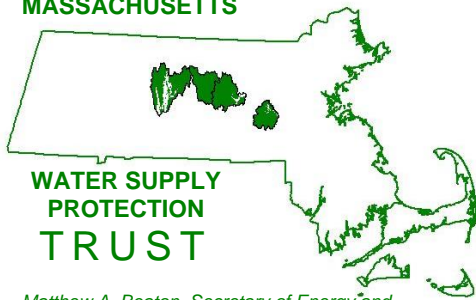


MASSACHUSETTS



*Matthew A. Beaton, 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 6, 2018

MWRA Southborough Facility

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 the Quabbin Fishermen's Association

Fred Heyes, Swift River Historical Society

MWRA

Chris Lam, Assistant Finance Manager

Mike Altieri, Associate General Counsel

Katie Ronan, Public Affairs

Sean Navin, Director of Intergovernmental Affairs

Dave Coppes, Chief Operating Officer

Tom Durkin, Director of Finance

Michael Cole, Budget Manager

DCR

John Scannell, Director, Division of Water Supply Protection

Dan Clark, Director, Quabbin/Ware Region

Jami Carr, Director, Wachusett Region

Brian Keevan, Natural Resource Analyst

Joel Zimmerman, Regional Planner

Trish McNally, Budget Manager

MWRA Advisory Board

Joseph Favaloro, Executive Director

Travis Ahern, Director of Policy and Finance

WSCAC

Lexi Dewey, Executive Director

The meeting convened at 10:10 am.

Fred Laskey welcomed Michael Cole, MWRA's new Budget Director and John Scannell welcomed Jami Carr, DWSP's new Regional Director of the Wachusett Region.

## 1. Updates – John Scannell

- John noted that both reservoirs are currently spilling.
  - Quabbin is at 530.14 ft elevation
  - Wachusett is at 394.76 ft elevation
- The Gull Harassment Program is underway in both regions.
  - For the first time a boat was needed at Wachusett
  - There have been more gulls at Quabbin than Wachusett

Trustee Laskey asked if drones could be used for Gull Harassment purposes. John noted that the Executive Office has a new drone policy and DWSP has been working on proposal to use drones to help estimate the numbers of gulls at the reservoirs.

- Forestry – Wet weather has slowed forest management and prevented some oak salvage jobs.
- Ware River Public Access – DWSP has begun work on the Ware River Public Access Plan. They are currently engaging with user groups and conducting a public survey. DWSP will continue to work on issues through the winter and aim to have a proposal by spring.
- Building Update – Both the New Salem Replacement Building and Clinton Crew Headquarters are close to going out to bid.
- Climate Vulnerability – DWSP is planning to examine the potential effect of climate change on water supply protection. Work will be done in-house. Trustee Laskey requested that DWSP involve MWRA staff currently working on this topic and Trustee Rao recognized the work that MWRA has been doing.
- Fishing – Annual Report discussed later in meeting.
- Hunts – The Wachusett Deer Hunt started on Saturday, December 1<sup>st</sup> and the Quabbin Deer Hunt started the morning of the meeting, December 6<sup>th</sup>.
- John Augustus Hall – There has been no heat at 180 Beaman Street due to a necessary \$750,000 boiler replacement project. John noted that funding for the project did not come from the DWSP budget.

## 2. FY19 Financials and Progress Reports – John Scannell

- John explained that 34% of the DWSP budget has been spent and that they are 42% through the fiscal year. He noted that it is mostly usual spending as well as equipment purchases including a new Mack dump truck and a lowboy trailer at Quabbin.
- John explained that DWSP is proposing a Budget Amendment noting that although it is early in the year, Personnel is underspent by \$600,000. The budget amendment would reallocate funding from Personnel to continued work on New Salem Clean-up and replacement.
- Specifically, a total of \$183,300 was proposed to be transferred from AA Personnel to the following.
  - \$171,300 to the New Salem clean up and replacement
    - \$1,300 to EE for Septic Permitting
    - 13,000 to FF for Replacement Clothing, Safety Gear, Motor vehicle parts and supplies
    - \$18,000 to KK for Equipment and Furnishings
    - \$37,000 to LL for Trailer Rental and Portable Toilet
    - 89,000 to NN for Site clean-up, contaminated soil removal and temporary electrical service
    - \$13,000 to UU for Computers, Radios, and Router
  - \$12,000 to line NN for Wachusett Direct Discharge Investigation and Design
    - There is a direct discharge on Route 110 at Wachusett. This is the last direct discharge. DWSP has been working with MassDOT to complete this work and must go through the

formal process. John clarified that \$12,000 would go to Tighe and Bond for design of the project, construction would then be completed by MassDOT.

