



## Water Supply Protection Trust

June 10, 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

Dan Hammock, North Worcester County Quabbin Anglers Association (Designee for Brigadier General William

J. Meehan, North Worcester County Anglers and Quabbin Fishermen's Association)

Fred Heyes, Swift River Valley Historical Society

### MWRA

Rebecca Weidman, Deputy Chief Operating Officer

Valerie Moran, Director of Waterworks

Thomas Durkin, Director of Finance

Colleen Rizzi, Director, Environmental and Regulatory Affairs

Katie Ronan, Chief of Staff

Sean Navin, Director of Public Affairs

Angela Atchue, Associate General Counsel

Michael Cole, Budget Director

James Coyne, Budget Manager

Michael O'Keefe, Sr Program Manager, Planning

John Gregoire, Reservoir Operations Program Manager

Hillary Monahan, Project Manager, Environmental Permitting

### 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

Joel Zimmerman, Watershed Planning Coordinator

Ginny Dautreuil, Natural Resource Analyst

Brian Keevan, Natural Resource Analyst

Christian Smith, Forest Resilience Coordinator

### WSCAC

Moussa Siri, Executive Director

### Other

Read Porter, Deputy General Counsel, Executive Office of Energy and Environmental Affairs

Chris Lisinski, State House News Service

Judith Eiseman, Town of Pelham

**The meeting was convened at 10:11am.**

- 1. Welcome and Introductions** – Trustee Laskey welcomed attendees, introduced himself as the Chair and called the June 10, 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. Trustee Laskey called the roll to establish attendance and a quorum. It was noted that Mr. Daniel Hammock, representative of the North Worcester County Anglers and Quabbin Fishermen’s Association, would be standing in for Trustee Meehan for the duration of the meeting. Trustee Laskey noted that Trustee Meehan would resume his role as Trustee in the First Quarter of FY25, effective July 1, 2024.

- 2. Approval of the Minutes** – A motion was made by Trustee Rao and seconded by Trustee Heyes to approve the March 7, 2024 WSPT meeting minutes. Trustee Laskey called the roll. The Trustees unanimously voted to approve the minutes.

- 3. FY24 Spending Update** – Scannell, Director of the DCR Division of Water Supply Protection (DWSP), shared a Fiscal Year 2024 Expenditure Update (through April 2024, or 83% of the fiscal year):

- **Expenditures** – About 70% total expended, on-track for the year.
- **Revenue** – Revenue is on-target for the year.
- **Other Updates** –
  - DWSP’s current FTE count is 148, with three vacancies. Hiring efforts are underway.
  - Several retirements in June 2024.
  - Quabbin window project beginning; expect all windows to be completed by early fall.
  - Quabbin roof update; Mr. Scannell noted that DWSP was using an existing contract that DCR has for roof work specifically. This roof project was going to push that contract over the limit by an amount that did not allow the agency to complete the work under that project. DWSP is now going out to bid on a separate contract for that roof.
  - Wachusett sponsored 37<sup>th</sup> annual Massachusetts Envirothon.
  - Phase 1 of Climate Vulnerability Assessment – a report will be shared during First Quarter meeting in September 2024. Received funding to move forward with second phase of Assessment for next fiscal year.
  - Project Updates:
    - Spillway Tree and Brush Removal (FY24);
    - Northern Tree;
    - ARPA 2.0 Funds \$123,210.00;
    - New DC-rated surge protection, disconnects and controls, integrated AGM sealed-lead batteries;
    - BLA III Electrical Upgrade (FY24) Brown Electric – Photovoltaic Shed, major project funds \$46,329.88;
    - Quabbin Reservoir Hell Huddle Road (Gate 43) – Road Reconstruction (FY24) ARPA 2.0 Funds, Major Projects (WSP) \$341,435.75;
    - Wachusett staff presented at several conferences and meetings about the importance of road salt reduction; WQ presented at several conferences and meetings, including New England Water Works Association, MassDOT District 2, and WSSC Salt Summit.
    - Staff performed outreach at municipal Touch a Truck events, DPW Open Houses, and Dam Day; and
    - Monitoring tributary, MayFly sensors to ensure accurate readings.

Trustee Romero inquired about scope and scale of the Quabbin Roof Project. There was discussion centered on knowledge of guidelines in advance so that time is saved in the re-bid process. Scannell noted that it is

abnormal to end up with a large project like the Quabbin Roof Project underneath an existing contract. Trustee Romero then asked if there are any concerns with the ongoing state of the roof temporarily while waiting for the contract to go out to bid. Clark noted that the roof is starting to deteriorate, but he is hopeful that work will be completed before any drastic damage to the interior can possibly occur. Trustee Romero echoed Trustee Meehan's ongoing safety concerns over air quality within the building, and requested the air quality be checked continuously as a precaution for employees.

