

Ware River Watershed Advisory Committee Meeting
Thursday, February 23, 2023
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

MA DEP Staff Present: Yvette DePeiza, Deirdre Doherty, Brian Ferrarese, Saadi Motamedi, Christine Simard

Members of the Public Present: Beverly Abramson, Anne Gobi, Peter Abramson, Albert Afonso, Lucy Allen, Lydia Barter, Debra Carlson, Elizabeth Cole, Eric Comeau, Greg Conlan, Chuck Coppolino, David Corazzini Jr., David Corazzini Sr., Scott Day, Joseph Ethier, Mark Fateux, Kris Faueler, Scott Faueler, Stephen Femino Jr., Kim Ferguson, Alexandria Gingreld, Mark Gingreld, Martha Hawley, Gary Honfreda, Glenn Kauppila, Denise Kellicker, Jim Kennington, Rise Kennington, Jonathan Lapin, Robert Leschke, Alex Mardirosian, Jim McCaffrey, Lucas McDiamid, Paul Morrison, Doug Nelson, Duane Privy, Chet Ressler, Phil Ricedes, Rusty Savignac, Michael Wetherbee, Marjorie Wetzel

Meeting Minutes

Meeting Start Time: 7:02 PM

*An error was found in the February 9 meeting minutes after they had been approved. It was incorrectly stated at the meeting that water can be diverted from the Ware River to Quabbin from December through April. The correct timeline is that MWRA is authorized by statute to divert water from Ware River to Quabbin when river discharge is above 85 MGD (million gallons/day) in the period of October 15 – June 15. They also target diversions when the water temperature has been below 10 degrees C for 30 days (to mitigate aquatic invasives).

Approval of minutes from meeting on Thursday, February 9, 2023

Dennis Guberski made a motion to accept the minutes from the Ware River Watershed Advisory Committee (WRWAC) meeting on February 9, 2023. Cindy Schlener seconded the motion. The motion was unanimously approved.

Discussion with a DEP representative about the proposed changes to the Public Access Plan

Representatives from the MA Department of Environmental Protection (DEP) who attended the meeting via Zoom were introduced:

Yvette DePeiza – director of drinking water program

Brian Ferrarese - assistant commissioner of operations

Saadi Motamedi - deputy regional director at western office

Christine Simard - environmental analyst at western office

Deirdre Doherty - drinking water section chief for drinking water program in western region and municipal services section chief for western region

Deirdre gave some background on MA DEP and their roles and responsibilities. MA DEP is a public health and environmental regulatory agency for the Commonwealth of MA. The Department has been granted primacy by the U.S. Environmental Protection Agency (EPA) for implementing the national Safe Drinking Water Act including the surface water treatment rule requirements that apply to surface waters and determining if there is an avoidance of filtration waiver that is approved or warranted. They do similar work of the EPA, but for the Commonwealth. EPA evaluates MA DEP on a regular basis to determine if the department can still be a lead on implementing Safe Drinking Water Act requirements. These are national standards applied to unfiltered systems. The WRW is a part of the water system that supplies clean drinking water to MWRA customers. The MWRA water system is one of only a handful of water supplies in the country that qualifies for, and receives approval for, a waiver from filtration requirements due to exceptional source water quality protection efforts. To maintain this waiver, DCR and MWRA must continue to meet strict federal and state standards for water quality, including source water disinfection and watershed protection. DCR plays a role in watershed protection. MWRA currently is approved for an unfiltered system and the goal is for that waiver to continue into the coming decades. To maintain the waiver, MWRA must have a watershed management plan that prevents contamination and reduces the level of contaminants in the source water where it cannot eliminate it. These activities and DCR's management of them are regularly reviewed. There are also EPA required annual inspections and reviews. EPA recommends best management practices to maintain water quality and the filtration waiver, and sometimes includes recommendations for activity restrictions in the watershed or changing them. Public water suppliers are required to exercise best management of the land they own or control and to make the best management efforts to maintain water quality effected by activities on land not directly under their control. This results in DCR generally providing quarterly updates to DEP in between EPA's annual inspections. One specific DEP concern is climate change impacts on water quality and water demand across the Commonwealth. The Commonwealth is taking proactive actions across many agencies to take steps to mitigate and prevent climate change impacts. DEP is concerned about all human activity that can impact the current approval to avoid filtration.

