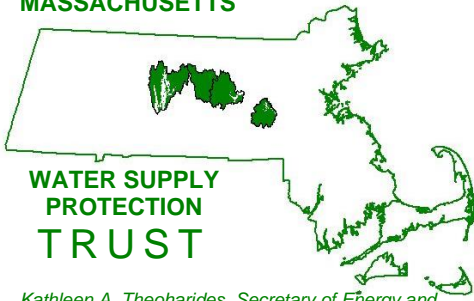


MASSACHUSETTS



Kathleen A. Theoharides, Secretary of Energy and Environmental Affairs
Frederick A. Laskey, Executive Director, MWRA
William Meehan, North Worcester County Quabbin Anglers, Quabbin Fishermen's Association
Louis Taverna, Chairman, MWRA Advisory Board
Fred Heyes, Swift River Valley Historical Society

Water Supply Protection Trust

December 2, 2020

Conducted via Zoom Meeting

Trustees

Lou Taverna, MWRA Advisory Board
Frederick A. Laskey, Executive Director, MWRA
Vandana Rao, Executive Office of Energy and Environmental Affairs
Brigadier General William J. Meehan, North Worcester County Anglers and Quabbin Fishermen's Association
Fred Heyes, Swift River Historical Society

MWRA

Dave Coppes, Chief Operating Officer
Carolyn Francisco Murphy, General Counsel
Beth Card, Director of Regulatory and Environmental Affairs
Sean Navin, Director of Intergovernmental Affairs
Katie Ronan, Environmental Analyst
Michael Cole, Budget Director
Matt Horan, Deputy Director of Finance
Tom Durkin, Director of Finance
Ria Convery, Special Assistance to the Executive Director
Angela Atchue, Associate General Counsel
Jim Conye, Budget Manager
Valarie Moran, Director of Waterworks

DCR

John Scannell, Director, Division of Water Supply Protection
Dan Clark, Director, Quabbin/Ware Region
Ken McKenzie, Director, Natural Resources
Derek Liimatainen, Assistant Regional Director, Wachusett
Lisa Gustavsen, Assistant Regional Director, Quabbin
Joel Zimmerman, Regional Planner
Trish McNally, Budget Manager
Brian Keevan, Environmental Resource Analyst

MWRA Advisory Board

Joseph Favaloro, Executive Director

WSCAC

Lexi Dewey, Executive Director
Whit Beals, WSCAC Member

The meeting was convened at 10 am.

Trustee Laskey called the meeting to order and welcomed everyone. The roll was called and all Trustees were present, reaching a quorum.

Trustee Laskey reviewed housekeeping measures and noted that the public meeting was being conducted via remote participation pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the open meeting law. He noted that the meeting was being recorded and that all votes would be conducted by roll call.

- 1. Approval of the Minutes** – A motion was made by Trustee Taverna and seconded by Trustee Rao to approve the September 24, 2020 meeting minutes. The minutes were unanimously approved by the Trust.
- 2. Watershed Staffing Update** - Trustee Laskey noted that DWSP staffing remains an important issue for the Trust, as well as for both DWSP and MWRA staff. He noted that some progress has been made recently on the issue, though more work remains to be done.

John Scannell provided an update to the Trust, explaining that DWSP's FTE count dropped two positions in October, due to a retirement and an employee leaving, resulting in a total of 130 FTEs. However, DWSP has recently received approval to fill eight additional positions. The eight positions are at various stages in the process of being filled.

Joe Favaloro expressed appreciation that eight positions are being filled, but stressed his frustration that it took eight years to get to this point. He suggested that this authorization is a small step, that there is much more work to be done, and that DWSP needs authorization to fill vacant positions.

Trustee Laskey noted that the MWRA Board of Directors expressed deep concern at the most recent meeting that if this trend continues water quality could be impacted. He explained that the Board unanimously voted to put MWRA funded, DWSP projects at Quabbin on hold. Specifically, including the Quabbin Maintenance Building, repairs at River Road at Wachusett, and Quabbin Administration Building. Trustee Laskey noted that MWRA Board Member Jennifer Wolowicz, who represents the Connecticut River Valley, feels strongly that DWSP should be authorized to fill vacant positions. He noted that MWRA has voluntarily agreed to put capital funds into assets of the Commonwealth, which was not envisioned by the authors of the arrangement.

Trustee Laskey further explained that, at Joe Favaloro's invitation, Former Senator Steven Brewer also attended the MWRA Board meeting and provided context regarding the intended responsibility and purpose of the Trust to avoid this situation. Trustee Laskey noted that former Senator Brewer offered his help to urge lawmakers to reexamine the issue. Trustee Laskey concluded that there has been a lot of recent activity on the issue and that while some progress has been made, more discussions are necessary.

