



WSCAC Meeting

June 10, 2014

Location: Blue Meadow Conference Center, Quabbin Reservoir

Members in Bold in Attendance:

Whitney Beals, WSCAC Chair, NE Forestry

Elie Saroufim, Boston Water & Sewer

Alice Clemente, Blackstone River Watershed

Martha Morgan, Nashua River Watershed

Dona Motts, MA League of Women Voters

Bill Fadden, OARS and SuAsCo Wild & Scenic Rivers

Andrea Donlon, CRWC

Gerald Eves, Trout Unlimited

Paul Lauenstein, NepRWA

Nancy Bryant, SuAsCo

Martin Pillsbury, MAPC

Michael Baram, BU & CLF

Non –Members in Attendance:

Lexi Dewey, WSCAC staff

Terry Connolly, TU

Jane Fadden

Sue Costa, WSCAC staff

Lisa Gustavsen, DCR

Kevin Costa

WSCAC Business

Lexi asked for a headcount for the afternoon boat tour. Everyone identified themselves for the recording.

Lexi noted that the purpose of the meeting was to finish the SWMI comment letter as well as the rail safety letter to be sent to Fred Laskey. Whit noted that we had a meeting summary to approve as well. Whit asked for a motion to vote and approve the May 13th meeting summary. Andrea noted she attended via phone and also suggested a revision that the group agreed on. The summary was approved.

Rail Safety Letter

Michael Baram noted that he tried to make the letter more personal and also more related to Massachusetts. There was a healthy discussion as members tried to come to a consensus using a portion of everyone's comments. Sue put the letter on the overhead and edited as consensus decisions were made.

Exactly who the letter on rail safety should go to was discussed at length. It was decided to send the letter to Fred Laskey and copy Jonathan Yeo. The decision to include Jonathan was made because, as Bill pointed out, there is a shared responsibility between the MWRA and DCR to protect the watershed.

Paul suggested members get back to a discussion of the wording of the letter. He suggested WSCAC use Michael's letter as a starting point. Andrea and other members agreed and the group moved forward with revisions to his letter. Andrea noted that this is an unusual situation because the information is not public and thus WSCAC cannot research the issue. Members discussed what was in the purview of federal versus state regulators. Michael noted that it's not just security but also the issue of trade secrets and proprietary information on the part of the railroad.

With much wordsmithing, the group honed a letter that was concise and clear. A motion was made and seconded to vote on the final letter. It was unanimously approved.

SWMI Discussion

Bill Fadden asked about SWMI and how it works with towns like Natick where there are currently water restrictions. Andrea said their permit may have restrictions based on flows in Charles River. Several members provided background for Bill.

Paul explained how limits in Sharon work and spoke about seasonal restrictions versus gages in the river that trigger restrictions.

Andrea further explained that the Water Management Act (WMA) regulations are what permits follow and SWMI represents changes to the WMA regulations. Whit noted that the WMA was passed in 1984 but the term Safe Yield was never fully defined.

The group continued with a discussion of WSCAC's first draft SWMI comments. Lexi asked if the group supported SWMI? Whit noted the serious issues with SWMI. Michael added to the discussion and noted Safe Yield is a failure.

Andrea noted that the WSCAC position on SWMI is not clear in the first draft and further stated she would not support a letter that does not support the SWMI regulations. Andrea spoke of the history of WSCAC and the importance of the SWMI regulations despite its flaws and omissions.

Dona suggested revisions to the comments and spoke to the issues. Michael noted that the model of a Safe Yield analysis is simple and that the only real problem with Safe Yield is the political implications/ramifications of saying no to additional growth. He further stated that towns should not be allowed to set their own safe yield because withdrawals from an aquifer can affect surrounding towns.

Andrea disagreed with Michael on the simplicity of the Safe Yield determination. She stated that the problem is the basis for the calculation of Safe Yield. For example, is the whole basin considered or is it permissible for the little tributaries to the big basins to be sucked dry? Andrea stated that it's a difficult thing to do right and, although DEP did not do a good job this round, she noted that no environmentalists or others have come up with an alternative of how to do it.

Michael felt the SWMI approach is legally wrong because it does not fulfill the WMA. Andrea asked if the group wanted SWMI to go forward. Paul spoke about distortions in the use of the USGS Fish and Flow Study. Whit asked if the group wanted the comments to say here's what we like and don't like.

Paul proposed that WSCAC's comments suggest that 25% of August median flow, as stated in the framework, and this should be the goal to work toward. Members continued to debate this issue. Lexi reminded the group that there was 30 minutes left in the meeting.

Michael suggested the hydrological connection between ground water and surface water needed to be taken into consideration and streamflow should not be the sole criterion. This was added to the comments.

The discussion continued during lunch. Paul suggested the goal should be for no basin in Massachusetts to be rated less than a Category 3. Some members did not think this was feasible.

Dona was concerned that towns will want credit for mitigation done in previous years in order to raise their baseline. Michael suggested that mitigation needs to be public and transparent.

Andrea felt that water rates and the structure of these rates is very important. Paul noted that language on rates and structure in the SWMI framework are vague and thus ineffective.

Bill brought the group back to the topic of private wells. He also suggested reorganizing the comment letter. The group went back and forth on the comment language regarding private wells.

The group felt that the omission of conditioning registrations was a major hole in the regulations. WSCAC comments will stress that the DEP should condition registrations and call for registration of private wells.

Andrea noted that some of the bullets in the original draft were omitted from later drafts. All the bullets will now be included in the final comments. Although it was difficult to agree, the group worked hard to craft language and a message that everyone could support.

The meeting was adjourned.