



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

Meeting Minutes for August 8, 2019

100 Cambridge Street, Boston, MA, 1:00 p.m.

Minutes approved October 10, 2019

Members in Attendance:

Eva Murray	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Linda Balzotti	Designee, Department of Housing and Community Development (DHCD)
Anne Carroll	Meeting Chair and Designee, Department of Conservation and Recreation (DCR)
Kathleen Baskin	Designee, Department of Environmental Protection (DEP)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Michelle Craddock	Designee, Department of Fish and Game (DFG)
Marcela Molina	Public Member
Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member

Members Absent

Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Thomas Cambareri	Public Member

Others in Attendance:

Michele Drury	DCR
Erin Graham	DCR
John Scannell	DCR
Ben Rau	U.S. Geological Survey
Gabby Queenan	Massachusetts Rivers Alliance
Morgan Carray	Massachusetts Rivers Alliance
Kate Bentsen	DFG/Div. of Ecological Restoration
Jennifer Pederson	MAWWA
Lexi Dewey	Water Supply Citizens Advisory Committee
Mark Clark	Town of North Reading
Viki Zoltay	DCR
Vanessa Curran	DCR
Marilyn McCrory	DCR
Katie Ronan	MWRA
Joy Duperault	DCR
Jennifer Sulla	EEA
Representative Carolyn Dykema	MA House of Representatives
David Melly	Office of Representative Dykema
William Hinkley	EEA

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

Agenda Item #1: Executive Director's Report

- Carroll welcomed Baskin back to the WRC as DEP's designee. Baskin had formerly been Executive Director of the WRC before leaving for the Kennedy School and doing some consulting work. She is now DEP's Assistant Commissioner for Water.
- Carroll also announced that Drury planned to retire at the end of October.

Agenda Item #2: Hydrologic Conditions and Drought Update

Zoltay provided an update on the hydrologic conditions for July. Conditions are still normal, but some indices are starting to show some drying. The main issue for July was record high temperatures. It was the hottest month on record. Minimum temperatures were record high and overall temperatures were record high. Precipitation was below normal in the western region, and below-to-above normal in the east and southeast, but these levels were not large enough to trip the drought indices. Streamflow remains just above normal overall. Some streamflow gages in the southwest corner of the state were low, but overall levels were normal or above normal. Some gages recorded record highs. Ground water levels were similar. A few wells in the southwest corner of the state were below normal, but overall, ground water levels were normal or above normal. Reservoir levels were above average. The Quabbin Reservoir was spilling for 261 consecutive days (but has stopped spilling now). No droughts are forecast. The outlook for next month shows 33-50% chance of above average temperatures and equal chances for precipitation to be below normal, normal or above normal. KBDI (fire danger) has had a few advisory levels. Currently all but the southeast region is in advisory or watch. The Chief Fire Warden stated that there was fire activity, but nothing of concern. The Crop Moisture Index has been in the normal range.

Agenda Item #3: Vote on the Minutes of June 2019

Carroll invited a motion to approve the meeting minutes for June 2019, amended to correct the spelling of Weismantel's name. Pederson mentioned some discrepancies she found in the minutes concerning DEP's response to PFAS contamination. Discussion ensued and it was decided to table the minutes. Pederson will furnish a correction to Baskin and the DEP presenters will be consulted. The minutes will voted on at the next meeting.

Agenda Item #4: Update on the Interbasin Transfer Act Performance Standards Revisions

Drury explained that Staff has been working on updating the Performance Standards and should have a draft revision to the WRC soon. She explained that the spirit of the ITA is to assure that by transferring water, no harm is done to the donor basin and to minimize transfers to help assure this. In order to minimize a transfer, the Act requires certain measures be taken by the receiving community to maximize use of its local sources and to do everything practical to conserve water. The Performance Standards were drafted in 1999, in response to an out of court settlement. The plaintiffs argued that the ITA requires a "higher bar" for water conservation and other criteria, and that these criteria should be met prior to approving an interbasin transfer. This is not always practical, so the WRC can approve a transfer, but require that certain conditions are met before the transfer can occur.

