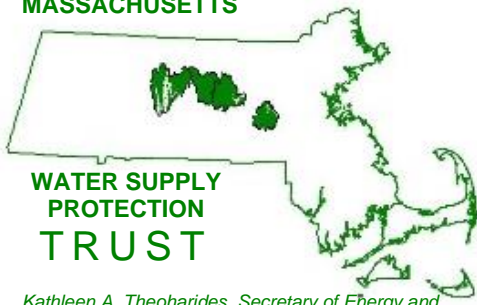


MASSACHUSETTS



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

June 14, 2022

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

David Coppes, Chief Operating Officer
Carolyn Francisco Murphy, General Counsel
Rebecca Weidman, Director, Environmental and Regulatory Affairs
Sean Navin, Director, Intergovernmental Affairs
Katie Ronan, Environmental Analyst
Michael Cole, Budget Director
Matt Horan, Deputy Director of Finance
Valarie Moran, Director of Waterworks
Ria Convery, Special Assistance to the Executive Director
Jim Coyne, Budget Manager

DCR

John Scannell, Director, Division of Water Supply Protection
Ken McKenzie, Director, Natural Resources
Derek Liimatainen, Assistant Regional Director, Wachusett
Lisa Gustavsen, Assistant Regional Director, Quabbin

WSCAC

Lexi Dewey, Executive Director

Other

Clayton Sydla, Quabbin Fisherman's Association
Dan Hammock, North Worcester County Quabbin Anglers Association
Kurt Gaertner, Energy and Environmental Affairs

The meeting was convened at 1:02 pm.

Trustee Laskey thanked everyone for their flexibility and the ability to quickly reschedule the meeting. He introduced himself as the Chair and called the June 14, 2022 meeting of the Water Supply Protection Trust (WSPT) to order.

Trustee Laskey 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, that the meeting was being recorded, and that all votes would be conducted by roll call vote. He also noted that there was an item on the agenda to request the Trust to vote to allow meetings to continue to be conducted remotely.

Trustee Laskey called the roll to establish attendance and a quorum. All Trustees were present.

- 1. COVID19 Response** – John Scannell noted that DWSP had seen an uptick in COVID19 cases in staff over the past several weeks, though it was not impacting operations. Trustee Laskey noted that as COVID19 continued to linger, MWRA continues to strive to provide staff with the best possible guidance and has loosened up certain requirements.

In response to a question from Trustee Taverna, Trustee Laskey explained that staff at MWRA have different schedules, depending on the position and nature of their work. Some staff are required be in-person full time, while a large group of staff telework 50% of the time over a two week period. John Scannell noted that at DWSP, Rangers and field staff are in full-time, while other staff are in the office as needed, at a minimum of 1 day per week. He noted that work continues to get accomplished. It was noted that both EEA and MWRA are consolidating work spaces as a result of increased teleworking. MWRA is beginning a major consolidation and move of out of its current headquarters in Charlestown, to the Chelsea and Deer Island facilities, and is creating shared work spaces.

- 2. Approval of the Minutes** – A motion was made by Trustee Rao and seconded by Trustee Taverna to approve the March 9, 2022 WSPT meeting minutes. Carolyn Francisco Murphy called the role and the minutes were unanimously approved by the Trust.
- 3. FY22 Spending Update** – John Scannell shared a presentation and explained that at eleven months through the year, DWSP had spent about 77% of the FY22 budget. He noted that there have been challenges throughout the year related to supply chain issues and personnel, resulting in underspending in those categories. Energy costs are expected to be slightly overspent by the end of the year. Equipment KK and Construction Improvements NN are mixed, with some spending occurring and some not.

