



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



DEVAL L. PATRICK
Governor

TIMOTHY MURRAY
Lt. Governor

Mark S. Buffone, Chairman
Department of Agricultural Resources, (DAR)
Anne Carroll
Department of Conservation and Recreation (DCR)
Gary Gonyea
Department of Environmental Protection (DEP)

IAN A. BOWLES
Secretary

SCOTT J. SOARES
Commissioner

Alisha Bouchard
Project Administrator
Tel: (617) 626-1715
Fax: (617) 626-1850

MEETING NOTICE AND AGENDA
State Reclamation and Mosquito Board

DATE: WEDNESDAY, OCTOBER 21, 2009
TIME: 10:00 A.M. TO 12:00 P.M. or longer
LOCATION: 240 Beaver Street, Small Conference Room,
Waltham, MA

- A. Start: Call to Order, Attendance, and Opening Remarks (if any).
- B. Minutes: The Board will consider for approval the meeting minutes of the October 14, 2009 meeting.
- C. 2010 Meeting Dates: The Board will consider for approval the meeting dates for 2010 quarterly meetings.
- D. Commissioner Policy: The Board will consider for approval updating current policy to not require face-to-face interviews unless deemed necessary by the Board.
- E. 2009 Mosquito Control Annual Reports: The Board will request earlier submission of annual reports.
- F. Executive Order 504: The Board will require all MCP's to attend mandatory training in January 2010.
- G. Clean Water Act (CWA) and NPDES Permit: The Board will provide an update and discuss next steps.
- H. MEPA 2nd Filing: The Board will discuss opportunity to comment on the Board's most recent filing.
- I. Open Marsh Water Management (OMWM): The Board needs to discuss status and next steps to finalize OMWM standards as part of MEPA requirement.
- J. FY 2011 Budgets: The Board will discuss budgets for FY 11.
- K. Adjournment.

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
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

SCOTT J. SOARES
Commissioner

MEMBERS

Lee Corte-Real, **Chairman**
Department of Agricultural
Resources (DAR)

Anne Carroll
Department of Conservation
And Recreation (DCR)

Gary Gonyea
Department of Environmental
Protection (DEP)

ADMINISTRATION

Alisha Bouchard
Project Administrator

MOSQUITO CONTROL PROJECTS & DISTRICTS

Berkshire County Mosquito
Control Project

Bristol County Mosquito Control
Project

Central Massachusetts
Mosquito Control Project

Cape Cod Mosquito
Control Project

East Middlesex Mosquito
Control Project

Norfolk County Mosquito
Control Project

Northeast Massachusetts
Mosquito & Wetland
Management District

Plymouth County Mosquito
Control Project

Suffolk County Mosquito Control
Project

Subject: Meeting Minutes Summary (State Reclamation and Mosquito Control Board)

Date / Time: Wednesday, October 21, 2009

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

PRESENT:

Board and Administration Members:

Lee Corte-Real, Department of Agricultural Resources, Chairman
Anne Carroll, Department of Conservation and Recreation, Member
Gary Gonyea, Department of Environmental Protection, Member

Alisha Bouchard, Projects Administrator

Mosquito Control

Project Commissioners: None

Mosquito Control Project Directors/ Superintendents /Assistants:

Ellen Bidlack, Plymouth County Mosquito Control Project
Steve Burns, Bristol County Mosquito Control Project
Jack Card, Northeast MA Mosquito Control & Wetlands Management District
John Doane, Cape Cod Mosquito Control Project
David Henley, East Middlesex Mosquito Control Project
Barbara Johnson, Bristol County Mosquito Control Project
Bruce A. Landers, Suffolk County Mosquito Control Project
Dave Lawson, Norfolk 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, Mass Audubon
Daniel Rhodes, MDAR
Mark Buffone, MDAR, past SRMCB Chairman

A: Call to Order, Attendance, Introductory Remarks (if any)

Prior to the official opening of the meeting, Chairman Mark Buffone remarked that he had an announcement to make. He introduced Mr. Lee Corte-Real and stated that Lee was formally appointed as Chairman of the SRMCB and would officially call the meeting to order. Chairman Corte-Real called the meeting to order at 10:06 AM and asked Mr. Buffone to continue with running the meeting.

