

THE COMMONWEALTH OF MASSACHUSETTS

*EXECUTIVE OFFICE OF ENERGY AND*

*ENVIRONMENTAL AFFAIRS*

*Department of Agricultural Resources*

**State Reclamation and  
Mosquito Control Board**

251 Causeway Street, Suite 500

Boston, MA 02114-2151

<http://www.mass.gov/agr/mosquito/index.htm>



**DEVAL L. PATRICK**

Governor

**TIMOTHY MURRAY**

Lt. Governor

Mark S. Buffone, Chairman

*Department of Agricultural Resources*

*Anne Monnelly*

*Department of Conservation and Recreation*

*Gary Gonyea*

*Department of Environmental Protection*

**IAN A. BOWLES**

Secretary

**DOUGLAS W. PETERSEN**

Commissioner

Alisha Bouchard

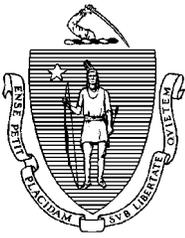
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Meeting Agenda  
State Reclamation and Mosquito Control Board  
Friday, January 30, 2009  
At 10:00 AM at the UMASS Eastern Extension Center, 240 Beaver Street,  
Waltham, MA

1. Call to Order, Attendance, Introductory Remarks (if any)
2. **Vote** to approve minutes of October 15, 2008 and October 24, 2008
3. **Vote** 2008 Mosquito Control Annual Reports-Modifications and Due Date
4. GEIR Update
5. Post Monitoring Protocol Discussion (e.g. Freshwater Inland BMP)
6. OMWM Update
7. Fiscal Year 2010 Budgets
8. Other
  - a. Board Website Revisions/EEA Portilization Plans
  - b. Clean Water Act (CWA) Ruling
  - c. Notification of Board Meetings to MCPs
  - d. Aquatic Habitat Restoration Task Force (AHRTF) (Brief Update-David Henley, EMMCP)
9. Next Meeting Date and Adjournment



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**STATE RECLAMATION AND MOSQUITO CONTROL BOARD (SRMCB)**

**Subject:** Summary Meeting Minutes

**Date:** Friday, January 30, 2009

**Place:** 240 Beaver Street, UMASS Eastern Extension Center/  
Waltham Field Station  
Waltham, MA

**Attendees:** Mark Buffone, Department of Agricultural Resources  
/SRMCB, Chairman  
Gary Gonyea, Department of Environmental Protection /  
SRMCB Member  
Anne Monnelly, Department of Conservation and Recreation  
/ SRMCB Member

**Mosquito Control  
Project Commissioners:**

Joe Barile, Bristol County MCP  
Carolyn Brennan, Plymouth County MCP  
Christine A. Fagan, Bristol County MCP  
Lenny Izzo, East Middlesex MCP Project  
Richard Pollack, Norfolk County MCP  
Wally Terrill, Berkshire County MCP

**Mosquito Control Project Directors/  
Superintendents /Assistants:**

Wayne Andrews, Bristol County Mosquito Control Project  
Ellen Bidlack, Plymouth County Mosquito Control Project  
Jack Card, Northeast MA Mosquito Control & Wetlands Management  
District  
Tim Deschamps, Central MA Mosquito Control Project  
David Henley, East Middlesex Mosquito Control Project  
Jake Jurgenson, Berkshire County Mosquito Control Project  
Bruce A. Landers, Suffolk County Mosquito Control Project  
Dave Lawson, Norfolk County Mosquito Control Project  
Priscilla Matton, Bristol County Mosquito Control Project  
Timothy McGlinchy, Central MA Mosquito Control Project  
Gabrielle Sakolsky, Cape Cod Mosquito Control Project  
John Smith, Norfolk County Mosquito Control Project  
Anthony "Tony" Texeira, Plymouth County Mosquito Control Project

**Others:**

Heidi Ricci, MassAudubon

- 1.0: Call to Order and Attendance.** Chairman, Mark Buffone officially called the meeting of the State Reclamation and Mosquito Control Board to order at 10:02 AM on Friday, January 30, 2009 at the UMASS Eastern Extension Center or Waltham Field Station.

