

## DEPARTMENT OF CONSERVATION & RECREATION STEWARDSHIP COUNCIL MEETING

Video Conferencing September 8, 2022

Present: Chair Jack Buckley, Vice Chair Melissa Harper, Councilors Dennis Smith, Susan Smiley, Jennifer Wilson, Ann Canedy, Dicken Crane, Jeff Collins, Edward Dooley; DCR Commissioner Doug Rice; DCR Staff Nick Connors, Dan Cushing, Jessica Rowcroft, Paul Cavanaugh, Mary Caldwell, Chief David Cellino, Julie Martin, Jenny Norwood.

Absent: Councilor Vivian Ortiz.

Members of the Public: Susan Freeman, Lindsay Nystrom, Glen Ayers, Chuck Anastas, Lynne Man, Ken Conley, Suzanne Gail Marsh, Chris Redfern, Anita Roy Dobbs, Joann Lai, Darcy Sweeney, Chris Egan, Laura Jasinski.

Chair Jack Buckley opened the meeting at approximately 9:00 am by calling the roll. He declared a quorum. Chair Buckley noted that Jennifer Norwood left the Agency and wished her well in the future. He announced that Councilor Ortiz was back in Massachusetts, still recovering from her accident.

He expressed that although disappointed about the failure of DCR to accommodate the Solomon grant meant to give the Council extra support, he noted that the Council has accomplished a lot. It is gratifying that the work of the Council and all of DCR's advocates is partially responsible for DCR's increased funding and the elimination of retained revenue. Many of the things the Council included in its budget recommendation, approved by the Council last month, were also reflected in the Special Commission Report and Strategic Readiness Project. This is a good indication that the Council is an effective forum for collecting information on the needs of DCR.

Chair Buckley extended a welcome to new DCR member Edward (Ted) Dooley from Swampscott. Ted is taking the Essex County Urban Parks seat.

Chair Buckley announced that both October and November meetings will be by video conferencing. Potentially the December meeting will be in person at the State House.

There are no minutes to approve.

### Commissioner Rice's Report:

- Commissioner announced that Jennifer Norwood, Director of External Affairs & Partnerships, was leaving the Agency.
- DCR has officially ended the guarded beach programs and closed DCR operated swimming pools. A number of spray decks will continue to operate. Focus is shifting to winter recreation.
- The summer was active for forestry and fire control staff both on DCR property and in coordination with municipal and state partners at other wildland fires.
- Leases: The Agency has worked overtime to create opportunities for private entities to provide services that benefit the public good through DCR's permits and leases program.
  - This program manages both short term permits that fall within the statutory authority of the agency and those that are authorized or directed by the Legislature and have, in modern practice, extended up to 30-35 years.

- For permits/leases up to 10 years in length, the types of agreements run the gamut from agricultural to recreational to utilities like mobile phones to food and beverage service to programs such as the cottages at Myles Standish State Forest. It is a program whose scope is wide and includes historic uses that DCR wishes to continue, but gives DCR the opportunity to try pilot programs like the Nightshift Beer gardens and agreements with organizations like Mass Audubon at Magazine Beach in Cambridge or the Friends of Herter Theater.
- The other group of permits and leases that exist are those that are legislatively authorized. These agreements come from legislation that can dictate everything from the location, to the use, to the lessee. These agreements are seen as significant in a number of ways beyond simply their length. The agreements generally trigger additional outside review because of their impacts on things like Art. 97 or even MEPA, Mass Historic, and others, depending on their location.
- Some examples of these legislatively directed agreements could include Daly Field, Wachusett Mountain, the hockey rink operating agreements that were passed approximately 20 years ago, the academic and private boat clubs. These agreements generally require a robust discussion between the lessee and DCR to focus the use on aligning it with the DCR facility and mitigating any impacts on private uses.
- In total, the DCR is tracking, working to post or renew more than 600 permits and leases including cottages, agricultural, food, utilities, recreational leases.
- DCR is regularly approached by individuals and organizations interested in using DCR property. DCR reviews each proposal, keeping in mind resource protection, impact on operations, legal considerations and whether the proposal is a good fit for DCR.