In response to a question from Trustee Heyes, John noted that the Salem replacement building will be slightly further away from the Watershed Protection Act buffer zone. He also assured the Trust that it will be an attractive modular building with a slightly pitched roof.

A motion was made to approve the proposed \$183,300 budget amendment and was unanimously approved by the Trust.

Trustee Laskey also mentioned that MWRA has been working on the building insurance issue discussed at previous meetings and noted that he thinks the issue has been resolved.

### **3. Personnel and Hiring – John Scannell**

John Scannell explained that there are currently 23 vacancies at DWSP, citing limits on hiring of full-time personnel. He also noted that the DCR Commissioner and the EOEEA Secretary have been working with the Executive Office of Administration and Finance on this issue.

Trustee Rao added that this issue has received the highest level of attention and noted that the Administration is aware that the DWSP budget is not a part of the General Fund, but rather a dedicated source of funding. She assured the Trust that conversations are ongoing.

John noted that four vacant positions have recommendations to hire and DWSP is currently interviewing for another 5 vacant positions. They are also working to fill the remaining vacant positions.

Joe Favaloro expressed frustration with the situation. He suggested that these resources are dedicated to protecting water and offered to meet with Administration and Finance. He also noted that there seemed to be more vacant positions since September. He explained that the Trust was established to avoid issues like this, and suggested that these discussions should not still be happening five years after the Trust was created, whether it be for the purchase of a vehicle or for personnel. He suggested that if the issue is not resolved by the next Trust meeting, something more drastic may need to be done such as sweeping the unspent budget or eliminating vacant positions.

Trustee Taverna made a motion to discuss sending a letter of concern to the Administration from the Trust to raise concern on the issue and to explain that the DWSP budget is outside of the state budget. He also asked if progress on the Work Plan is being inhibited due to staffing vacancies.

Trustee Rao noted that the Commissioner is well aware of the issue and knows that the DWSP budget is separate from the state budget. She suggested that the Commissioner will read the minutes of this meeting and understand the frustration. Discussions are moving forward and there has been progress in the last three months. She noted that if the Trust votes to send a letter she would need to abstain.

Trustee Meehan asked about if he remembered correctly that EEA got 40 positions and they were dispersed throughout the agencies. John explained that one and half months ago DCR got approval to fill 36 positions, 4 were on the list provided to the Trustees.

Trustee Laskey suggested that if the issue is not resolved by January 1<sup>st</sup>, the Trust could authorize him to send a letter on behalf of the Trust to the Commissioner, Secretary, and Administration and Finance explaining their position. Trustee Heyes and Trustee Laskey agreed that the letter would be constructive and appreciative of the work that has already been done while also providing a primer on the structure of DWSP's budget.

A motion was made to approve Trustee Laskey to send a letter to the DCR Commissioner, Secretary of EEA, and Executive Office of Administration and Finance if the issue is not resolved by January 1<sup>st</sup>. The motion was approved by 4 members of the Trust, Trustee Rao abstaining.

#### **4. Fishing and Hunting Report – Dan Clark**

Trustee Laskey noted a giant Lake Trout that was caught at Quabbin and Dan Clark noted that interestingly, the trout was a re-catch which had been caught a few years ago and had lost weight since then.

Annual 2018 Fishing Report - Dan distributed the 2018 Annual Fishing Report to the Trustees. He noted that the report illustrates attendance and revenue generated from fishing, including a new metric of how many one-day licenses were sold.

