

- WARE RIVER WATERSHED PUBLIC ACCESS MANAGEMENT PLAN -
SUMMARY OF PUBLIC COMMENTS ON 2022 DRAFT PLAN AND AGENCY RESPONSE

September 2023

This is a high-level summary of the public comments received by the Department of Conservation and Recreation (DCR) Division of Water Supply Protection (DWSP) on its 2022 draft update to the Ware River Watershed Public Access Management Plan (WRWPAMP) and DWSP's actions in response to the comments. Note, more detailed descriptions of these public comments as well as summaries of the public engagement process that led to the 2022 draft are captured in other documents. DWSP would like to thank all commenters on the 2022 draft for sharing their concerns, questions, and comments.

How Were Comments Provided?

DWSP solicited public comments using the following methods:

1. A public meeting was held on November 29, 2022. At the meeting, DWSP presented an overview of the draft Public Access Management Plan to an audience of approximately 200 people. Verbal comments were recorded at the meeting and information about how to submit written comments was provided.
2. A comment portal on DCR's website was active from November 29, 2022, until February 28, 2023. The public could submit written comments through this portal.
3. DWSP staff attended meetings of the Ware River Watershed Advisory Committee (WRWAC) on November 17, 2022, February 9, 2023, February 23, 2023, and May 18, 2023. Feedback from the Committee was provided to DWSP at these meetings, and DWSP informed all participants about the comment portal.
4. Staff from DWSP met with the WRWAC Trails Subcommittee on January 11, 2023. Verbal feedback was provided to DWSP at the meeting.
5. Staff from DWSP met with representatives from the hunting and fishing community on January 26, 2023. Written and verbal feedback was provided to DWSP at the meeting.
6. Staff from DWSP met with representatives from the historical resource community on February 16, 2023. Written and verbal feedback was provided to DWSP at the meeting.
7. Written comments were directly handed to DWSP staff at various meetings.

Through the above channels of communication, DWSP:

- Recorded comments from the 47 individuals who spoke at the November 29th meeting.
- Received 211 written comments through its website portal, including comments from former Senator Gobi, and Representatives Ferguson and Berthiaume.
- Received written comment letters from two individuals, the select boards of Barre, Hubbardston, Oakham, and Rutland, the Historical Commissions of Barre and Rutland, the Barre Historical Society, and 11 sportsperson's clubs.
- Received a petition with 488 signatures.

What Were the Comments About?

General

- Most commenters expressed support or opposition to specific elements of the plan.
- The Ware River Watershed lands were frequently praised for providing high-quality access to nature, with many commenters expressing that this access is critical to their mental health and quality of life.
- Recreational users frequently commented that they are the “eyes and ears on the ground” of what is happening within the watershed and should be viewed as a resource for water quality protection.
- There was a commonly stated request that proof of water quality impacts or public safety problems precede any additional restrictions.
- There was a vocal contingent that opposed DCR’s control of access to watershed lands.

DWSP Response

- DWSP worked with regulators at the Department of Environmental Protection (MassDEP), the DCR Commissioner’s Office, the Executive Office of Energy and Environmental Affairs (EEA), legislative representatives, and stakeholder groups to explore ways to address substantive points of public feedback (more detail below).
- DWSP is developing additional communication channels to stay in touch with users and provide information in a timely way.
- DWSP improved the WRWPAMP’s list of literature and data citations, providing references to current American Water Works Association watershed management and water supply guidance documents. References to existing DWSP reports were also expanded, which contain further bibliographies on watershed management topics, including forestry, wildlife, and water quality.
- DWSP is working to expand explanations of its management goals and statutory authority.

Areas of Substantive Support

The following plan elements, when mentioned, were generally viewed positively:

- New single-track mountain biking access
- The proposed intake protection buffer zone
- The proposed annual trail review policy
- The proposed shift to a multi-use trail network
- The proposed physical barriers to prevent driving directly into the Ware River.

DWSP Response

- DWSP intends to retain these elements in the plan.

Areas of Substantive Concern

1. Large group horse ride permits

Summary

The draft WRWPAMP eliminated large (>25) group horse ride permits, which would impact organized trail rides on DWSP property. Approximately 40 commenters indicated their disagreement with this policy change. In addition, written letters from the Bay State Trail Riders Association, Inc. and the Town of Hubbardston also objected to the proposed change.

DWSP Response

- DWSP staff asked concerned stakeholders for more detailed information about their prior large group rides and reviewed an email, letter, and map submitted with the requested information.
- DWSP staff met with MassDEP regulators to discuss these comments, review detailed material submitted by stakeholder groups, and explore options to balance:
 - Stakeholder comments
 - Concerns about trail erosion affecting maintenance and water quality
 - Concerns about horse waste affecting user experience and water quality
 - Concerns about direct animal contact with water affecting streambank integrity and water quality.
- DWSP met with the DCR Commissioner's Office, MassDEP Commissioner's Office, and EEA to further review options.
- DWSP amended the final plan: *Up to two large group horse ride permits will be issued per year. Permit will allow DCR to review and approve/deny the route, require manure pick-up, and will have pre-and post-ride inspections by Watershed Rangers.*

2. Eliminating large motors on Long Pond

Summary

The draft WRWPAMP eliminated the large motor permit program for Long Pond, which would prevent water skiing and tubing on the pond. Motor boating would still be permitted on Long Pond, but motor size would be restricted to 20 hp two-stroke or 25 hp four-stroke motors, per DCR regulations. One commenter was in favor of this change, while 15 commenters expressed opposition.

