



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

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**Meeting Minutes for March 14, 2024**

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

*Minutes approved June 13, 2024*

**Members in Attendance:**

Vandana Rao	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Chris Kluchman	Designee, Executive Office of Housing and Livable Communities (EOHLC) replaced by Becca George at 1:30 p.m.
Kathleen Baskin	Designee, Department of Environmental Protection (MassDEP)
Tyler Soleau	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Anne Carroll	Designee, Department of Conservation and Recreation (DCR)
Todd Richards	Designee, Department of Fish and Game (DFG)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Thomas Cambareri	Public Member
Christine Hatch	Public Member
Samantha Woods	Public Member

**Members Absent:**

Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member

**Others in Attendance:**

Alex Silveri	Kleinfelder
Amanda McLeod	DPU
Andreae Downs	WAC
Angela Parnay	MassDEP
Angela Piemonte	MassDEP
Antonia Massinger	MassDEP
Audrey Piubeni	MassDEP
Avery Vreeland	MassDEP
Betsy Rickards	EEA
Brittany Segill	MassDEP
Caitlin Spence	EEA
Callista Perry	DCR
Celeste De Palma	DCR
Colleen Rizzi	MWRA
Debbie Marshall-Hewlitt	MassDEP
Deirdre Desmond	MassDEP
Derek Perry	DFG

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Duane LeVangie	MassDEP
Edwin Sumargo	EEA
Elizabeth Bond	DCR
Emily Wilcox	MassDEP
Erin Graham	OWR
Eva Vaughan	MEPA
Gail Sowerder Garron	Mass DEP
Jason Brown	MassDEP
Jason Duff	OWR
Jennifer D'Urso	MassDEP
Jennifer Hughes	MEPA
Jennifer Pederson	MWWA
Jim Hartnett	Town of Westport
John Scannell	DCR
Joseph Nerden	MassDEP
Joy Duperault	FHMP
Kara Sliwoski	OWR
Kate Bentsen	DFG
Katharine Lange	Mass Rivers Alliance
Katie Paight	FHMP
Katie Ronan	MWRA
Leonard Robertson	public
Linda Tims	MassDEP
Loni Fournier	DCR
Mark Thompson	Kleinfelder
Michael Griffin	DCR
Mollye Malone	MassDEP
Moussa Siri	WSCAC
Nadia Madden	FHMP
Nicholas Moreno	MEPA
Nishaila Porter	MassDEP
Pam Amazeen	Ipswich Utilities
Rachael Belisle-Toler	Ipswich Utilities
Richard Bradley	Superscape Landscape
Richard Couse	BiodiversityWorks
Robert Wernerehl	DFG
Roger Fernandes	Fern Corp (Westport Consultant)
Ron Cochran	MassDEP
Sara Cohen, DCR	OWR
Sarah Miller	MDAR
Sasha Milsky	DMF

Sharon Lee	MassDEP
Shi Chen	MassDEP
Stephanie Sanidas	DCR
Stephen Boksanski	Green Industry Alliance
Taylor Ditmar	MassDEP
Timothie Biggs	DCR
Timothy Strzepa	MassDEP
Tom Skala	DCR
Val Roberts-Toler	Rachael's parent
Vicki Halmen	Ipswich Utilities
Viki Zoltay	OWR

Rao called the meeting to order at 1:05 p.m.

### **Agenda Item #1: Welcome and Introductions**

Rao announced that the meeting was being recorded and all votes would be taken by roll call. She invited those who wish to speak during the meeting to indicate so in the chat window. Attendance was taken and Commissioners introduced themselves.

### **Agenda Item #2: Executive Director's Report**

Rao announced Fix a Leak Week from March 18th-24th and highlighted World Water Day on March 22nd. Rao introduced new hire Paight in the Flood Hazard Management Program (FHMP) and Sliwoski in her new role as director of the Lakes and Ponds group. Rao gave an update of the strategic planning for the FHMP; a consultant has been hired. There was a Drought Management Task Force meeting March 8th, and the Islands Region has improved to Level 1.

Zoltay announced the Groundwater Flooding Survey as part of groundwater flooding study being conducted with UMass. The survey will collect information about how and where residents are experiencing flooding and will be used to ground truth the model developed as a part of the study.

