i. Commissioner Sullivan said that as of now, the 9C cuts have been implemented and currently there are no additional budget cuts. Councilor Hatch suggested we look at the line items in the budget and see how we can maintain line items and see if we are able to consolidate. Commissioner Sullivan said that he held off on hiring because of the fiscal climate and in order to avoid reductions that would impact current staff, and it seems that strategy has been successful.
 - ii. Councilor Hatch said he did an inflation adjustment a couple of years ago and probably can revisit. Chair Cross inquired about the revenue announcement – Commissioner Sullivan said it has not been announced yet, and that he will provide information to the Council.
- c. **Policy and Planning Committee**
- i. Councilor Henry Lee said the committee is moving forward the discussion on the long term goals on Forestry enforcement. Currently it does not look like we will have the money to do the RMP process to bring facilities to the standards needed. Mentioned the committee has a draft of RMP overview that was done by the staff. It does articulate areas that have significant data and areas where data is lacking. The committee is putting a proposal together on how we should take this forward. Stephanie Cooper stated that the committee will meet on 1/20/2009. Councilor Lee discussed issues related to transparency in forestry program, past issues and the need for clarity of what DCR will be doing and have a better understanding of the issues up front.

IV. **Special Business**

a. **Land Acquisition review 2008, *Jim French and Jennifer Howard***

- i. Jim French, Land Acquisition Coordinator presented a brief history of the watershed land acquisition program, DCR land acquisition prioritization modeling efforts, and the logistics of watershed conveyance procedures and funding sources. Mr. French mentioned that we have significantly added to the land acquisition and we have a panel that meets 3 times a year regarding proposals from people soliciting DCR to acquire. If the committee agrees then they go through the process for acquisition.
- ii. Jennifer Howard, Director of DCR's Land Protection Program gave an overview of the Program and its accomplishments for FY08.

The Land Protection Program acquires property to:

- Protect most important natural & cultural resources of statewide & regional significance, particularly as they relate to DCR facilities;
- Provide diverse recreational opportunities; and
- Enhance and protect integrity of DCR's State and Urban Forests, Parks & Reservations.

DCR acquires properties that best represent the following priority resource & recreational values:

- Resource Protection -- Greenways, Representative Natural Communities, Large Unfragmented Areas, Coastal Resources & Access, Water Resource Protection, Historic & Archeological Resources, Scenic Landscapes.
- Recreation -- Bikeways, Trails, Water Based Recreation.
- Management Enhancement -- Critical In holdings, Minimize Management Costs, Public and Management Access.
- DCR targets lands that represent the best examples of these priority land and resource types. Priority lands generally contain multiple resource values. Staff bring candidate projects to the DCR Lands Committee, and evaluate and

prioritize projects to include in the annual land protection budget. DCR proceeds with the highest priority and most feasible projects.

FY08 Land Protection Program Highlights

- DCR acquired 29 priority parcels totaling approximately 3,310 acres and spent \$10,564,950 in bond funding.
- 1,913 acres were within EEA Habitat Reserves, which were acquired for \$6,240,000.
- These funds leveraged over \$4,000,000 in federal and state grants, municipal and non-profit partner contributions, and bargain sales.
- Properties conserved include priority parcels along the CT River, large unfragmented forestland in Ashburnham, Douglas, Chesterfield and Adams, critical in holdings within the Urban Region, a headquarters along the Ashuwillticook Rail Trail, and a significant coastal property at WBNERR.
- The remainder of the presentation focused on showing photographs of recently acquired properties. For more information about these properties or the Land Protection Program, contact Jennifer Howard, 4130586-8706 ext 18.

b. Enforcement Authority for Forestry, Gary Davis

- Gary Davis, General Counsel, discussed the enforcement initiatives and the features of the new legislation. Under the prior version of G. L. c. 132, § 11, DCR is authorized to make rules and regulations governing the suppression of a variety of diseases and leaf eating insects that destroy or otherwise damage forest and shade tree foliage. Such diseases include the Dutch elm disease and the beetles which spread said disease, woodticks, and poison ivy growing within one hundred feet of any public way. Section 11 has declared such diseases and insects to be public nuisances under chapter 132; and authorizes DCR to undertake a menu of actions, including the issuance of orders and directives, to eradicate, suppress or otherwise manage such public nuisances.
- The new legislation expands the declared public nuisances to include “invasive plant or animal species, diseases or insects which damage the health, safety or quality of forest, shade or other trees, including the Asian Longhorned Beetle or Oak Wilt.” Specifically, Section 2 revises G. L. c. 132, § 12 by deleting the existing criminal penalty of \$25 per violation and authorizes DCR to impose civil violations of \$25,000 per violation.” Section 2 also states that:
 - each day that such violation occurs or continues shall be deemed a separate violation;
 - DCR may assess civil penalties to be recovered in the superior court; and
 - The Commonwealth may seek injunctive relief.
- Additionally, DCR is working on an expanding enforcement initiative, the overall purpose of which is to enhance the agency’s enforcement capabilities on sensitive commonwealth resources. As it currently stands, DCR has identified the following areas that may require enhanced enforcement authority: (1) illegal dumping, (2) encroachment, (3) dam safety violations, (4) timber violations and (3) OHV violations. DCR will continue to work on this initiative, which will be reviewed by the Secretary’s Office of Energy and Environmental

