DEPARTMENT OF CONSERVATION & RECREATION STEWARDSHIP COUNCIL MEETING

June 9, 2022 /9:15 am-11:15 am

Via Video Conferencing & In Person

Massachusetts Department of Environmental Protection, Central Region Office, 8 New Bond Street, Worcester, MA.

Members Present: Chair, Jack Buckley; Susan Smiley; Jennifer Wilson, Esq.; Jeff Collins; Dicken Crane; Dennis Smith

Members Present via videoconferencing: Vice Chair, Melissa Harper; Secretary Ann Canedy, Esq.

Members absent: Vivian Ortiz

Staff Present: Acting Commissioner Stephanie Cooper; Nick Connors; Dan Cushing; Paul Cavanaugh; Patrice Kish; Lou Ross; Stefan Skalinski; Gerald Autler

Members of the Public: Bill Boles, NEMBA; Michael Nichols, Esplanade Association; Glen Ayers; Susan Wilkinson; Steve Engel; Sarah Freeman; Chuck Anastas; Catherine LeBlanc; Maddie Magan; Elizabeth Roche; Laura Jasinski; Herb Knowland, Solomon Foundation; Suzanne Gall; Chris Redfern; John Paul DiCiccio; Buzz Constable; John Bescherer; Jared Whitney.

Welcome & Chairman’s Update: Chair Jack Buckley opened the meeting at 9:22 am. He began by stating that he had spoken to Councilor Vivian Ortiz, who, due to an injury, has not been able to participate in meetings for the last two months. She expressed concern to him about being able to continue to serve as Chair of the Stakeholders Subcommittee. Chair Buckley announced that Councilor Smiley will take over.

Chair Buckley noted that Councilor Smith was working on setting dates and sites for next year’s Council meetings.

Chair Buckley remarked that he continues to be concerned about the Council being able to perform its duties. He announced that Solomon Foundation has agreed to fund a portion of a position for a year and a half. The person who fills this position could provide research and perform other duties which would enhance DCR’s mission, provide more transparency in DCR operation, and allow the Council to delve into more substantive issues and better exercise its oversight duties. He asked DCR to be creative and flexible in embracing this partnership between DCR and a private entity.

Acting Commissioner Stephanie Cooper’s Report:

* The Acting Commissioner acknowledged that it has been a challenge for DCR the last few months to operate without a dedicated staff person. DCR is posting a permanent position that will be an administrative management position. Acting Commissioner Cooper recognized Solomon Foundation’s generosity and noted that it is complicated to have a private entity fund a public position. She will continue to have conversations with Chair Buckley how best to utilize this funding.
* Acting Commissioner Cooper had hoped to present recommendations, outcomes and plans derived from the Strategic Readiness Initiative but DCR is not quite ready to do so. We could perhaps have an off-schedule meeting of the Council to further discuss.
* Recreation season is full on. DCR held a press event at Houghton’s Pond to kick off the season. Law enforcement partners, Red Cross, EEA and DCR presented a strong message to the public about the importance of safety at our waterfronts and pools. DCR continues its commitment to providing free swimming lessons. As of Memorial Day, DCR’s 15 most visited beaches were guarded. There has been a lot of media interest in DCR’s lifeguard program which offers one of the highest pay rates in the country. As of June 18th, all coastal and inland sites will be guarded. Pools will be open by June 25h. Seasonal recruitment is ongoing.
* DCR has deployed an online/mobile payment system to more locations throughout the state. The YODEL app allows guests to pay for parking on their mobile phones. DCR is among the first in the nation to roll this out across the park system. DCR plans to incorporate senior and annual passes into the same system.
* DCR has deployed a new webpage that is meant as a “Know before you go” hub for visitors to find out information about parking capacity and closures at the most visited parks. In the future the feature will include information on waterfront advisories such as water quality, jelly fish, etc.
* Acting Commissioner Cooper attended a saltmarsh sparrow banding observation along with Friends of Belle Isle Marsh. Mystic River Watershed Association Staff, State Representative Turco. The saltmarsh sparrow is the only species of bird endemic to the east coast of the United States. It was listed as a Species of Special Concern under the Massachusetts Endangered Species Act (MESA) in 2020 and in 2023, will be added to the National Register under the US Endangered Species Act. The saltmarsh sparrow could be the fastest declining species in the eastern US. DCR’s banding efforts will help track and monitor this species and DCR’s management and protection of Belle Isle will help maintain this critical habitat. The data DCR is collecting will provide important baseline information about saltmarsh sparrow habitat, and will position the agency to compete for federal funding for habitation restoration and climate resilience investments at Belle Isle Marsh.
* DCR is undertaking an effort to update DCR regulations at 302 CMR 11 & 12 and to rescind legacy MDC and DEM regulations. Part of this effort involves rewriting to consolidate rules for parkways and traffic (302 CMR 11) and for parks and recreation (302 CMR 12) and to rescind legacy MDC and DEM regulations. Public comment focused on E-bikes. DCR looked at both sides of this issue. Public discussion has been going on over several years. DCR sought to strike a balance between allowing expanded recreational access and protecting and conserving the environment. The updated regulations on the use of E-bikes will be released June 9th. Class 1 (pedal assist) E-bikes will be allowed on improved surfaces but prohibited on natural surface paths. The website will be updated to list the facilities and pathways where E-bikes will be welcome.
* Acting Commissioner Cooper acknowledged public comment from last meeting as follows:
  + On the Arborway Project (in response to Sarah Freeman)- DCR will next meet with the project stakeholder group to discuss any final concerns about the proposed Preferred Alternative. Once a Preferred Alternative is designated, DCR will move to design a development stage with Howard Stein Hudson team.
  + Edgewater & Doyle Park- A stakeholder meeting will be held July 11. A public meeting will follow. Construction is projected for FY23.