He stated that today's meeting was posted at both the Secretary of States office and Executive Office of Administration and Finance pursuant to the Open meeting Law. Also, he remarked that today's meeting was posted on the Board's website.

He introduced himself as Chairman and the fact that he was representing the Department of Agricultural Resources (DAR). He also recognized Gary Gonyea who represents the Department of Environmental Protection (DEP) along with Anne Monnelly representing the Department of Conservation and Recreation (DCR) The Chairman stated that the Board did have a quorum for voting purposes.

**1.2: Opening Remarks:** Chairman Buffone opened the meeting with some remarks. He mentioned that he would be turning on and off the tape recorder during the meeting. He stated that the Board use of a tape recorder at its meetings is only one means to aid the Board in the preparation of the minutes and is not always necessary. He explained that there is no legal requirement to use a tape recorder.

The Chairman noted that it has been increasingly difficult for the Board to find time to prepare the minutes due to the lengthy discussions that take place. The Board intends to use the tape recorder to record the actual motions and votes and not so much the discussion. In this way, it will help the Board to prepare more the minutes in a more timely.

Additionally, the Chairman updated those present on the concerns expressed at the October 15<sup>th</sup> meeting such as delays in payment of invoices, the temporary salary moratorium, and other matters. He conveyed to everyone that the Board has been sensitive to their concerns and remedies have been sought. He felt that progress has been made.

He asked everyone to keep the lines of communication open with Alisha Bouchard, the projects administrator especially those issues pertaining to fiscal and administrative concerns. The Chairman praised the staff at the Boston office noting their hard work each and every day to meet their needs. He emphasized that the Board understood that it may be difficult for the mosquito control projects over the past several years as the state continues to seek standardization in many areas it is involved. Again, he reiterated that if there is something that is communicated to you that is not clear or if they have questions, to contact Alisha and/or the Board.

After the opening comments, he asked for those in attendance to identify themselves and their affiliation.

The Chairman asked if those present felt progress has been made. Many positive comments were heard about progress. However, one area that was felt needed attention was obtaining reports that give exact amounts paid toward fringe benefits. Most of the Mosquito control projects asked if they could receive this data a monthly basis in order to better track invoices noting the "charge backs" are difficult to track without this information.

There was a question on receiving more details on the Board's budgets.

- 2.0: **Vote to approve minutes:** The Board had outstanding minutes that needed to be approved in particular, October 15, 2008 and October 24, 2008. Chairman Buffone asked for a motion to approve the minutes as written.
- 2.1: **Questions and Discussions:** There was no discussion.
- 2.2: **Action Taken:** Motion was made by Gary Gonyea to approve the minutes of October 15, 2008 and October 24, 2008 with no changes. The motion was seconded by Anne Monnelly. The vote to approve the minutes was unanimous.

**3.0: Vote to approve 2008 Mosquito Control Annual Reports**

**3.1: Background:** Chairman Buffone stated that last year, the MCPs submitted their 1st annual reports to document annual activities. He mentioned that the reports get posted on the Board's website. He applauded the efforts of individuals such as Tim Deschamps, Heidi Ricci, and others who spearheaded the project. To date, Gary has been in contact with Tim with some suggestions to enhance the current format. The first reports were good but the Board desired to enhance them based on comments the Boards received from the public have been helpful too.

The Board would like to put on the table for discussion what changes and revisions it would like to see added and to agree on a due date.

Chairman Buffone expressed his desire to see items such as a list of member municipalities and total number, the names of mosquito control project commissioners, and a map of the mosquito control project service area in comparison to the state. He explained the reason for incorporating this type of information in the annual report was the fact that the Board's website would be changed in that the links that have this information would no longer be on the website. The Chairman opened up the agenda item for discussion.

