

MASSACHUSETTS



*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
Matthew A. Romero, Executive Director, MWRA Advisory Board
Fred Heyes, Swift River Valley Historical Society*

Water Supply Protection Trust

June 7, 2023

Hybrid Meeting conducted at
MWRA's Southborough Facility & via WebEx

Trustees

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

MWRA

Valerie Moran, Director of Waterworks
Rebecca Weidman, Director, Environmental and Regulatory Affairs
Sean Navin, Director, Intergovernmental Affairs
Katie Ronan, Project Manager, Environmental Permitting
James Coyne, Budget Manager
John Gregoire, Reservoir Operations Program Manager
Michael Cole, Budget Director
Steven Estes-Smargiassi, Director of Planning
Thomas Durkin, Director of Finance
Ria Convery, Special Assistant to the Executive Director
Carolyn Fiore, Deputy Chief Operating Officer
Troy Wall, Community Relations Liaison
Michael Altieri, Associate General Counsel

DCR

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

WSCAC

Lexi Dewey, Executive Director

MWRA Advisory Board

Matthew Romero, Deputy Executive Director
James Guiod, Director of Finance

Other

Lou Taverna, MWRA Board of Directors
Clayton Sydla, Quabbin Fisherman's Association
Dan Hammock, North Worcester County Quabbin Anglers Association
Peter Mulcahy, EEA General Counsel

Stephanie Cooper, EEA Undersecretary for the Environment
Kurt Gaertner, EEA Assistant Secretary for the Environment

The meeting was convened at 10:00 am.

Trustee Laskey welcomed attendees, introduced himself as the Chair and called the June 7, 2023 meeting of the Water Supply Protection Trust (WSPT) to order.

The Trustees, as well as several MWRA and DWSP staff, attended the hybrid meeting in-person at MWRA's Southborough Facility. A number of other staff and attendees participated remotely via WebEx. Trustee Laskey noted that pursuant to Chapter 20 of the Acts of 2021 and subsequent acts extending certain COVID19 measures adopted during the state of emergency, the meeting was being conducted partially via remote participation and would be recorded.

All Trustees were present, establishing a quorum.

1. EEA Climate Solutions Initiative – Stephanie Cooper, EEA Undersecretary for the Environment and Kurt Gaertner, EEA presented on EEA's new Climate Focused Forestry Initiative.

Ms. Cooper noted that despite being located in a highly developed region of the country, Massachusetts is lucky to have a large forest base and is 57% forested. Almost 2 million acres are privately owned and just over 1 million acres are publicly owned. Therefore, it is important to think holistically and develop partnerships with private landowners. Of the Commonwealth's publicly owned lands, about half a million acres are managed by the State, including by DWSP, DCR State Park Division and Division of Fisheries and Wildlife.

The framework for this initiative arose during Governor Healy's campaign and is focused on establishing strategic forest reserves and preserving mature forests to draw down carbon in the atmosphere. The initiative will provide enhanced incentives for private landowners willing to keep their land forested. The initiative also includes a temporary moratorium on commercial harvesting on state-owned public forestlands, while science-based management guidelines are updated.

The initiative is driven by climate change and the Commonwealth's commitment in statute to reach net-zero emissions by 2050 as well as aggressive milestones in the years leading up to that. Part of the State's Clean Energy and Climate Plan relies on working lands, specifically forests. The State has committed to protecting 40% of the Commonwealth's land by 2050. Currently 27% is protected, which means the pace must be doubled to reach that goal and broad thinking regarding carbon sequestration is required.

EEA's Climate Solutions Initiative involves a variety of specific actions plans, including the following:

- The Resilient Land Initiative evaluates how to achieve conservation goals and maintain the forests of Massachusetts. It aims for no net loss of forests and expands existing landowner tax incentives to encourage landowners to keep property forested.
- The Soils Action Plan evaluates soils across the Commonwealth and identifies a plan to maintain carbon and overall soil quality.

