

Ware River Watershed Advisory Committee Meeting
Thursday, November 17th, 2022
7:00 PM

Location: Rutland Public Library, 280 Main Street, Rutland, MA 01543

Members: (Members in **BOLD** were present)

Massachusetts Council of Sportsmen: **Laurie Pray**

Alternate: **Mike Moss**

Worcester County League of Sportsmen's Clubs: John Root

Alternate: Dave Papale

Trout Unlimited: **Jeffrey Schaaf (chairperson)**

Alternate:

A Rod and Gun Club: **Vincent Kotowski**

Alternate: **Dennis Guberski**

Barre Selectboard: **Mike Wood**

Alternate:

Hubbardston Selectboard: Cindy Schlener

Alternate: **Dave Marsh**

Oakham Selectboard: **Thomas Hughes**

Alternate: **Phillip Warbasse**

Rutland Selectboard: **Charles R. Williams**

Alternate:

Barre Historical Society: **Dave Flick**

Alternate: **Margo Petracone**

Hubbardston Historical Society: Robin Langer

Alternate:

Oakham Historical Society: **Bill Mucha**

Alternate: **Lee Dougan**

Rutland Historical Society:

Alternate:

Massachusetts Wildlife Federation: (group disbanded)

Alternate:

Massachusetts Audubon Society: Martha Gach

Alternate:

Sierra Club: **Matt Hopkinson**

Alternate:

Upper Ware River Watershed Association: (group disbanded)

Alternate:

General Public: Mark DuBois

Alternate: **Brett Russ**

DCR Staff Present: Dan Clark, Justin Gonsor, Lisa Gustavsen, John Scannell

Members of the Public Present: Ben Abramson, Petel Abramson, Eric Baldwin, Donnie Berthiaume, Glenn Berube, Tom Berube, Ed Blanchard, Sean Blood, Steve Brewer, Leslie Choquette, Rich Clark, Greg Conlan, Anthony Curazzini, David Curazzini Sr., Matt Dibona, Bill Dobson, Tim Derrick, Ann Dignan, Joe Ethier, Mark Fauteux, Kyle Girouard, Anne Gobi, Mark Guyrer, Dick Hutchings, Kathy James, Robert Kane, Denise Kellicker, Jim Kennington, Paul Kennington, Ries Kennington, Ben King, Paul Kreswick, Steven La Rivee, Jonathan Lapin, Jane Lynds, Gary Manfreda, Tom Mandreda, Paul McNeil, David Morin, Greg Nanic, James Padeni, Laurie Padeni, Sighle Philbin, Michael Pietrasiewicz, Duane Pray, Linda Puffy, Ray Puffy, Curtis Raymond, Daniel Reeve, Michael Rooney, Peggy Rotti, Bob Salvadore, Rusty Savignac, Kenny Sinclair, Bob Stacey, Nathaniel Stidman, Zachary Stidsev, Paul Swan, Michael Wetherbee, Frank Whitney, Scott Williams, Marianne Wojcicki, Justin Zuffante, Dean Zuppio

Meeting Minutes

Meeting Start Time: 7:05 PM

Jeff reminded everyone that DCR is hosting a public meeting on Nov. 29th at Quabbin Regional High School at 7pm. Public comments will be taken at this meeting regarding the update of the Ware River Watershed Public Access Management Plan draft.

Approval of minutes from meeting on Thursday, September 15th, 2022

Approval of the minutes was postponed until the next meeting.

DCR presentation of Ware River Watershed Public Access Management Plan draft to committee

Dan Clark presented the draft version of the Ware River Watershed Public Access Management Plan. The details are as follows:

Ware River Watershed: facts/figures

- DWSP owns 24,000 acres of land
- DWSP controls development rights on 3,500 acres (WPRs)
- DCR State Parks manages about 300 acres of DWSP land as ‘Rutland State Park’, focused around Whitehall Pond

Public Access Management Plan: actions to date

- April 2018 - Kick-off meeting with Ware River Watershed Advisory Committee (WRWAC) and public
- September 2018 – Presented Watershed Management Principles and Public Engagement Plan to WRWAC and public
- September to December 2018 – DWSP worked with stakeholder groups (e.g., mountain bikers, sportsmen, horseback riders, snowmobilers, etc.) to identify key issues
- December 2018 to January 2019 – DWSP released a stakeholder survey and received over 900 responses
- Spring and Fall 2019 – DWSP worked on solution analyses with stakeholder groups to try and seek consensus; proposed solutions to WRWAC and public
- Updating of the plan was put on hold in March of 2020, due to Covid and DCR commissioner changes

Current Status of Management Plan update

- Department of Environmental Protection (DEP), as our water supply regulator, has pushed for completion of updating the access plan
- A deadline for plan completion has been set for December 31, 2022
- DEP has weighed in that some currently allowed activities are too extensive and not protective enough (indicated policies should more closely mirror Wachusett and Quabbin access policies)
- DEP had some specific guidance on certain activities