The Performance Standards provide a "road map to approval", but also acknowledge that local conditions may prevent a standard from being implemented by a particular proponent. So there is a provision to allow a proponent to demonstrate alternate methods to comply with the criteria of the Act. The Commission has considered the Performance Standards to be "rebuttable presumptions".

There are no specific performance standards for reasonable instream flow or cumulative impacts. The Act requires that the Commission make this determination based on the nature of the donor basin. This is always determined on a case-by-case basis.

The Performance Standards only apply to a full interbasin transfer. They do not apply to a request for determination of insignificance. The Act requires that a request for determination of insignificance be evaluated based solely on impacts to the donor basin. The criteria for insignificance are very strict.

Since 1999, there have been improvements in water conservation technology, the Water Conservation Standards have been updated, the ITA regulations have been revised and there have been improvements in environmental science. Therefore Staff is updating the Performance Standards to reflect these revisions and improvements.

Drury outlined the new updates and then discussed some specific changes being considered. These include:

- Reducing the rgpcd goal from 65. Staff is trying to find a number that is a higher bar, practical and defensible, and achievable.
- Outside of requiring a 10% unaccounted-for standard, the updated standards could require a comprehensive water loss control program.
- Upgrading the billing frequency from quarterly to monthly.

Carroll emphasized that these ideas are proposals. There will be chances for Commission members and the public to discuss and comment in the future. Drury added that the Commission had the ultimate approval of what goes into the Performance Standards. There was some concern about lowering the rgpcd goal, water loss control and monthly billing, and questions about how the WRC could follow up on the water loss control programs. Drury suggested that similar to the last time the Performance Standards were adopted, the Commission could offer a transition period so that future proponents could be given time to implement any new standards. There will be more discussion at a future meeting, when a draft document will be furnished.

Agenda Item #5: Presentation on the National Flood Insurance Program (NFIP) in Massachusetts

Carroll stated that the Flood Hazard Management Program (FHMP) resided in the DCR's Office of Water Resources, but was directly connected to the WRC. She stated that Duperault had been before the WRC previously, discussing climate adaptation programs. Duperault stated the NFIP Act was passed in 1968 as a result of major floods in the mid-west. Floodplain mapping began. Flood insurance policies are based on these maps, which are based on hydrology and flood plain boundaries. In the 1970's the federal government started to enlist state partners. Governor Dukakis signed Executive Order 149 in 1978 and put the NFIP coordinating office (FHMP) under the WRC, with staff residing in DCR's predecessor agency (DEM). The FHMP makes an annual report to FEMA. Duperault distributed the latest report to the WRC. Currently there are only two people in this office (FHMP), dealing with 341 NFIP (out of 351) communities in the Commonwealth. Ten communities have not chosen to join, mainly communities in the Berkshires, which have little or no floodplain area. 25 to 30% of claims are for properties outside of a FEMA flood zone. Elements of the FHIP are:

1. Mapping
2. Floodplain regulation to reduce flood losses
3. Insurance
4. Mitigation

Massachusetts has 60,780 NFIP policies as well as some private flood policies, covering \$16 Billion in property.

NFIP is up for reauthorization. Congress is working to get this done by the end of September.

The program requires specific metrics, such as formal and informal visits to communities each year. FHMP engages with communities in numerous ways:

1. Formally (about eight per year). These include tours of the community to observe development in the floodplain; reviewing the past five years of floodplain development activity (permits, etc.); meeting with officials; and reporting back to FEMA
2. Informal meetings with communities and review of ordinances and bylaws.
3. FHMP assists with reviewing and development of ordinances and bylaws and work with the Board of Building Regulations and Standards to make sure FEMA requirements are included in building codes.
4. Other activities include:
 - Outreach workshops: FHMP held 19 events last year
 - Building code training
 - Working with realtors and conservation agents and commissions.
 - General technical assistance (phone calls, emails etc.)
 - Assisting with the Community Rating System. This program has higher standards. Twenty-two communities in Massachusetts participate in this program. It is difficult to get into, but if a community has a lot of flood insurance policies, it is worthwhile.
 - Coordination with other agencies, such as reviewing Hazard Mitigation Grant Applications with MEMA; working with CZM; reviewing projects going through MEPA; participating in the ACOE Silver Jackets program; assisting with FEMA's mapping coordinators with community contacts;
 - Responding to disasters