FY22 Updates

- DWSP is beginning the 5 year review of the Land Management Plan, which was completed in 2018 and requires a review after 5 years. More information is expect in the fall. The review will determine if forest management goals are being met.
- DWSP is working with MWRA on the new well for the Quabbin Administration Building. The well has been installed and MWRA is working on a pipeline connection. DWSP recently received an approved permit from MassDEP and expects to be in compliance with requirements by the fall.
- DWSP has successful gull control seasons at both reservoirs. Relatively low numbers of birds were detected, continuing a downward trend.
- DWSP continues to work to address chloride issues at Wachusett, in collaboration with local communities and DPWs. Holden, West Boylston and Princeton were awarded grants for equipment to improve winter road salt usage.

- DWSP has completed the final draft of the Sudbury Public Access Plan Update, which is awaiting approval from the Commissioner.
- DWSP continues work on the Ware River Public Access Plan.
- DWSP has developed and posted several new educational videos on its website.

DCR Asset Mitigation Funding – At the beginning of the year, DWSP was awarded \$1.4 million for safety projects through a DCR initiative with the Comptroller. Unfortunately, the funding was not available until mid-year and DWSP was therefore unable to complete the Quabbin Window Replacement project with the funding. However, DWSP was able to spend \$608,000 on other building safety related projects that would otherwise have fallen to ratepayers. Projects include the following.

- Wachusett
 - Lancaster Street Barn roof replacement
 - Siding purchase
 - Stillwater Barn Stabilization design and work
 - Bullard House (Salem End Road) roof and asbestos abatement
 - Salt Sheds preparation work
- Quabbin
 - Quabbin Park Cemetery Building completion
 - Forestry Building Hazards Study
 - Demolition and replacement of 2 sheds
 - Quabbin Tower masonry work and study
 - Prison Camp Structure assessment

EEA Land Stewardship Funding – DWSP has received funding through the EEA Land Stewardship Fund since FY15, which has been used for a variety of projects related to land stewardship including boundary marking and surveys, habitat restoration projects, the Continuous Forest Inventory (CFI) and land maintenance equipment. Since FY15, DWSP has received a total of \$1.18 from this fund.

In response to a question from Trustee Taverna about the status of the replacement of the New Salem Building, John Scannell explained that DWSP is working with an architect to look at design alternatives.

In response to another question from Trustee Taverna, John Scannell explained that water quality at the well for the new Quabbin Maintenance Facility was found to be poor. To address this, DWSP is working to permit use the well of an adjacent building, for use by both buildings.

In response to a question from Trustee Laskey, John Scannell explained that design for elimination of the last direct discharge to the Wachusett Reservoir on Route 110 is with MassDOT and is close to a public hearing on the final design. Work will then be complete on MassDOT construction schedule.

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

- 4. Approval of the FY23 DWSP Work Plan and Budget** – Trustee Laskey explained approval of the FY23 DWSP Work Plan and Budget would require a roll call vote of the Trust. Trustee Taverna made a motion to accept the FY23 Work Plan and Budget for discussion and Trustee Rao seconded the motion.

John Scannell provided a brief summary of the FY23 Work Plan and Budget. He noted that a major task will be development of the FY24-FY28 Watershed Protection Plan. Staff are already working on the Plan and will have a draft for MassDEP review and approval in the spring. Other highlights of the FY23 Work Plan are as follows.