Ms. Cooper noted that lands are managed to improve overall forest conditions, foster diversity in tree class and species, and promote resiliency. DWSP manages forests with a specific focus on watershed management. Other lands across the state are management for other purposes such as habitat restoration and supporting habitats for sensitive and imperiled species. She recognized that although accomplished through commercial harvesting, forestry for these purposes are not profit driven activities. Only a small fraction of 1% of land owned by the State (DWSP, DCR State Park Division and Division of Fisheries and Wildlife) is harvested each year.

Ms. Cooper explained that, in alignment with the Governor's commitment, a six-month pause on active forest

management on state forestlands will begin today. During this six-month period, EEA will develop a set of climate-oriented forest management guidelines. She recognized that science-based practices are already in place and that they will be the starting point for this process. Internal experts as well as a panel of experts including scientists, academics, and practitioners will also be engaged. The goal is to identify the best science and practices for conducting active management to maximize carbon sequestration and resiliency. EEA is aware that forestry contracts span several years and will honor ongoing contracts during this period. Ms. Cooper empathized that at the conclusion of this six-month pause, guidelines will be implemented, and the forestry programs will be restarted. The Administration's goal is to affirm, update and ensure that the latest science is being used. She noted that EEA recognizes the impact this pause may have on the industry and operations, and is mindful that this process will be thoughtful, yet expeditious. Ms. Cooper explained that an expert panel has been set up to assist with this process, which will also be informed by agency staff and forestry practitioners.

In response to a question from Trustee Heyes, Ms. Cooper noted that the six-month pause will begin today, June 7, 2023 and last through December 7, 2023.

Kurt Gaertner discussed other aspects of EEA's Climate Solutions Initiative, including reducing forestland conversion and increasing permanent forest land conservation. EEA plans to set forest conservation goals and reduce the land conservation rate as part of this initiative, in consultation with a variety of interested stakeholders. Conservation land could be held by land trustees and a variety of other entities in addition to state agencies and organizations. EEA will also pursue other complimentary policies, relating to topics such as housing demand and solar energy.

Mr. Gaertner explained that the initiative also involves expanding forest reserves to set aside additional public and private land, that would not be actively managed. Currently approximately 4% of land in the Commonwealth is held as forest reserves, 90% of that on state land. As part of this initiative, EEA aims to preserve a larger percentage as forest reserves where active management is not occurring, in consultation with a variety of stakeholders including DCR's Forest Reserves Scientific Advisory Committee and other experts. EEA believes there is potential for reserves that span various land holdings.

Mr. Gaertner explained that the initiative aims to support forest landowners, businesses and rural communities. About 80% of land in the Commonwealth is owned by entities other than the State, the initiative aims to provide assistance to private landowners in a number of potential forms such as tax incentives, grants, carbon rights and ecosystem services. EEA hopes to offer incentives to private landowners to manage land in ways that help to achieve the climate-oriented forestry objectives. EEA will also offer financial assistance to the industry and work with businesses to improve practices and provide business incentives. EEA intends to work closely with business owners regarding assistance and how it should be structured.

Mr. Gaertner reiterated the importance of using the best science, research and management practices. He noted that EEA intends to provide funding for more field data collection and better research on the impacts of climate change on forests of the Commonwealth. EEA wants to be transparent and provide a web-based dashboard regarding forest status and trends.

Mr. Gaertner explained that EEA's process during this pause will involve the following primary efforts:

- Forest management guidelines will be developed and implemented in six months. This will involve a public process and input from a variety of stakeholders including the expert panel, agency experts, forestry businesses and others.
- Land Conservation and Reserve Expansion efforts will begin in FY24, as feasible, and will be fully in place for FY25 spending. These efforts will involve a public process and explore ways to make reserve designations more permanent.
- Land Owner Incentives will be explored and implemented in FY24.