Key Elements: Intake Exclusion Zone

- The 17-acre intake exclusion zone (around intake at Rt. 122), where no public access is allowed, will remain in place
- This policy is already in place; no change proposed

Key Elements: Intake Buffer Zone *new

- Creation of a 1-km (483 acres) intake buffer zone that will be pedestrian access only with some exceptions
- This is a new element to push activity away from the Ware River intake
- Public access to the parking lot along west side of Ware River will remain for canoe/kayak launching
- New barriers will be added to the parking lot to prevent vehicles from directly accessing the Ware River

Key Elements: DWSP Internal Roads *new

- Existing policy: all DWSP roads are open 24/7 April – December; Roads are closed during mud season, except Coldbrook is year-round when possible

- DCR/DEP preferred option: All roads closed to unauthorized vehicles except for permitted hunters during Fall hunting season
- Proposed compromise (to address questions of access to the Ware River by fishermen, access to Prison Camp)
 - All DWSP internal roads will be closed to unauthorized traffic except Coldbrook Road, which would be open from dawn to dusk
 - Interval Road would be open dawn to dusk to allow vehicle access specifically to the Prison Camps
 - Pedestrian access is allowed past closed/locked gates
 - A series of DCR gates will be unlocked and open to permitted hunters in vehicles from October – December
 - Roads may be closed because of condition or need

Key Elements: Hours of Access *new

- Existing policy: All DWSP lands are closed at night except Ware River, which is open 24/7
- New policy: DWSP Ware River watershed lands will be open for public access one hour before sunrise to one hour after sunset, mirroring other watershed lands and DCR Parks; as reflected in:
 - State Park Regulation: 302 CMR 12.03
 - DWSP Regulation: Watershed Protection Regulations 313 CMR 11.09(2)(a)2

Key Elements: Dogs *new

- Existing policy: Dogs were allowed on DWSP lands in the Ware River watershed without restriction
- New policy: Dogs must be always leashed on a 6' or shorter leash on DWSP property except licensed hunters may have dogs off leash to hunt or train

Key Elements: Trails *new

- After working collaboratively with user groups, DWSP has proposed a set of well-defined multi-use trails that:
 - Avoid intake buffer zone and riparian buffers
 - Use best management practices (BMPs) for stream crossings
 - Avoid leading to or crossing private property
 - Emphasize connectivity
 - Reduce redundancy
- Trails will be shared among pedestrian, bikers, horseback riders and snowmobilers (some exclusions)
- Allows for some single-track mountain biking

Key Elements: Snowmobiles *new

- Existing Policy: snowmobiles allowed in specific areas
- New Policy: snowmobiles allowed on specific trails, most of which will be multi-use
- Night access permits will be issued for grooming, etc.

Key Elements: Long Pond *new

- Pond and surrounding land are completely owned by DWSP
- DEP has requirement of no water skiing/tubing
- Large boat motor permitting will be eliminated
- Boats must comply with 20/25 hp motor restriction

Key Elements: Comet Pond *new

- Per new DCR-wide policy, no ‘distance swimming’ is allowed (previously has occurred)
- Permit program will be developed to allow larger outboard motors for existing Comet Pond residents
- Paddleboarding allowed only at Comet Pond

Key Elements: Procedural *new

- DCR will provide reasonable notice to Ware River Watershed Advisory Committee (WRWAC) for temporary trail, road closures, etc.
- Changes to trail network can be submitted annually through WRWAC sub-committees and committee to DWSP for final decision
- DWSP will rely on Friend group and user groups to assist in reinforcing rules
- DWSP will reserve the right to become more restrictive if access issues persist and cannot be resolved

Next Steps:

- draft plan released (11/15/2022)
- DCR will brief WRWAC and receive comments from committee (11/17/2022)
- 30-day comment period to accept written comments (11/18/2022-12/18/2022)
<https://www.mass.gov/forms/dcr-public-comments>
- DCR will hold a public meeting to outline the changes and take public comment (11/29/2022)
- Revision to plan as needed
- Adopt final plan by 12/31/2022

Various members of WRWAC commented on the draft plan:

- Jeff Schaaf comments:

- expressed concern over the short timeline to approve the plan. He feels there isn't much time for the committee members to speak with their representative groups and get back to DCR with their comments.
- He feels the deadline for finalizing the plan needs to be delayed.
- Concern of people who fish losing access due to gates being locked and not being able to drive closer to the fishery. It would take much longer to hike into your fishing spot.
- He doesn't see a problem with vehicle access in the watershed as it has operated in the past.
- Mike Wood comments:
 - He also felt that there isn't adequate time to inform hunting groups during this time of year.
- Dennis Guberski comments:
 - disputed how DCR defines a pathogen.
 - He also asked that hunting dogs be allowed to access the water when being trained.
 - He expressed interest in DCR giving permits for coyote hunting and other species outside of deer.
- Matt Hopkinson comments:
 - asked how DCR plans to implement the proposed changes and what the expected compliance will be.
 - When the first plan was implemented in 1988, there was a significant law enforcement effort between state police, EPO's, etc.
 - He asked for better clarification and specifics on what uses are allowed at each pond in the watershed.
 - He would like to see bicycling not allowed on the mid-state trail.
 - He requested digital versions of the trails be made available when the access plan is finalized.
- Brett Russ comments:
 - He hoped to meet with DCR to discuss specific trail issues at the map level that he feels needs to be fixed.
 - He spoke about night access to the watershed and feels people need to be able to use the watershed after work hours.
 - He has data that shows usage peaks during 4pm-7pm.
 - Access to historical sites was brought up as a concern.
 - He would like to see the electric bike policy be more specific.
 - He noted that there currently is no hiking map for the watershed.
 - He mentioned the Barre Falls Dam has a new activity kiosk where they advertise snowmobile and equestrian usage from their parking lot, but it appears that some of the trails lead to water supply property,

- he hopes for better policy alignment between the groups that manage the areas around the dam.
- He passed on concerns from equestrians and snowmobilers over parking on Granger Road.
 - He asked for clarification on what uses are allowed in the new 1-km buffer zone. Dan Clark answered that the Mass Central Rail trail goes through the buffer, so whatever is allowed on that trail is allowed in the buffer zone. There is also a snowmobile trail that goes along the edge of the buffer zone, but a slightly different route was formulated.
 - He spoke about the fact that DWSP controls the bulk of open space in towns of the watershed. There is not much developable land left. Outdoor recreation is one way for these towns to sustain their towns. He would like to see a better relationship between the communities in the watershed and DWSP.
 - He urged DWSP not to restrict access when there isn't a demonstrable problem. There is a need to build more good will with the public/community. Restrictions should/need to make sense to get buy-in from the public.
- Thomas Hughes comments:
 - spoke about his concern over water skiing being removed as an allowed activity at Long Pond since there haven't been injury or pollution problems.
 - John Scannell answered that it was a directive that come from DWSP's regulators. DEP's water supply regulations prohibit bodily contact with the water.
 - How much/how often water gets diverted from the Ware River to Quabbin at any given time was discussed. Dan Clark commented that the Ware River is designated as an active party of the water supply system. The amount diverted to Quabbin varies from year to year and have stipulations.
 - He feels the Ware River watershed is unique and shouldn't be managed like other watersheds in the system that are different.
 - Mike Moss comments:
 - Has concerns over wording in the plan about 'limiting vehicle access because of claims of toxic chemical concentrations at parking areas.'
 - Has concerns over wording in the plan about 'limiting vehicles because of disturbance to wilderness character.'
 - He doesn't believe locking gates will have a large impact on littering

- He noted that there has never been ‘unrestricted access’ in the watershed, there has always been more locked gates than unlocked ones.
 - He noted that people with limited mobility will have much less access to the watershed if additional gates are locked to vehicles.
 - He is looking for more clarification on how hunting access and the permitting process will work.
 - Worried that locking gates will curtail fishing access. Worried that if people stop fishing the area MassWildlife may stop stocking.
 - He would like DCR to consider keeping additional roads open to vehicles that provide fishing opportunities.
 - He also would like to see finalizing of the plan delayed.
- Dick Williams comments
 - He would like to see watershed education be more prominent in the plan.

Various members of the public and organizations commented on the draft plan:

- Historical Societies in the watershed have concern over gates being locked and historic sites (other than the prison camp) not being able to be easily accessed.
- Senator Anne Gobi felt that the 12/31/2022 deadline for finalizing the plan doesn’t make sense due to the changing of administrations. She supports delaying the deadline. She also feels that the Ware River watershed is unique and doesn’t need to be managed exactly like other watersheds in the system. She commented that the best protectors of the watershed are those that use it regularly.
- State representative Donald Berthiaume commented on behalf of himself and representative Kimberly Whipps that they also have a problem with the timeline to finalize the access plan and supports delaying it.
- Former senator Stephen Brewer spoke. His administration helped create WRWAC. He talked about the Kelly-Wetmore act that was signed in 1972, that the legislative intent of the law was to provide recreational access. He reiterated that those who use the watershed are the best monitors to report an illegal activity. He feels many of the proposed changes to the access plan are unnecessary. He spoke about how important access to the watershed is for those who have used it over the decades. He urged the public to stay vigilant and attend the upcoming public hearing scheduled for November 29.

Member Issues

N/A

Meeting End Time: 8:41 PM

Upcoming WRWAC Meetings

- TBD