DEP has observed 7 issues regarding DCR's watershed protection control program, as reflected in their draft of the Ware River Public Access Management Plan.

1. MA DEP supports the idea of a multi-use trail system with clearly identified trails and uses. This is consistent with DEP regulation 310 CMR 22.20A. It is important that DCR be able to manage all allowed activities with their resources.
2. MA DEP supports prohibiting water skiing on Long Pond in the location described in the public access plan. This is consistent with DEP requirement prohibiting bodily contact with source water.
3. MA DEP supports eliminating large group of horses. Existing policy allows for up to 50 animals in a group. DEP supports a smaller animal limit for groups.
4. MA DEP supports road access being as restrictive as what is allowed on other DCR properties such as state parks and other watersheds. This is consistent with demonstrating control and being able to manage activities under DCR's oversight.
5. MA DEP supports that DCR properties should only be open during daylight hours, which is consistent with other properties managed by the Commonwealth.
6. MA DEP supports the idea that the DCR watershed protection and control program for the WRW should be like/comparable to the Quabbin Reservoir watershed.
7. MA DEP supports the idea that DCR staffing and other resources must meet the demands and potential threats of public access to water quality. This is an ongoing concern of both DEP and EPA, that DCR has sufficient staffing and resources to manage the activities that it allows in the watershed.

Everyone was reminded that the public comment period for the public access plan is open through February 28.

Dennis Guberski expressed concern over the bibliography section in the public access plan. He commented that the draft only included one peer-reviewed reference that is outdated by about 15 years. He doesn't understand the logic behind eliminating water activities at Long Pond and gave an example of beavers being a larger potential impact to water quality than people using the pond. He referenced MWRA's success in preventing cryptosporidium and giardia via their disinfection methods. Deirdre responded that there are long standing Department of Public Health requirements that no person shall swim, wade, or bathe in any public surface water source and no person shall, unless allowed by special permit,

fish in, enter in, or go in any boat, or enter on the ice. This requirement has remained unchanged for around 100 years.

Dennis commented about several ponds in the area. He stated that Demond Pond empties into Long Pond, Long Pond empties into White Hull Pond, and that Demond Pond and White Hull Pond allows swimming and boating activities. He feels it doesn't make sense to limit activities at Long Pond and not at the other ponds. Deirdre responded that some of the management controls, the parties controlling them, and the agreements already in place at other water bodies are not the same as where DCR-DWSP has the control of the land. DWSP has the ability to control activities at Long Pond but not the other ponds mentioned.

Jeff Schaaf expressed concern over the intent to manage/regulate the WRW like Quabbin. He spoke about how he feels the two watersheds are very different and talked about activities that have been allowed for decades. He feels DCR is looking to curtail some of these activities without sufficient reason. He referenced that waters from the WRW are only diverted to Quabbin between late December and early April, under certain conditions, and not every year. He also referenced the inconsistency of having a public swimming beach downstream from Long Pond but only proposing limiting activities at Long Pond and not the pond downstream as well.

Mike Wood commented about the diversion of water from the WRW to Quabbin. He stated that the activities that are currently allowed on Long Pond that are being proposed to be eliminated occur during June through Labor Day, about 6 months before when water could be diverted to Quabbin in any given year.

Dennis commented he felt it was inconsistent to allow boats with motors less than 25hp on Quabbin Reservoir and not allow boats with larger motors at Long Pond.

Cindy Schlener commented on her concern of the lack of testing, she hasn't seen anything in the draft plan regarding water quality at the outtake pipe that would cause DEP to be concerned. She questioned if water quality has gotten better or worse over the years, and if these water quality test results are why changes are being proposed to public access. Deirdre responded that DCR has conducted water quality analysis and is located on page 25 of the public access plan. Water quality temperatures have shown to be rising, drought issues are also considered. The concern is in large part about management and control of activities with the resources DCR has available to them and within their authority and responsibility. Yvette added that the program is preventative, and it is important to be sure there

aren't problems that will affect public health. It is important to keep in mind that in other areas, lack of attention to watersheds have led to systems losing their filtration waiver. Cindy commented that she hasn't personally seen an increase in users of the watershed in recent years. She expressed concern over losing activities that have been allowed in the past without demonstrating that these activities effect water quality negatively.