Councilor Comments:

Councilor Smith congratulated the Acting Commissioner on the setting of E-bike regulations.

Councilor Smiley asked about the YODEL system and commented that the E-bike regulation formal process began in 2018.

Councilor Wilson noted that there had been much opportunity for public engagement during the E-bike discussion. She asked whether staff had made any progress towards populating the Council. Nick Connors responded that there were potentially two new members.

Councilor Collins noted that Belle Isle Marsh was a priority salt marsh and noted Mass Audubon’s partnership with DCR.

Council Chair Buckley hoped that the DCR would engage a support staff member quickly and view the position to be funded by private funds to be complimentary to DCR initiated staffing. Chair Buckley highlighted a Boston Globe article which recognized the hard work of DCR, highlighted that the parks were drastically underfunded and pointed out the importance of parks during the pandemic.

Council Chair Buckley reported on the listening session held by him and Councilor Crane on May 17th. He hopes to have a final draft of the recommendations on the budget at next Council meeting.

REGULAR BUSINESS I

DCR Capital Budget Presentation, Patrice Kish, Design & Engineering.

* FY22 accomplishments ($128 million):
  + Asset mitigation ($2.5 million): New initiative; high risk public safety issues, e.g. funding fencing, boarding up abandoned structures, signage
  + Deferred maintenance (68% of Capital budget) - addressed backlog
  + Campground modernization: 500 campsites; $4 million spent towards renovation of Horseneck Camping Grounds; $ 4.5 million spent at Windsor State Forest Camping Grounds.
  + Recreation Facility Improvements: 78 playgrounds; 9 fitness facilities; 135 courts; new synthetic fields; playground renovation at Pope John Paul Park.
  + Parkways: Provided funding for intersection improvements and several planning studies. Many projects now in design phase will be moving into construction in 2023.
  + Rinks: Maintenance & improvement of rinds such as Kasabuski Rink.
* FY23 Goals:
  + Protect and promote DCR’s mission through the following 5 goals which inform the FY23 Capital Improvement Plan:
    - Environmental justice;
    - Clean energy & climate resilience pursuant to Executive Order 594;
    - Enhanced visitor experience;
    - Natural & cultural resource stewardship;
    - Deferred maintenance backlog
  + There is a 12 % increase in funding over FY22. There is an increased investment into the trails program, recreational facilities improvements, stormwater management, and landscape improvements.
  + FY23 budget provides funding for new initiatives.
  + FY23 budget provides $101 million for deferred maintenance projects (72% of budget)
  + Projects in FY23 include: America Earhart Dam in Somerville (flood control); Statewide structured camping expansion; Hammond Pond Parkway (Newton); Purgatory Chasm (Charlton); statewide invasive species and habitat management; Doyle Park (Boston).
  + DCR is receiving $10,395,000 for deferred maintenance and stewardship projects through ARPA 1.0. These funds will be used for statewide building improvements, protection of vulnerable cultural and natural resources, visitor enhancements and habitat restoration.

Questions from the Council:

Councilor Crane commented that 72% seemed to be a lot to commit to deferred maintenance when our parks are so underfunded as compared to other states. Patrice Kish responded that this was an accurate observation and reiterated that DCR was committed to spending a significant portion on deferred maintenance.

Councilor Smiley asked what was the percentage of funding from EEA on deferred maintenance. Patrice Kish responded that she would provide that information, however it was not a lot as EEA funding largely focused on land acquisition and stewardship. Councilor Smiley noted that visitor enhancement was listed last under priority spending. Patrice Kish clarified that it was not meant to be in order of priority. The goals overlap.