Trustee Laskey reflected on the end-of-year report and expressed gratitude for the team effort in compiling a list of accomplishments for the year. He emphasized the importance of obtaining funding and tools needed to accomplish the goal of having the best drinking water in the country.

Trustee Laskey noted that the FY24 Spending Report was accepted and would be placed on file.

**4. Approval of FY25 Work Plan and Budget** – Scannell shared a presentation on the Draft FY25 Work Plan and Budget. He reminded the Trust that the Draft FY25 Work Plan and Budget was presented to the Trust in March 2024. The Work Plan has not changed since then. The following highlights were discussed.

- Division-wide
  - Land protection efforts will continue, guided by the Land Acquisition Model for each watershed. Staff will continue to look for other sources of funding to expand protection efforts as allowed.
  - Monitoring of WPRs will continue with parcels being monitored on a two- to three-year schedule (federally-funded WPRs monitored annually per agreement).
  - Continue the Climate Vulnerability Assessment by implementing Phase 2 of the consultant contract. Update to come in September 2024 meeting.
  - Continue the use of GIS and electronic field data collection to expand and streamline numerous protection efforts including EQA data collection, Ranger incident reporting, Quabbin Fishing Area management, and public access mapping tools.
  - Update the Division's Terrestrial Invasive Plant Management Plan to document the threat of invasive plants to Watershed Forest. Prioritize control efforts to prevent new introductions and effectively control existing infestations where possible.
  - Implement bird harassment programs at both reservoirs to continue source water quality standard compliance.
  - Monitor and analyze water quality in tributaries and the Reservoirs. Continue weekly or more frequent sampling of the reservoir for plankton. Continue extensive hydrologic monitoring (stream flow, groundwater, precipitation, and snowpack).
  - Continue forestry operations, with active forest lots monitored by Foresters ensuring all Best Management Practices (BMPs) are being followed to maintain water quality protection.
  - Continue forest stand adjustment project to enhance tree species diversity, resiliency, wildlife habitat, tree vigor, carbon storage and stand diversity.
  - Maintain Ranger presence to monitor and control public access. Enforce DWSP regulations through education and targeted patrols. Work with State and Environmental Police to enforce more serious violations.
  - Continue implementation of the Watershed Protection Act and Regulations (3113 CMR 11.00)
  - Monitor and maintain major dams in the system, as well as smaller watershed dams.
  - Continue to expand education and outreach programs both online and in-person that showcase the mission and accomplishments of DWSP.
  - Administer the Payment in Lieu of Taxes (PILOT) program across the watershed system.
- Wachusett/Sudbury Region
  - Work with consultant and MassDOT on contract for the construction of final remaining direct discharge to the Reservoir in Sterling in FY25-26.

- Continue efforts with MWRA to control aquatic invasive species in the Stillwater and Quinapoxet basins. Monitor watershed ponds and streams for presence of aquatic invasive species, including efforts at South Meadow Pond complex.
- Continue work on road salt issue including expanded social media presence, evaluation of the grant program to encourage municipal improvements to salting efforts and work on tributary monitoring.
- Quabbin/Ware River Region
  - Continue successful implementation of controlled deer hunts at Quabbin including implementation of the Quabbin Park Deer Management Plan.
  - Continue to operate the Visitor Center at Quabbin, pairing in-person and on-line educational opportunities.
  - Work closely with MWRA on the Quabbin Administration Complex capital improvement design study.
  - Continue drone work in conjunction with MassDOT aeronautics division to conduct gull roost monitoring at Quabbin Reservoir.

#### FY25 Major Project Highlights

- Quabbin
  - Radio replacement with new digital radios
  - Administration Building hanger door replacement design
  - Forestry building demolition
  - Completion of Administration Building roof
- Wachusett
  - Purchase of storage building
  - Aquatic invasive plant control South Meadow Pond Complex
  - Permitting/Contract assistance Route 110 Direct Discharge Elimination

#### FY25 Draft Operating Budget

- \$24.69 M operating budget
- \$1.1 M revenue projected
- Personnel (AA) increase due to pay raises and position upgrades

Scannell answered a question from Trustee Laskey regarding the year-to-year increase of 2025 over 2024. Scannell noted that the FY24 budget was just under \$23 M.

