



*Bethany A. Card, 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
September 27, 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 Fiore, Deputy Chief Operating Officer
Carolyn Francisco Murphy, General Counsel
Rebecca Weidman, Director, Environmental and Regulatory Affairs
Sean Navin, Director, Intergovernmental Affairs
Katie Ronan, Project Manager, Environmental Permitting
Matt Horan, Deputy Director of Finance
Valarie Moran, Director of Waterworks
Ria Convery, Special Assistance to the Executive Director
Jim Coyne, Budget Manager
Tom Durkin, Director of Finance
Steven Estes-Smargiassi, Director of Planning & Sustainability
John Gregoire, Reservoir Operations Program 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
Kelly Freda, Regional Director, Wachusett/Sudbury Region

WSCAC

Lexi Dewey, Executive Director

MWRA Advisory Board

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

Other

Dan Hammock, North Worcester County Quabbin Anglers Association
Ben Goldberger, EEA General Counsel

The meeting was convened at 1:02 pm.

Trustee Laskey introduced himself as the Chair and called the September 27, 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.

Carolyn Francisco Murphy called the roll to establish attendance and a quorum. All Trustees were present.

1. **Approval of the Minutes** – A motion was made by Trustee Heyes and seconded by Trustee Taverna to approve the June 14, 2022 WSPT meeting minutes. Carolyn Francisco Murphy called the roll and the minutes were unanimously approved by the Trust.
2. **FY22 End of Year Report** – John Scannell shared a presentation summarizing DWSP's Fiscal Year 2022. He provided the following updates related to the Watershed Protection Plan.
 - Land Acquisition – DWSP finished FY22 with 361.8 acres protected. Several parcels were purchased in both the Quabbin and Wachusett watersheds, with the cooperation of MWRA's Board of Directors.
 - Watershed Preservation Restrictions (WPRs) Monitoring – DWSP conducted 73 monitoring visits in FY22, including Forestry Legacy properties. DWSP continues to coordinate with the DCR Restriction Working group on procedures. DWSP also completed and published a new WRP webpage.
 - Land Management – DWSP Forestry staff prepared and sold 22 timber lots at Quabbin, Ware and Wachusett. All information on timber sales is publicly posted on DWSP's website and forestry staff provide supervision on all active timber sales. In FY22, DWSP completed data collection for the 10-year Continuous Forestry Inventory, covering all watersheds. In FY22, staff began work on the 5-year review of the 2018 Land Management Plan.
 - Wildlife Management:
 - Active Gull Control Programs are ongoing at both Quabbin and Wachusett. FY22 was relatively quiet at both reservoirs and water quality standards continue to be met.
 - Active Goose Control programs are ongoing at Sudbury, Wachusett and Quabbin Reservoirs, which aim to limit the number of goslings hatched each year and gradually reduce the number of resident adults.
 - Efforts continue to keep the Pathogen Control Zones free of muskrat and beaver.
 - Deer hunting continues in all four watersheds to help limit impacts to the forest. Hunting in the Reservoir Zone at Wachusett continues to be very successful and DWSP hopes to include the area in general hunting permits in the future.
 - The 2021 Quabbin Deer Hunt included a 2-week shotgun season in New Salem, Pelham and Hardwick, during which up to 50 deer were reported taken by hunters.
 - DWSP is planning a controlled hunt in 2022 for Prescott Peninsula at Quabbin, which is a no trespassing zone.
 - In response to a question from Trustee Laskey, the previously proposed Quabbin Park Hunt was discussed. DWSP intends to propose the controlled hunt to the DCR Commissioner and EEA. It was noted that Quabbin Park is close to the intake and very impacted by deer.
 - Public Access Management:
 - Rangers continue to patrol the watersheds. Effective in April 2022, DWSP was informed that Rangers were no longer allowed to issue citation or written warnings. It was noted that this item would be discussed later in the meeting in more detail.

