



Water Supply Protection Trust

March 7, 2024

Virtual Meeting conducted via Webex

*Rebecca L. Tepper, Secretary of Energy and
Environmental Affairs*

Frederick A. Laskey, Executive Director, MWRA

*William Meehan, North Worcester County Quabbin Anglers,
Quabbin Fishermen's Association*

John Sanchez, MWRA Advisory Board

Fred Heyes, Swift River Valley Historical Society

Trustees

Frederick A. Laskey, Executive Director, MWRA

Matthew Romero, Executive Director, MWRA Advisory Board (Designee for John Sanchez, MWRA Advisory Board)

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

Rebecca Weidman, Deputy Chief Operating Officer

Valerie Moran, Director of Waterworks

Mike Altieri, Associate General Counsel

Thomas Durkin, Director of Finance

Matt Horan, Deputy Director of Finance

Colleen Rizzi, Director, Environmental and Regulatory Affairs

Katie Ronan, Chief of Staff

Sean Navin, Director of Public Affairs

Michael Cole, Budget Director

James Coyne, Budget Manager

John Gregoire, Reservoir Operations Program Manager

Hillary Monahan, Project Manager, Environmental Permitting

MWRA Advisory Board

Christine Bennett, Research & Policy Analyst, MWRA Advisory Board

Nathan Cote, Policy & Finance Co-Op, MWRA Advisory Board

DCR

John Scannell, Director, Division of Water Supply Protection

Dan Clark, Regional Director, Quabbin/Ware

Lisa Gustavsen, Deputy Regional Director, Quabbin/Ware

Derek Liimatainen, Deputy Regional Director, Wachusett

Ken MacKenzie, Director, Natural Resources

Kelley Freda, Regional Director, Wachusett/Sudbury

Trish McNally, Budget Manager

Joel Zimmerman, Watershed Planning Coordinator

Scott Campbell, DCR Regional Engineer

Kim English, Ranger Lieutenant

Kerry Princiotta, Ranger Captain

Greg Gaskin, DCR Ranger

Sean Flood, Ranger Captain

WSCAC

Moussa Siri, Executive Director

Other

Clayton Sydla, Quabbin Fisherman's Association

Dan Hammock, North Worcester County Quabbin Anglers Association

The meeting was convened at 10:01am.

- 1. Welcome and Introductions** – Trustee Laskey welcomed attendees, introduced himself as the Chair and called the March 7, 2024 meeting of the Water Supply Protection Trust (WSPT) to order.

The Trustees, as well as several MWRA and DWSP staff, attended the virtual meeting via Webex. Associate General Counsel Mike Altieri called the roll to establish attendance and a quorum. All Trustees were present.

- 2. Approval of the Minutes** – A motion was made by Trustee Rao and seconded by Trustee Heyes to approve the February 14, 2024 WSPT meeting minutes. Mr. Altieri called the roll. The Trustees unanimously voted to approve the minutes.

- 3. Approval to Amend FY2024 Work Plan and Budget - Quabbin Administration Building Roof Replacement** – John Scannell, Director of the DCR Division of Water Supply Protection (DWSP), shared an update on the Quabbin Administration Building Roof Replacement project. Mr. Scannell noted that revised quotes have been received from the roofing contractor and that the total is now \$1,828,485. Mr. Scannell further mentioned that the bulk of the cost relates to the six chimneys involved in the project.

Dan Clark then explained that the roof contractor brought back a mason subcontractor specifically to assess the chimneys, who recommended to demolish the chimneys and start over. Mr. Clark noted that the chimney work represents the bulk of the increase between the two quotes. He added that while the reconstruction will require a significant amount of labor, the new chimneys are expected to last for decades to come and will enhance the property's appearance. Mr. Clark also stated that asbestos removal was included in the new quote.

Dave Coppes, MWRA Chief Operating Officer, expressed concern regarding the information related to additional masonry work. Mr. Coppes suggested that DCR reach out to the contractor to obtain additional backup information, as it is currently difficult to determine whether or not the quote accurately represents the work needed. He noted that MWRA needs an opportunity to review and evaluate the quote, though at this time, the steep cost is causing hesitation to proceed.

Mr. Scannell responded that DCR is in the process of obtaining more information from the contractor. Trustee Laskey asked if there is any way the Trust could do a contingent approval to avoid reconvening on the matter. It was mentioned that the MWRA Board would demand more detail than what is currently being presented, and requires backup information to be able to move forward.

Trustee Romero asked if there is a possibility to mimic delegated authority votes that MWRA gets from the Board of Directors so that MWRA can feel more comfortable with the dollar value. Trustee Laskey noted that public health and safety issues are of extreme importance and that there is a need to complete the work and have the record accurately reflect that this project was given appropriate scrutiny to move forward.