- Forestry Business Assistance will begin in FY24. EEA will work with industry stakeholders to develop incentives and programs to assist businesses.

Mr. Gaertner explained that EEA is engaging with various boards and commissions including the WSPT and DCR's Stewardship Council. EEA will be launching a website in the coming days. He noted that while specifics on funding will not be discussed today, there will be more information in the upcoming capital budget and ARPA announcement.

Trustee Laskey raised concern regarding invasive species management and asked if there would be an expectation for targeted forestry by DWSP to address invasive species issues. Ms. Cooper noted there would be expectations related to public safety and review on a case-by-case basis. She recognized the importance of invasive species management.

In response to a question from Trustee Meehan there was discussion regarding the impact of the pause on projects that have already undergone DWSP's existing review process and are ready to go out to bid. John Scannell explained that DWSP's existing review process includes internal review, advisory committee review, and public comment. It was noted after the 6-month pause, if a project requires significant changes, the review process would be revisited. Ms. Cooper noted that EEA intends to engage with and will welcome input from the advisory committees during development of the forest management guidelines.

Joe Favaloro emphasized the importance of watershed management and protecting drinking water for many residents of the Commonwealth. He noted that significant effort and time went into developing DWSP's existing review process for forestry on watershed lands and reminded the Trust of a previous pause on forestry. Mr. Favaloro noted that the purpose of forestry for MWRA and DWSP is not revenue, but rather watershed protection to maintain drinking water quality. He suggested that forestry on watershed lands is different from forestry on private and other state-owned forested lands, and therefore should be considered separately. He feared the pause could extend beyond six months and that this could result in the loss of several years of watershed forestry work, which could impact MWRA's filtration wavier. Ms. Cooper noted EEA's dedication to supporting MWRA in its work to provide some of the country's best drinking water. She also noted that EEA is affirming a policy for the Commonwealth that sustainably harvested forests are important for a variety of reasons including addressing climate change and preserving wildlands. She acknowledged that watershed management is a very specific activity, that EEA affirms and supports. She also noted that this is a time to reflect and update the existing land management plans, using the latest science.

It was noted that federal funding could provide an opportunity for DWSP to purchase land that might otherwise not qualify for purchase with MWRA rater payer dollars. Kurt Gaertner noted that EEA will pursue federal funding and that other options may exist. Trustee Laskey emphasized that a vast extent of land in the watersheds has been purchased with funding from MWRA ratepayers and is now protected.

Ken MacKenzie asked a clarifying question regarding the necessary rate of 25,000 acres per year to achieve the goal of protecting 40% of the Commonwealth's land by 2050. Kurt Gaertner noted that EEA is mindful that additional staff and resources will be necessary to support this goal.

Trustee Laskey thanked Ms. Cooper and Kurt Gaertner for their presentation. He noted that the Trust has worked diligently over the years to protect the watersheds and that it looks forward to working with EEA on this matter in the coming months. Ms. Cooper underscored and applauded the work of the Trust over the years.

2. **Approval of the Minutes** – A motion was made by Trustee Meehan and seconded by Trustee Rao to approve the March 8, 2023 WSPT meeting minutes. The Trustees unanimously approved the minutes.
3. **Covid19 Response** – John Scannell reported no significant updates from DWSP. Trustee Laskey noted that MWRA continues to track COVID19 data and is prepared to respond accordingly to any flare-ups.

- 4. FY23 Spending Update** – John Scannell provided the following spending updates:
- **Spending** - DWSP spending has been generally routine for FY23, though a few line items are overspent. Line Item GG for energy costs is higher than expected and JJ for operational service includes survey work conducted for bargain sale or gift land acquisitions. Although Personnel remains underspent, hiring efforts are underway. There was discussion regarding these efforts and several specific positions that are in the process of being filled.
 - **Revenue** – Total revenue through April is approximately \$1.3 million. Joe Favaloro noted that revenue is not the motivation for forestry in the watersheds. John Scannell echoed this sentiment, noting that the primary goal is water protection. DWSP does not have the ability to perform this work internally, so forestry offers a cost-effective way to achieve this goal.
 - **Other**
 - DWSP finalized its FY24-28 Watershed Protection Plan.
 - Bird control efforts continue to be successful at both reservoirs this season.
 - The Draft Wachusett Public Access Plan is with the Commissioner for signature.