Dennis asked about the level of endotoxin concentrations being seen after the disinfection process when sampled, or any other data to that effect. Deirdre responded that DEP's concepts and approaches to watershed protection are about being preventative, protective, and planning ahead. Activities that have been allowed in the WRW have been adjusted over the years. She noted that the users of the water pay for the WRW land to be protected for drinking water, not for other uses. Recreational activities are allowed and managed to the extent that DCR-DWSP believe that they deal with. It was stated that 1/3 of the users of the watershed live outside of it.

Dennis commented that he felt DEP is looking to simply appease the EPA by limiting usage at Long Pond.

Phil Warbasse commented that Demond and White Hall Pond are used by lots of people. He stated the outflow from the ponds gets filtered naturally by the time it gets to the Ware River. Yvette encouraged Phil to submit his comment officially through the public comment portal online.

Cindy Schlener expressed concern over limiting groups to 25 horses. She mentioned that the approved horse trails are far from the Ware River and the intake. She stated that large group rides happen roughly 4 times a year. She hoped a special use permit could be given for those larger groups. Dave Marsh also suggested allowing the regional director to evaluate any trail ride proposals for over 25 horses and if it meets DCR's requirements at that time, that a special use permit be issued by the director. This could be a potential compromise. It was suggested that Dave submit the comment officially through the public comment portal online.

Mike Wood commented about vehicle access. He requested roads be kept open that are proposed to be locked. He questioned why it is so important to limit vehicle access on these hard gravel/dirt roads. He commented that state highways and local community roads are located all around the other watersheds in the system. Deirdre responded that DEP does support restricting road access to

something more manageable, that this should help limit illegal dumping, vandalism, and increase safety. It was reiterated that DCR can control only what happens on land they own, not on state highways, etc.

Mike Wood commented that DCR only has 3 watershed rangers for the WRW, and they don't have law enforcement capabilities, they can write parking tickets. He noted that the public access plan mentions providing the watershed with adequate staff. He feels if the rangers can't police properly, they could use help. He proposed DCR work with local law enforcement in watershed towns and financially assist local departments to patrol the watershed. Deirdre acknowledged the challenges for the rangers in terms of controlling illegal activities and managing approved activities. In general, more activities lead to more challenges for the rangers to manage. She noted DCR has specific requirements about contracting/delegating certain services versus having their own staff do those jobs.

The watershed payment in lieu of taxes (PILOT) program was discussed. It is the method that DCR uses to compensate communities to this day which contain state owned land bought for use in the water supply system.

Jeff Schaaf asked if DEP can approve changes to the draft public access plan that were presented to them in July of 2022. Deirdre answered that the public comment process is currently happening, for the purpose of gaining additional information and perspective. DCR will then take that information in and potentially make changes to the draft version of the plan. DEP would be interested to review any adjustments made to the draft plan. DEP has already given DCR their input on the draft plan.

Jeff asked if DEP would be willing to compromise on any of the 7 issues presented, such as water skiing on Long Pond. Yvette answered that no final decisions have yet been made. After the public comment period has ended, everything that has been submitted will be reviewed before a more final version is presented to DEP.

John Root commented on night access for hunting. Raccoon and possum hunting can only be done at night, and he hoped accommodations would be made for those hunters. It was suggested that he submit the comment officially through the public comment portal online.

Cindy Schlener commented on climate change bringing warmer temperatures, leading to more algae blooms, and asked if a filtration plant may be needed in the

future. Yvette responded that algae blooms are more related to activities in the watershed and the hope is that the filtration waiver will remain in place going forward. She noted that reviews of the watershed are continuous, and that is why there has been a progression in DEP asking for more controls, better management, etc. of the watershed. What was done years ago may not be good enough for today or going forward.

A member of the public expressed concern that Demond and White Hall Ponds would be next to have activities curtailed there.

Mike Wood asked for clarification on what DEP felt would be adequate staffing for DCR in the watershed. Deirdre responded that one of the aspects reviewed in DCR's progress reports is staffing, and that DCR has increased staffing in the WRW. She mentioned DCR has increased signage in the watershed. Adequate staffing would allow for management and evaluation of activities outlined in the public access plan.

Dennis commented on the Americans with Disabilities Act (ADA) and questioned if locking watershed gates would violate that act. Mike Wood added that there are historical sites within the watershed and that locking gates would eliminate reasonable pedestrian access to these historic sites. He stated that DCR has been presented with a proposal to keep some of these gates to historic sites unlocked.