Pederson asked what it cost to be involved in the NFIP: there is no financial charge, but the community has to agree to meet FHIP requirements and enforce and reference FEMA maps. Dykema asked to what extent is climate change being incorporated into FEMA maps: FEMA maps are based on historic conditions. At this time there is no consideration of future conditions that may occur due to climate change, but Congress has asked that this be explored. Another shortcoming with FEMA maps is that they don't include urban stormwater runoff. Queenan asked how the FHMP coordinates with communities: FHMP supplies information from FEMA data-bases for mitigation purposes and helps coordinate technical assistance.

Agenda Item #6: Update on the Water Needs Forecasting Program

Carroll explained that the WRC approved a policy and methodology for Water Needs Forecasting in 2008. These forecasts are then used in DEP's Water Management Act permitting program. DCR is working with DEP on its permitting renewal cycle. Drury explained that Water Needs Forecasting was part of WRC's Staff planning functions. It was previously used in River Basin Planning and is currently being used in support of DEP's Water Management Act permitting program. Since DEP began renewing WMA permits in 2008, Staff has completed a total of 213 WNFs. This includes 139 full forecasts, 47 interim forecasts, 23 "redos" based on the 2010 Census and 4 "redos" based on better data. The Permit Extension Act suspended permit renewals from 2011 to 2013. During this hiatus, data from the 2010 Census became available and resulted in a few communities needing revised forecasts. Also some communities, which did not have adequate data to receive a full forecast, and thus received an interim allocation, were able to provide better data and so receive a full forecast.

The greatest number of forecasts in a single basin was for the Taunton River basin (27); the greatest number of forecasts developed in a single year was in 2015 (45). During this most recent round of forecasts, WRC staff attended 20 basin community meetings, held jointly with DEP. In all forecasts were developed for 24 basins and continue, as needed, to this day.

Weismantel asked what the major drivers of the projections were. Drury responded it was different for every community. He then asked if Staff ever follows up to determine how accurate projections are. Drury responded that there isn't sufficient staff for this, but years ago an unscientific study examining

projections completed for the first WMA permitting process showed that about a third of the projections matched future water needs, a third were lower and a third were higher.

Other

Baskin mentioned that aerial spraying will be done to address the high risk of Eastern Equine Encephalitis (EEE). Wijnja added that DAR was working with DPH to coordinate the spraying. Spraying will start tonight (8/8/19) and will address 400 acres and 22 communities in Southeastern Massachusetts (Bristol and Plymouth Counties). Information is available on DAR's website, as well as the websites of local mosquito control boards. DEP will be collecting water quality samples from drinking water reservoirs and large surface water bodies. DAR will be sampling cranberry bogs and bee hives.

There are exclusions for rare species habitat and drinking water areas. There will also be efficacy testing to check the mosquito population before and after the spraying. Carroll asked Wijnja to send website links, so she could forward on to the WRC mailing. Queenan asked if Baskin could let her know where the sampling will happen, but DEP won't know where they will be sampling until the day after the spraying. Duperault asked why Massachusetts hasn't done aerial spraying since 2012. Carroll said that hand spraying and larvicide programs occurred every year, but this year the danger of EEE is at increased levels, so aerial spraying is warranted.

Meeting adjourned at 2:21.

Documents or Exhibits Used at Meeting:

WRC Meeting Minutes for June 13, 2019 (tabled)

Hydrologic Conditions in Massachusetts, July 2019 (available at <https://www.mass.gov/water-data-tracking>)

Presentation: Interbasin Transfer Act Performance Standards Revisions (available at https://www.mass.gov/files/documents/2019/08/12/ITA_PerformanceStandardsUpdate08-08-19.pdf)

Compiled by: mhd

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 251 Causeway Street, 8th floor, Boston, MA 02114.