Mark Buffone provided a brief background regarding Lee to help acquaint those in attendance. He stated that Lee has been with the Department of Agriculture for many years and focused his talents within the pesticide regulatory area as a chemist and has worn a number of hats over the years. Currently, Lee is the Director of the Division of Crops and Pest Services (formally the Pesticide Bureau). As the Director he oversees a number of employees within the Division of Crop and Pest Services responsible for the regulation of the agricultural industry and pesticide application services in Massachusetts overseeing and manages specific programs such as Apple Inspection, Bee Inspections, Cooperative Agricultural Pest Survey (CAPS) Asian Longhorn Beetles issues, Enforcement of Federal and State Pesticide Regulations, Feed Certification and Registration, Fertilizer Certification and Registration Fruit and Vegetable Inspection, Good Agricultural Practice (GAP) Inspections, Invasive Plants, Nursery Inspections, Pesticide Applicator Licensing, Pesticide Product Registration, Public Drinking Water Supply Protection, Rights of Way Vegetation Management Program, School IMP, and the State Reclamation and Mosquito Control Board . Mr. Buffone congratulated Lee.

Chairman Corte-Real noted for the record that the reason for the change was exclusively for operationally purposes. With a small Board of only three members, a quorum constitutes 2 members and when you have 2 members discussing any particular topic that is reflective of the Board; that is a conflict of the Open Meeting Law. So, all basic discussions need to happen at Board meetings. He commented that those in attendance would not see a difference in any of the actions, policies, or procedures of the Board. Mr. Buffone will act as the Board's Executive Director, and in fact he will lead most of the discussions at the Board meetings. Chairman Corte-Real then turns over the meeting to M. Buffone.

Mr. Buffone stated that for the record that the meeting was posted at both the Secretary of State's office and Executive Office of Administration and Finance pursuant to the Open Meeting Law. He introduced the other members of the Board present: Gary Gonyea who represents the Department of Environmental Protection (DEP) and Anne Carroll who represents the Department of Conservation and Recreation (DCR) and remarked that the Board did have a quorum for voting purposes.

A question arose about who was acting as the Chairman since Mark Buffone was continuing to run the meeting. Chairman Corte-Real highlighted again that in the capacity of an Executive Director, that it was appropriate for Mr. Buffone to run the meeting.

Mr. Buffone commented to those present that over the last year, the Board had conducted monthly meetings above and beyond the quarterly meetings to discuss different issues and be in compliance with OML. The new Chairmanship will insure compliance with the OML.

Chairman Corte-Real asked if those present could identify themselves and their affiliation to help acquaint him with MCP personnel.

After introductions, Mr. Buffone continued saying that on behalf of the Board, the Board would like to thank all of the Mosquito control projects for their good work and efforts in keeping the public protected and increasing the citizen's quality of life in Massachusetts especially in fiscally tight times. He mentioned that this year was another very busy mosquito season. The weather challenged operational responses early in the summer with cool and wet conditions with record breaking rain in July. Then as the season progressed, extremely high populations of mosquitoes and increased and expanding risk of Eastern Equine Encephalitis virus (EEEv) presented additional concerns and challenges.

Mr. Buffone made two (2) announcements regard the following:

1. The Department of Public Health 2009 End-Season Wrap-Up was scheduled for Monday, November 9th from 1:30-2:30 the conference is room reserved at the State labs in Jamaica Plain. The meeting agenda will include-Summary of 2009 arbovirus activity Discussion of expanding MA and New England EEE activity End-season larval numbers/climate factors & implications this may have for 2010. Mr. Buffone noted that he asked on behalf of the Board for Dr. Cynthia Stinson to be in attendance to provide an end of year overview but she had another engagement. Mr. Buffone mentioned that the Board could invite her to the January meeting.
2. EPA has launched a new web page on insect repellents. www.epa.gov/pesticides/health/mosquitoes/insectrp.htm noting that this Web-based dissemination of information supports Administrator Jackson's goals of transparency and public access and protecting children's health."

Chairman Corte-Real asked Mr. Buffone to post the link on the Board's website and to send the link electronically to all mosquito control projects and Commissioners. Mr. Buffone thanked Dr. Rich Pollack for bringing this information to the Board's attention. Finally, Mr. Buffone introduced the agenda items and handed the meeting over to the Chairman Corte-Real.