Trustee Rao noted that eight FTEs was a significant step forward and helps to bridge the gap by 40%. She also noted that recent retirements and employees leaving has made the situation more difficult.

Trustee Meehan expressed his frustration with the DWSP staffing situation and explained his understanding that the law was created to avoid this situation. He has written letters to both the Secretary and Commissioner. Trustee Meehan asked for clarification of the law and the authority of the Trust to set DWSP's annual budget. Discussion ensued and Trustee Laskey offered an assessment of the statute and MOU. He explained that while decision-making authority resides with the Trust, the Trust does not have enforcement authority. MWRA General Counsel Carolyn Francisco Murphy agreed with this assessment, noting that the Trust does not have enforcement authority and that the staffing cap is another factor weighing in on the decision.

Trustee Meehan reiterated his frustration on the issue. He stated that he would consider his alternatives and fiduciary responsibility as a Trustee, and would continue to pursue the issue. Trustee Laskey thanked Trustee Meehan and looked forward to working together in the future.

3. DWSP Financial Progress Report – John Scannell provided the following highlights.

- DWSP is about 42% through the fiscal year and spending is at about 30%. John explained that while Salaries account for a portion of underspending, many expenditures such as vehicles and equipment, occur later in the year. Underspending at this point in the year is not unusual.
 - o Vehicles are on order and have not hit the budget. This line item, KK, is about a \$1 million, but only spent about \$70,000 to date. This is not unusual for this time of year.
 - o Facility and grounds, line item NN, is down because construction on many major projects has not begun. These cost tend to fall later in the year and is currently only 10% spent.
 - o Utilities are currently underspent and will likely remain underspent due to teleworking. Vehicular use and associated spending is also down for this reason.
 - o Consultant Contracts, line item HH, is underspent. This includes the UMass contract, which tends to bill later in the year and may also be impacted by Covid19.
 - o John reiterated that at this point in the year underspending is normal.
- Maintenance and Ranger staff are reporting to facilities on a daily basis. The majority of other staff are teleworking, but are in the field when necessary. Fieldwork is being accomplished.
- Forestry is continuing on lots that have been sold in previous fiscal years. The Commissioner has approved FY21 Forestry sales, which are currently in virtual public review.
- Gull Programs are occurring in both reservoirs and MassDOT is assisting with drone flights at Quabbin.
- The annual Wachusett DEP Inspection occurred remotely and had greater participation than normal from DEP staff. John said the inspection went well and that staff did a good job presenting. DWSP expects to receive a letter from DEP at the beginning of the calendar year indicating continued compliance as well as additional requirements and information.
- The Quabbin and Ware inspection is scheduled for the middle of December. It will involve both field inspections and virtual presentations.
- DWSP staff are working on the FY22 Work Plan and Budget.

Lou Taverna asked for copies of the DEP inspection report when received.

Michael Cole noted an underspend of about \$113,000 to date and reminded the Trust that \$959,000 was carried forward from FY20 and not accrued at year-end. Otherwise, DWSP would be about \$1.1 million underspent through October.

4. Forestry and Green Certification – Presentations by Brian Keevan, DWSP and Lexi Dewey, WSCAC.

Brian Keevan, DWSP Natural Resource Analyst, presented a PowerPoint entitled “Water Supply Forestry and Green Certification”.

- Background on Green Certification
 - o Third party independent review assessing forestry practices of organization or landowner looks at sustainability, environmental practices and societal benefits. There is a chain of custody process ensuring that proper rewards are assessed and given to certified wood.
 - o Currently two different certification organizations.
 - Forest Stewardship council (FSC) – Which DWSP was previously certified under.
 - Sustainable Forest Initiative (SFI) – Which is slightly newer.
 - o Certification process involves hiring a third party auditing company to assess all available materials, seek stakeholder input, and audit practices in the field. Findings are compared to standards,

certification is issued and audited annually. Certification lasts for about 5 years and there may be modifications.