- Division Wide
 - Continue land acquisition efforts using Land Acquisition Model to consider impacts of climate change.
 - Continue monitoring 150 watershed preservation restrictions on 2-3 year timeline.
 - Continue to expand the use of GIS and electronic field data collection to streamline numerous protection efforts.
 - Finalize 5-year review of the Land Management Plan, as previously noted.
 - Continue wildlife management including Gull Harassment program, controlled deer hunts and removing aquatic animals from the Pathogen Control Zone, as necessary.
 - Continue forestry operations including monitoring of active lots and long-term water quality monitoring study.
 - Continue to maintain Ranger presence to monitor and control public access and enforce regulations. DWSP Rangers can no longer issue written warnings or citations, to be discussed in more detail later in the meeting.
 - Continue water quality monitoring in reservoirs and tributaries, in coordination with MWRA.
 - Continue annual water quality contract with UMass including chloride work.
 - Continue to perform aquatic invasive species monitoring and removal, in coordination with MWRA.
 - Continue to use drones for gull monitoring at Wachusett and expand the use of drones for forest work.
 - Continue deer management across the watersheds, including general hunting in all watersheds and controlled hunts at Quabbin and Wachusett. DWSP hopes to conduct a controlled hunt in Quabbin Park this year.
- Quabbin/Ware
 - Finalize and begin implementation of the Ware River Watershed Public Access Plan.
 - Continue maintenance at Quabbin Park Cemetery.
 - Continue work at Quabbin Administration Complex, in coordination with MWRA, including installation of new well and building study.
 - Continue forestry operations including monitoring of active lots and long-term water quality monitoring study.
 - Continue streamlined Boat Launch Area processes including boater ID cards, iPad check-ins and credit/debit card-only sales.
- Wachusett/Sudbury
 - Continue work on road salt issues including grant program to encourage municipal improvements to salting efforts.
 - Continue to expand education and outreach programs.
 - Continue work with MassDOT to complete design of stormwater drainage improvements to treat final remaining director discharge to the Wachusett Reservoir in Sterling.
 - Continue to work to implement the Sudbury Reservoir Watershed Public Access Management Plan.
 - Continue to remove structures on purchased lands and restore the Kush property in Sterling.
- Major Project Highlights
 - Quabbin
 - Culvert Replacement at Gate 40 at Quabbin
 - Spillway Abatement Project
 - New Salem Facility Design
 - Wachusett
 - Demolition of buildings on the Kush property
 - New salt storage facility
 - Complete North Dike Fence Repairs

- FY23 Budget Overview
 - Operating Budget is \$21.22 million
 - Projected revenue is \$1 million
 - There will be a \$460,000 increase in Personnel (AA) due to pay raises.
 - There will also be a \$541,000 increase in Benefit Costs (DD).

In response to a question from Trustee Laskey, John Scannell explained that the only change from the draft budget presented to the Trust in March was the increase in benefits, which was higher than anticipated.

Trustee Meehan asked about the status of the access road at Boat Launch Area (BLA) 3. He noted that the access roads to BLA 1 and 2 had recently been repaired, but that the access road to BLA 3 remains in disrepair. He asked what could be done during FY23 to improve the access road at BLA 3. John Scannell explained that DWSP recently received estimates for repair work to the access road at BLA 3, which came in much higher than anticipated at well over \$1 million to restore the roadway. DWSP is now looking at alternatives and John Scannell noted that he would provide more information for discussion in September. Trustee Laskey asked if federal funding was available for this work. John Scannell explained that DWSP had spoken with legislators last year about potential funding options. Trustee Meehan gave DWSP kudos for work accomplished at Quabbin Park Cemetery, noting that he would like to follow up with improvements to the access road at BLA 3. Trustee Laskey suggested continuing the conversation in September and requested photos.

Trustee Taverna requested an update on invasive species. John Scannell explained that DWSP has done a lot of work on aquatic invasives, in coordination with MWRA. DWSP staff are now working on a new Terrestrial Invasive Species Plan to provide better guidance across the watersheds, especially for forest operations. He noted that terrestrial invasives are a challenging issue on public lands everywhere. There was discussion regarding the Jumping Night Crawler, a terrestrial invasive worm species of emerging concern which was recently found in Connecticut. Trustee Laskey requested information regarding the threat it poses to the watershed ecosystems that impact water quality. There was discussion regarding the use of herbicides for controlling terrestrial invasives and associated challenges.

In response to a question from Trustee Taverna, there was discussion regarding PFAS testing in tributaries to Quabbin Reservoirs. Trustee Laskey noted that no more than trace amount of PFAS have been detected in source water. The Trustees noted that they would look into more information on PFAS testing in tributaries to Quabbin.