#### Questions from Councilors:

- Councilor Collins: Where previous expectations or commitments exist, how are they considered before extension of a lease? Commissioner Rice responded that each lease is managed during its term. There are built in reporting mechanisms for the lessor. DCR's Permits and Leasing staff in conjunction with operational staff, will make sure past commitments were carried out before renewal.
- Councilor Smiley: What is the average turnaround time from ask to realization? Commissioner Rice responded that it depends on the circumstances. For leases that are 10 years or less, DCR has authority to negotiate on its own. Leases over 10 years require legislative directive. Nick Connors added that when a lease is less than 10 years, best practice is to go out for an RFP which would lay out the time line.
- Councilor Wilson: Regarding the RFP process, does the Legislature's authorization overrule procurement rules? Commissioner Rice responded that it depends on the situation, for example, the legislature directed DCR to enter into leases with each named boat yacht club. With ice rinks, DCR is authorized to put the leases out to bid. It depends on what the Legislature has written into its directive.
- Chair Buckley: DCR has the authority to enter into leases for 10 years. When does it become an Article 97 issue? Commissioner Rice responded that it is DCR's view that a lease under 10 years does not empower any one party with any long-term interest in State property and DCR is affording others an opportunity. A lease which is longer than 10 years, in the

Legislature's and DCR's views, gives the holder a long term vested interest in the property which triggers Article 97.

Commissioner Rice's Report Continued:

- Partnerships: Councilors have expressed an interest in how partnership proposals are handled by DCR. DCR is working to create a centralized place to coordinate requests, respond timely and manage expectations.
  - A proposal to DCR for the use of land or facilities can come into the agency through a number of different avenues.
  - Any request is vetted by senior staff, which looks for impact on resources, the facilities that may be used, affect on DCR staffing, and the public's enjoyment of the space.
  - DCR realizes it needs to improve communication back to parties. DCR is not always good at saying "no" and explaining the rationale for "no". If the answer is "yes", DCR needs to improve being more direct in what follow up is needed.

Councilor Comments:

- Chair Buckley: The Solomon Foundation sent an award letter which never got responded to. It is bothersome to see opportunities slip through the cracks. There needs to be an intake process. Commissioner Rice acknowledged that follow through was a weakness within DCR. Sometimes the person receiving the request, refers to others and the request is lost track of.

Commissioner Rice's Report continues:

- DCR received 40 applications for the support position for the Council. They completed interviews with 5 excellent candidates.
- Landscape Designations: There have been questions about DCR's authority to make such designations. DCR derives its authority to manage state forests from MGL Chapter 132, in particular Section 40 (Forest cutting practices; declaration of policy), and Section 31 (Control and management of State forests; regulations) and Chapter 132A, Section 1F (duties of the Bureau of Forestry). It is important to note in the latter two provisions, there is language providing the state forestry to "make all reasonable regulations" and "promulgate rules and regulations". This implies authority to develop internal agency policies on how DCR protects, manages, and maintains forest lands.

Councilor Comments and Questions:

- Chair Buckley: Agrees with the Commissioner and thanks him for clearly stating authority. Allegations have been made that the Agency is exceeding its authority, which Chair Buckley opined is not true.

Strategic Readiness Update: Mary Caldwell

- Research Team: Creating an office of research and planning for an annual symposium; the first one scheduled for early December this year.

- Capital Planning Team: Completed map of current Capital Planning process; identified specific areas of improvements needed to be addressed in planning process including technology support and transparency to the public.
- Partnership Team: Drafted the framework for a Partnership Playbook- how to interact/support partnerships within the Agency. Hillary Treat will step in as lead.
- Visitor Experience Engagement Team: Outlined training based on national training typically done for park interpreters, customizing for DCR's needs. Staff for training has been identified and a training schedule will be out this fall.
- Hiring Team: 50 long term seasonal positions have been converted into permanent full-time positions. An additional 50 new positions associated with priorities raised under the Strategic Readiness Project will be added, posting anticipated in late September/early October.

#### Councilor Comments and Questions:

- Councilor Smiley: Asked about whether anyone from Stewardship Council or Partners can be included in Partnership focus area. Councilor Smiley also asked that DCR emphasize snowmobiling as a winter recreational option. Mary Caldwell responded that DCR acknowledges the importance of partnerships. Laura Jasinski, Executive Director, of Charles River Conservancy and appointed Commissioner to the Special Commission is on the team.