- The Quabbin Boat Launch areas followed a normal seasonal schedule in 2022. Staff continued to use iPads and credit card-only payment.
- The Sudbury Public Access Plan was approved in late June 2022.
- The Ware River Public Access Plan has been on hold, but is moving forward to the public process this fall.
- Infrastructure:
 - In FY22 major dams, spillways and dikes were inspected monthly and smaller watersheds dams were accessed periodically. DWSP is working with MassDEP and the Office of Dam Safety regarding challenges with vegetation growth in the riprap at Quabbin.
 - Regular inspections of all stormwater BMPs were conducted, as well as maintained as needed.
 - Work began on the Gate 40 Culvert replacement. This work has since been completed in FY23.
 - DWSP spent over \$500,000 in Asset Mitigation Initiative (AMI) funding in FY22 for facility repairs. This non-ratepayer funding was targeted for safety related projects at various facilities including the Stillwater Farm Barn, Lancaster Street Barn, and others. In response to a question from Trustee Taverna, John clarified that this AMI funding was a one-time opportunity, specifically aimed to address safety concerns. However, DWSP recently learned that funding would be available in FY23, for certain projects including window replacement at the Quabbin Administration Building.
 - Work including hazardous material abatement and waterproofing is ongoing at Quabbin Tower.
 - Work on the Quabbin Park Cemetery Office Building is complete including a new slate roof.
 - In response to a question from Trustee Rao, John noted that several projects were unable to be complete in FY22 due to supply chain issues, including a new salt shed at Wachusett.
 - The Gate 40 Culvert Upgrade project began in FY22 and has since been completed in FY23.
- Watershed Protection Act (WsPA) – DWSP staff continue to implement the WsPA, with 98 applications filed across the watersheds in FY22. A new Planner was recently hired and a new WsPA database was developed to track applications and map data.
- Education and Outreach – In FY22, the Quabbin Visitors Center returned to a 6-day per week schedule and welcomed 4600 visitors. Interpretive Service returned to in-person programming including the annual opening of the Wachusett Dam. The Massachusetts Envirothon was held at Quabbin in May.
- Water Quality and Hydrologic Monitoring:
 - Routine sampling continued in reservoirs and tributaries, including analysis of algal populations. Wachusett staff assisted in maintaining algal collection and analysis after staffing changes at Quabbin. Two new Aquatic Biologists at Quabbin have recently been hired.
 - Streamflow monitoring continued in FY22 and new Mayfly sensors were installed in both the Quabbin and Wachusett watersheds to enable collection of real-time stage, temperature and specific conductance data.
 - DWSP staff participated in a joint four-day water contamination exercise with MWRA, EPA, MassDEP and DPH staff.
 - Staff continued efforts to address the issue of excess salt applications in the watersheds and impacts to water quality. An initial meeting was held to form a multi-agency task force, including DCR, MassDOT and MassDEP, which will meet quarterly to advance salt issues at a statewide level.
 - An Environmental Quality Assessment (EQA) was completed at each of the three watersheds.
 - Staff continue to improve water and wetland resources mapping to use to identify pollution sources and possible impacts due to spills.

- Aquatic Invasive Species (AIS):
 - The entire littoral zone was surveyed for AIS FY2022, no new AIS and no significant increases in AIS were observed.
 - DWSP continues to manage contracts for AIS control in several ponds in close proximity to Wachusett Reservoir in an effort to limit the potential for transport by birds or fishermen.
 - Staff continue to support MWRA’s DASH Contractor plant removal efforts.
 - The boat decontamination program continued at Quabbin. John explained that there are two programs; a winter program, which involves storing boats outside to kill off organisms, and the original program, which involves cleaning at a local carwash. Both programs involve inspections and continue to be successful. There were questions and discussion regarding the boat decontamination programs. Trustee Meehan commended DWSP on the success of the programs.
 - In 2022, a macrophyte survey was complete on the Quabbin Reservoir.

- Wastewater Management – Staff at Wachusett continue to work with MWRA to manage the Rutland Holden Trunk Sewer. Staff prepared for trial in Town of Holden Sewer lawsuit, which was held in July and is awaiting final resolution.