- History of Green Certification at Quabbin
 - Quabbin first certified in 1997. Recommendations included improving boundary maintenance and forest cover mapping.
 - Quabbin was recertified from 2002-2004, when other EEA agencies decided to pursue joint certification for all three agencies. Other agencies had further to go to meet requirements. It cost about \$100,000 for all three agencies and \$30,000 for five years of follow up.
 - EEA received final certification including major corrective action requests (CARs). Lack of land management planning was significant through state forest park system, though Quabbin and other water supply lands already had land management plans in place. There were also other issues with public access, boundary work and transparency. Conditions were worked on from 2004-2009 and progress was made.
 - During recertification process, in 2009, controversy over cutting practices on state forest land halted certification and influenced how the audit team assessed EEA. New CARs were imposed, which agencies collectively disputed. An independent third party peer review agreed that some CARs seemed arbitrary.
 - Audit report was released in August 2009 and EEA appealed.
 - In April 2010, FCS upheld the CARs despite agreeing that there were flaws in the way the audit team applied the criteria to state practices. Agencies decided to withdraw from the certification process.
 - The State went through the land designation process and DWSP was tasked with producing a Watershed Science and Technical Advisory Committee (STAC) report of the forest management process. The STAC Report was completed in 2012 and DWSP forestry operations resumed in 2013.
 - STAC Report review committee did not recommend or mention Green Certification in the report and DWSP has not considered pursuing it again since withdrawing in 2010.

- Green Certification Expectations and Realities
 - Independent third party oversight to review forest management practices.
 - There are higher standards for public properties than for similar industrial properties. Certification was expected to provide public assurance that DWSP forest management was sound. However, this was not the case in 2010.
 - There is no formal indication that other EEA agencies are pursuing certification.
 - If DWSP returned to certification under FSC, it is unclear how they would be assessed.
 - DWSP underwent stakeholder processes with Water Supply Advisory Committees and for Land Management Planning. There has been stakeholders input during STAC review process and DWSP will always have stakeholder review of land management planning.
 - Some argue that certification is greenwashing of forest products industry.

- Costs and Timing
 - DWSP would not expect financial gain for efforts based on conversation with others in the industry. Certification efforts did not lead to significant revenue enhancements in the past.
 - Total cost of certification is unclear. DWSP estimates approximately \$30,000 - \$50,000, plus costs related to pre-audit assessment and other associated cost.
 - Staff Time - Certification would take away from staff time managing the forests, when there are already staffing issues.
 - Moving goalposts – Standards appear to be updated every five year, and are potentially more stringent for public lands.

- Conclusion
 - o DWSP believes that the expected benefits were not realized from certification in the past, costs are high and rising, and the standards are constantly changing. DWSP currently has high forestry standards and a good public vetting process. Therefore, DWSP does not see a benefit of pursuing green certification at this time.

Lexi Dewey, WSCAC Executive Director, presented a PowerPoint entitled “The Case for Green Certification”. She also introduced Whit Beals, a member of the WSCAC Executive Committee.

- Why WSCAC recommends recertification
 - o There is growing public opposition to logging on public lands including upcoming legislation and a recent, well-attended webinar with the Attorney General. WSCAC believes this shows a lack of trust and public support.
 - o In January, Representative Whipples will be refilling a bill opposing state forestry practices and the voices of groups in opposition to forestry on public lands are growing.
 - o Environmental groups opposed to current forestry practices include the Nature Conservancy, Mass Audubon and the Trustees of Reservations.
 - o When watershed lands were first certified in 1997 by FSC, DCR had a much larger base of support and allies.
 - o There is abundant evidence that the climate is changing and modifications to forest management are necessary to increase resiliency against disease, mortality, droughts, wildfires, and severe storms.
 - o Although opponents to recertification have argued that it may not address all of DCRs land management practices and priorities, SFI is incorporating a new objective regarding protection of water resources and water quantity.
- Benefits of Recertification
 - o Recertification will broaden the knowledge and research available to all DCR foresters.
 - o Certification provides another level of credibility to the forestry program, which DEP requires to avoid filtration.
 - o Certification brings allies and broadens the support base. It is essential to strive for the lowest level of debate possible.
 - o Certification sends the message that DCR understands and supports public interest in sustainable forest management. The Attorney General’s webinar indicated that the public is becoming more interested in all kinds of sustainability, including sustainable forest management.
- Options for Recertification
 - o Sustainable Forestry Initiative (SFI) – More than 360 million acres of certified forest.
 - o Forest Stewardship Council (FSC) – 154 million acres of certified forest.
 - o Both organizations are in the process of revising certification standards, with drafts available for review in January.
 - o WSCAC has been in contact with SFI staff to understand the specifics of revisions.

Whit Beals noted that New England Forestry Foundation has 30,000 acres of fee ownership certified under FSC. He explained that the private organization is subject to scrutiny from neighbors and others. He suggested that while there is not a significant financial incentive to certification, it can be an inexpensive insurance policy and helps to guide land management plans.