- Dan explained that DWSP is trying to incorporate new technology for the upcoming fishing season. In the past a lot of time and effort had been spent transcribing information into databases. A new fleet of iPads and newly developed GIS apps will streamline this process in the boat rental area for next year. He also noted that DWSP is advancing infrastructure in the boat area to include cell boosters to provide service for the iPads.
- Trustee Meehan noted that he was pleased to see that DWSP is not just buying boats but buying motors. Dan agreed, noting that the motors were more needed. Trustee Laskey asked if they were still buying 4 Strokes, noting that he had heard good things about 3 Techs. Dan explained that DWSP aims to keep the fleet all the same brand.
- Trustee Taverna asked about Commercial Fishing issues. Dan explained that an individual that DWSP is familiar with had been conducting a photography workshop and using Quabbin Reservoir as a base. He explained that the State Police recently caught the individual below the barrel line. The individual went to court and was served with a 2-year ban (2 fishing seasons) from the reservoir. Dan noted that he is hopeful that having the State Police involved as well as an enforceable ban will improve the situation going forward. Trustee Laskey asked if guide service is permitted on the reservoir and Dan explained that no commercial activity is allowed on the reservoir. John Scannell noted that DWSP is trying to be firm that boats are permitted specifically for fishing on Quabbin and not for other purposes.

Dan explained that the Wachusett Hunt started on Saturday and that both the reservoir and other zones were opened. 27 deer were harvested on Saturday, of which 22 were adult female does. In total, 53 deer have been taken from the reservoir zone. Dan noted that the numbers are encouraging and reminded the Trust that taking adult female does is the most beneficial. The hunt continues through the month. In response to a question, Dan noted that the recent deer density study estimated 80 deer per square mile inside the reservoir zone, which is very high.

- Trustee Meehan remembered that there were 1200 applications and asked how many permits were issued. John explained that 100 shot gun permits and 150 primitive arms permits were issued and about half of the people with permits participated in the first day of the hunt.

Dan Clark noted that the Quabbin Hunt was starting that morning and was happening during the meeting. He also noted that the Moose Survey at Quabbin was also that day. This means that anyone who sees a Moose at Quabbin is asked to report it.

Trustee Laskey noted that winter ticks are going to devastate the moose population.

## 5. Forestry – Brian Keeven

Gypsy Moth - Brian gave a presentation on DWSP and DCR efforts regarding Gypsy Moths, following up on a previous presentation to address questions raised by the Trust.

- Brian noted that he had talked to Ken Gooch at DCR and was told that DCR is not doing anything in particular beyond salvaging effected Oak.
- Salvage at Quabbin – In September five Oak lots were sold. Three more were prepared for another round but wet weather has prevented them from going through.
- Brian indicated that the current cycle of Gypsy Moths should be on its way down. But there is evidence that next year will be another bad year.

Trustee Rao asked about the long and short term impacts of the Gypsy Moth and Oak Mortality. Brian explained that because the dead trees stop taking up water, there can be a flush of nitrogen in the affected areas. Brian also mentioned that DWSP is looking at thousands of acres of new growth in the watersheds.

Trustee Meehan asked how much time there is to harvest the timber and Brian answered that it needs to be harvested within the year to get full value. John Scannell noted that defoliation doesn't necessarily mean that the tree has died, other factors usually kill the tree. Trustee Rao asked if the soil gets compromised and Brian answered that the hope is that other trees will regenerate.

Trustee Laskey noted that over the years the Trust has been told that the Forestry Program is based on diversity of age and species as well as good management practices. He asked how the Gypsy Moths and resulting oak mortality will affect long term plan. Brian said that is what DWSP is currently working to figure out. John Scannell also noted that because of the forestry program there is diversity and that while Oaks are being killed there are still many other species in the forest. Trustee Laskey asked why, in that case, is harvesting the Oaks necessary. Brian responded that this is a large unplanned mortality and therefore requires a change in plans.

Trustee Rao asked if the cutting of large areas could be a public relations issue and Brian responded that it is somewhat easier because the trees are already dead.

Trustee Laskey asked what the watershed would look like in 10 years and Dave Coppes asked if there were any concerns regarding forest fires if the dead oaks are not removed. Brian explained that there is a low threat of fire. He also noted that accessibility limits what can be harvested and that the current wet conditions prevent access.