**3.2 Questions and Discussion:** Gary Gonyea asked about a due date? Chairman Buffone asked if March 6<sup>th</sup> was reasonable for a due date.

Tim Deschamps stated he would begin on changing the operational report next week. The Chairman asked the mosquito control projects to submit the reports as a PDF document. Tim Deschamps said he would PDF all the reports and put security so that they can be printed and viewed and not altered

Other comments and discussion took place on the Board website and portilization efforts for the environmental agencies including but not limited to hosting space for achieved files such as Board minutes. Anne Monnelly stated that minutes would not be lost if not stored on the website but would require a request to retrieve stored minutes to retrieve them.

**3.3: Action Taken:** Chairman Buffone made a motion to approve the generic annual reports to be modified with a number of changes including but not limited to things like a list of member municipalities, total number of municipalities, the names of mosquito control project commissioners, research efforts, publications, presentations, and any other information to make the report more comprehensive due no later than March 6, 2009 as a PDF document. The motion was seconded by Anne Monnelly. The vote to approve the motion was unanimous.

#### 4.0 MEPA Mosquito Control Special Review Procedure (SRP) Filings

- 4.1 **Background:** Chairman Buffone began this agenda item stating that the mosquito control projects should have received information recently pertaining to the SRP such as copies of the new Certificate from the Secretary, and comments from the public to the Board's filing in October 2008. He asked if anyone did not receive the information.

He continued saying that the Board needs the mosquito control projects assistance to review the comments and provide responses to the Board in order to insure accuracy and agreement in this task.

He mentioned that it is important to follow the format from the Board's previous responses where the document highlights a comment with a corresponding response.

Chairman Buffone remarked that he would send out a template first thing next week for everyone to use. The Chairman continued by telling those present that the Board/DAR has sent a contract to update the GEIR and awarded it to Tufts University whose principal investigator is Dr Sam Telford.

Dr. Telford has submitted to the Board an estimated time table to accomplish the GEIR update with a draft report anticipated by May 15, 2009 along with the final report June 30, 2009.

Finally, the Chairman encouraged all the mosquito control projects to complete the questionnaire that Dr. Telford would be sending to them. The questionnaire was similar to the 1996 questionnaire.

- 4.2 **Questions and Discussion:** Tim Deschamps volunteered to coordinate meeting time and date with Dr. Sam Telford for the mosquito control project. Discussion took place regarding the Board's next filing to MEPA. Gary Gonyea stressed the importance for the Board to file the post 10 year OMWM review to MEPA in order that the document is distributed to all at the same time. The Chairman was asked by the Gary Gonyea and Anne Monnelly to contact MEPA office to obtain guidance on how we submit a few other additional documents as an addendum to the October filing.
- 4.3: **Action Taken:** No vote was taken or necessary but there was general agreement to move this along as quickly as possible.

**5.0: Post Monitoring Protocol Discussion (freshwater Inland BMP):** Chairman Buffone stated that there was consensus at the Oct 15<sup>th</sup> meeting that a working group be established soon after the NMCA meeting in December to draft a protocol that the MCPs and Board could submit as an amendment to the currently approved BMP for inland Freshwater Mosquito work. He said that he sent out a reminder on January 21<sup>st</sup> and appreciated the prompt responses. He noted that Priscilla Matton, Bristol County Mosquito Control Project distributed to the Board a draft protocol prior to the meeting. He asked her if she would discuss and present the information to the Board and all present.

Priscilla drafted a document and sent it around to the other MCDs for comments. Water management specialists like Emily Sullivan, Caroline Haviland, and Tim Deschamps and developed a first draft. It tells what they do after they do a water management project. The inspection schedule, how many times they go back, and when they go back. They are following the same timeline as the BMP. It is basically answers what do they do, check vegetation, records for mosquito develop, erosion control, when do they go once a week or twice a week and how do we know there is no mosquitoes? Besides restating the law which they feel important, and list all the criterion to decide if the work should be done and the reason why we know the work is actually reduce the mosquitoes.