Affairs, and discussed with members of the legislature, the Office of the Attorney General and other interested parties, before it is presented to the Stewardship Council for its review. The agency is currently working with the state police to deal with the current infractions and hope to engage the local police, Fish & Game and DEP for better results.

Approval of Minutes from November 7, 2008

- c. All council members approved the November 7, 2008 minutes.

V. **Public Comment**

- a. **Ellen Arnold, Friends of Upton State Forest** – Ms. Arnold thanked Commissioner Sullivan for coming to Quabbin to meet with the Friends groups. Stated that the Friends of Upton are working well with the DCR staff. Ms. Arnold mentioned an OHV issue at Upton SF there was an unusual loud noise possibly OHV or tree cutting, the police were notified they did not see anyone there past the locked gates. Ms. Arnold said she went to the forest the next day, to confirm that it was illegal OHV use by the tracks she had seen. She is concerned about the endangered species and damage in the critical areas. Ms. Arnold asked that the enforcement piece needs to be enforced on infractions and increase fines for OHVs.
 - i. Commissioner Sullivan mentioned that they are currently having discussions with Aaron Gross, Director of Environmental Police on enforcement.
- b. **Mike Ryan, Friends of the Fells** – Mr. Ryan stated that there is an aggressive timber harvesting happening and quoted imminent risks that are there for timber cutting at October Mountain. Stated that if the Forestry Resource Management Plans (FRMP) is at fault then a moratorium needs to be placed. Implored that DCR re-evaluate the FRMP.
- c. **Mike Leonard, North Quabbin Forestry** – Mr. Leonard mentioned at prior meetings studies on timber cutting and read a summary that he felt contained false statements about forestry licensure. Discussed timber sales, logging and timber cutting that he disagreed with, felt not enough basis for green certification. Mr. Leonard suggested that DCR impose a five year moratorium. Commissioner Sullivan accepted the request from Mike Leonard to attach his letter of communications to the meeting minutes; however these requests will not be acceptable in the future per ***“Massachusetts General Laws, Chapter 66 and Open Meeting Guidelines”.
*([Please click on the this link to view letter](#))
- d. **James McCaffrey, Sierra Club** – Mr. McCaffrey discussed the forestry program and reiterated what remains the heart of issue with the FSC certification and forestry. He requested that we have experts go out and see what is happening in the forests. Supports the FSC and supported approving the forestry plans but implores DCR to do the right thing and respond to the public concerns and issues. Mr. McCaffrey feels we need to step back to see if the FRMPs are functioning the way we need and achieving the goals, should look in a year were they are and make a decision to move forward or step back and make some changes in the plans.
- e. **Oakes Plimpton, Borderland** – Mr. Plimpton said that DCR is doing great on projects for bridges but feels the forests and parks are being neglected. Mentioned field station in Norwood near University of Mass, he fears they will build a campus there. Inquired about a park in Nahant and asked who owns it. Commissioner Sullivan stated that DCR does not own the property.
- f. **Ray Weber, Friends of Robinson State Park** – Mr. Weber discussed DCR's response to the public comments regarding proposed timber harvesting projects. He doesn't feel all comments were considered. Mentioned the beaver dam at Chester Blandford and feels it is intact but the beaver's home is gone and now they are eating bark and vegetation. Read complaints regarding

clear cuts and further discussed the beaver issue at Chester Blandford. Suggested that DCR strongly take into consideration public comments and not brush off anticipated risk on beaver breach.

