



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION
100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for February 8, 2024

Meeting conducted remotely via Zoom meeting platform, 1:00 p.m.

Minutes approved May 9, 2024

Members in Attendance:

Vandana Rao	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Kathleen Baskin	Designee, Department of Environmental Protection (MassDEP)
Anne Carroll	Designee, Department of Conservation and Recreation (DCR)
Chris Kluchman	Designee, Executive Office of Housing and Livable Communities (EOHLC)
Becca George	Alternate Designee for EOHLC starting at 2:00 PM
Kate Bentsen	Designee, Department of Fish and Game (DFG)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Tyler Soleau	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Kenneth Weismantel	Public Member
Samantha Woods	Public Member
Vincent Ragucci	Public Member
Christine Hatch	Public Member

Members Absent

Thomas Cambareri	Public Member
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Others in Attendance:

Andreae Downs	Water Supply Citizens Advisory Committee (WSCAC)	Viki Zoltay	DCR/OWR
		Travis Drury	DCR/DWSP
		Sharon Clement	Town of Danvers
Chris Mendez	EEA	Caitlin Spence	Office of Climate Science (OCS)
Colleen Rizzi	MWRA	Edwin Sumargo	Office of Climate Science (OCS)
Branden Costa	MassDEP	John Scannell	DCR DWSP
Daizha Baptiste	MassDEP	Daniel Crocker	DCR DWSP
Duane LeVangie	MassDEP	Nany Putnam	DCR
Chris Hirsch	DER	Tessa Dassatti	DCR
Erin Graham	DCR/OWR	Rick LeBlanc	MDAR
Jason Duff	DCR/OWR	Linjun Yao	MassDEP
Sara Cohen	DCR/OWR	Shaun Walsh	MassDEP
Kara Sliwoski	DCR/OWR	Albelee Haque	MassDEP
Jennifer Pederson	Mass Water Works	Pamela Harvey	MassDEP
Moussa Siri	WSCAC	Timothy Strzepa	MassDEP
Sefatia Romeo	DFG	Cathy Kiley	MassDEP
Theken		Paul Craffey	MassDEP
Kerry Read	Hopkinton DPW	Christine Walsh	MassDEP
Jennifer D'Urso	MassDEP	Sean Gonsalves	MassDEP
Sarah Bower	Mass Rivers Alliance	Nicolina Fraietta	MassDEP
Vanessa Curran	DCR/OWR	Richard Rondeau	MassDEP

Tara Manno	MassDEP	Richard Bradley	GIA & Superscape Landscape
James Collins	MassDEP	Kerry Reed	Hopkinton DPW
David Hilgeman	MassDEP	Connor McElroy	DPU
Alice Doyle	MassDEP	Joshua Faherty	Wareham Conservation
Shi Chen	MassDEP		Administrator
Daniel Padien	MassDEP	Marc Garrett	Town of Plymouth
Carlos Fragata	MassDEP	Sarah Miller	DAR
David Azinheira	DER	Scott Vesey	Danvers Water
Mike Count	DFG OFBA	Sharon Lee	MassDEP
Misty-Anne Marold	DFW	Michelle Craddock	MassDEP
Ian Balcom	DER	Stephanie Moura	MassDEP
Andrea Papa	EEA	Thomas Maguire	MassDEP
John Daly	DCR	Allison Colton	MassDEP
Joel Zimmerman	DCR	Chrissy Hopps	MassDEP
Jennifer Jones	DFW	Avery Vreeland	MassDEP
Jennifer Hughes	MEPA	Shelda Dewitt	MassDEP
Kevin Pelosky	MassWildlife	Smitha Divakar	DPU
Danielle Desmarais	RCAP Solutions	Katharine Lange	Mass Rivers
Jennifer McGuinness	Town of Shirley	Tess Shotland	EEA Intern
Kathleen Mason	CZM	Rebecca Weidman	MWRA
Katie Goulder	MassDEP	Carolyn Norkiewicz	EEA
Madelyn Morris	MassDEP	Megan Shave	DCR
Ivan Morales	MassDEP	Tim Reilly	USGS
Emily Wilcox	MassDEP	Vanessa Farny	EEA DCS
Mark Stinson	MassDEP		
Mary Brandt	MassDEP		
Lavinia LaBonte	MassDEP		
Kathleen Fournier	MassDEP		

Rao called the meeting to order at 1:02 p.m.