Rao gave an update of the MassDEP Drinking Water Protection Grant program and announced the Municipal Vulnerability Preparedness grant program.

Baskin discussed the 604B grant program provided through MassDEP by the Environmental Protection Agency.

Wijnja announced that there is an alternate designee for DAR, Sarah Miller.

Kluchman gave an update of the grant programs of EOHLA, which were part of the March mailing. She also advised that she must leave at 1:30 pm for another meeting.

### **Agenda Item #3: Update: Hydrologic Conditions**

Rao introduced Graham to present the Hydrologic Conditions Report for February 2024.

- *Temperature:* Monthly average temperatures were above normal Massachusetts had its 6th warmest February on record and its 4th warmest winter. This month's report includes

a temperature map from the Southeast Regional Climate Center webpage of the Climate Perspectives Tools. It shows percentiles of monthly average temperatures.

- *Precipitation*: was below normal except on the Cape and Islands where it was below normal to normal. Massachusetts had its 2<sup>nd</sup> driest February on record and its 8<sup>th</sup> wettest winter.
- *Snow Cover*: There was minimal snow cover remaining at the end of February mostly in the western part of the state. The Hydrologic Conditions Report includes a link to an article about Boston's snowfall deficit this winter and some of the factors behind it; there was only 9.7" of snow while the average is 32.9", and, according to the article, it was the sixth-least snowy winter. <https://www.wbur.org/news/2024/02/29/boston-no-snow-winter>
- *Evapotranspiration*: Reported seasonally from May through November starting in May with the 2-month lookback for April and March.
- *Keetch-Byram Drought Index*: Reported seasonally from April through November starting in April and reporting end of month values for March.
- *Streamflow*: Streamflow was normal to above-normal across the state except one gage in the Cape Cod Region that was below normal streamflow was mostly normal to above above-normal.
- *Flooding*: There was no reported flooding.
- *Groundwater*: Regional medians ranged from normal to above normal except the Islands Region, which is at Index Severity Level (ISL) 1. The well on Martha's Vineyard has recovered, and Nantucket well is still recovering. Last month the Martha's Vineyard well was at Level 2 and the Nantucket well was at Level 3.
- *Lakes & Impoundments*: levels were above their 30<sup>th</sup> percentile and/or were at or near 100% full. The Quabbin is still spilling.
- *MA Drought status*: Level 1 for the Islands Region; previous month was Level 2.
- *US Drought Monitor (USDM)*: At the beginning of February there was D0 on lower to outer Cape, Martha's Vineyard was at D1, and Nantucket at D2. By the end February were no drought conditions shown on the Cape or Martha's Vineyard, and Nantucket was at D1, which is the same as today's map.
- *NOAA Climate Prediction Center outlooks*: For March, the outlook shows 60-70% for above-normal temperatures in the eastern part of the state, and a 70%-80% chance for above-normal temperatures in the western part. There is no strong signal for precipitation. NOAA's 3-month outlook shows 50%-60% chance of above normal temperatures, no strong signal for precipitation in the norther part of the state, and a 33%-40% chance of above normal precipitation in the southern part.
- *USDM Drought Outlooks*: The monthly and seasonal drought outlooks show drought removal on Nantucket.

Wijnja asked that a map showing monthly average temperatures be added to the Hydrologic Conditions Report.

Cambareri arrives 1:27 p.m.

#### **Agenda Item #4: Vote on Meeting Minutes, December 2023**

Rao invited a motion to accept the meeting minutes for December 14, 2023. Rao listed two amendments: anywhere in the hydraulic modeling section the word "guidance" should be changed to "proposed draft guidance," and in the ninth item the phrase "for any location in the

state” should be replaced with “for most stream crossing locations in the state.” George asked that “DHCD” be changed to “EOHLC.”

V O T E	A motion was made by Baskin with a second by Wijnja to approve the minutes of the December 14, 2023 WRC meeting, as verbally amended.
	The roll-call vote to approve was unanimous of those present.