- Lexi explained that WSCAC will continue to review revisions of SFI and FSC standards, and that WSCAC believes that certification is a good insurance policy for DCR and MWRA. Most importantly, it sends a strong signal that DCR watershed lands are managed to the highest standards and provides a base of support with other Massachusetts environmental organizations that will be willing to be allies again.

Having allies and a seat at the table to new information is essential and leads to a wider understanding of what DCR is doing and why.

- WSCAC would like DWSP to provide a preliminary evaluation and a recommendation at next Trust meeting regarding the possibility of certification under either SFI or FSC. WSCAC thinks it is worth the time, effort and money.

Whit Beals recalled his involvement in DWSPs previous certification process and the opposition to logging on public lands that was encountered. He explained that opponents and academics feel that harvesting a single tree is detrimental to carbon storage and therefore to fighting climate change. However, he explained that data indicated that if a forest is managed sustainably, it can store more carbon over time than an unmanaged forest. Whit expressed concern that the upcoming bill opposing state forestry practices could threaten DCR forestry and suggested that certification could help provide a buffer.

The Trustees discussed green certification. Trustee Laskey asked for a reference on the carbon footprint argument. Trustee Taverna requested that, on behalf of the MWRA Advisory Board, green certification be considered. He expressed personal support for certification, noting that it provides an opportunity to manage the watersheds and for DCR to control its own destiny. He expressed understanding that there is no significant payback, but argued that watershed protection is the primary goal and certification would represent a small portion of the entire watershed budget. He acknowledged that there will always be critics, but urged considering certification and further discussion at the next WSPT meeting.

John Scannell explained that the Commonwealth did not get recertified in the past because the standards were constantly changing and unattainable. FSC agreed that the changes were not logical. Scannell expressed concern that DWSP could again be compelled to do things that may not be beneficial to the watershed. In response to a question from Trustee Taverna, John noted that the certification organization had not been receptive to discussing standards in the past.

Trustee Heyes recalled his personal professional experience with FSC at a chain-of-custody certified sawmill where the certification process became difficult, standards changed within certification periods, costs were excessive and there was no market share increase. He also recalled being inspected by FSC on private land. He noted that Quabbin Reservoir has historically lead the approach to equipment and harvesting best practices in the Commonwealth, and has done very well. He suggested that that certification would not lessen opposition and would not give DWSP a seat at the table to discuss standards, which are set by the certifying agency and vary based on land ownership and location. Trustee Heyes suggests that past issues were in part a result of the certifying agency responding to political pressure, rather than environmental issues. He suggested that recertification would reopen the issues and consume staff time. He suggested that DWSP could find other approaches to verification of work that are similar, but allow for discussion of standards.

Brian Keevan expressed doubt that certification would result in support from environmental groups and suggested confirmation prior to considering perusing certification.

Trustee Heyes observed that despite allocating a significant percentage of land to non-management during the forest visioning process, opposition has not reduced. He also expressed concern regarding lack of support from DCR in the face of political pressure, noting that it is unclear if DWSP has DCR support.

Brian Keevan suggested that opponents to forestry promote the idea that carbon storage should be the only goal for public forests, while DWSP and other state agencies manage land for multiple goals, uses and benefits. He noted that DWSP has seen a steady increase in biomass and carbon stocking for decades. Trustee Heyes recommended a report written by John Scanlon regarding carbon storage on Fish and Wildlife Lands. He also noted that forest management is long-term and achieves goals on 100-125 year cycle. He

suggested that opponents to forestry want to use forests to achieve short-term carbon storage goals, in an effort to avoid making lifestyle changes, such as multiple cars. He suggested that the Legislature does not want to be obligated to tell people to change their lifestyles and that certification will not stop opposition to forestry.

Trustee Laskey requested an evaluation comparing the current DWSP forest management program to certification standards, as well as an analysis of the staffing commitment that would be required for certification.

Ken McKenzie reiterated that certification standards are moving goal posts. He noted that standards can change between certification periods and can be politically influenced. He also reiterated that DWSP manages forests over the long-term, because that is how forests respond, and noted that making constant changes is not effective.

In response to a question from Trustee Laskey, Brian Keevan suggested that while carbon storage is an important issue, there is evidence to show that DWSP forests are storing more carbon than they are losing every year.

Dan Clark noted that in his experience, annual certification audits consumed a significant amount of staff time. He agreed that certification is not worth the investment and that carbon storage argument is being used in an effort to stop any type of forest management. There was further discussion among the Trustees. Dan Clark suggested that opponents to forest management are a small but vocal group and that certification would not protect against opposition or reassure opponents of cutting.