Agenda Item #1: Welcome and Introductions

Rao introduced herself, welcomed attendees, reminded all to put their name and affiliation in the chat for the meeting minutes, to use the chat for any questions and to keep microphones on mute until called upon. She also mentioned that the meeting was being recorded for the purpose of the meeting minutes. A roll call of members in attendance was taken by Cohen; a quorum was present.

Agenda Item #2: Executive Director's Report

Rao briefly mentioned the items that were sent to commissioners in the meeting package, which included November meeting minutes and two letters sent to MEPA regarding NFIP and interbasin transfers, as well as an Interbasin Transfer Act status report describing requests from Littleton and Westport for determinations of insignificance. She also mentioned that the final 2023 Drought Management Plan has been released and is available for download. Rao also went over the announcements that were in the meeting notification email, including that DER and CZM are both hiring and the opening of a landscape partnership grant program. She then gave an update

on the recent drought management task force meeting, which ended with a recommendation to keep the Islands region at level 2.

Rao introduced Sara Cohen to give a brief overview of the North Shore Water Resiliency Task Force project that Cohen and a diverse group of stakeholders have been working on. Cohen explained that this task force is bringing stakeholders together in a voluntary way to work together to solve the complex water resource and ecological issues facing the Ipswich River Basin in particular. She announced that the project reached a milestone recently, which was the passing of a joint narrative that describes what the issues are, what are possible solutions, and provides some important context for the project. This milestone represents an important step in the consensus-building component of the project. She mentioned that Zoltay and Pederson both played important roles in the process as well, and Zoltay added that it was very fun and productive work. Pederson commented that it was a lot of work to get to this point and she commended Sara and the other leaders of the project for getting the task force to that point.

Rao added that WRC staff will continue to provide this type of support to regional or other entities, and that a similar group has started on the South Shore. Woods commented that the South Shore group is in its infancy and there are some similarities and differences in the issues they are facing compared to the North Shore group. They are currently engaged with legislators, regional planning councils, and other watershed associations to try to figure out how to best handle water supply challenges in their region. Rao added that the South Shore experiences droughts a little differently than the rest of the state and sometimes sees more rapid intensification of drought. Pederson expressed her appreciation to Senator Tarr and the delegation for getting funding for some of this work.

Soleau then gave a brief update on CZM's "resilient coasts" project, which is a holistic strategy to address climate change impacts across our coasts being led by CZM and EEA. The project will help develop a framework to scale up resilience strategies, as well as provide tools to communities to help address vulnerabilities in coastal areas. They are looking at factors such as the economy, infrastructure, flood protection, environmental justice, and natural/cultural resources. They are also incorporating stakeholder engagement through public meetings and an internal agency working group/task force. A survey is also going to be sent out to stakeholders soon, and they are planning focus groups and interviews for the future. He provided a link for people to learn more (<https://www.mass.gov/info-details/resilientcoasts-initiative>).

Rao commented that CZM's efforts to incorporate public engagement and environmental justice is a great part of this project. It will allow many groups to get involved who have not historically had the ability to engage in conversations about coastal impacts.

Agenda Item #3: Update: Hydrologic Conditions

Rao introduced Zoltay to present the Hydrologic Conditions Report for January 2024.

- *Temperature*: Monthly average temperatures were above normal.
- *Precipitation*: Precipitation was well above normal. There was some snow cover remaining at the end of January.
- *Evapotranspiration*: not reported during the winter season
- *Keetch-Byram Drought Index*: not reported during the winter season

- *Streamflow*: Streamflow was well above normal except for the gages in the Cape Cod Region. Ten rivers crested above flood stage on the 10th through the 15th.
- *Groundwater*: Groundwater regional medians were much above normal except for the Cape Cod Region, which was normal, and the Islands Region, which was elevated at index severity level (ISL) 3.
- *Lakes & Impoundments*: Lake and impoundment levels were above their 30th percentile and/or were at or near 100% full.
- *Drought status*: all regions are in Level 0 Normal Conditions except for the Islands which is at Level 2 – Significant Drought.
- *US Drought Monitor*: At the end of January, the USDM showed areas of D1 on the Islands and D0 in the mid-to the Outer Cape.
- *NOAA Climate Prediction Center outlooks*: NOAA’s February outlook shows chances leaning for above-normal temperatures in the western part of the state, equal chances for above-normal, normal, or below-normal temperature in the rest of the state, and chances leaning for below-normal precipitation. NOAA’s 3-month outlook shows chances leaning for above-normal temperatures, chances leaning for above-normal precipitation in southeastern parts of the state, and equal chances for above-normal, normal, or below-normal precipitation in the rest of the state.