DWSP Response

- DWSP staff met internally to explore options to balance:
 - Stakeholder comments
 - Concerns about shoreline erosion affecting habitat and water quality
 - Concerns about sediment resuspension affecting water quality
 - Concerns about spills of oil and gas
 - Concerns about human contact with water affecting water quality.

- DWSP met with the DCR Commissioner's Office, MassDEP Commissioner's Office, and EEA to review options.
- DWSP amended the final plan: *In 2024, 50 permits will be issued by lottery (if necessary). Permit applicants will be asked to identify anticipated use of pond (fishing, water skiing, or both). Pond usage studies will be undertaken throughout the season (e.g., boat motor size, usage, follow-up user survey). Based on these studies, DCR will determine if further restriction of permits or boat size is warranted.*

3. Open water swimming

Summary

The draft WRWPAMP eliminated open water (distance) swimming in Comet Pond per recent DCR agency-wide policy. One person expressed support for this change, while approximately 60 commenters expressed opposition. Additionally, many attendees at the November 29, 2022, meeting held signs opposing the new restriction.

DWSP Response

- DWSP staff met several times with DCR leadership, including the new Commissioner's office, to explore options to balance:
 - Stakeholder comments
 - Adherence to agency-wide policy based on concerns about public safety related to open water swimming.
- DWSP met with the DCR Commissioner's Office, MassDEP Commissioner's Office, and EEA to review options. The policy of no open water swimming throughout DCR (except Walden Pond) was revisited.
- DWSP amended the final plan: *An open water swimming entry point will be identified east of the boat ramp; distance swimming will not be restricted. Signage similar to DCR's Walden Pond State Reservation will be installed at the entry point.*

4. Night access

Summary

The draft WRWPAMP eliminated general access to DWSP's properties in the Ware River Watershed at night. The public would be able to access areas from one hour before sunrise to one hour after sunset. Approximately 30 commenters expressed opposition to this change. Additionally, at WRWAC meetings on several occasions and at a meeting with the WRWAC Trails Subcommittee, representatives of mountain bikers, snowmobilers, and the sporting community expressed objection to the nighttime restrictions, particularly in winter. Written letters from the Town of Hubbardston and Barre Sportsman's Club also expressed objection to the change.

DWSP Response

- DWSP staff met with sporting community representative groups to review the impact of the proposed policy on hunting for night-time game.
- DCR held internal meetings on night access, exploring options to balance:
 - Stakeholder comments
 - Public safety concerns
 - Concerns about the impact on water quality of illicit dumping, camping, and other nighttime activity
 - Consistency with DCR regulations and night access policies across most state-owned lands.
- DWSP met with the DCR Commissioner's Office, MassDEP Commissioner's Office, and EEA to review options.
- DWSP slightly amended the final plan: *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. Snowmobile clubs may request group ride permits for night access. Hunters of specific species, per MassWildlife regulations, can request a permit for night access.*

5. Road closures to unauthorized vehicles

Summary

The draft WRWPAMP prohibited unauthorized vehicles from driving on most Division of Water Supply Protection internal and gated roads. Non-vehicular access is still allowed on these roads in accordance with relevant rules and restrictions. Based on comments received on earlier drafts of the plan, several roads were proposed to be kept open to vehicles for the general public, as conditions allowed, and other roads would be opened during the fall for licensed deer hunters. Three people expressed support of the 2022 proposal, while approximately 40 expressed opposition. In addition, written letters opposing the policy were received from the Select Boards of Barre and Rutland, the Barre Historical Society, the Historical Commissions of Rutland and Barre, and 11 Sportsman's clubs. Finally, a petition opposed to the proposal was signed by approximately 488 people. Many comments focused on the impacts to hunting and fishing activities.

DWSP Response

- DWSP staff met with sporting community representatives to review their proposal for additional internal road access and discuss specific location targets.
- DWSP staff met with representatives from the historic preservation community to review their additional internal road access requests and discuss their specific location targets.
- DWSP met internally to explore options to balance:
 - Access to important fishing, hunting, and historical/cultural destinations
 - Concerns about safety of non-vehicular recreational users caused by vehicles

- Concerns about vehicular access enabling dumping and other illegal activity that threatens water quality
- Concerns about overall numbers of vehicles throughout sensitive watershed lands
- Compliance with regulatory guidance provided by MassDEP.
- DWSP met with the DCR Commissioner's Office, MassDEP Commissioner's Office, and EEA to review options.
- DWSP amended the final plan: *Over seven miles of internal roads will be open to vehicles from dawn to dusk (an additional 2.5 miles relative to the draft plan), prioritizing access to points requested for hunting, fishing, and historical value. Additional roads will be opened in the fall to licensed, permitted deer hunters. DWSP will periodically review the internal road network to evaluate if it meets the desired access goals. Adjustments (without expansion) will be considered during these reviews.*

Other Comments

A few additional comments related to more minor plan elements or asked for specific information.

DWSP Response

- DWSP has worked through additional comment to address errors and improve clarity. Where appropriate, staff are working to provide explanations or answers directly to commenters.