Whit Beals observed that all of the criticism of green certification had been related to FSC and suggested investigating and comparing FSC and SFI.

Trustee Laskey acknowledged the complexity of the issue and suggested that it should be discussed further at another meeting. He requested a comparison and asked DWSP and MWRA staff to provide the Trustees with any research they have on either certification program. He suggested that there would need to be a convincing explanation of the value of the program in the watersheds and to the maintenance of high quality drinking water before investing too much staff time.

Whit Beals noted that WSCAC has requested that the STAC report be summarized in a short report available to the public. He explained that it is an excellent report and emphasizes the need for forest management to ensure resiliency to catastrophic events and climate change. He urged DWSP to make that happen.

Trustee Meehan thanked the presenters for an informative discussion and requested both presentations via email or hard copy.

Lexi Dewey expressed understanding of concerns related to the level of the effort, staff time, and money that certification would require. However, she stressed that certification is about performing the best possible forestry. She noted that DCR does not have a strong base of support and allies, which would continue without certification. The certification process has changed in recent years and that while the process is not perfect, it is valuable and worth considering further. She stressed the importance of support and ensuring the best possible forestry. She noted that when Quabbin was certified in 1997, the press was receptive and supportive.

5. Updates on Covid19

- John Scannell reported that DWSP Maintenance and Ranger staff report to work daily while the rest of DWSP staff is teleworking, but in the field when necessary. DWSP has had a few Covid19 scares, but fortunately no significant issues to date. John noted that work is getting accomplished.
- Trustee Laskey explained that most MWRA staff are teleworking, though field crews and water quality test crews are in the field. He noted that MWRA is experiencing a surge, with 60 employees out yesterday

due to close contact, self-monitoring, or Covid19. He explained that while work is getting accomplished, the situation is wearing folks down and hoped for relief in the near future.

6. Quabbin Park Cemetery

- Dan Clark provide an update on Quabbin Park Cemetery projects from DWSP.
 - o The recently installed irrigation system has been winterized.
 - o MWRA has a demolition and hazardous materials contract.
 - o DWSP has awarded a contract for painting of the garage after abatement is complete.
 - o DWSP will coordinate with MHC on repairs and upgrades to the historic office building.
 - o DWSP is working on a cemetery hub website, which will have an internal component to organize and streamline cemetery documents, as well as a public component to provide the public the ability to view cemetery maps and perform research.

Trustee Meehan asked about miscellaneous headstones in cemetery buildings. Dan Clark explained that he is working with DCR historical staff and that there is a plan to address these headstones. Some will be placed on graves where they are missing, while others appear to have been replaced.

- Dave Coppes provided an update on Quabbin Park Cemetery projects from MWRA.
 - o MWRA awarded the Hazardous Materials Abatement and Demolition contract to Associated Building Wreckers. Notice to Proceed (NTP) was in November and the contractor has until August to complete work, though it is expected to be done in the spring.
 - The Cemetery Administration Building – Will not be demolished, asbestos and lead abatement only. Many of the miscellaneous headstones are located here.
 - Maintenance Garage – Will not be demolished, lead abatement only. DCR will then perform necessary repairs.
 - Storage Shed – Will be demolished, materials containing lead will be handled accordingly.
 - Well pump house – Will be demolished after asbestos abatement. Lead paint materials will be handled accordingly.
 - Vault – Lead abatement of facility doors.
 - o Schedule - Abatement should be complete in January and demolition will occur over the winter. Final lead abatement work on remaining buildings will be performed in the spring and buildings will be turned back over to DWSP.

7. Miscellaneous Updates

- Trustee Laskey noted that reports that CSX is purchasing Pam Am Railroad have been confirmed. He explained that this is a major development for the train tracks at Wachusett and hoped it would be an improvement.
- Trustee Laskey referenced a story in the Boston Globe that morning regarding PFAS contained in aerial mosquito spray in the Commonwealth. He explained that the maps do not indicate that spraying occurred over the watersheds, but that MWRA staff will investigate and confirm.
 - o Stephen Estes-Smargiassi noted that there has been minimal spraying over the years in the vicinity of Wachusett Reservoir, most recently in 2019. However, based on initial review of concentrations, it does not appear that there would have been an effect on water quality. He noted that MWRA staff plan to investigate further with additional testing in January. MWRA's website includes information on what was sprayed and detected during that time period.

Meeting was adjourned at 11:38 am.