Trustee Laskey noted that the FY23 Spending Report was accepted and would be placed on file.

Joe Favaloro noted that Lou Taverna, former Chair of the MWRA Advisory Board, was recently appointed to the MWRA Board of Directors. Mr. Taverna thanked the Trustees for the opportunity to serve on the Trust for the past eight years. Mr. Favaloro noted that he was representing the MWRA Advisory Board as a designee.

- 5. Approval of the FY24 Work Plan and Budget** – John Scannell reminded the Trust that the Draft FY24 Work Plan and Budget was presented to the Trust in March. The Work Plan has not changed since then, but there has been a change to the budget. The draft budget included a 3% pay increases for staff, which has changed to a 4% raise in July and subsequent 4% raise in January. DWSP has been working with MWRA finance staff to adjust the budget to include those pay raises.

John Scannell answered questions from Trustee Heyes including a question regarding the Gate 43/Boat Launch Area 3 road improvements. The legislature allocated \$300,000 in ARPA funding for the project. The balance will be funded by the DWSP budget.

Trustee Rao suggested that the 8% pay increase may help make state government jobs more competitive. In response to a question from Ms. Rao, John Scannell explained that the quality of the pool of candidates typically depends on the position. He explained that in general, positions with a broad job description result in a large pool of candidates, while more specialized positions may only get a few applicants. He noted that engineering and heavy equipment operator positions have been difficult to fill. Overall, DWSP has been able to hire qualified candidates, but it has been challenging. He agreed the increase may help.

The FY24 Work Plan and Budget was unanimously approved by the Trust.

- 6. Review of MassDEP Annual Inspection Letters** – John 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. Overall, they were routine and expected. Mr. Scannell provided the following overview:
- Quabbin/Ware – MassDEP requested a report by August 31, 2023 to include the following:
 - An update on Land Acquisition
 - An update on public access on watershed lands
 - The finalized Ware River Public Access Management Plan
 - A list of public access infractions/ranger interactions
 - An update on any changes to wildlife programs
 - An annual forestry update identifying harvest focus and status

- An annual aquatic invasive monitoring update
- Submission of the annual water quality report
- An update on hiring
- Wachusett - Historically MassDEP requires a mid-year update on topics reviewed during the fall inspection. The following information was also requested:
 - Additional information on stormwater treatment and elimination.
 - An update on DWSP's work with landowners and watershed communities to reduce impervious surfaces.
 - An update on source water quality, including detailed information on sampling.

John Gregoire noted that MassDEP also requested updates on Winsor Dam Intake and Masonry repair work at Quabbin.