The Chairman asked if she would serve as a liaison to the Board for the MCPs and then opened it up for discussion.

**5.2: Questions and Discussions:** Tim Deschamps commented that it is important to recognize that some of the work the MCPs do is preventative as opposed to waiting for mosquito larvae being present. They do not always wait for a problem to erupt before they try to mitigate what they see as a potential problem. Gary Gonyea asked Tim what criteria he uses to select these sites. Tim answered, that it depends on has the site been altered and that information can be found out from homeowners and technician experience. Gary stated that it would be helpful to add this information upfront in the document such as in addition the MCPs do preventative work and here are the criteria that we use to select the site.

Heidi Ricci stated people are interested in causes of the problem such as is there storm water or erosion control problems in a particular area. Is there a culvert that blocking fish passage? She mentioned that the MCPs might not be able to address these things but good to flag them as potential issue.

Priscilla Matton commented that many of the things Heidi highlighted should be addressed by the BMP and that the post monitoring protocol is brought in after the BMP has been implemented.

Chairman Buffone asked if there could be a cover sheet or introduction to the protocol. Heidi felt this would be helpful since she gets questions about removal of vegetation along stream bank.

David Henley mentioned that the hiring of hydraulic engineers would be helpful.

Gary Gonyea stated that the bullets listed on the second page are good evidence to the effectiveness of a particular treatment in addition to dipping for mosquito larvae and to point out that when we determine the effectiveness of a treatment or activity, we are not just looking at the number of mosquito larvae, we are looking at these other criteria.

Tim Deschamps wanted to address Heidi's comments and stated that most of the work done is in non-fish bearing habitat and the majority of the vegetation removed is non-woody. However, he noted that much of the woody vegetation removed have their roots intact allowing it to grow back quickly. He commented that the MCPs are very sensitive to maintaining areas of shade and large overgrowth areas.

Much of the work is low impact with hooking blockages out of the ditch and cutting minor obstructions of brush. The mechanized work has been reduced during the past 10 years.

Based on the discussion, Heidi Ricci felt that these discussions would be helpful by adding this clarification in MCPs report.

Jack Card commented that a lot of their work is not natural but man-made and this should be reflected in their reports and records since the MCPs have to continue to return to maintain the area.

The Chairman thanked Priscilla for a good job.

- 5.3: **Action Taken:** Chairman Buffone asked Priscilla Matton to revise the draft post monitoring guidelines discussed at the meeting and to incorporate changes adding clarification via an introduction and description. In addition, he requested that the revised document (second draft) be submitted electronically and circulated for comments and consensus. The second draft would include at the suggestion of Gary Gonyea a link to a DEP publication pertaining to inland wetland replication listing invasive species to use a guide. Once there is a consensus, the Board will file the document with MEPA as an addendum to the current BMP for mosquito control activities in inland freshwater areas.

## 6.0: OMWM Update

6.1: **Background:** Chairman Buffone introduced the agenda item stating as a result of a meeting last fall at MEPA conference room, CZM, the Board, and the Northeast district agreed to set up a working group to develop a consensus concerning workable standards for OMWM that would incorporate the concerns of CZM and others such as robust sampling efforts/ statistical validity of samples. He noted that Board members have attended a couple of these meetings. Also, he commented that the Board was anxious to receive final products so that it can submit to MEPA and that the Board can approve a standard that could adopt by other MCPs. He opened the agenda item for discussion

6.2: **Questions and Discussions:** Priscilla Matton informed the Board that CZM representatives committed to work on the new document and MCPs representative would better defining the mosquito sites. This would be done by Emily Sullivan and Priscilla. She mentioned that she is reviewing other state standards such as Maryland, Delaware, Connecticut, and New Jersey. Many of the agreed upon changes would be reviewed by e-mail but no meeting has been scheduled. Gary Gonyea requested that the MCPs send out there review and work defining mosquito sites within 2 weeks and ask the CZM representatives where they stand in their efforts to rewrite the standards. Gary Gonyea asked if Dave Keddell from the Army Corps of Engineer seen any of the workgroups work. Gary suggested that draft and final documents should be sent to ACE.