Trustee Hammock asked a question regarding a budget or plan for rebuilding the New Salem Field Office. Scannell noted that DWSP is working with MWRA staff to put out a contract to design a new building for New Salem. Trustee Hammock asked if there is a design in place, and requested clarification on the timeline expected for that process. Trustee Laskey noted that a high-level, conceptual design exists, though MWRA is seeking certain modifications. Scannell explained that MWRA staff are working on a contract scope of services to use for publicly procuring design services. It was noted that the team is waiting for the Quabbin Maintenance Building to go out first, then Administration and New Salem will go out together. Design timeline will be made available this coming fiscal year.

A motion was made by Trustee Romero and seconded by Trustee Heyes to approve the FY25 Work Plan and Budget. Trustee Laskey called the roll. The Trustees unanimously voted to approve the FY25 Work Plan and Budget.

5. **Review of DEP Annual Inspection Letters** – Scannell reminded the Trust that MassDEP conducts an annual review of the water system and issues letters to MWRA and DWSP for both the Quabbin/Ware and

Wachusett Watersheds. DWSP received the letters earlier in the year. Over all, they were routine and expected. Scannell provided the following overview.

- Quabbin/Ware River Inspection –
  - Staff led a field tour on October 5 and gave a presentation to MassDEP on October 11, 2023.
  - MassDEP issued their inspection letter on May 14, 2024 and included two requirements:
    1. Provide an update letter to MassDEP by August 31, 2024 with information on watershed programs that were outlined in the Inspection.
    2. By the end of each month, provide an update on any expansion of wildlife control programs.
- Wachusett –
  - Staff gave presentation on October 20, 2023.
  - MassDEP issued inspection letter on February 13, 2024 and included two requirements:
    1. Provide an update letter to MassDEP by June 1, 2024 with information on watershed programs that were outlined in the Inspection.
    2. Maintain sufficient staffing to manage watershed protection program.
  - DCR submitted update letter on May 14, 2024.

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

## 6. Miscellaneous:

- **Open Meeting Law** – Read Porter, EEA Deputy General Counsel, presented on the Open Meeting Law. He reminded the Trust that *deliberation* includes “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction”. Porter explained that any email involving three or more Trustees discussing any matter that could come before the Trust would be considered a deliberation for Open Meeting Law purposes. He noted that it does not matter whether a response from other recipients is requested or expected; the expression of any opinion on a matter within the body’s jurisdiction constitutes a deliberation, even if it is just one email, and therefore would violate the law.

Porter advised that if Trustees have a matter that they would like to have discussed by the Trust at a public meeting, they should send communications of that nature to Chair and Trustee Laskey so that it can be discussed at a public meeting. Porter further noted that if an open meeting violation does occur, then public disclosure of that deliberation must be entered into the record or meeting minutes. A 1:1 communication is legal, though forwarding a communication counts as the equivalent to a deliberation. Porter advised that it is best to avoid email chain communications. Carve-outs to the Law include the following:

- distribution of meeting agendas;
- scheduling or procedural information; and
- provision of reports or documents that may be discussed at a public meeting so members can prepare. (e.g. a PowerPoint presentation to be displayed at a public meeting can be emailed to the Trustees in advance of the meeting).

Trustee Heyes asked a question of where Porter draws the line between *informational* and *deliberation*. Porter explained that Trustees should contact the Chair if they would like to add an item to the agenda ahead of the meeting. Porter emphasized that a 1:1 communication is not a violation of the law, so long as that communication is not forwarded to a third Trustee. Trustee Laskey noted that the Trust would obtain a copy of the guidelines from the Attorney General’s Office for further reference. Porter provided the website and link to the Trustees to access the AGO’s guidelines. Trustee Rao thanked Porter for his clarification on the Open Meeting Law process.

- **Forest as Climate Solutions Update** – Ken MacKenzie, DCR, shared an update on Forest as Climate Solutions.
  - MacKenzie reported that DCR has recently received the official document that is the EEA response to Forest as Climate Solutions from the original Climate Forestry Committee (CFC) that was put together by EEA to review forestry on state lands and as a whole in Massachusetts. He expressed excitement to share that the pause on all state forestry is set to be lifted on June 10, 2024. He thanked MWRA’s contribution during the public comment period, and noted that EEA seeks to elevate forests in DCR’s mission. MacKenzie explained that \$50 M has been dedicated to the different aspects of Forest as Climate Solutions, including \$8 million for reserves, designation of reserves, and increased communication and transparency efforts. DCR plans to elevate climate-related issues and increase public awareness of resilience topics, such as:
    - responding to different pests and pathogens;
    - dealing with invasive species and how to prevent them from impacting our forest regeneration; and
    - updating salvage policy – *how* and *where* DCR can carry out salvage operations when there is a pest infestation.