Councilor Collins asked how the needs and requests from Friends and stakeholder groups get incorporated into the budget. Patrice Kish responded that their wishes were definitely considered. Edgewater and Arborway were two projects for example that were driven by public involvement, advocacy and interest. Further, DCR is trying to improve transparency by a process redesign and formalization.

Council Chair Buckley noted that $100 million was going to the backlog of deferred maintenance. Can we develop a score card that shows what progress is being made – how is the back log decreasing- and how other projects lie on the time line? It would allow the public to understand where their project of interest lies and force the public to look at competing projects and needs. Patrice Kish noted that as a outgrowth of the Strategic Readiness Project, one goal is how to capture external input into capital planning. Council Chair Buckley suggested that a “progress report” on deferred maintenance projects be included in the Commissioner’s Report.

Councilor Wilson commented she would prefer a more anecdotal approach rather than a chart or graph. The progress report should be pushed through social media and the press and could be an effective marketing tool.

Councilor Crane noted that the public is the target audience but ultimately the goal is to create public pressure on the legislature to better fund DCR.

Discussion & Vote on DCR Myles Standish Resource Management Plan:

Councilor Smith ***moved that the Myles Standish Resource Management Plan be approved as submitted.*** Councilor Wilson seconded the motion. Councilor Wilson noted that there was a fulsome process towards the approval of this RMP. Councilor Smith thanked John Bescherer and the Friends for their comments and concerns. The vote was taken by rollcall and ***the motion passed unanimously***.

Approval of Minutes: Councilor Smith ***moved that the minutes of May 11, 2022 meeting be approved*** as written. Councilor Smiley seconded. ***The motion passed unanimously***.

Public Comment:

* Sarah Freeman thanked the Commissioner for her comments. She had asked for the publication of public comments and clarification of next steps, both of which were accomplished.
* Glen Ayres noted that in his view, the Myles Standish RMP failed to discuss sustainable forest management and that the advocated forest practices dated from 1984. He is hopeful that going forward that DCR will recognize they have a program that intensely negatively impacts forest lands to no public benefit through logging and soil disturbance. He noted that both Democratic gubernatorial candidates advocate an immediate moratorium on logging operations.
* Catherine LeBlanc, Sierra Club noted that the Sierra Club opposes use of artificial turf. It creates a heat island and contains toxins such as PFAS and petroleum. It is non disposable hazardous waste and is not recyclable in the US.
* Herb Knowland, Solomon Foundation stated that it was gratifying to hear the conversation about public - private partnership. Solomon Foundation is interested in sharing the story of DCR, connecting and linking stories, building trust and respect, and getting the funding that DCR needs.

REGULAR BUSINESS II:

Discussion & Vote on Approval of taking of easements by eminent domain at Riverside Road, Newton/Weston, MA. Presented by Lou Ross and Gerald Autler, DCR staff.

This is where Riverside Road crosses the Charles River. This friendly taking would be made in order to enable a project to replace the existing bridge which is currently in disrepair and cannot be used for safe public access. The project area, including the existing bridge, is owned by a combination of unknown and identifiable owners. Therefore, taking by eminent domain is necessary in order to acquire rights where the owners are unknown and in order to secure Federal funds. Once the bridge is constructed, it will connect trails and greenways on both sides of the Charles River.

Councilor Collins asked about public involvement in this decision. Mr. Ross responded that the City of Newton, through its Parks and Recreations Committee, voted to concur with the taking. The Town of Weston, acting through its Select Board, also approved. Identifiable owners include Boston University and Lasall University, which have indicated their support and will be asked to provide written releases.

The Memorandum in support and formal voting language is appended hereto and made a part hereof.

***Motion was made and seconded to approve the taking of easements by eminent domain*** at Riverside Road. All present were ***in favor***; except Councilor Smiley who abstained.

The Council broke into Committee meetings.

Committee Updates:

Councilor Wilson, Policy Subcommittee, reported that Paul Cavanaugh updated members on progress of ongoing RMPs. By year end, he expects that Southcoast District, Central Highlands and Blackstone RMPs will be before the Council for approval.

Councilor Smiley, Stakeholders Subcommittee, reported that Jen Norwood, DCR liaison, gave an update on outstanding MOUs.

Council Chair Buckley, Finance Subcommittee, reported that as a outcome of the listening session, he and Councilor Crane were developing FY24 budget priorities. He hoped he would have a draft soon and present to the Council for July discussion and vote to advance the recommendations to the Acting Commissioner and Secretary. He is considering recommending that future Subcommittee meetings be held separately from DCR meetings.

There being no further business, Chair Buckley ***moved to adjourn at 11:24 am***. The DCR Stewardship Council stands adjourned until July 14, 2022.

Respectfully submitted,

Councilor Ann Canedy, Secretary, DCR Stewardship Council