B. Minutes: the Board will consider for approval by vote the meeting minutes of the October 14, 2009 meeting.

- B.1: Background:** Chairman Corte-Real asked for a motion to approve the minutes of October 14, 2009 as presented.
- B.2: Questions and Discussions:** A question arose if the new Chairman could vote on the minutes since he was not present at the previous meeting. Also, a question was put on the table regarding who appoints the Board members. It was discussed that the Board does not appoint the members of the Board. The Commissioner of the representative state agencies appoints the members per Chapter 252 section 2 of the M.G.L.
- B.3: Action Taken:** Anne Carroll moved to accept the minutes of October 14, 2009 as written with no changes and the motion was seconded by Gary Gonyea. The members unanimously voted to approve the minutes of October 14, 2009 with Lee Corte-Real abstaining from the vote since he was not present at the October 14, meeting.

C: 2010 Meeting Dates: The Board will consider for approval by vote the meeting dates for 2010 quarterly meetings.

C.1: Background: Chairman Corte-Real stated that Mr. Buffone would propose meeting dates that were consistent with the Board's past meeting votes. Mr. Buffone proposed that the annual quarterly meetings be held on *January 27, 2010, March 24, 2010, May 26, 2010, and October 20, 2010* and on an as needed basis.

These dates if approved would be posted on Board's website. After the item was introduced, Chairman Corte-Real asked for a motion to approve the dates if accepted to the other members.

C.2: Questions and Discussion: The Board discussed the idea of having the meetings at different locations during 2010 for convenience of other people and/or opportunity to visit some offices or on-going site operations. The Board agreed that the January and October meetings be held in Waltham and that the other two dates be held at the Cape Cod Mosquito Control Project and Central MA Mosquito Control Project on March 24, 2010 and May 26, 2010 respectively. The Chairman requested the meeting be held in Waltham in January and October due to weather potential.

C.3: Action Taken: Gary Gonyea made a motion that the Board accept and approve the annual quarterly meeting dates proposed and the locations agreed upon at the meeting or *at locations to be determined*. Lee Corte-Real seconded the motion and the motion carried unanimously.

D: Commissioner Policy: The Board will consider for approval updating current policy to not require face-to-face interviews unless deemed necessary by the Board.

D.1: Background: Chairman Corte-Real introduced the agenda item and asked Mr. Buffone to lead the discussion. Mr. Buffone distributed a draft policy to the Board members regarding Commissioner Appointments and re-appointments. In June 2009, the Board made modifications to the policy originally approved in June 2005 and revised the policy requiring face-to-face interviews for 1st time or initial appointments and removing the face-to-face interviews requirement for Commissioners slated for re-appointments unless the Board deemed it necessary. In addition, the Board felt that those seeking re-appointment should submit their meeting attendance. This requirement was added to the criterion for re-appointments and requiring a letter to the Board at least 6 months prior to the end of the appointment term.

D.2: Questions and Discussions: None

D.3: Action Taken: Anne Carroll moved that the Board adopt and approve the revisions to the old policy as presented by Mark Buffone making a new policy (as *seen below*) regarding mosquito control commissioner appointments and re-appointment's effective on October 21, 2009. The motion was seconded by Gary Gonyea and unanimously voted by the Board.

State Reclamation and Mosquito Control Board Policy

Initial or 1st time Appointment and/or Re-appointment of MA Mosquito Control Commissioners

The State Reclamation and Mosquito Control Board (the Board) hereby revise the policy of June 2005 (*see attached*) concerning the initial or 1st time appointment and/or re-appointment of mosquito control commissioners.

Pursuant to Chapter 252 of the Massachusetts General Laws (MGL), the Board has authority to appoint and re-appoint Commissioners to the 9 regional Mosquito Control Projects. Commissioners serve at the discretion of the Board and carry out improvements and requests made by the Board. The number of Commissioners per Mosquito Control Project and the length of their terms are specified in the enabling Acts of legislation creating each Mosquito Control Project. The number of Commissioners range from 3 to 5 per mosquito control project and the term lengths range from 3 to 5 years per the actual enabling Acts of legislation.