**Agenda Item #5: Draft Staff Recommendation for the Town of Westport’s Request for Determination of Insignificance (RDI) under the Interbasin Transfer Act (ITA) Presentation**

Rao introduced Zoltay. Zoltay acknowledged Hartnett from the Town of Westport and Silver and Fernandes, both consultants to the Town of Westport.

Zoltay gave an overview of the project. The Town of Westport has land area in the Buzzards Bay, Narragansett Bay, and Mount Hope Bay basins. Westport does not have its own municipal water supply or wastewater system and already gets some water and wastewater services from Fall River. The areas in northern Westport are densely developed, and the proximity of private wells to cesspools and septic systems has resulted in private well contamination. Westport is requesting a maximum day volume of 772,600 gpd from Fall River.

Zoltay presented background information. In 1985 a water connection from Fall River to Westport was constructed, but there is no documentation to confirm pre-ITA planning. As a result, this RDI includes the existing interbasin transfer of water supply for which the Town had not previously requested WRC approval. In 1983 a wastewater connection from Westport to Fall River was constructed, which pre-dates the ITA. The capacity is documented at 360,000 gpd. At the time of connection, the transfer was from the Narragansett Bay Basin to the MA Coastal Basin.

Zoltay gave an overview of Fall River’s water supply and wastewater system. North Watuppa Pond is in the Narragansett Bay Basin and Copicut Reservoir in the Buzzards Bay Basin. The total Firm Yield is 18.2 MGD, 60% from North Watuppa (10.9 MGD) and 40% from Copicut (7.3 MGD). Fall River’s wastewater treatment plant (WWTP) discharges to the MA Coastal Basin.

Zoltay described the proposed transfer and showed a map and a slide with a calculation of the proposed transfer volumes. Water will be sourced from Narragansett Bay Basin and Buzzards Bay Basin in Fall River. All water used within Narragansett Bay Basin in Westport will be discharged via Fall River’s WWTP to the MA Coastal Basin. Water used within the Buzzards Bay Basin in Westport will be discharged to either the MA Coastal Basin or the Buzzards Bay Basin via septic systems or water system bleeding. Some properties will be receiving only water supply, and no properties will be receiving only sewer services. There is an increase of 228,360 gpd from the Narragansett to Buzzards Bay and an increase of 156,800 gpd from Buzzards Bay to MA Coastal. There are two volumes that are exempt: 235,200 gpd from Narragansett Bay to MA Coastal Basin and 152,240 gpd from Buzzards Bay to Buzzards Bay. Of the 772,600 total, only 385,160 is subject to the ITA.

Zoltay discussed the applicable Insignificance criteria and how the proposed project meets the criteria. The net interbasin transfer is less than 1 MGD; there are no prior approved transfers from

either basin, and the amounts requested from each donor basin are less than the quantitative thresholds set for Insignificance; changes to downstream flow are expected to be imperceptible from current operating conditions so there is no impact to the 7Q10; changes to reservoir levels and streamflow are expected to be imperceptible so no special resource values will be adversely affected and no measures to protect instream flow are needed; although Freetown, MA and Tiverton, RI receive water from Fall River's sources, it is not expected that this transfer will have a perceptible impact on the donor basin given the amount of storage. Zoltay discussed the Insignificance criterion for "Transfers Primarily Derived from Lakes, Ponds, Reservoirs, or Other Impoundments;" both the Narragansett Bay Basin and the Buzzards Bay Basin transfers pass the average annual precipitation and drought-year inflow thresholds.

Zoltay concluded her presentation and summarized the staff recommendation: Staff recommends that the WRC find this project to be Insignificant under the ITA; the application meets all applicable criteria for Insignificance; this WRC approval will include the existing interbasin transfer of water supply for which the Town had not previously requested WRC approval. The WRC must make a decision on this request by April 18, 2024, and a vote on the proposal will be requested at the next regularly scheduled WRC meeting on April 11, 2024.

Rao called on representatives from the Town of Westport. Hartnett, Town Administrator, explained how the project is critical to the Town and thanked OWR staff. Rao thanked Westport Town staff for their work in searching for historical information. Rao opened the meeting for questions from Commissioners.