Chair Buckley introduced Chief David Celino, who gave a presentation on Fire Control. This was a very active fire season. Chief Celino noted that local fire chiefs have jurisdiction over all fires, including fires on state lands. There are 13 fire districts, 13 fire wardens, 3 DCR fire patrolmen, 48 seasonal firefighters (the season is considered March 13-November 5) and 1 prevention coordinator. In addition to fire suppression, DCR offers many other services, including mutual aid. In August alone this year, there were 133 fires, compared to 25 in 2021, and 273 acres burned. The extreme drought this year created deep burning fires with significant downwind spotting.

#### Councilor Comments and Questions:

- Councilor Collins: How does DCR approach others with the philosophy of monitoring fire as opposed to snuffing it out, so that lands are managed accommodating natural fire, taking into consideration public safety and other factors? i.e Allowing a fire to expand when conditions are appropriate. Chief Celino responded that it is important to understand "lessons learned". We have not seen fire behavior like we are seeing right now, or what occurs in California, for many decades. Education is needed about the natural ecological role of a fire when the right conditions exist versus the natural impulse to respond rapidly. Chief Celino noted that there are positive fire effects such as habitat restoration.
- Chair Buckley: Thanked the Chief for pointing out the benefits of "positive fire".
- Councilor Smith: Noted that maintaining the width of roads such as in Myles Standish, provides effective fire breaks. He asked if the Chief had concerns about resources or finances. Chief Celino responded that everyone needs additional resources. The challenge is keeping up with cultural challenges, new technology and the Agency always needs boots on the ground.
- Councilor Crane: Do you feel fire management is being adequately or appropriately considered during the Strategic Initiative process? Chief Celino responded that his division has been a part of it.

- Chair Buckley: Is anyone talking about development patterns and fire danger? A lot of problems with destruction of property is because homes are being sited where they should not be.

Approval of Minutes: None to approve.

Public Comment:

Lynne Man, Sierra Club MA Forest Protection team: Had to leave the meeting but submitted written comments for the record. She would like to see DCR describe how public comments are factored into decisions. She wants to know more about the Office of Research. Bill Moomaw offered to help find funding and Ms. Mann suggested DCR take him up on that. She gave a shout out to the work that the snowmobile groups do. She thought the Fire Prevention presentation was interesting but noted that she frequently hikes to the fire tower in Wachusett and has never seen a human in the observation room. She wonders if DCR staffs it.

Glen Ayers: DCR may have the authority to promulgate regulations but have not done so. They are operating under an Executive order. What is not being followed is Chapter 30A of the Massachusetts Procedures Act, specifically Sections 4, 10 & 11. Mr. Ayers stated that Maura Healey, candidate for Governor, is proposing to enact a public logging ban. He assumes she will be elected and knows she will put a moratorium in place. Therefore, DCR should put the Landscape Designation on hold.

Laura Jasinski, Executive Director, Charles River Conservancy: Thanked Jenny Norwood on behalf of friends groups.

Charles Egan, Mass Forest Lands: DCR is doing a good job holding meetings. There are areas of consensus such as a desire to have DCR consider releasing the research they have conducted through continuous forest inventory and other programs so that the public can get a sense of how management decisions are affecting state owned lands.

Regular Business:

The Council was unable to break out into Committee meetings due to technological difficulties.

Chair Buckley announced that the snowmobile association would present next month. He has been unable to connect with Sierra Club. He needs an update from DCR on what other groups what to do presentations.

Chair Buckley asked the Council if there was interest in creating a transition document for the new administration. He believes the Council should emphasize in writing the importance of the Special Commission Report and the Strategic Readiness Initiative.

Councilor Canedy: Agrees that there should be a transition document. Perhaps the individual committees can provide points for someone to compile into a document.

Councilor Crane: Feels it is important to point out how DCR's funding compares to other park agencies across the country.

Councilor Smith: The document should be short and concise.

Councilor Smiley: EEA should be copied on the document.

Vice Chair Harper: Prioritization is key.

Councilor Wilson: Agrees that a document should be prepared. Encouraged councilors to sit in on Landscape Designation meetings.

Councilor Smiley: Welcome to Ted Dooley.

Councilor Wilson: Paul Cavanaugh asked that she update the Council. Myles Standish RMP has been approved. Southcoast and Blackstone are next.

Motion to adjourn was made by Councilor Smiley, which was seconded. All approved. The meeting was adjourned at 11.22 am.

Respectfully submitted,

Ann Canedy, Secretary, DCR Stewardship Council