6.3: **Action Taken:** Chairman Buffone asked that any changes and collected information from the OMWM MCP representative be completed and submitted by the end of February. Gary Gonyea suggested that the Board should target the next meeting March 25, 2009 to finalize this task.

## 7.0: Fiscal Year 2010 Budgets

7.1: **Background:** Chairman Buffone expressed the Board's resolve to remain firm in its recommendation to MCPs and Commissions to exercise fiscal discipline due to the downturn in the economy and more recently proposed cutbacks to state services and in particular local aid. He stated that the Board recognizes that the MCP perform a legal and necessary service in carrying out the mandate but the Board would like to see core services maintained without any expansion at this time. Therefore, the Board recommended that all MCP budgets, at a minimum, be level funded and MCP districts should prepare for reductions in service that may be necessary to cuts to local aid. E.g. you may lose member communities due to severe economic crisis. Finally, the Board encourages you to work closely with your member communities when developing your final budgets as it will be important to be as transparent during these fiscal difficulties. He emphasized that MCPs must work closely with Alisha on all these matters as well as Michael Rock.

**7.2: Questions and Discussions:** There were questions about differences in budget amounts reflected in House 1 and their spending plans. Clarification was made during the discussion that the budget amounts were sent in earlier in the year. Chairman Buffone encouraged MCPs to speak to Alisha. Gary Gonyea noted that Alisha sent out an e-mail explaining the discrepancies. Chairman Buffone asked the MCPs if any of the cities and towns have expressed concern about their assessments and mosquito control services because of fiscal downturn. A question about the Board budget was raised but the Chairman commented that the Board expects to be level funded for FY 10. Chairman Buffone added that the Board's focus is to insure that the MCPs accounting and fiscal needs be met. He noted a concern that the Board has little extra funding for any potential extensions to the GEIR update work. Heidi Ricci stated that with the current documentation and identification of gaps, a case could be made for additional funds in the future.

**7.3: Action Taken:** None

**8.0: Other: Aquatic Habitat Restoration Task Force (AHRTF), Board Website Revisions/Portilization Plans, Clean Water Act (CWA) Ruling, Notification of Board meetings to MCPs**

**8.1: Background:** Several other agenda items were discussed.

**1. Aquatic Habitat Restoration Task Force ( AHRTF)**

**Discussion and Points:**

David Henley brought to the Board attention his participation and involvement with representatives from the mosquito control projects and members of the Aquatic Habitat Restoration Task Force (AHRTF). Dave provided the Board update.

There is a plan to set up a meeting to identify where MCP intersect and where they have concerns with the goal of restore aquatic habitat corridors to provide continuity between aquatic habitat to allow passage of fish. Recommendations to identify and remove excessive sedimentation and debris that obstruct stream flow and remove unnecessary culverts or expand undersize culverts that restrict flow. There is a need to address storm water runoff.

**Action:** Heidi Ricci asked that a meeting date be established and MCPs invited to engage in an in-depth discussion. The meeting was set up for Wednesday, March 4, 2009 at the Waltham Field Station/UMASS Eastern Extension Center at 10 AM to find common ground and areas to partner with those groups interested in restoration that will be mutually beneficial and address concerns where there is potential conflict to figure up ways to minimize them. Dave Henley will be the liaison for the MCPs and Board.

## 2. Clean Water Act (CWA) Ruling

### Discussion and Points

Chairman Buffone introduced the this agenda item explain that the decision by the U.S. Court of Appeals for the 6th Circuit to vacate EPA's 2006 regulation exempting pesticide spraying "on or near" water bodies from the Clean Water Act (CWA) may subject Mosquito control, aquatic pesticide applications and other pesticide Activities to CWA National Pollutant Discharge Elimination System (NPDES) permit requirements.

