Massachusetts Water Resources Commisison

Meeting Minutes for September 10, 1998

Commission Members in Attendance:

Mark P. Smith	Designee, Executive Office of Environmental Affairs
Marilyn Contreas	Designee, Department of Housing and Community Development
Mike Gildesgame	Designee, Department of Environmental Management
Arleen O'Donnell	Designee, Department of Environmental Protection
Mark S. Tisa	Designee, Department of Fisheries, Wildlife & Environmental Law Enforcement
Gary Clayton	Public Member
Jeffrey Kapell	Public Member
Bob Zimmerman	Public Member
Francis Veale	Public Member

Others in Attendance:

Michele Drury	DEM
Michele Cobban Barden	NepRWA
Jennifer Liner	NepRWA
Fred Mirza	City of Quincy
Al Boulter	Town of Rockport
Chris Martin	Town of Rockport
Nick Barletta	Rockport Selectman
Vicki Gartland	DEM
John Bassett	citizen
Christy Foote-Smith	EOEA

Agenda Item #1: Executive Director's Report:

- **Clean Water Action Plan and Unified Watershed Assessment process**: Massachusetts' draft unified assessment was submitted to EPA and NRCS as a first step in making further efforts to clean up the country's water. The draft is intended to work as a trigger for future federal funding for restoration opportunities. The Massachusetts report generated ongoing discussions. Given this state's Watershed Initiative, we are in a more advanced position than most states, although our Initiative is not in the format they were looking for. The team process has been generating good information for this process.
- **The Massachusetts Clean Water Council:** Their annual meeting will be on water issues in Massachusetts ("Are we Running Out of Water?") on December 10th, a conflict with the WRC meeting. The Commission decided to hold its December meeting at the Council's meeting location on that day.
- **Hopkinton Determination of Insignificance:** Hopkinton submitted a request for determination of insignificance under the Interbasin Transfer Act, which gives the Commission

90 days to act on the request. Therefore, the WRC must respond by December 8th unless they request a delay.

- **USGS/DEM study at Walden Pond:** DEM and the USGS have been working on a comprehensive water quality evaluation of Walden Pond, and Gildesgame passed out the latest report on the project.

Agenda Item #2: Adoption of the Minutes of the August 13, 1998 meeting

Smith noted that a request to correct the August minutes had been received from the Neponset River Watershed Association regarding their June 30, 1998 letter to DEP. They wish to clarify that the letter's intent was to inform DEP of the WRC's January 29, 1998 decision and the conditions related to wastewater disposal, and that they did not state the extension should be denied.

A motion was made by Clayton and seconded by Veale to amend the minutes as per the NepRWA request. The Commission voted unanimously to accept the amendment

A motion was made by Clayton with a second by Kapell to

ADOPT THE MINUTES OF THE MEETING OF AUGUST 13, 1998 AS AMENDED.

The motion passed unanimously.

Agenda Item #3: Vote on Prioritization of requests for assistance to the Corps of Engineers

Smith noted that additional information was provided by Rockport on their proposal. Gildesgame noted that John Kennelly of the Corps of Engineers stated that the planning assistance to the town (under section 22) would not be required until the year 2000 and he would not be able to request or commit federal funds until much nearer that date. He therefore requested that the proposal be tabled until a time closer to the time when the funds could be used. The Corps cannot commit to spending money that far in advance.

The Commission decided to table the Rockport request until a later date. The community representatives agreed.

Gildesgame recapped the remaining four projects:

FPMS Projects:

1. Ten Mile River Corridor Management plan
2. Hardy's Pond Brook channel and bank stabilization

Section 22 projects:

1. Lake Como Watershed restoration
2. Billings Creek salt marsh restoration

Foote-Smith asked that the Quincy project be rated first. Mark Smith noted that the Lake Como project had watershed team support. Foote-Smith noted that the Boston Harbor watershed team leader had prepared a letter of support for the Billings Creek section 22 proposal, but Gildesgame stated it had not been received. She pointed out this is a controversial project locally and has a

strong degree of time urgency to develop the information which will be needed to protect the area. This study will provide important data in that effort. Therefore, she urged that the Billings Creek project receive higher priority.

Clayton moved with a second by Veale that:

THE FPMS PROPOSALS BE RANKED WITH THE TEN MILE RIVER MANAGEMENT PLAN PROJECT FIRST AND THE HARDY'S POND BROOK SECOND.

The motion passed unanimously.

Clayton moved with a second by Veale that:

THE SECTION 22 PROPOSALS BE RANKED WITH BILLINGS CREEK (QUINCY) FIRST AND LAKE COMO (NORTH ATTLEBORO) SECOND. THIS PRIORITY IS BASED ON TIMING, NOT IMPORTANCE OF THE PROJECTS, AND ON RECEIVING A SUPPORTING LETTER FROM THE BOSTON HARBOR WATERSHED TEAM LEADER FOR THE BILLINGS CREEK PROJECT THIS WEEK.

The motion was approved with 8 in favor and 1 opposed.

Agenda Item #4: Vote on water needs forecast for Rockport

Gartland presented the forecast based on the August 3, 1998 memo from staff. In addition, the town's consultants prepared an outline of current and future water conservation efforts. The Commission has reviewed the proposal for additional water need in the town over the last several months. The forecast proposes to keep Rockport at its current Water Management Act-approved level.

The town representatives noted several important water conservation initiatives, particularly innovative metering efforts, being undertaken by the town. The WRC expressed interest in following up with the town regarding these initiatives, as they may provide information useful to other towns.

It was noted that the conservation outline provided by the town is not the complete conservation plan, but a brief description of their current status and direction for the future. In addition, the drought management plan will be developed and included as part of the Water Management Act permit. Smith noted that the staff-recommended forecast is a creative way for the permitting process to move forward while holding true to the WRC's decision to require more and better data on water need how the town would manage during a drought.

Zimmerman moved with a second by Kapell:

TO APPROVE THE WATER NEEDS FORECAST FOR THE TOWN OF ROCKPORT, AS STATED IN THE AUGUST 3, 1998 MEMO FROM STAFF; THAT IS, TO MAINTAIN THE CURRENT WATER MANAGEMENT ACT REGISTRATION VOLUME OF 0.72 MGD THROUGH THE YEAR 2015.
The motion passed unanimously.

Agenda Item #5: Providing opportunities for public comment on staff recommendations for interbasin transfer applications

Smith noted that the current regulatory process does not allow much time for the staff to develop a recommendation or provide for public comment on the staff recommendation that comes before the Commission regarding an application under the Interbasin Transfer Act.

Staff has been working on ways to include public comment more, working within the existing regulations. He first asked for discussion on the importance of public comment in the process. There was full agreement that there is need for public comment not just on the application but on the staff analysis and recommendation. The means of accomplishing increased public comment was addressed in the staff memo of September 4, 1998. Drury noted that in addition to the two required public hearings, the regulations allow the Commission to hold additional hearings prior to a vote, at which time public comment could be taken. Another suggestion is to use part of one of the regular WRC meetings as a public hearing. Legal staff has noted that this would be a discretionary function of the WRC and that the WRC would not be bound by the comment. Alternatively, it was suggested that the public comment period could be extended to include some time after the regular WRC meeting to allow for written comments.

Concern was expressed that the suggestions will increase the process from 120 days to 150 or 180 days. The other option that was suggested is to study revising the regulations to specifically include a period for public comment on the staff recommendation. Staff will continue to work on the suggestions and bring additional thoughts back to the Commission. Members requested that staff provide two or three specific options or scenarios at the next meeting.

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