Continued WRWAC discussion about the Public Access Plan

Jeff Schaaf commented that he will not recommend approval of the public access plan if certain roads are not left open, specifically Brigham Road, Prison Camp Road to Brigham Road, Ruben Walker Road, Gilbert Road. One group who use these roads are people who fish to gain access to areas that are stocked by MassWildlife.

Jeff Schaaf commented that he doesn't see an adequate reason for prohibiting water skiing on Long Pond. He reiterated that the WRW is different than other watersheds in the system and that activities that have been traditionally allowed in the WRW have not been seen to impact water quality over the years.

Jeff Schaaf stated that he is in favor of having a special permit system to allow hunters night access. Mike Wood added that he is in favor of having the ability to review hunting access on a yearly basis instead of every 10 years when the public access plan is updated. In the draft plan, the WRWAC trails sub-committee was given the ability to review trail issues with DCR-DWSP on a year basis.

State representative Anne Gobi commented that she hasn't heard the MWRA state that their water quality is a problem. She stated that DCR is the controlling agency on the watershed, and that DEP want them to demonstrate control in their management, which may mean that DCR needs more staff. Part of MWRA funding goes towards hiring DCR-DWSP staff. She does not support the draft public access plan as presented. She supports the WRWAC.

State representative Donald Berthiaume Jr. echoed Anne Gobi's comments. He also doesn't support the plan as presented and supports the WRWAC.

Cindy Schlener made a motion that the committee does not approve the draft Ware River Watershed Public Access Management Plan as currently written. John Root seconded the motion. The motion was unanimously approved.

Mike Wood commented that he would like to submit several public comments physically, not over the internet. He has been coordinating with local historical societies, 11 sportsmen's clubs, each town in the watershed, Rutland Board of Selectmen, and Rutland Historical Commission. All those groups have drafted letters and signatures via petition in opposition to the public access plan as written. He officially submitted these petitions and letters to Dan Clark at the meeting.

Lucy Allen also submitted a set of letters to Dan Clark from the watershed select boards, libraries, educators, military veterans, parents, etc. in opposition to the public access plan.

Dennis commented that one of the largest polluters of the watershed is the DPW from salting roads.

Mike Wood stated that he recently spoke with MassWildlife's Central District Director, Todd Olanyk, and was told that if the gate locking proposal goes into effect, that fish stocking of those areas could potentially end. Dan Clark responded that even if gates are locked, MassWildlife already has keys to the gates for stocking purposes.

There was discussion on what the next steps are in finalizing the public access plan. Dan answered that after the public comment period ends on February 28, DCR-DWSP needs time to go through an evaluate all the comments, digest them, and decide what changes, if any, will be made to the draft plan.

Brett Russ thanked DCR for their public input process. From his perspective on the trails sub-committee, their discussions have resulted in more trail access in the draft plan. He noted that because of the designation of the land for water supply and the legal mandate from the regulating agencies to continuously improve control/water quality, that users of the land may always be somewhat in conflict. He spoke about potentially forming a Friends Group in the WRW to bridge some of these conflicts between users of the land and DCR. A hope would be for the Friends Group to work in collaboration with DCR to provide special, managed, access for various activities and user groups.

Brett also mentioned a correction regarding the Virginia Friends Group he mentioned at the last meeting. He recognized a Virginia State Park that allows night access, the Friends Group in the area helped organize and define the policy. But to benefit from the policy and use the land at night you don't need to be a member of the Friends Group. He suggested a potentially similar model for a Ware River Friends Group.

Brett Russ made a motion that the WRWAC supports the recommendation of the trails sub-committee to share the mid-state trail with bicycles in agreement with the AMC mid-state trail committee as well. Cindy Schlener seconded the motion. The motion was unanimously approved.

A member of the public commented that there is a new local radio show broadcasting out of Worcester, AM 830 WCRN. The show is on the air Tuesdays from 9-10am and is hosted by John Morgan. It is an outdoor endeavor show that covers all outdoor activities. He offered any WRWAC members to go on his show to talk about the public access plan. It was noted that if a WRWAC member was to go on the show, they wouldn't be representing the WRWAC, they would be representing themselves and their views.

Member Issues

N/A

Meeting End Time: 8:53 PM

Upcoming WRWAC Meetings

- Thursday, April 20, 2023, at 7PM - Rutland Free Public Library, 280 Main Street, Rutland, MA 01543