Richard Bradley asked why the Islands region is still relatively dry if precipitation has been above normal over the past month. Zoltay responded that the percent of normal is relative to the rest of the state. Rao added that this dryness is reflective of a longer time period of precipitation deficits. The precipitation in January helped the Islands recover, but not enough for it to completely recover.

Wijnja joined the meeting at 1:40 PM as the designee for DAR.

Agenda Item #4: Vote: Meeting Minutes, November 2023

V O T E	<p>A motion was made by Weismantel with a second by Ragucci to approve the meeting minutes from the November 9, 2023 WRC meeting.</p> <p>The roll-call vote to approve was unanimous of those present with one minor edit (correction needed for the spelling of the word “town” on page 2.</p>
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Agenda Item #5: Presentation: DER Dam Removal Program Overview

Rao introduced Chris Hirsch from DER to give an overview of DER’s ongoing efforts to remove certain dams throughout the state. He explained how dam removal coincides with the mission of DER, which is to protect rivers, wetlands, and watersheds in Massachusetts for the benefit of people and the environment. He went over accomplishments of the dam removal program, including that 54 dams had been removed, resulting in over 350 river miles being reconnected, and that there are currently 22 active dam removal projects being worked on. Hirsch also provided the history of dams in MA, explaining that there are over 3,000 dams, many of which were associated with mills and other factories that have been out of business for a long time, and that approximately 18% of these dams are in poor or unsafe condition.

Hirsch continued by explaining the negative impacts that dams can have to river ecosystems, such as water quality and habitat degradation. He also described the environmental/ecological and human benefits of removing dams, including:

- Restoration of natural sediment transport regime and natural thermos-regulation
- Increase in benthic biodiversity in the impoundment and habitat connectivity
- Improvement in water quality and dissolved oxygen
- Increase in public safety by reducing flood risks
- Protection for dam owners by reducing their maintenance needs and liability concerns

Bentsen provided a link to learn more about DER's dam removal program (<https://www.mass.gov/river-restoration-dam-removal>).

Hirsch also explained certain drawbacks of dam removals, including unintended consequences related to the alterations caused by the removal, as well as losing "places" in certain situations due to the change in river flow. He ended with some examples of recent dam removal projects, including the Lower Neponset, Watertown, Malden Brook, and Quinapoxet.

Woods commended Hirsch and DER on their dam removal efforts. She also asked about how they handle superfund situations in DER dam removal projects. Hirsch explained that for the Baker Dam situation, EPA needs to make a decision on how to deal with PCBs in the sediments. These types of decisions are based on the fate of the dams, and DER is certainly running into issues with contaminated sediments, such as on the Neponset River. Woods mentioned another similar situation currently ongoing in Hanover in which the decision whether or not to remove a dam is being impacted by the issue of managing contaminated sediments. She suggested that if there is the right vision and planning for the removal process, it can be done safely.

Fragata asked what the percentage of high hazard dams are in poor or unsafe condition. Hirsch said he did not have the breakdown of all 500 high hazard dams. Rao suggested that the Office of Dam Safety may have that information, and also stated that Bill Salomaa gave a presentation to the WRC in December and that the information may be in his presentation which is saved on the WRC meetings webpage. Hatch responded in the chat that according to the slides, 31% were in the bottom two categories.

Haque asked if DER does sampling for PFAS in sediment or in cold water fish. Hirsch answered that they don't typically do this type of testing. DER focuses on the suite of sediment quality parameters that are included in DEPs 401 water quality certification process. If PFAS were indicated as a likely contaminant in a certain area, they may consider it. DER also doesn't typically sample fish tissue as part of dam removal scoping processes.

Hatch commented that she wants to applaud DER's efforts for their work restoring MA river.

Northrup asked if DER's program addresses constrictions in flow such as rail-trail culverts. Bentsen replied on behalf of Hirsch, and said that culverts or rail-trail crossings would be covered by the continuity program.

Kluchman left the meeting at 2:00 PM and George took over as the EOHLC designee for the remainder of the meeting.

Agenda Item #7: Presentation: Proposed Resilience Updates to Massachusetts Wetlands Protection Act, Water Quality Certification, and Chapter 91 Regulations (MassDEP)

Rao asked Kathy Baskin to give an introduction for the speakers for the next presentation. Baskin began by explaining that the WRC would not be voting on the regulations that are being discussed here, but she thinks they are really important and wants the commissioners and other attendees to be aware of them. She mentioned that there were many staff involved in the development of these regulations including Stephanie Moura, Pamela Harvey, Lisa Rhodes, Daniel Pageant, Chrissy Hopps, Tom Maguire, David Hilgeman, and many others. Baskin then introduced Stephanie Moura and Pamela Harvey from MassDEP to give an overview of proposed resilience updates to the Massachusetts Wetlands Protection Act, Water Quality Certification, and Chapter 91 Regulations.