The general role and responsibilities of a Commissioner are found at:

http://www.mass.gov/agr/mosquito/docs/Commissioners_Duties_and_Functions.pdf

Initial or 1st Time Appointments:

The current process to appoint mosquito control commissioners for the first time or initially must meet the below criterion which includes but is not limited to:

- Completion of an application found at <http://www.mass.gov/agr/mosquito/commissioners.htm>;
- Submission of a resume;
- Submission of letter(s) of support from municipal, state, or other officials;
- Submission of letters of recommendations or references from the Mosquito Control Commission and/or Director and Superintendent; and
- *A face-to-face interview with the State Reclamation and Mosquito Control Board at the Board's convenience.*

Note: The Board interview team will be composed at a minimum of two (2) SRMCB members, one of which is the Chairman. The SRMCB retains the option to include representatives from other state agencies to participate in these interviews such as the Department of Public Health or others deemed appropriate by the Board.

Reappointment:

The re-appointment process requires that Commissioners seeking reappointment submit a letter to the Board at least six (6) months prior to the end of their term (November 30th of any year) requesting that the Board reappoint them to an additional term of service. Further, the Commissioner seeking re-appointment must meet the below criterion which includes but is not limited to:

- Completion of an application found at <http://www.mass.gov/agr/mosquito/commissioners.htm>;
- Submission of attendance record of meetings;
- Submission of letter(s) of support from municipal, state, or other officials;
- Submission of letters of recommendations or references from the Mosquito Control Commission and/or Director and Superintendent; and
- *A face-to-face interview with the State Reclamation and Mosquito Control Board at the Board's convenience (if deemed necessary or appropriate)*

The Board will review the information submitted and determine if a face-to-face interview is necessary or appropriate. If not, the Board will place on the meeting agenda at its earliest opportunity or available meeting this item recognizing that any commissioner may continue to serve until they are re-appointed or a successor is appointed. At any time, the Board may request additional information and/or an interview if deemed necessary at a later time. Note: *All information should be submitted in triplicate!*

Policy Voted and Effective on October 21, 2009

E: 2009 Mosquito Control Annual Reports: The Board will request earlier submission of annual reports.

- E.1: Background:** Chairman Corte-Real asked Mr. Buffone to open this item and provide background to the Board. Mr. Buffone stated that the Board had requested by vote for the last two mosquito seasons annual reports that get posted to the Board's website. Each year the Board requests additional information or refinements to enhance the reports. This year the Board would like to discuss and request annual reports be submitted to the Board no later than January 27, 2010, the date of the 1st Board meeting in 2010. Also, the Board request that MCP's list the revenue (**cherry sheet**) assessment amounts for each member city and town in their budget information. Mr. Buffone noted that there may be additional information requested.
- E.2: Questions and Discussions:** A number of questions arose pertaining to NPDES permit along with operational annual reports that could lead to duplication of efforts. This led to a discussion of NPDES above and beyond the operational reports with some brief remarks by Gary Gonyea. Gary commented that the early submission request is driven more by MEPA if they require the Districts to hold annual meetings. Gary stated the Board does not know what conditions will be needed to be met. Chairman Corte-Real stated that at this time nobody has a good handle of what the NPDES requirements will entail based on meetings he attended. EPA will issue a general permit. Gary agreed with Chairman Corte-Real and summarized a time table for the permit. He told the mosquito control projects (MCPs) that their current operations will not be impacted until April 10, 2011, when permits will be required. Gary recommended that MCPs compile SOPs for their activities such as how they test, calibrate, operate, and clean equipment or conduct their spray operations. Gary Gonyea stated he would continue his summary under the appropriate agenda item. Chairman Corte-Real asked that the discussion continue pertaining to operational reports.
- E.3: Action Taken:** Gary Gonyea made a motion that he would contact the Director of Central MA Mosquito Control Project for the operational report template and send to the Board members for review as well as the Board request that annual reports be submitted to the Board **no later than the January 27, 2010** meeting along with amending the template to accommodate the DOR cherry sheet assessment amounts for each of the member municipalities within each mosquito control project. Anne Carroll seconded the motion and the motion carried unanimously. Additionally, it should be noted that the projects administrator, Alisha Bouchard told the Board that she would work with mosquito control projects to obtain the assessment information.