Carolyn Francisco Murphy called the roll and the Trust unanimously approved the FY23 DWSP Work Plan and Budget.

5. MassDEP Annual Inspection Letter Review – John Scannell explained that MassDEP performs annual inspections of the Quabbin/Ware region and Wachusett region, respectively, as part of the filtrations waivers for both reservoirs. The inspections occur in the fall and generally include a meeting with MassDEP and a field inspection including review of the intake facilities at both reservoirs. MassDEP produces a report, which is generally received by DWSP early in the calendar year, with requirements and associated deadlines to maintain compliance. John noted that the reservoirs and watershed continue to meet MassDEP requirements for filtration waivers. John provided highlights from each inspection.

- Quabbin
 - The inspection consisted of a remote meeting on 11/1/2021 and a field inspection on 11/5/2021.
 - DWSP received a report from MassDEP on 2/11/2022 with a series of requirements and associated deadlines, most of which fall on 8/31/2022.
 - Requirements include the following.
 - DWSP shall submit a quarterly report on hiring.
 - DWSP shall submit a written update on the Land Acquisition Program.

- DWSP shall submit a written update on the status of the former Watershed Currents newsletter. John noted that DWSP now communicates with owners of land protected by Watershed Preservation Restrictions in other ways, and will provide that information.
- Public access to watershed lands shall remain restricted to areas and activities DWSP can adequately manage.
- DWSP shall provide an update on the status of the Ware River Public Access Management Plan and well as an update on public access control efforts since 2021 and the strategy for the upcoming year.
- DWSP shall submit a list of FY22 public access infractions and responses to MassDEP.
- Inspection summaries for all watersheds shall be submitted as part of MWRA's Annual Statistical Report.
- DWSP shall continue to identify and eliminate unauthorized trails and control their use.
- DWSP shall keep MassDEP information regarding any expansions or reductions to wildlife programs (e.g. deer hunts) and submit wildlife reports to MassDEP.
- DWSP shall submit an update on wildlife topics not covered by routine management and monitoring reports to MassDEP.
- DWSP shall submit an annual forestry update.
- DWSP shall submit an annual update on aquatic invasive species monitoring results.
- DWSP shall submit the most recent EQA reports.
- DWSP shall submit an annual water quality report.
- MWRA shall notify MassDEP prior to an application of copper sulfate to Quabbin Reservoir.
- DWSP shall inform MassDEP on the state of the water quality database.
- DWSP shall provide a summary of algae related actions at Quabbin.
- DWSP shall notify MassDEP WERO of any projects involving wetlands or Water Quality Certifications.
- DWSP shall provide a status update on the Road Management Plan.
- DWSP shall provide a status update on the New Salam Facility.
- DWSP shall provide a status update of the Windsor Dam Intake building repairs.
- MWRA and DWSP will seek to backfill critical vacancies and/or identify alternative strategies for meeting Watershed Protections Program workloads.
- DWSP shall provide MassDEP with quarterly updates on the number of vacancies in the watershed programs, hiring status and impacts to watershed programs. John mentioned that DWSP is currently at 139 FTE's. Although it has been challenging, staff are working hard to fill vacant positions with several current postings.

John noted that in general, the Quabbin inspection has become more stringent over the past several years.

- Wachusett
 - Inspection consisted of a remote meeting on 10/7/2021 and a field inspection of the Carroll Water Treatment Plant (CWTP) on 12/16/2021.
 - DWSP received a report from MassDEP on 2/3/2022 which requires an update on watershed protection topics by 5/1/2022 and quarterly hiring updates.
 - Requirements include the following:
 - DWSP shall submit a written update on watershed topics presented during the meeting and inspection by 5/1/2022.
 - MWRA and DWSP will continue to identify staffing strategies for meeting Watershed Protection Program workloads.
 - DWSP shall submit quarterly updates on staffing.
 - DWSP shall continue to reduce, treat and eliminate stormwater runoff to the Wachusett Reservoir and tributaries.
 - DWSP shall work with watershed landowners and facility operators to reduce impermeable surfaces and install vegetative buffers, where appropriate.