Mr. Scannell asked if the Board could vote to approve up to the new amount subject to further review and final approval of the scope by DCR and MWRA. Trustee Rao asked if Mr. Coppes could clarify the type of

backup information he would like to see, to which he responded that MWRA would like to see a detailed breakdown of the work. DCR currently has a line item in the contractor's proposal which is a lump sum for the masonry subcontractor's work for \$597,000 for taking the chimney down, and there is no description of size of crew needed, scaffolding details, etc. Mr. Coppes expressed concern regarding the discrepancy between the level of detail on the other \$1.2 million worth of work, and very little detail on the \$597,000 price. He noted that MWRA needs to evaluate the basis of the price and if the amount seems appropriate.

Trustee Laskey echoed that sentiment. Trustee Rao agreed that it makes sense to vote an approval of up to that amount pending further approval and negotiation by staff of both DCR and MWRA on the details. Trustee Heyes agreed, noting that the cost seems to total \$100,000 per chimney, which he explained does not seem too far out of line.

Trustee Laskey emphasized the importance of accurate documentation. Mr. Altieri proposed the following language for a motion: *to provide for the necessary repairs to the Quabbin Administration Building/Annex Building's roofs and chimneys, move to amend the FY2024 Annual Work Plan and Budget by adding the Quabbin Administration Building/Annex Building's roof and chimney work in the amount of \$1,828,485 to the annual major projects in the Quabbin/Ware Region, subject to further review and approval of these costs by the MWRA and DCR staff.*

Trustee Heyes raised the question of whether auxiliary work is included, or if the language should specify chimney, roof, and accessories. Trustee Laskey agreed with this statement.

A motion was made to approve the language as read by Mr. Altieri, as amended by Trustee Heyes, by Trustee Rao and seconded by Trustee Romero. Mr. Scannell noted that the contractor expects that work will go beyond the end of June, and when the Board votes on the Work Plan for next year. There are remaining costs that will move into 2025. Tom Durkin, MWRA Director of Finance, assured Mr. Scannell that MWRA will be watching for invoices for this work and will communicate with DCR as FY25 progresses. He advised that there is no need to budget the project twice.

Mr. Altieri called the roll. The Trustees unanimously voted to approve the new language.

Trustee Laskey thanked the Trust members for their flexibility and emphasized the importance of the cooperative spirit between the agencies with the common goal of improving the watersheds. Trustee Romero echoed that sentiment, noting that the MWRA Advisory Board appreciates the opportunity to work with DCR staff and appreciates the cooperative spirit among agencies.

In response to an air quality concern posed by Trustee Meehan, Mr. Scannell noted that air quality testing has been completed at the Quabbin Administration Building, especially on the third floor, and there are no concerns about staff health and safety at this time. Air quality testing is included in the quote and there will be funds available for additional work if need be.

4. Financial and Progress Reports – John Scannell shared a presentation on the FY2024 Expenditure Update.

- **Expenditures** – At 67% through Fiscal Year 2024, the DWSP budget is 55% spent. Mr. Scannell explained that this is normal, with typical spending. He added that although Construction Improvements spending seems low, totals tend to finalize later in the fiscal year.
- **FY2024 Updates** –
 - Mock Search and Rescue with drone
 - Interpretive Services
 - First Day Hike at Wachusett Reservoir with over 270 people in attendance

- Started an evening series of water quality/watershed talks “Watershed Wednesdays” once per month at John Augustus Hall (JAH)
 - DWSP GIS initiatives
 - Hunting Map app - GIS staff have developed a hunting map application that allows users to be able to figure out where they are allowed to hunt on DCR property. A public access application is now being finalized for the watershed lands to point people to where they are allowed to go and guide visitors to be in the right places and do the right thing.
 - EQA reporting tools - Environmental Quality Assessments which are more detailed reviews of portions of DCR watersheds each year. Tools for better data collection and quick analysis are in development.
 - Sudbury Reservoir boat ramp construction
 - Two new videos – Making Salt Brine and Use of Salt
 - Media coverage – salt reduction outreach
 - Globe
 - Governor had questions about use at her home
 - Ware River Public Access Gate updates
 - Ware River updates regarding signage
 - Prison Camp Hospital Clearing
 - Quabbin Tower Vista Clearing
 - Pout and Trout Campground Encroachment
 - Forestry Talk
 - Prescribed Fire land management activities
 - Burn at Barre Heath – September 21, 2023
 - Burn at Gay’s Hill – February 22, 2024
 - Equipment purchases
 - 25 ton-deckover trailer to carry heavy equipment
 - Radio replacements at Wachusett
 - Material Screener
 - Quabbin Freightliner Dump (on order)

5. Personnel and Hiring Update – John Scannell explained that DWSP is currently two slots away from being fully staffed. Mr. Scannell noted that two positions are posted and interviews are underway. Trustee Laskey applauded the efforts of DWSP on hiring efforts.