Trustee Romero asked a follow-up question regarding the lifted moratorium and resulting timetable for putting out new parcels for forestry. MacKenzie explained that there are 10 projects that are ready to go immediately in June. He noted that 32 other projects have been publicly approved and will move out quickly by fall. Brand new projects will be put out in September. Trustee Romero asked a question regarding enhanced transparency, and if anything operationally will change. MacKenzie noted that DCR will have to designate reserves and are still working on the guidelines for what dictates reserves. EEA wants to see 10% of all forested land in reserves across the state and across ownerships. Staff will be looking at areas that make sense to have reserves on DCR property.

Trustee Romero noted that Scannell had previously mentioned a DCR study on forestry management impacts on water quality. Scannell explained that the study was a long-term project in both watersheds that incorporated five years of water quality monitoring. There are no finalized reports at this time, but such are forthcoming. Trustee Romero expressed his interest and support for those studies, as they will provide supporting data to prove that forestry management helps to improve water quality in the watershed. MacKenzie added that DCR is doing pre- and post-harvest water monitoring on individual projects throughout the watershed. Scannell noted that short-term turbidity monitoring has been done to determine the impacts of timber harvesting in real time. It was determined that forest harvesting does not create turbidity issues.

- **Forest Timber Stand Improvements** - Christian Smith, DCR Forest Resilience Coordinator, shared a presentation on the Forest Stand Improvement (FSI) Program’s winter season.
  - Smith explained that FSI is a form of pre-commercial forest management used to improve vigor, composition, productivity, and quality of forest stands at the sapling stage of regeneration.
    - FSI ensures tree species diversity in a forest stand by reducing competition.
    - Desired tree species: oaks, hickories, sugar maples, and other hardwoods.
    - Without intervention and removal of competition, these species are more likely to become suppressed and die.
    - Oak and hickories: valuable trees for many species of local wildlife. Expected to become even more important as the changing climate causes them to expand their ranges northward.
  - Smith discussed the importance of FSI to our watersheds:
    - regeneration goals include diversity of tree species;
    - harvest regeneration sampling dominated by black birch, white pine, and red maple; and

- began in collaboration with white oak sapling release study conducted in Ware River by Jeff Ward.
- FSI Site Assessments:
  - harvested 8-20 years prior; after 20 years of growth, overstory composition is mostly determined;
  - assessed by DCR Division of Water Supply foresters to determine if FSI is warranted;
  - patch cut openings between 0.5 and 2 acres; and
  - *Diversity Improvement Recording Point*.
    - FSI data: stems released, invasive plants present onsite, data of fieldwork, hours worked, watershed, and any relevant site notes.
- Field Maps View
  - Patch cut openings are highlighted within the boundaries of the harvest
  - *Diversity Improvement Recording Points* are color-coded to relay whether work is needed, completed, needs assessment, in progress, etc.
- Methods
  - Competing saplings encroaching the crown from the sides are felled
  - Released trees:
    - above deer/moose browse height; and
    - vigorous: free of deformities, disease, or insect infestation.
  - Common tree species to be felled: white pine, red maple, and black birch.
    - Abundant, fast-growing species often outcompete other species.
  - Interfering native vegetation:
    - witch hazel, grape vines, and mountain laurel.
  - Chainsaw Safety Training sponsored by DCR
  - Foresters use electric chainsaws to fell small trees, typically 8” in diameter and under.
  - Trees remain onsite to decompose and provide food, cover and/or habitat for various species of plants, animals and fungi.
  - No heavy equipment is required to cut or remove brush or debris from site.
- FSI continuous component of DWSP Forest Management – over time, fewer harvests enter the 8 to 20-year window.
- Experiment with FSI in openings younger than 8 years for white oak resilience. Often suppressed with poor form by the time of FSI at 8-20 years.
- Incorporate non-commercial forest management/improvement.
  - Invasive plant control, tree planting, removal of interfering native vegetation, coppice thinning, and sanitation cuts into FSI activities.

Trustee Romero asked a clarifying question regarding the continuous nature of the process. Smith explained that the bulk of the monitoring will occur in the coming years – each forester can monitor their own region. Smith noted that the amount of work in terms of releasing trees in the coming years will decrease over time.