Cambareri commented on the history of the transfers. He asked for a qualitative explanation of the 5% Insignificance criterion. Zoltay answered that there are incremental impacts, and the concept is to draw a line where those impacts are minimal. Rao further explained that any amount of water crossing basin lines is a transfer, but there is a volume that is small enough or insignificant enough, and this is the way it is defined in regulations.

Soleau arrives 2:03 pm.

Woods asked if Fall River has a reservoir release plan and asked for further clarification about imperceptible impacts to streamflow- is there downstream flow?

Zoltay answered there is no mandated release plan, and that the streamflow is a different Insignificance criterion from the reservoir criterion. With respect to spilling or not spilling, it was determined that the proposed volume was so small that it wouldn't affect what is currently occurring. The amount is small compared to storage volume of the reservoirs. In the case of reservoirs, the Insignificance criterion looks at the yield and capacity of the reservoir and, in particular, the drought year inflow. The proposed transfer is a very small percentage of the drought year inflow.

Woods asked if the project could be conditioned with a streamflow release plan? Rao answered that transfers considered to be Insignificant aren't conditioned. If a transfer is considered to have some measure of impact, then the project goes through a more rigorous full Interbasin Transfer Act review, and those transfers are conditioned based on the type of impact.

Woods asked about situation where someone may keep coming back with an Insignificance application- are cumulative impacts considered? Rao answered, yes, cumulative impacts are considered including past (prior ITA), authorized (since ITA), and proposed transfers. Carroll added that if there were another application in the future for a transfer from Fall River, it would no longer be eligible for an Insignificance determination because of the cumulative amounts; it would require a full ITA review.

Richards reiterated his concerns about the reservoir Insignificance criterion that he had previously voiced when the criterion was developed during the last ITA regulations revision. He asked for a streamflow analysis below the Copicut Reservoir to further test the reservoir Insignificance criterion.

Rao said that staff could do the analysis as well as develop a clearer diagram of the transfers. She reminded Richards that they are bound to the current regulations, so this would be considered supplemental information to inform the next regulation review.

Rao read Lange's question from the chat: "Have the droughts of 2016, 2020, and 2022 been incorporated in the 'probably driest period' calculation?" Zoltay answered that the Q90 flows are unimpacted streamflows generated from the Sustainable Yield Estimator tool, and that the period-of-record used in the tool only goes from 1960 to 2004, which includes the record the 1960s drought. An update of the tool is on a list of future projects. She did update the precipitation amounts after the 2022 drought.

Pederson reiterated the public health benefits of the project and opined on the length of the process. She urged for more streamlining of the process. Rao clarified that the regulations have a tight timeline - the WRC must make a decision within 90 days. What can take a long time is documenting the infrastructure, past transfers, and volumes. It may take a long time for the application to have the correct information, and she welcomed any suggestions for streamlining.

**Agenda Item #6: Water Efficiency Advisory Committee and New Project to Promote Ecological Landscaping Presentation**

Rao introduced the speakers: Rachel Belisle-Toler of Ipswich Utilities and Jason Duff. She gave some background on the new stakeholder group Water Efficiency Advisory Committee. Carroll introduced their project to promote ecological landscaping and gave some background about the 2004 state guidance *More Than Just a Yard: Ecological Landscaping Tools for Massachusetts Homeowners*.

Duff gave an overview of the Water Efficiency Advisory Committee. The group was formed to collaborate on water conservation and water efficiency campaigns with outside organizations. State staff have produced social media resources along with an online water conservation toolkit, but staff wanted to further the reach of those resources, gather input from practitioners, partner with multiple organizations, and develop new projects.

State staff reached out to groups with overlapping interests and there is representation from MassDEP, EEA, Mass Rivers Alliance, Ipswich Utilities, DCR, Town of Danvers, and North South River Watershed Association. There have been monthly meetings since January on topics such as community-based social marketing for water efficiency campaigns, outdoor water use efficiency priorities, indoor water use efficiency priorities, and water use mitigation programs. A goal of the group is to reduce nonessential water use, both outdoors and indoors. Lawn watering is a big component of nonessential outdoor water use, and there have been many conversations about messaging, restrictions, and droughts. A project that has come out of these discussions is aimed at promoting ecological landscaping and alternatives to grass. The project is called “Massachusetts Native Plant Palette.”