6. Presentation of Draft FY2025 Work Plan and Budget – John Scannell presented the following Draft FY2025 Work Plan and Budget. He noted that the Work Plan and Budget for the following fiscal year is typically presented in March and voted on by the Trustees in June.

- Division-wide
 - Land protection efforts will continue through purchase of fee and Watershed Preservation Restrictions (WPRs)
 - DWSP staff will continue monitoring WPRs on a regular 2-3 year basis (federally-funded WPRs monitored annually per agreement)
 - Progress on the Climate Vulnerability Assessment will continue by implementing Phase 2 of the consultant contract
 - Use of GIS and electronic field data collection will continue to expand and streamline numerous DWSP protection efforts, including EQA data collection, Ranger incident reporting, Quabbin Fishing Area management, and public access mapping tools
 - Staff are working to complete an update to the Terrestrial Invasive Plant Management Plan to document the threat of invasive plants to Watershed Forest. Staff will prioritize control efforts to prevent new introductions and effectively control existing infestations where possible.
 - The bird harassment program will continue

- Water Quality monitoring will continue
 - Forestry operations will continue
 - Continue forest stand adjustment pilot project to enhance tree species diversity, resiliency, wildlife habitat, tree vigor, carbon storage, and stand diversity
 - Ranger presence throughout the watersheds will continue, in coordination with Massachusetts State and Environmental Police
 - Implementation of the Watershed Protection Act and assorted regulations will continue
 - Major dams will continue to be monitored and maintained, in coordination with MWRA, as well as smaller dams
 - Education and outreach programs will continue and expand, both online and in-person
 - The Payments in Lieu of Taxes (PILOT) program will continue across the watershed system
- Wachusett/Sudbury Region
 - Vegetation management around the Wachusett Reservoir will continue
 - Beaver control in the Pathogen Control Zone and work to reduce impacts of beaver in other areas in the watershed will continue
 - White-tailed deer management will continue through deer hunting permits
 - Road management and upgrades will continue
 - Continue to work with consultants and MassDOT on contract for the construction of final remaining direct discharge to the Reservoir in Sterling in FY25-26
 - Successful aquatic invasive species control work will continue in the Stillwater and Quinapoxet basins, in coordination with MWRA. Monitoring in other surrounding ponds and streams, including at South Meadow Pond, will also continue.
 - Work to encourage municipal improvement to salting practices and monitoring will continue, including expansion of social media presence
- Quabbin/Ware River Region
 - Land Management activities will continue
 - Complete long-term forestry paired watershed water quality study and issue report
 - Staff will continue forestry operations and monitoring
 - Drone work with MassDOT will continue at Quabbin Reservoir to monitor gull roosting
 - Continue successful implementation of controlled deer hunts, including implementation of the Quabbin Park Deer Management Plan
 - Visitors Center education and outreach will continue, both in-person and online
 - DWSP will continue to work with MWRA on the Quabbin Administration Building Complex capital improvement design study. Trustee Romero inquired about the timeline of the work schedule to complete the study related to the emergency work needed. Mr. Scannell responded that he believes the study will still move along as planned.
- FY2025 Major Project Highlights
 - Quabbin
 - Radio replacement with new digital radios
 - Quabbin Administration Building Hanger Door Replacement Design
 - Forestry Building Demolition
 - Completion of Admin Building Roof
 - Wachusett
 - Purchase of storage building
 - Aquatic Invasive Plant Control South Meadow Pond Complex
 - Permitting/Contract assistance Route 110 Direct Discharge Elimination

- FY2025 Draft Operating Budget
 - \$24.69 million operating budget
 - \$1.08 million revenue projected
 - Personnel increase due to pay raises and position upgrades

Trustee Laskey noted that the report would be accepted and placed on file.

7. Miscellaneous Updates

- **Ranger Enforcement Update** – Derek Liimatainen, Deputy Regional Director at Wachusett, shared a presentation on DCR Ranger enforcement. He explained that the percentage of violators has remained relatively constant before, during, and after Ranger ability to write citations. Mr. Liimatainen noted that even during Covid19 pandemic years with increased visitation, the percentage of violations remains similar. Differences in the percentage of violators between Quabbin and Wachusett is believed to be a product of the type of visitors – Quabbin is more of a destination whereas Wachusett is the backyard to many private residences.