- DWSP shall continue to monitor source water quality changes and analyze impacts of distribution chlorine residual concentrations.
- Continue to train and update operators on maintenance and recording procedures at CWTP (MWRA).
- Continue to evaluate and repair assets, as necessary, to keep appurtenances operating as intended.
- John noted that the Wachusett report is less detailed and more broad, as compared to the Quabbin report

In response to a question from Trustee Rao, John explained that DWSP is mindful to work with landowners to reduce impervious surfaces whenever possible and that DWSP is working to prioritize land acquisition efforts in sub basins where limiting impervious surfaces is most critical.

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

6. Miscellaneous Updates

- **Ranger Enforcement** – John Scannell explained that DWSP recently learned that DCR Rangers, including DWSP Rangers, do not have clear legislative authorization to issue tickets and citations. He noted that about seven years ago it was determined that DWSP Rangers could issue tickets and citations. Since then, they have been important tools, particularly with repeat offenders and significantly egregious issues. It is now back to square one. Legislation is needed to update DCR regulations and give Rangers the ability to issue tickets and citation. It was noted that, State and Local Police will now need to be involved to issue citations to summons individuals to court, where a judge would make a decision to issue a fine.

There was discussion and clarifying questions from the Trustees. Derek Liimatainen explained that DCR Rangers now only have the ability to provide verbal warnings and enforcement through education. DCR Rangers can no longer ask for licenses or issue written warning, tickets, or citations. Trustee Meehan suggested working to find lesser legal actions, which DCR Rangers could take. It was noted that in egregious cases, DWSP has been able to ban repeat offenders from reservoir property. Trustee Laskey suggested having MWRA Law Division work with the DWSP legal team to evaluate options and report back in September. He also noted that the ability for DCR Rangers to issue tickets and citation has been an important tool in the watersheds over the years, spearheaded by Trustee Meehan. Trustee Meehan pointed out that the Environmental Police may also be understaffed.

In response to a question from Trustee Heyes, it was noted that bicycles and the cutting of illegal trails at Wachusett are not an issue at this time.

- **Quabbin Park Cemetery Update** – John Scannell noted that work on the Quabbin Park Cemetery Building is nearly complete. Trustee Rao commended the work that has been done. John Scannell noted it was a team effort between MWRA and DWSP. Trustee Meehan asked if there were any efforts underway to revise new contracts for grave sites to allow for flexibility to maintain headstones. John Scannell explained that grave sites are deeded property and therefore do not allow for much flexibility, but that he would look into the matter.
- **Quabbin Fishing Season** – John Scannell noted that to date, it had been a good fishing year with no significant issues to date. This year, DWSP instituted an online, real-time rental boat inventory. Beginning June 4, DWSP is moving to credit and debit card payment only. There will be a form available for a one-time exception for folks to mail in payment later. To date, 803 season passes have been sold, all

online. An additional attendant has been hired to address staffing issues, particularly in the morning. Cell service has been improved at the fishing areas to support credit card sales.