Trustee Laskey inquired about reserves. MacKenzie noted that state parks currently define reserves as *no commercial activity/timber harvesting*. He explained that natural processes will largely be taking place in a reserve. DCR may be able to do invasive species control, but many details remain unknown at this time. Trustee Romero noted that a dialogue between DCR and EEA will likely need to occur in order to clarify what activities can and cannot be done. Trustee Heyes asked if MacKenzie is able to include WPRs as part of the protected land portfolio. MacKenzie stated that DCR does not have anything officially designated as reserves.

Judith Eiseman, Town of Pelham, expressed concern regarding lots put on the market for commercial cutting. She explained that the public would benefit from understanding more about what DCR considers intrusive in terms of native vegetation. In response, Scannell noted that DWSP would be putting more information on the

website for public education centered on climate change. He emphasized that the intention is not to eradicate plants, but to allow them to regenerate. MacKenzie seconded that sentiment and noted that this is an ongoing part of the Forestry Program, and that DCR uses commercial timber harvesting to achieve ecological ways to keep the ecosystem intact and improve resiliency. Scannell added the intent is to have diverse species in our forests.

- **Prescribed Fire in Forest Management** – Ginny Dautreuil, DCR Natural Resource Analyst, shared a presentation on Quabbin Park fire planning. The following items were discussed regarding reintroducing fire to the Park:
  - Several fire-dependent natural communities: Pitch pine – oak woodland, inland sandplain grassland, oak-hickory woodland, pockets of scrublands comprised of scrub oak
  - Existing rare species and potential for restoring more
    - Two state-listed endangered plants that benefit from fire and one watch-listed plant.
    - Expansion of some grasslands could provide needed habitat for state-listed birds.
    - Suite of Lepidopteran species that depend on these communities.
  - Quabbin Tower Area & Surrounding Woodlands
  - Hank’s Meadow
  - Goodnough Dike Woodland Restoration and Grassland
  - Windsor Dam, Spillway and Adjacent Woodland
  - Administration Fields
    - Prescribed fire only
    - Area across from the Forestry Building
    - Pollinator area near Administration Building
    - Fields lining entrance
    - Fire interval 2-4 years
    - Increases acreage of rare inland sandplain grassland and pollinator habitat.
    - Public and staff education opportunity.

There was a discussion regarding poison ivy. Dautreuil noted the danger of fire and poison ivy, as burning the plant can cause airborne breathing hazards. She explained the importance of using proper techniques and ignition patterns in order to keep smoke minimal. Trustee Heyes commented on treating invasive species and referenced a previous rattlesnake initiative.

- **Ranger Responsibilities, EEA, DCR** – Trustee Hammock explained that there is a common goal and a great incentive for MWRA, and for those who enjoy the Quabbin, to enforce watershed regulations by way of citations. He emphasized that the common goal of maintaining the pristine water quality of the Quabbin is imperative. Trustee Hammock underscored that laws and regulations to protect the source with no way to enforce them is ultimately a threat to the water supply. He expressed concern regarding heightened ranger training so that they can handle escalations. Trustee Hammock advised that legislators and MWRA find some reasonable compromise that will yield the desired level of enforcement without confrontations and that do not come at a high price. He noted the economic benefit of enforcing regulations.

Trustee Hammock requested urgency with this issue. Trustee Laskey noted that he hopes to resolve the matter in the First Quarter of next fiscal year, beginning July 2024. Trustee Romero noted that the MWRA Advisory Board invited Trustee Meehan to attend an Advisory meeting of robust discussion, as the Board is very much in support of the cause. Trustee Romero noted that the Board provided short-term, mid-term, and long-term recommendations for options to consider on this issue.

Porter provided a legal perspective on the Ranger enforcement issue. He explained that DCR Rangers are not law enforcement personnel and, therefore, cannot legally engage in enforcement activities. Porter acknowledged the legal challenge of finding an appropriate enforcement response. Trustee Hammock noted that if visitors are asked to leave in the absence of a fishing or hunting license, it could lead to confrontation. He further stated that additional training for Rangers could be helpful in situations that require more than verbal warnings.

Porter explained that in terms of asking to see a fishing license, M.G.L. c.131, section 32 does allow a landowner to demand production of a license. In this instance, a DCR Ranger would be taking the role of the landowner.

Trustee Laskey emphasized the importance of understanding the Trust's role, and limits to that role, with respect to this issue. Trustee Hammock emphasized the importance of our pristine water supply and expressed gratitude to Trustee Laskey for committing to resolve the issue in the coming Fiscal Year.

A motion was made to adjourn the meeting by Trustee Heyes. The motion was seconded by Trustee Romero. Trustee Laskey called the roll. **The Trustees unanimously voted to adjourn the meeting at 12:06pm.**