7. Miscellaneous

- **Joe Favaloro Retirement** – Mr. Favaloro explained that he would be retiring in June. He reminisced on his 35 years of work and the importance of watershed operations. He recounted his early years and efforts advocating for the formation of the WSPT. He noted while there is more work to be done, they are in a far better place than when it started. He thanked the Trustees for the opportunity to engage on important issues over the years. Trustee Laskey thanked Mr. Favaloro for his work advocating for the ratepayers over the years and agreed they are in a far better place now. Trustee Rao thanked Mr. Favaloro on behalf of the Commonwealth. She noted that the Trust has worked well to ensure that the water resources of the Commonwealth are well maintained and able to provide high quality drinking water. Mr. Favaloro credited Senator Brewer as instrumental in the formation of the Trust. John Scannell thanked Mr. Favaloro for his efforts and advocacy.
- **5-year Watershed Protection Plan** – John Scannell explained that the 5-year Watershed Protection Plan is DWSP's guiding document. The FY24-28 plan will begin in July. Mr. Scannell credited DWSP staff, including Joel Zimmerman, for developing a strong plan. Comments on the plan recently received from MassDEP were minor and complimentary. A copy will be provided to the Trust.
- **Ware River Public Access Plan** – John Scannell explained that DWSP aims to finalize the Ware River Public Access Plan soon. Staff have worked hard on it for several years, including Dan Clark and Lisa Gustavsen. DWSP has undertaken extensive public engagement as well as internal and interagency coordination. DWSP plans to share a revised plan with the Ware River Advisory Committee in the near future. Mr. Scannell noted that DWSP has also recently hosted some targeted stakeholder meetings. He explained that the plan strengthens protections in the watershed, while continuing to allow for public access. Trustee Laskey noted that certain individual items in the plan are not of particular importance to MWRA, such as the closing of certain roads and swimming or boating on certain ponds in the watershed. Mr. Scannell noted that some proposed changes are watershed protection best practices and others come at the request of DWSP and MWRA's regulators. Trustee Heyes noted that the only inquiry he has received was regarding waterskiing at Long Pond.
- **Ranger Enforcement** – Peter Mulcahy, EEA General Counsel explained that Post Commission Certification requires that all law enforcement officers undergo training and meet certain standards in order to perform police work. He explained that Watershed Rangers are not Post Commission Certified, which means that their work is limited to activities that resemble property management rather than police work. Ticketing stationary objects, conducting parking enforcement, and issuing verbal warnings is consistent with property management, while actions such as asking for identification, ticketing people, and issuing citations resemble police work. However, Mr. Mulcahy explained that Watershed Rangers have other methods available to them, including the authority to involve local and state law

enforcement. He suggested working together to identify creative solutions to address problem points in the watershed, such as specific locations or individuals.

There was discussion and questions from the Trustees. Trustee Rao emphasized the opportunity to work together to identify creative solutions, such as educational material and video surveillance or signage in certain areas. Mr. Mulcahy noted that Watershed Rangers can continue to observe and identify issues, and to work with certified law enforcement to address those issues. It was noted that DCR also has the regulatory authority to ban individuals from properties. There was discussion regarding the level of public access in the watersheds since the pandemic. John Scannell noted that Watershed Rangers have only had the ability to issue tickets since 2017 and that methods related to education, signage and working with local law enforcement have always been a primary focus. Mr. Mulcahy acknowledged that the legal landscape regarding who is allowed to act as a police officer has changed recently and that while good, it creates questions regarding how to enforce the rules on watershed properties. He reiterated the idea of working together to identify and address specific problems with creative solutions. Trustee Heyes requested that DCR Rangers be involved and engaged with this process.

- **Quabbin Park Cemetery Update** – Dan Clark noted that a summary regarding cemetery records had been distributed to the Trust. He explained that the records are relatively complete given the age and history of the cemetery and that DWSP is taking steps to ensure that records are retained properly in the future. Trustee Heyes expressed appreciation for DWSP's efforts to reduce the number of missing or unknown records from 120 to approximately 30.

In response to a question from Trustee Meehan, John Scannell explained that DCR Roadway Working Groups are internal groups composed of maintenance, engineering and environmental staff dedicated to ensuring the maintenance of hundreds of miles of DWSP forest roads. Trustee Heyes suggested that the Quabbin and Ware River Advisory Committees be briefed on these efforts. Dan Hammock requested a copy of the DCR Roadway Working Groups Annual Report.

In response to a question from Trustee Laskey, John Scannell noted that Gate 43/Boat Launch Area 3 roadway improvements are expected to be accomplished in the fall.

John Scannell noted that DWSP is beginning to work with MWRA on design of the Quabbin Administration Building and has obtained ARPA funding to perform some window replacement.

The Trustees unanimously voted to adjourn the meeting at 11:30 am.