- **Hunting Update** - Ken Mackenzie provided a report on the results of the FY22 deer hunting season.
 - Hunter Access Permits issued in FY22.
 - Sudbury: 486 permits
 - Wachusett Reservoir Zone: 310 permits
 - Quabbin: 640 permits
 - 5-year Watershed Hunting permits (including Wachusett and off-Reservation at Quabbin): about 1600 permits
 - Issues were limited and minor. The biggest challenges related to hunters entering the watersheds before legal hunting time or failing to display dash permits. DWSP successfully worked to address both issues.
 - Deer Harvest Results – Deer are reported in ranges, to account for confirmed and unconfirmed harvests.
 - Sudbury: 28-54 deer harvested
 - Wachusett Reservoir Zone: 28-39 deer harvested
 - Wachusett Watershed (5-year permit): up to 107 deer harvested
 - Quabbin: In total 36- 50 deer harvested
 - 8-17 deer in New Salem
 - 17-18 deer in Hardwick (14-16 in 2020)
 - 11-14 deer in Pelham
 - Pellet Count Data – Pellets Surveys were performed between February and March 2022 to estimate deer populations in certain areas. The target to avoid watershed impacts is 20 deer per square mile. The results of the pellet surveys are as follows:
 - New Salem is in good shape with about 18 deer per square mile.
 - Hardwick is also in good shape with 19.6 deer per square mile.
 - Quabbin Park is an issue with 74.1 deer per square mile.
 - Sudbury is a success story, down from over 100 to just 16.5 deer per square mile.
 - Ken noted that the proposed Quabbin Park Hunt is still waiting approval from the Commissioner and that DWSP is working on regulation changes for updates to certain language.
 - Plans for the FY23 deer hunting season
 - DY23 hunting season dates
 - Archery: 2 zones
 - October 3rd (Zone 10 at the Sudbury) to Nov 26th
 - October 17 (everywhere else) to Nov 26th
 - Shotgun: Nov 28th- Dec 10th
 - Primitive: Dec 12th- Dec 31st
 - Sudbury: Without the Sudbury Public Access Plan approved, Sudbury hunting will be for deer only via a 1-year permit. Once the Sudbury Public Access plan is approved, Sudbury permits will move to the 5-year Watershed Hunting permit.
 - Ware River: Without the Ware River Public Access Plan approved, Ware River hunting will continue to be for all game and all seasons (no access restrictions), meaning hunters can hunt with a DWSP access permit. Once the Ware River Public Access plan is approved, Ware River hunters will be required to apply for a 5-year Watershed Hunting permit.
 - The Wachusett Reservoir Zone will continue to be by a Reservoir Zone permit only.

- At Quabbin Reservation, hunting will be allowed in New Salem, Pelham and Hardwick for the 2-week shotgun season. DWSP is considering re-opening the Prescott Peninsula to hunting via a 2-day controlled access hunt.

In response to a question from Trustee Heyes, Ken MacKenzie explained that DWSP continues to see impacts from moose across the watersheds, particularly at Quabbin. DWSP has incorporated the use of slash walls to protect regeneration from moose around larger openings. This has been successful but is not feasible everywhere. Ken noted that certain areas of Quabbin have very high moose density, with up to 5 moose per square mile in certain areas.

In response to a question from Trustee Meehan there was discussion about the growing bear population at Quabbin.

- **Changes to the Open Meeting Law** - Trustee Laskey explained that temporary changes enacted during COVID19 to the Open Meeting Law are set to expire on July 15. There is a budget amendment pending that would extend the expiration of these changes to December 15, 2023. However, in the event the extension is not approved, the Trust has the option to vote to allow remote participation of the Board of Trustees under the Open Meeting Law. Trustee Taverna made a motion to vote to allow remote participation under the Open Meeting Law including the requirements of 940 CMR 29.1.0. Trustee Heyes seconded the motion. Carolyn Francisco Murphy noted that while the temporary extension is expected to go through, this is a protective measure that would provide the ability for some members to participate remotely. Constraints and limitations include the following: the Trust must vote to approve the measures; a quorum of the body including the chair must be physically present at the meeting location; physical attendance must be unreasonable difficult, and; all votes must be by roll call vote. She also noted that the goal of the temporary extension is to allow the legislature time to make the temporary rules permanent.

Carolyn Francisco Murphy called the roll and the Trustee unanimously approved the measure.

Trustee Laskey requested a motion to adjourn the meeting, which was made by Trustee Rao and seconded by Trustee Heyes. Carolyn Francisco Murphy called the roll and Trustees unanimously voted to adjourn the meeting.

The meeting was adjourned at 2:30pm.