- Stormwater Management –
 - MassDOT held a public hearing on the final direct discharge project on Route 110 in Sterling. Plans are being finalized and MassDOT has indicated possible construction in FY24.
 - DWSP continues to monitor construction within the watersheds. Information gathered by staff led to a penalty for a contractor who was in violation of EPA’s NPDES General Permit.
 - DWSP continued monitoring stormwater BMPs in the Ware River watershed.
 - Maintenance was conducted on Direct Discharge stormwater facilities at Wachusett.

- Emergency Response – Staff conducted the 2022 Wachusett Reservoir Railroad Incident Exercise in May, with 84 attendees representing 10 agencies.

- Support – Core office functions including accounting, payroll, human resources, mail services and inquires continued to be conducted remotely in FY22. Staff continue to develop applications that streamline workflows and facilitate accurate data collection through the use of ArcGIS online.

- FY22 Spending and Revenue
 - A finalized distribution of approximately \$8.5 million in FY22 PILOT payments was made.
 - FY22 Final Expenditures – The total FY22 budget was 93% spent, at just under \$19 million.
 - FY22 Revenue – Total DWSP Revenue for FY22 was just under \$1.2 million.

- 3. Certification on FY22 Trust Expenditures** – Trustee Laskey explained that the Trust must annually certify DWSP expenditures. He requested a motion and a second to authorize him, as chair, to sign the certification on behalf of the trust and noted that copy of the signed certification would be distributed to the Trustees prior to submission to the Comptroller. Trustee Rao made a motion, which was seconded by Trustee Heyes. Carolyn Francisco Murphy called the roll and the motion was unanimously approved by the Trust.

- 4. FY23 Work Plan and Budget Review** – John Scannell provided the following highlights of the FY23 Work Plan and Budget.
 - DWSP expects difficulty purchasing vehicles in FY23 given limited supplies for government agencies. DWSP intends to use funds originally budgeted for passenger vehicle purchases in FY23 to purchase additional heavy equipment and make passenger vehicle purchases in FY24.
 - As previously noted, DWSP has been approved to use Asset Mitigation Funding in FY23 for the Quabbin Administration Building Window Replacement and Wachusett Salt Shed projects.

- DWSP continues work on the Ware River Public Access Plan and hopes to have it completed in the fall. DWSP will also begin work on the Wachusett Public Access Plan.
- DWSP is in the final year of the current Watershed Protection Plan. DWSP staff are working to develop the next five-year plan (FY24-28), which will be available in the spring and submitted to MassDEP by the end of FY23.

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

- 5. Ongoing Agency Responses to COVID19** - John Scannell explained that DWSP's ongoing response to COVID19 remains largely the same. Despite occasional cases in staff, impacts are now fairly limited. While most meetings continue to be held virtually, fieldwork continues to be accomplished. Trustee Laskey noted that MWRA's ongoing response is very similar, referring to it as the new normal.
- 6. Hiring Update** – John Scannell summarized DWSPs going hiring efforts. He explained that while departures continue to present challenges, DWSPs FTE count is currently 143 with two additional hires in progress and four active job postings. This will bring DWSP close to the 150 FTE target.

7. Miscellaneous Updates

- **Ranger Enforcements Updates** – Ben Goldberger, EEA General Counsel explained that the authority for Park Rangers to issue non-criminal citations comes from a portion of the General Laws Chapter 132A, Section 7A (confirm) which only applies to Park Rangers who have been appointed as Deputy Environmental Police Officers. In the wake of the Police Reform Bill, which was passed in December 2020 and went into effect June 2021, the Office of Law Enforcement conducted a review of the Deputy Environmental Police Officer Program and updated the general order, in an effort to ensure that there are no people who are serving as Deputy Environmental Police Officers who are not POST (Peace Officers Standards and Training) Commission certified. One of the fundamental components of the Police Reform Bill is that police officers in Massachusetts are now required to be licensed and only licensed police officers are to perform police officer functions. A review was conducted of the Deputy Environmental Policy Officer Program and other job titles in order to ensure compliance. Mr. Goldberger explained that because the statute requires that Park Rangers also be Deputy Environmental Police Officers, there is significant legal issue with Park Rangers continuing to issue citations to people, as opposed to parking tickets to vehicles. The Office of Law Enforcement also began to think more closely about the role of Park Rangers and the situation they should be in, for their own safety and the safety of the public. They found that issuing citations to individuals can escalate a situation, rather than deescalate, and that this was something unarmed Park Rangers, who are not trained police officers, should not be doing. He explained that EEA has issued a directive to Park Rangers across the state to exercise their authority in a way that is primarily educational, and to reach out to Law Enforcement if there is a situation that requires a citation.