Forest Permits – Brian Keeven gave a presentation on Forestry insurance and permit requirements.

- Brian explained that coverage is at the Permittee's expense and that DCR is additionally insured. Trustee Laskey asked if DWSP could go after money for damages and John Scannell answered that the insurance provides the ability to do so.

Trustee Heyes suggested that DWSP should have that ability to enter and cleanup sites when necessary.

- Brian explained that he had gone through the history of the equipment and investigated whether DWSP has the ability disapprove certain subcontractors.
- He noted that the Permittee must submit a Plan of Operation including a list of licensed harvesters. DWSP approval of the plan is required before work can begin.

- DWSP has the potential ability to work the permittees regarding subcontractors. John noted that there have been conversations about keeping problem subcontractors out.
- Brian also noted that DWSP has Performance Bond that are retained if performance is not in compliance with the terms of the permit. He suggested that the Bonds values are generally sufficient to ensure that requirements are met. He noted that the intention had been to provide an incentive to comply with the permit and that in Pelham DWSP obtained the Bond.

Trustee Heyes ask if the time limit was a problem and Brian responded that each individual forestry lot is a 2-year contract, with the potential to extend for a 3<sup>rd</sup> year. It was also noted that it is unknown if DCR has sued in the past for damages.

Brian discussed equipment requirements, noting that 75% of soil compaction happens during the first pass and that this is when issues arise, the soil then recovers. However, when mineral soils are exposed it can take years to recover. Trustee Heyes noted that some equipment causes less compaction and suggested DWSP should raise the standard on equipment compaction requirements when working with sensitive soils in the watershed. Brian noted that DWSP has generally moved away from very specific requirements.

- Brian reviewed two studies regarding DWSP equipment requirement operations
  - 1989 in the Wachusett Watershed – Skidders on small thinnings increased soil compaction but did not exceed levels that inhibit root growth.
  - 2003 in the Quabbin Watershed – Found that forwarder systems impacted compaction more than skidder systems.

Trustee Heyes encouraged DWSP to go back to being more specific. Brian suggested that DWSP should look at impacts and further investigate connection between what is allowed and what the allowable impacts should be. In response to a question, Brian explained that this would involve identifying a set of parameters.

Trustee Taverna asked if the Pelham Elm Lot had been repaired and if the contractor had finished the work. Brian noted timber that was not harvested is still there and that the bridges are also still there. Dan Clark noted that DWSP rented a mini excavator to clean up the site but wet conditions have made it very challenging. He noted that the bridges will stay in place until they can be safely removed.

Dan Clark mentioned that there has been discussion at DWSP about what happened on the site and how to prevent it from happening again. He also pointed that the Bond deposit goes back to DCR and that he was forced to find money for the mini excavator in Quabbin's operating budget.

In response to a comment by Trustee Taverna, John Scannell noted that DWSP has the ability to bypass contractors and that they are not bound to choose the lowest bidder. He noted that DWSP should have language to providing the ability to accept or reject subcontractors.

Trustee Laskey noted that DWSP staff in the field need to be trained, experienced, certified and vigilant.

**6. Approval of the Minutes** – A motion to approve the minutes of the September 5, 2018 meeting was made.

- Trustee Rao noted that there was an amendment on page 6 of the September meeting minutes. Insurance costs were mistakenly noted as \$500,000 and that it should be \$5,000.
- A motion to approve the amended minutes was made and seconded. The minutes were unanimously approved.

**7. Miscellaneous** - Trustee Meehan noted that at the September meeting he had requested an update on AIS and research permits. He asked if all permits need to be renewed and requested that DWSP provide the Trust with links to the research permit policy as well as the AIS reports.

Trustee Laskey asked about River Road in Clinton. John Scannell noted that the road has an area downhill of it that has been washed out and that temporary barriers have been put in place. It was noted that MWRA brought in a geotechnical engineering contractor to evaluate the area and that the road is now off limits to both vehicles and pedestrians.

Trustee Laskey thanked DWSP and the Advisory Board for a good year.

The meeting was adjourned 11:28am.