F: Executive Order 504: The Board will require all MCP's to attend mandatory training in January 2010.

- F.1: Background:** Chairman Corte-Real stated that the Governor issued a document in September that announced an Executive Order regarding this training due to concerns of identity theft and access to personal information. As part of the executive order it required Individuals who received personnel information to be trained but he continued that at the very least it would cover the MCP's Superintendents of the individual mosquito control programs as well as their administrative assistant or anyone else at the Districts who have access to personal information. He commented that we are planning on having that training at the January 27th meeting of the Board. On behalf of the Board, Mark Buffone distributed the Governor's Executive order # 504 document. The mandated training is being planned to take place at the Board's first meeting on January 27, 2010 and will be placed on the agenda. The training would be conducted by Carol Szocik from MDAR's Legal Services Division and should last a little over an hour.

F.2: **Questions and Discussions:** There was general overview, questions, and discussion by Chairman Corte-Real and those in attendance. Mark Buffone suggested that anyone with questions could send them to Carol Szocik prior to the training so that she could prepare answers. Chairman Corte-Real suggested that when those present go back to their offices to mark calendars the date for everybody that has access to personal information. Mark Buffone asked that the MCPs send that information to the Board to be able to determine number of people attending the training. He stated that this was not an option and requires anyone who had access to personal information would need to attend.

F.3: **Action Taken:** None

G: Clean Water Act (CWA) and NPDES Permit: The Board will provide an update and discuss next steps.

G.1: **Background:** Gary Gonyea provided an in-depth report to the Board regarding the EPA October 7, 2009 webinar pertaining to the current NPDES permit development by EPA. Gary highlighted the following information. He began by telling the group this is part of the court ruling several years ago that prohibited applications of pesticides over and above water. Gary commented that the slide presentation was distributed. Mark Buffone distributed the EPA fact sheet as Gary highlighted the following points:

1. NPDES permit is a license that allows discharge of pollutants into surface waters of the US
2. Two types of permits - Individual or General
3. Individual - one applicant - one permit issued for a specific discharge
4. General - one permit issued that covers a large number of similar discharges for the same or similar types of operations
5. EPA believes the General Permit will be most applicable for Mosquito Control operations
6. Issuing Authority - most states are authorized to issue permits but MA is not authorized - EPA will issue the permit - applicants will submit Notice of Intent to EPA and to the state.
7. EPA will develop a fact sheet for the Permit process
8. Time line - EPA's 2006 rule that certain applications of pesticides over water do not require a NPDES permit will remain in effect until April 9, 2011. A draft General Permit will be released by April 2010. A final General Permit will be ready by December 2010. New GP goes into effect on April 10, 2011.
9. EPA is working on a General Permit for aquatic herbicide treatments and for mosquito control
10. The GP will cover small and large scale applications
11. The GP may not cover applications to 303 d listed waters or Outstanding Resource Waters - an individual permit *may* be required for these applications.
12. The entity making the decision to treat will be required to file the NOI - e.g. each MCD or SRMCB for a large scale intervention
13. The NOI would cover the entire area under control of the MCP for the life of the General Permit **which will be five years**. To clarify: The GP is good for 5 years. Each NOI applies for coverage under it. That does not mean each NOI is good for 5 years necessarily. The slideshow spoke of each NOI lasting 5 years. However the slideshow talks about a "prototype permit" which is being used to initiate discussion - this may not be in the draft permit.

14. For emergency situations, treatments can occur without delay. Applicants must comply with other permits and file an NOI with EPA within 30 days
15. Information needs
 - o Identify where treatment records will be maintained
 - o Identify receiving waters
 - o Standard Operating Procedures for equipment maintenance, use, training, and calibration
 - o Action thresholds for treatments
 - o Source reduction and habitat modification protocols
 - o Resistance surveillance conducted
 - o Education and Prevention efforts
16. Monitoring - EPA is considering routine visual spot checks for signs of adverse effects on non-target organisms. EPA believes this is a normal part of business to determine efficacy. EPA may require additional monitoring.
17. Reporting - will be specified in permit - acreage thresholds may apply - annual reports will be required to be submitted by February 15th of the following year. Report all adverse incidents to EPA within 24 hours (Aquatic herbicide licenses require electronic notification to DEP and MADFW within 24 hours of application for fish kill response. The same requirement for adverse effects from mosquito control may be in the GP.)
18. Record keeping - need to keep on site (District Headquarters) plan development (problem identification, controls used, surveillance methods, etc.), Activity Documentation (records of treatments, inspections, spills, monitoring, training, etc.)