Mr. Liimatainen explained that the goal is for Rangers to converse with visitors and educate them about DWSP lands, and to explain that DCR allows public access but must be restrictive. He noted that the best enforcement comes from conversation and understanding. When violations occur, Rangers work to gain understanding through verbal communication. Occasionally, when violation numbers escalate in an area or with a certain activity, Mr. Liimatainen explained that Rangers use targeted enforcement days with a greater Ranger presence and possible law enforcement involvement.

- Wachusett/Sudbury Enforcement Cards
 - An informative handout on double-sided cardstock issued to individuals observed in active violation on DCR DWSP lands. Card offers alternative legal areas.
 - Rangers will use the ArcGIS ‘heat map’ to target specific problem areas on specific days, and each individual violator will receive an enforcement card.
 - Separate cards will be designed for each of the most popular violations.
 - When Rangers issue enforcement cards, they will verbally acknowledge that repeat offenders may face further penalties.
 - ❖ The law does not allow Rangers to require a violator to provide identification or to provide their name.
 - ❖ The law does not allow a Ranger to detain a visitor.
- Use of Law Enforcement
 - All DWSP rules and regulations fall under M.G.L Chapter 92A ½ (criminal). Enforcement of Watershed rules and regulations is a portion of Massachusetts Environmental Police and Massachusetts State Police responsibilities.
 - Rangers have never referred all violations to law enforcement
 - Law enforcement referrals are done when:
 - ❖ Threat of physical harm to staff, self-harm, or to the public occurs
 - ❖ Physical damage to Commonwealth property
 - ❖ Trespassing at critical facilities such as Wachusett Dam

Trustee Meehan expressed significant concern regarding Ranger enforcement and called attention to 302 CMR 12.20(5), which authorizes Rangers to ask violators for personal identification. He emphasized that law enforcement should have been contacted over a span of 381 violations, and reiterated the idea of banning violators from the watersheds for up to one year. Trustee Meehan noted that there are individuals deserving of a citation, and currently, verbal warnings are not sufficient. He expressed concern over public safety, pollution, fires, and public health issues that may result if strict citations are not issued.

Trustee Meehan emphasized that egregious violations should be treated with appropriately strict citations and law enforcement involvement. He explained that the Trust should come to an agreement on how to handle egregious violations that previously would have received a citation.

There was a discussion regarding the nature of violations in recent years and actions taken in terms of violator consequences. Trustee Rao asked a question regarding days when law enforcement officers accompany DCR Ranger staff. Mr. Liimatainen explained that staff work with Environmental Police during certain days, such as opening day of fishing season. During that day, Rangers and Environmental Police engage in specialized patrols that involve license checks and other compliance activities. Mr. Liimatainen further noted that Rangers will continue to distribute educational cards going forward for non-egregious violations.

Trustee Laskey expressed frustration regarding the ongoing Ranger enforcement issue, and noted the challenge of running an effective program within the limitations of the law while maintaining positive public perception of the watersheds. He further noted activity reports and input from legal staff as two main sources of information on how best to approach this issue. Mr. Scannell reiterated that DCR is a regulated public water supply and that its regulators, DEP, have reviewed their enforcement approach.

Trustee Heyes noted that as the education process improves, it would be ideal to see the needle move in a downward trend – however, it appears to be a steady state. Trustee Rao added that outreach to local communities would be beneficial as well. Mr. Liimatainen noted that social media could be beneficial in these efforts. Trustee Rao commented that an outline of specific steps that DCR is taking and a clear outline of what is considered to be an egregious violation should be memorialized, perhaps in the Work Plan.

Trustee Romero added that the MWRA Advisory Board shares similar concerns regarding the inability of the Rangers to enforce citations and noted possible options to explore, including amending legislation. Trustee Romero thanked Trustee Meehan and expressed interest in reviewing additional breakdowns of citations from years prior. Trustee Rao noted that she shared similar concerns, and suggested that DCR highlight data on past violations in the Work Plan or in a separate memo to get a sense of the spectrum of violations, from mundane to egregious. Trustee Heyes expressed interest in exploring avenues to make legislative changes. Trustee Laskey agreed.

Trustee Meehan asked a question about Gate 43 Access Road and Bladderwort in Pottapaug Pond. Mr. Scannell responded that work on Gate 43 is estimated to begin on May 6th, and that DCR is working to finalize a strategic plan to move forward with eradicating the plant. Trustee Meehan requested updated information regarding boat access and fishing in Pottapaug Pond.

- **Forestry** – Mr. Scannell briefly explained that EEA is now working to finalize the forestry policy based on comments and recommendations submitted earlier in the year to the Climate Forestry Committee regarding land management decisions, and noted that he expects the final document by the end of March 2024.

A motion was made to adjourn the meeting by Trustee Romero. The motion was seconded by Trustee Heyes. Mr. Altieri called the roll. **The Trustees unanimously voted to adjourn the meeting at 12:00pm.**