- g. A. Richard Miller, Cochituate State Park Advisory Committee** – Mr. Miller mentioned the improved pedestrian and bike pedestrian walks in Cambridge and Boston and is glad about the improvements especially with the funding for the stimulus. Discussed Lake Cochituate and the grant awards and understands there is chance money may not be there for the Matching Funds Grants. Hopeful that the Partnership will receive the grant. Mentioned Aquatic Pesticides and Clean Water Act, he is worried about pesticides not being regulated.
- h. Sharl Heller, Forest and Parks Friends Network** - Ms. Heller feels there is confusion on Forest Resource Management Plans (FRMPs) that are approved and property-specific RMP plans. Ms. Heller also believes that transparency is needed. She stated that the Forest and Parks Friends Network gives DCR a gold star for their outreach efforts. She stated concern about the vacancy at Myles Standish for managing forester for the southeast region. A managing forester is needed to manage forest fires and historical fire risks as soon as possible. Another problem is at Plymouth Rock studios and their entrance is not far from the DCR entrance, worried about attraction of a lot of people and afraid they will use the forest as a short cut. Suggesting initiating a park pass and installing more gates to stop motorized traffic.
- i. David Gaffney, Citizen** – Mr. Gaffney discussed the removal of red pines and heard many of the rationales for clear cuts and logging and does not agree with the timber cutting in the forests. He feels the approved plans did not consider the public and feels they would have to go to litigation, suggested an eighteen month moratorium. Mr. Gaffney feels that DCR did not have enough public hearings and feels the moratorium gives opportunity to voice their concerns.
- j. Joe Zorzin, Citizen** – Mr. Zorzin stated he is an independent forester and feels his public comments were not taken seriously in the forestry plans. He feels that publicly owned timber should not be cut or sold.
- k. Bill Boles, Friends of Wompatuck/NEMBA** – Mr. Boles said we all went through bad ice storms which affected the forests and trails. NEMBA is working on clearing out DCR trails and still working on them in the Berkshires and Central regions. Inquired about next steps. Commissioner Sullivan asked that people do not go in the forests and trails on their own to clear trails for their own safety and due to the Asian Longhorned Beetle, and thanked NEMBA for its support.
- l. Lucy Gionfriddo, Agawam Resident** – Ms. Gionfriddo echoed the need for moratorium to deal with the forestry issues such as timber harvesting.
- m. Claudia Hurley, Friends of Robinson State Park** – Ms. Hurley said that there is a need for recognition of issues and concerns related to forestry plans, in particular transparency. Ms. Hurley does not just want intentions of the FRMPs but need to know are we doing it the right way, should we be doing it all, and should it be here. She stated that a moratorium will help resolve many of the issues and asked DCR to stop the bids.
- n. Steve Kaiser, Association of Cambridge Neighborhood** – Mr. Kaiser gave a quick update on off road vehicles (ORV) senate bill which may be re-filed and there is another bill that will be re-filed with some amendments. Mr. Kaiser discussed the bridges and how much better the issues and projects at hand are being handled. Regarding forestry, he stated he feels DCR is doing its worst. Went over the sources of funds for DCR and mentioned that he will be resending a letter to the Legislature. Mr. Kaiser feels we should stop contracts and bids and have the moratorium placed as suggested earlier.
- o. Heidi Ricci, Mass Audubon** – Ms. Ricci stated that the forestry issues are clearly larger and that she hopes the forests public process will address larger issues such as Asian Longhorned Beetle

which is now reaching toward Wachusett. Hopes DCR fully understands the depth of the forestry issues that any implementation in the next year will be justified projects that are well thought out.

- VI. **Meeting Schedule** – Next meeting will be Friday, February 6, 2009 at the Breakheart Reservation in Saugus.

Meeting adjourned 4:15 pm

***Notwithstanding the introduction of Mr. Leonard's letter in this particular minutes. Please note the following protocol that DCR intends to follow.**

Open Meeting Law Guidelines; Massachusetts Attorney General

Minutes of Meetings

Content: The Open Meeting Law (as well as the Public Records Law, G.L. c. 66, §5A) requires every governmental body to maintain accurate minutes of all its meetings. At a minimum, minutes must set forth the date, time, and place of the meeting, the identity of the members present or absent, and all "action taken." The District Attorney has interpreted the term "action taken" to include not only votes and other formal decisions made at a meeting, but also discussion or consideration of issues for which no vote is taken or final determination is made. It would be sound practice to also **include in the minutes a summary of each discussion held at the meeting. However, a verbatim record of each discussion is not required.** See G.L. c. 66, § 5A. If votes are taken at a meeting, the minutes must record each vote exactly as it occurred. Id.

CHAPTER 66. PUBLIC RECORDS

Chapter 66: Section 5A. Records of meetings of boards and commissions; contents

Section 5A. The records, required to be kept by sections eleven A of chapter thirty A, nine F of chapter thirty-four and twenty-three B of chapter thirty-nine, shall report the names of all members of such boards and commissions present, the subjects acted upon, and shall record exactly the votes and other official actions taken by such boards and commissions; but unless otherwise required by the governor in the case of state boards, commissions and districts, or by the county commissioners in the case of county boards and commissions, or the governing body thereof in the case of a district, or by ordinance or by-law of the city or town, in the case of municipal boards, **such records need not include a verbatim record of discussions at such meetings.**