The timeline presented in the Webinar follows:

19. January 2010 - draft general permit document available for review
 20. April 2010 - Public Notice of GP issued
 21. April - May 2010- Public Comment period
 22. December 2010 - Final General Permit Issued
- Note: At this point, MCPs can start submitting NOI's
23. January 2011 - Applicants submit NOIs
 24. April 2011 - Mandate issues.

Gary asked some questions and encouraged MCPs to put some thought into the following:

Where are MCPs keeping records and where the records are kept? How do you identify any waters that will be potentially receiving an application for pesticides? All MCPs should begin to draft SOPs that cover their specific operations from how they make their decisions for various treatments to how their staff is trained and equipment calibrated and maintained so that proper application is achieved. He mentioned the need to specify their Action Thresholds and strongly recommended that MCP staff review the slide presentation that was e-mailed to them for more information.

Gary highlighted that at this time EPA is leaning to the entity that is actually making the decision to make the pesticide application such as the MCPs (not the Board) as the entity who will submit the NOI. However, in an emergency aerial application that the Board oversees then the Board would submit the NOI and get a permit from EPA. If it was an emergency, the action can be conducted without delay and then file the NOI within 30 days.

Gary remarked that Bob Kubit of the DEP central regional Office will be the administrative contact for NPDES along with MDAR and EPA. The permit is geared toward an IPM approach with action thresholds and conducting resistance surveillance.

G.2: Questions and Discussions: There was a lively discussion and lots of questions on this issue. One issue discussed was the likelihood of EPA requesting data on costs associated with Best Available Technology (BAT) for mosquito control operations. Mark Buffone stated that the individuals who would be writing the permits at EPA, in most cases, have little knowledge about how current mosquito control works, how mosquitoes develop, how quickly they develop or even how robust an infrastructure MA mosquito control has. He commented that these individuals are at a baseline of zero and that any information that MCPs and the Board can provide then will help them and the MCPs. A question was asked, would it make sense to take the annual budget to divide by category listed in the document distributed? Mark Buffone remarked that MCPs have never really thought of these questions. Discussion was brought up about cost analysis including fees for DPH mosquito testing. Lee Corte-Real suggested that MCPs look at the cost associated with what the MCPs are currently doing not necessarily the BAT because the BAT may not be something the MCPs have currently. Mark Buffone suggested that MCP's can pull together SOPs and other info for NPDES in electronic format. Gary Gonyea suggested MCPs send around to each other and the Board for review and comments. Gary requested that if MCPs had questions or concerns to send to him.

G.3: Action Taken: None

H: MEPA 2nd Filing: The Board will discuss opportunity to comment on the Board's most recent filing.

H.1: Background: Mr. Mark Buffone reported that on August 14th, the Board submitted a second filing to MEPA regarding the GEIR update. He remarked that the entire package of information has been posted on the Board's website. On behalf of the Board, he invited anyone who wants to make comments to this filing to do so. He commented that it came to the Board's attention that many people had been under the impression that they could not comment because of their affiliation with mosquito control in MA.

Mr. Buffone stated that the MEPA Office posts The Monitor online twice each month. The Monitor has information on projects under review, decisions of the Secretary, and public notices from environmental agencies. In particular, the GEIR Update for mosquito control # 5027 was published in the Environmental Monitor for Projects Submitted September 16th and comments are due December 7, 2009.

H.2: Questions and Discussions: None

H.3: Action Taken: None

I: Open Marsh Water Management (OMWM): The Board needs to discuss status and next steps to finalize OMWM standards as part of MEPA requirement.