Belisle-Toler gave a presentation about the Massachusetts Native Plant Palette project. This will be a web guide and a unique way to advance water conservation. Promoting native plants is important because native plants often use less water, which is especially important for drought resiliency, are wildlife and pollinator friendly, and have other ecological benefits.

While current tools are robust and practical, they are geared to an audience that already prioritizes environmentally friendly practices. Many tools also require pre-existing knowledge of gardening and ecological landscaping and assume a certain level of technical proficiency. This new tool will not replace existing tools but will offer another pathway for people to engage. The web guide will focus on expanding accessibility and streamlining aesthetic information. The goal is to diversify incentives for engaging in environmentally friendly and drought-tolerant landscaping behavior. The approach will use more aesthetics and less technical terminology. Belisle-Toler showed some example slides of what the web tool may look like.

Belisle-Toler then discussed why this initiative was important at this time. While the state has had some success in water conservation, the state might further conservation efforts by diversifying its approach to conservation education. Ipswich has been able to reduce its rgpcd to between 40-41, but there are still pockets of the state struggling with high water demands, especially in the summer months. Who is being left out and how can efforts be expanded to include them? Can the state effectively inspire behavior changes that benefit the environment? In addition to using certain aspects of community-based social marketing, the proposed approach will also increase trust to build relationships, reach more people, inspire meaningful education, shift the narrative from scarcity, and ultimately reduce water use and protect the environment.

Belisle-Toler shared some local resources including the North and South Rivers Watershed Association’s “Greenscapes” and the DCR’s Growing Wild for Pollinators plant giveaways.

Belisle-Toler concluded her presentation with next steps: develop a prototype web guide, collect and incorporate feedback, partner with nurseries to promote plan availability, rollout a full version, implement marketing for web guide, and brainstorm on how to suggest a “palette” of plants to potential native plant gardeners.

Rao took questions and comments from the Commissioners and other meeting attendees.



Woods gave some more information about the North and South Rivers Watershed's annual "Gardening Green Expo." She is excited about the featured project because it will widen the green landscaping audience.

Richards would like to bring biodiversity and native species into the conversation and have people connect with their local ecosystems. Rao answered if anyone from DFG would like to engage to let her know.

Carroll acknowledged DAR and the help they have given to the project.

Rao read DePalma's comment in the chat about the tool approach.

Rao read Bradley's comment in the chat about the law Gov. Patrick signed - MassDEP is required to develop System Interruption Device regulations to ensure that irrigation systems do not run in the rain.

Boksanski asked about a representative from the landscape professional community- who from that industry is included in the group? Rao replied that there is no one from that industry yet and that she is happy to talk to others to help think through the group's membership. Let her know if there is anyone in particular. Boksanski replied that he would like to volunteer. Bradley added in the chat that there are several groups that should be involved: golf, tree, and landscape in addition to Mass Nursery and Landscape Association (MNLA).

Boksanski if there had been any market analysis done of consumers; does the group know what consumers want? Belisle-Toler replied that there hasn't been a formal study, but they know from talking with greenhouses and landscapers that there is an increased trend for native plants. Carroll added that she's been in conversation with the MNLA for over a year and has been invited to their meetings. It is important for the nurseries to be interested, and their initial response has been positive, although it has taken some time to build up a market. Conservation Commissions have been helping with that.

Rao thanked the presenters.

Before the end of the meeting, Cambareri gave an update on green energy infrastructure construction on Cape Cod.

V O T E	A motion was made by Richards with a second by Cambareri to adjourn the meeting.
	The roll-call vote to adjourn was unanimous of those present.

Meeting adjourned, 3:15 pm.

**Documents or Exhibits Used at Meeting:**

1. WRC Meeting Minutes: December 14, 2023
2. Draft Staff Recommendation: Town of Westport Request for Determination of Insignificance under the Interbasin Transfer Act

3. Interbasin Transfer Act project status report, April 25, 2024
4. Hydrologic Conditions in Massachusetts, February 2024 (available at <https://www.mass.gov/info-details/monthly-hydrologic-conditions>)

*Compiled by: EG*

*Agendas, minutes, and other documents are available on the web site 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 at 10 Park Plaza, Suite 6620, Boston, MA 02116.*