Carolyn Francisco Murphy explained that MWRA Law Division conducted an independent review of the Police Reform Bill and concurs with EEA's legal analysis of what the statute permits and constrains, as well as the policy considerations. She noted that there might also be potential bargaining and labor issues that would need to be evaluated if Park Rangers were ever to be deputized.

John Scannell explained that DWSP Park Rangers were unable to issue citations until approximately 6-7 years ago. Until then, the role of Rangers had been to provide public education and ensure awareness of rules. However, the ability for Rangers to issue citations had been a helpful tool, when necessary to ensure compliance. He noted understanding concerns of putting Park Rangers in difficult situations in the field, but explained that the ability to issue citations and public knowledge that Rangers could issue citations, was helpful to promote compliance with rules.

General Meehan noted that in 2021, DWSP Park Rangers issued 3,556 violations, 103 written warnings and 93 parking tickets. He asked how coordination with state and local law enforcement had been established to ensure quick response to egregious violations, noting fear of extended wait times. He requested clarification regarding the ability for Park Rangers to ask for proof of identification to create a record of violations. He also asked about the ability to restrict repeat offenders from future access to the watersheds. He noted that the Trust has an obligation to protect the watershed and expressed concern that losing the ability for Park Rangers to issue citations could hinder the ability to ensure this protection.

John Scannell noted that DWSP Park Rangers have strong relationships with state and local law enforcement. He explained that he does not have significant concerns regarding coordination on egregious violations. His concern primarily relates to less severe infractions that may be harmful to the watershed, but do not warrant the involvement of law enforcement. For example, dog walkers. John also noted that for repeat offenders and egregious violations, DWSP retains the ability to issue letters banding individuals from access to the watersheds for up to a year. Carolyn Francisco Murphy noted that MWRA issues similar letters for trespassing issues on its public access property, which are often followed by law enforcement actions.

Ben Goldberg clarified that it is permissible for Park Rangers to ask for identification, but that unlike Environmental or Municipal Police Officers, there is no requirement for an individual to supply it. In response to a question from Derek Liimatainen, Ben Goldberger discussed challenges and considerations that would need to be addressed to consider deputizing Park Rangers.

In response to a question from Trustee Meehan, Derek Liimatainen explained that over the past six months Park Rangers continue to call state police for egregious violations and environmental police for hunting violations. He observed that while Park Rangers have a good relationship with local state police, there has been an uptick in less severe violations since the ability for Park Rangers to issue citations has been removed including more dog walkers, biking and minor trespass issues. He also noted that while Park Rangers have always had the ability to ask for identification, individuals have no obligation to comply, which can result in the need to call law enforcement.

Lou Taverna noted that the Advisory Board's primary concern is maintaining the filtration waiver and expressed concern that this could affect MassDEP's upcoming inspection survey. There was discussion regarding the need to monitor the situation over time and engage in conversations with MassDEP on the issue.

In response to a question from Trustee Meehan there was discussion regarding the ability for Park Rangers to issue written warnings and associated policy concerns. Trustee Laskey noted concern regarding putting Park Rangers in difficult situations. There was discussion and brainstorming among the Trustees. A suggestion for Park Rangers to distribute educational brochures, ask for names, and keep a log of repeat offenders was discussed. It was decided that both a legal and operational analysis would be required prior to further discussion or consideration. The matter will be discussed at the December WSPT meeting, pending legal and operations analysis. Trustee Laskey thanked Trustee Meehan for keeping watershed security at the forefront over the years.

- **Quabbin Cemetery Update-** John Scannell noted that from a facility prospective, issues at the Quabbin Park Cemetery have been resolved. The outstanding question relates to maintenance of gravestones. DWSP understands from counsel that individual lots in the Quabbin Park Cemetery are privately owned and that DWSP does not have control over cleaning of gravestones or similar activities.