I.1: Background: The Board requested an update on the status of OMWM since the Board and Northeast MA Mosquito Control District agreed to work with CZM to develop draft SOP protocol in June 2009 that could be incorporated into revised OMWM standard. Gary Gonyea discussed the steps that need to be accomplished to move forward. The Northeast needs to review the draft SOP and the comments on site work by the Northeast personnel and others to see if protocols can be met in timely, efficient, and economic manner. If they can, these would be incorporated into the standard. Once finalized, send to MEPA, post in Environmental Monitor for comment and ultimately issue a certificate. Northeast would file for new Army Corps permit and CZM consistency review and DEP water quality certificate.

- I.2: **Questions and Discussions:** Jack Card, of Northeast MA Mosquito Control and Ellen Bidlack, entomologist for Plymouth County Mosquito Control updated the Board as to the current status of OMWM standards. They reported that a meeting was held in July among the mosquito control representatives involved in revision of OMWM standards. After receipt of the CZM standards protocol, mosquito control representatives conducted some trials to determine if the protocol was cost effective or feasible. MCP's representatives conducted several tests of the new standards on an OMWM salt marsh to assess whether the MCPs could carry out the proposed standards. Jack & Ellen mentioned that from their preliminary efforts the standard was difficult to implement especially concerning monitoring of birds, hydrology, and vegetation. However, those present did report that they did need more time to evaluate fully and review since the work they began was right in the middle of the mosquito season and they could not continue with both testing the new standards and their regular duties.
- I.3: **Action Taken:** The Board members encouraged the representatives to go back the original CZM workgroup and inform them of your concerns pertaining to your preliminary efforts, challenges, limitations, and recommendations for more time and conclusion. The Board told the MCP's representatives to put in writing, what you did, the problems you encountered, some of the problems you see implementing next steps and copy the Board. The letter should also seek guidance, request more time, and invite CZM technical representatives to visit actual sites as well as ask if there is another matrix that could be used to achieve similar objectives. Jack Card agreed to keep the Board apprised of this ongoing matter.

J: FY 2011 Budgets: The Board will discuss budgets for FY 11.

- J.1: **Background:** Mark Buffone opened this item up and stated that the Board needs to begin to discuss and review the available FY 11 budget data. He stated that the FY 10 budgets were all level funded due to the overriding factor of a terrible economy. The Board recognizes that there has been little improvement in the economy making the situation dire from the perspective to the real possibility of level funding for FY 11 if conditions on the economic landscape did not approve. He commented that the Board wants to be clear on its requests and directives to avoid any misunderstandings, misgivings, or even bad feelings. Mr. Buffone turned it over to Lee and the Board for further discussion. Also, the Board utilized the data prepared by Alisha Bouchard, the projects administrator.
- J.2: **Questions and Discussions:** There was a lively discussion from those present. Those present raised the issue of increase fees such as pesticide license fees, renewal of aerial contracts, lease increases, and the charges for DPH to test mosquito's samples. The issue of furloughs was raised too. The Board recognized these increases but not unique to only mosquito control projects. Chairman Corte-Real conveyed to MCPs that the best that he could do is accept level funding and would be disinclined as the DAR representative to support increases in FY 11 budgets. Because of these continuing conditions, there is a possibility that the Board would be disinclined to approve FY 11 budgets above level funded although no decisions have been made to date. In other words, the Board may be unwilling to support increases in the face of the severe budget issues that face everyone especially citizens at the local level. With that being said, it was suggested that if MCPs Commissions feel the need to approve and requests increases for FY 11, this Board will weigh approvals for the increase by each member communities, for example, from the chief elected officials of each municipality. Chairman Corte-Real stated he needed final clarification from legal counsel. Alisha Bouchard discussed FY10 MCPs spending plan numbers available to the Board.

J.3: **Action Taken:** Gary Gonyea made a motion that the Board requires the MCPs to notify Alisha Bouchard, the projects administrator, of any changes in their FY 10 budgets and submit proposed final number for FY 11 budgets no later than December 15th. The motion was seconded by Anne Carroll and unanimously voted.

K: Adjournment

K.1 **Background:** Before adjournment, the Chairman Corte-Real asked if there were any other comments or questions before the Board officially adjourned the meeting.

K.2: **Questions and Discussions:** None.

K.3: **Action Taken:** Gary Gonyea made motion to adjourn the meeting at 12:45 PM and seconded by Anne Carroll and unanimously voted.

Respectfully submitted,

Mark S. Buffone
Former SRMCB Chairman