Moura began by explaining new standards that are being proposed for “Land Subject to Coastal Storm flowage” (LSCSF). The new standards being proposed are meant to reduce storm and flood damage on development, reduce risk to public health and safety, and protect the natural function of the floodplain. She explained that the need for wetlands resilience regulation updates are due to both environmental and economic/fiscal drivers. Effects of climate change including sea level rise, intensifying storms, and increased precipitation are worsening impacts to natural resources and the built environment such as coastal and inland flooding, storm damage, and polluted runoff. Credit agencies are also becoming increasingly concerned with flood risk in MA. Moura then introduced Harvey to give an overview of the LSCSF proposed standards.

Harvey described the framework for performance standards and project design, which includes:

- Determine whether the project site is within Another Resource Area
- Identify the LSCSF Zone
- Determine whether the project site is previously developed
- Determine whether the project is eligible for review as a Limited Project
- Nature-based shoreline protection consideration

She also described the specific regulations and each proposed LSCSF standard update, including Velocity Zone (310 CMR10.36(6)), Moderate Wave Action (310 CMR 10.36(6)), and Minimal Wave Action (310 CMR 10.36(7)), Redevelopment (310 CMR 10.36(8)), and Redevelopment in Highly Developed Areas- Flood Control (310 CMR 10.36(8)(f) and (g)).

Rao asked how DEP was defining “redevelopment”, and Harvey answered that it has a fairly loose definition of sites where there are already existing structures (pavement, etc.) and that there is no percentage cutoff. Harvey also mentioned some additional resilience regulations that are being proposed related to roadway elevation and location, scientific research projects, and nature-based coastal resiliency projects. Harvey then introduced Rhodes to cover the next part of the presentation.

Rhodes continued with an overview of the proposed stormwater regulation update for the Wetlands Protection Act (310 CMR 10.00) and Water Quality Certification (314 CMR 9.00). She explained that the goals of the stormwater management updates were to:

- Update outdated precipitation data with current data that reflects increasing storms
- Align with EPA’s MS4 Stormwater Permit

- Promote Nature-Based Environmentally Sensitive Site Design (ESSD) and Low Impact Development (LID)
- Develop new revised user-friendly Stormwater Handbook

A summary of proposed key stormwater changes was provided, with a focus on peak discharge rates (runoff), groundwater recharge, pollutant removal for new development, redevelopment, and a new Standard 11 aimed at supporting compliance with TMDLs. Lastly, Moura explained proposed revisions to “Waterways Resilience 1.0”, which included updating definitions to improve consistency with FEMA and Wetland Draft Regulations, requirement for projects to consider projected sea level rise, and a change to allow certain projects to move utilities from the basement to the roof and to facilitate rooftop solar panels.

Lastly, a schedule was provided for the proposed regulation updates:

- Released for Public Comment: 12/22/23
- Public Info Sessions / Hearings: Jan-Feb 2024
- Comment Period Closes: April 30
- Promulgation Expected: Summer-Fall 2024

NOTE: A small portion of the notes from the discussion section of Agenda item #7 were inaccessible due to technological issues. The minutes from the section reflected above cover most of the presentation and discussion.

Rao asked for a motion to adjourn the meeting.

V O T E	A motion was made by Weismantel with a second by Baskin to adjourn the meeting. The roll-call vote to approve was unanimous of those present.
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The meeting adjourned at 3:15 PM.

Documents or Exhibits Used at Meeting:

1. WRC Meeting Minutes: November 9, 2023
2. 2023 MA Drought Management Plan
3. Letter from the WRC to the MEPA Office Regarding the Environmental Notification Form (ENF) for 830 Lynnway in Lynn
4. Letter from the WRC to the MEPA Office Regarding the Notice of Project Change (NPC) for the South Weymouth Naval Air Station (SWNAS) Redevelopment Project in Abington, Rockland, and Weymouth
5. Interbasin Transfer Act project status report January 25, 2024

Compiled by: JD

Agendas, minutes, and other documents are available on the website of the Water Resources Commission at <https://www.mass.gov/water-resources-commission-meetings>. All other meeting documents are available by request to WRC staff.