He noted that all of the MCPs were notified of the new ruling and that there was widespread interest in the ramifications of the U.S. Court of Appeals for the 6th Circuit January 7, 2009 decision to vacate the 2006 rule

He mentioned that there has been little new information on this issue but he has contacted EPA Region 1 for information and updates on this issue. He received an e-mail that summarized the ruling issue as follows:

- EPA has 45 days, or until February 20th to appeal
- In the interim NPDES permits are not necessary
- EPA is briefing the new Administration and is evaluating whether or not to appeal.
- If EPA appeals it is most likely (but not a certainty) that implementation of the ruling will be put on hold until the appeal process is exhausted
- If EPA chooses not to appeal some other party may appeal the decision
- It is still unclear about how the scope of the applications impacted, including types and areas.

Chairman Buffone stated that EPA Headquarters is preparing a desk statement that will answer some of the questions related to the ruling's scope and timing and will likely schedule meetings soon to discuss in more detail.

**Action:** Wally Terrill requested that Board assume the worst case scenario that the MCPs will need to have a permit and suggested that the Board start the process to get a permit. He mentioned that there are three states that have been issued these permits, California, Washington, and Maine. He commented that the Board could perhaps piggyback off these states. The Chairman asked if every MCP would need a permit. It was noted that a blanket or general permit would be adequate to comply. Gary Gonyea suggested that representatives of DEP could help the Board since the state of MA issues these permits currently. Gary Gonyea stated that the advice from DEP is to proceed as usual until more guidance can be obtained. Gary Gonyea told the MCPs to send him their concerns and questions to be forwarded to technical and senior managers for guidance. Wally Terrill remarked that the hardest part of the permit is documenting environmental fate data of pesticides used and it was for both adulticide and larvicide operations.

The Board will monitor the issue to see if there is any progress by February 20, 2009.

### 3. Board Website Revisions/Portilization Plans

#### Discussion and Points:

Chairman Buffone state that the Board has already discussed this matter earlier regarding the process of changing its website in order to comply with EEA portilization plans to bring all state agency websites under one umbrella or main portal that being EEA website. The purpose is to standardize the look and feel of the contents, corrects broken links, minimizes maintenance of continual updating, insures accessibility, improves visibility, makes it easy to navigate the sites, and updates current information.

Action: None

### 4. Notification of Board meetings to MCPs

#### Discussion and Points:

Chairman Buffone said there was only one other item that needs to be brought the attention of all. This was an issue about concern expressed about the Board's meeting outside of the annual schedule voted by the Board each year. Also, there has been a request for advanced notification and agendas to MCP at least one week in advance via e-mail or snail mail.

He said that the Board understands and as much as the Board would like to honor the request, the reality is that we don't have the time or staffing to do it. The Board has a need to meet when it can especially when it needs to be briefed on issues such as budgets for example.

He emphasized that the Board does not have the administrative capacity to provide you with the requested additional advance notice above our current meeting notification process.

He believed that the Board believes it has been transparent and clear each year when approving an annual schedule that in our votes it is noted that the Board reserves the right to meet on an "as needed basis"

He told everyone that the Board will provide as much advance notice of our intended meetings as possible within the limitations of member time.

Tim Deschamps stated that they are looking for an e-mail to notify MCPs. Gary Gonyea stated the Board reserves the right to meet as needed and if that if there is anything that requires input where the Board is voting, the Board will try to notify the MCPs since it is important to have MCPs present.

Action: None

**9.0: Adjournment.**

**9.1: Background:** Chairman Buffone stated that the next meeting would be March 25, 2009 here at Waltham and made a motion to officially adjourn the meeting at 12:07 PM.

**9.2: Questions and Discussions:** None.

**9.3: Action Taken:** Gary Gonyea seconded the motion and it carried unanimously.

Respectfully submitted,

Mark S. Buffone  
Chairman