Trustee Laskey commended staff for the improvement that have been made in cemetery by DWSP and MWRA, working together collaboratively. He noted that there is now water at locations throughout the cemetery and that the Office Building has been restored. Trustee Heyes echoed this sentiment, noting that the Office Building looks great.

Trustee Meehan questioned the analysis that DWSP has no ability to clean or repair gravestones when there is no next of kin. There was discussion among the Trustees regarding the matter. Trustee Heyes reflected that cemeteries have different histories and evolutions regarding agreements. He noted that some have separate maintenance agreements. Dan Clark explained that Quabbin Park Cemetery plots become private property when purchased and that DWSP does not offer a perpetual care or maintenance option. He noted that DWSP often receives requests from relatives to clean gravestones, which there is a process for. John Scannell reiterated that different cemeteries have different policies regarding placement of monuments and maintenance.

In response to a question from Trustee Laskey, Dan Clark explained that a substantial number of folks were reinterred from the original valley towns in the Quabbin Park Cemetery. He also explained that many additional gravesites have been sold over the years since then, and continue to be sold. There was continued discussion among the Trustees. Dan Hammock suggested examining the original legislation and documents that created Quabbin, to see if there is any wording that would lead to DWSP maintaining gravestones. He noted that it seems contradictory that families need written permission to clean gravestones, but that DWSP cannot maintain headstones.

- **Boat Launch Area (BLA) 3 Road** – John Scannell reminded the Trust that at the previous meeting, the Trustees has requested more information regarding the condition of the roadway BLA 3. Dan Clark shared video he had captured while driving slowly from Gate 43 down the center of the roadway, to provide a sense of the condition of the roadway. It was noted that the condition of the roadway varied from very good to poor, depending on the specific location.

John Scannell explained the challenges of identifying funding for improvements to the roadway and noted that DWSP had previously received cost estimates for improvements to two sections of the roadway, which he would share with the Trust at the next meeting. There was discussion among the Trustees and Trustee Rao suggested breaking the improvements down into smaller projects. Trustee Meehan expressed frustration that the improvements have been on the agenda for years, but have not happened. He suggested using underspending from other areas of the budget for the necessary improvements. Trustee Laskey suggested being ready to address the worst sections of roadway in the spring, noting that he and John Scannell would coordinate after the meeting. It was noted that there is a bridge associated with the roadway, which may also be in need of repair.

Dan Hammock noted that the condition of the roadway is an important matter and concern of the Quabbin Advisory Committee (QAC). He explained the importance of the fishing areas to local tourism and the economies of the surrounding towns. He suggested including the roadway improvements in a Capital Improvement Plan.

Trustee Heyes asked for an update on the Keystone Bridge and Dan Clark explained that he was waiting to hear back from the mason hired to evaluate the Bridge. Trustee Heyes also complimented DWSP Forestry staff on the 2023 Forestry Proposal and applauded the inclusion of climate change considerations.

In response to a question from Trustee Meehan, there was discussion regarding specific language in paragraph five of the Certification Letter previously voted on by the Trust. MWRA finance will follow up on the matter.

In response to a question from Trustee Taverna, John Scannell noted that the items requested by MassDEP associated with the Quabbin Annual Inspection that were due on August 31, were complete.

Trustee Taverna requested an update on the New Salem Facility. Dan Clark explained that DWSP is working with an architecture firm to redesign the facility. The firm is currently finalizing floor and site plans, and developing construction costs. DWSP will share the results with MWRA, in hopes of moving forward with construction. Trustee Laskey noted that there were significant concerns with the previous proposal and associated costs.

In response to a question from Trustee Taverna, Dave Coppes noted that MWRA is currently conducting a code review study of the Quabbin Administration Building to determine needs to be addressed in a future project. Trustee Taverna asked if there was a plan for the other buildings at the Quabbin campus. John explained that DWSP is working to consolidate staff, including staff from both Forestry and Ranger Station Buildings to the Administration Building.

Trustee Meehan requested that, in the future, Quarterly Reports indicate both the total number of violations in the watersheds as well as the number of violations that are referred to local or state police.

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

The meeting was adjourned at 3:02pm.