A meeting of the Board of Environmental Management was held January 5, 1978 at 10:00 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury, Messrs. Wislocki, Loupos, Nickerson and Dawson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

The minutes of the December 1, 1977 meeting were approved.

Commissioner Kendall informed the Board that in accordance with the Collective Bargaining Agreement, the recent enactment of Chapter 782 Acts of 1977 authorized a salary increase for managerial positions and that of commissioners. He said the Act provides that the Commissioner's salary shall be increased to an amount not to exceed $26,751 to be retroactive as of July 31, 1977. The increase is conditioned on the approval of the Board of Environmental Management. Upon motion of Mr. Wislocki, seconded by Dr. Nickerson, it was -

VOTED - to accept Chapter 782, Section 82 of the Acts of 1977, whereby the Commissioner's salary is to be increased to $26,751, effective July 31, 1977.

In reporting on fiscal matters, Commissioner Kendall stated that most capital outlay budget requests have been deleted with the exception of funding for the construction of a visitors center in Berkshire County, Blackstone River Valley State Park, reconstruction of the bathhouse at Lake Quinsigamond, and a wording amendment allowing the Department more flexibility in expending funds for the Lowell Heritage State Park out of existing appropriations.

In reporting on departmental matters, Commissioner Kendall stated that the Bureau of Solid Waste has scheduled meetings throughout the month of January with the local officials of Lowell, Lawrence, Methuen, North Andover and Newburyport, with tentative meetings scheduled in February with Salem and Lynn officials. He reported that the wetland restriction program is progressing satisfactorily, and that the Department of Public Works has notified the Department that they soon will begin the removal process of four million cubic yards of gravel from the 10 acre I-95 Saugus marsh. In further discussion of this project, Dr. Nickerson said that he would like to initiate a study to monitor the marsh during the removal process

to determine whether, and if so, how the marsh will be affected. He estimated that the study would take about three years at a cost between $60,000 and $70,000. He said that he would be willing to explore the sources of funding, such as EPA and CZM, if the Board would support his efforts. The Board expressed their enthusiasm and offered their support on behalf of Dr. Nickerson's efforts to obtain funding for the study. Upon motion of Mr. Wislocki, seconded by Mr. Loupos, it was

VOTED - to support Dr. Norton Nickerson's efforts in his search of funding, by means of a grant, to initiate a study to monitor the removal of gravel from the Saugus marsh.

The Commissioner reported that the Water Resources Commission is in the process of restructuring the composition of the Commission to include geographical representation of the major river basins. He said that public hearings are being scheduled to introduce the concept to the local residents in the strategic areas for their response to the idea. However, he said, legislation would be required to accomplish the restructuring but with favorable response from the general public, he envisions no problems with legislation. He further reported that Mr. John Balco has been hired as the Executive Director to the Water Resources Commission. His duties will include that of coordinator between state agencies represented on the Commission, and, at the direction of the Commission, to implement the comprehensive water policy management system which has been charged to the Commission by the Secretary.

Mr. Robert Yaro was asked to present the final draft on SCORP policies.

Mr. Yaro gave the Board members a copy of the revised summary of the 1978 SCORP policies, which, he said, were revised to include the Board's suggestions. Mrs. Duxbury again questioned the project selection system in relation to how urban projects would be selected as opposed to natural resources area projects. Mr. Yaro replied that a site selection system would be developed during the year and presented to the Board from time to time before any decisions were made. Mr. Wislocki raised the question on the competency of the RPA's. He recommended that

local citizen groups be included on an equal footing with RPA's in order to allow them the opportunity to submit proposals along with RPA's. Mr. Dawson stated that he was more concerned with recreational services being provided and felt that a statement to that effect should be included in the summary. The Board agreed to accept the summary of SCORP policies but requested that a presentation of the selection system be brought before them every three months for their review - the first presentation to be included on the April agenda. Upon motion of Mr. Wislocki, seconded by Mr. Loupos, it was -

VOTED - to adopt the "Summary" of the 1978 draft SCORP policies (as presented) as the operating policies of the Department of Environmental Management.

Mr. Yaro then presented to the Board for their consideration a resolution requesting a transfer of certain property owned by the federal government to DEM for park and recreation purposes. He asked the Board's authorization to make application to the Secretary of the Interior, through the General Services Administration, to have the so-called surplus property on Plum Island transferred to the Department of Environmental Management. Upon motion of Dr. Nickerson, seconded by Mr. Loupos, it was -

VOTED - to authorize Commissioner Richard E. Kendall, acting on behalf of the Department of Environmental Management, to make application to the Secretary of the Interior, through the General Services Administration, to transfer certain property (containing 52 acres) in Newburyport, Massachusetts, known as Parcel "B" Merrimack River Life Saving Station, to the Department for public park and recreation purposes.

Director Bliss then brought before the Board a proposal to acquire, by eminent domain, 31.5 acres of land adjacent to the Borderland State Park. He said that the Department has been negotiating with the owner (Stanley Shreda) for several years but has been unsuccessful, to date. He stated that the acquisition

is necessary to complete the interior of the Borderland Park and to round out its exterior boundaries. Mr. Loupos asked if the Department had the approval of the Board of Selectmen. Mr. Bliss replied that they did not have their official authorization but he did not feel that it would be an obstacle. Upon motion of Dr. Nickerson, seconded by Mr. Loupos, it was -

VOTED - to authorize the Commissioner of Environmental Management, pursuant to the provisions of Chapter 132A, section 3A of the General Laws, to exercise the power of eminent domain to acquire certain lands n/f of Stanley Shreda or the Knob Hill Trust described as follows: All that land described in paragraph 5, 6 and 7 (Parcels 1, 2 and 3) of Chapter 543 of the Acts and Resolves of 1976. The descriptions therein are hereby incorporated by reference; subject to no disapproval of the Board of Selectmen.

Mr. Nelson Obus, the Department's Interpretive Services Officer, was asked to attend the meeting to brief the Board on the interpretive services program.

Mr. Obus gave the Board members copies of a report outlining the interpretive program which he hopes to initiate into the Massachusetts forest and park system this year, together with a draft list of priorities which he felt were most important in order to implement the program. He asked the Board to review the priorities and submit their comments or suggestions to him. The Board expressed their enthusiasm and offered Mr. Obus their encouragement and support. They agreed that the program was long over due and one in which the Department should make every effort to promote. They further agreed to prepare their comments for submission and discussion at the February Board meeting.

The date for the next Board meeting was scheduled for Thursday, February 2, 1978 in the office of the Commissioner at 10:00 a.m.

There being no further business to come before the Board the meeting adjourned at 1:00 p.m.; followed by a joint meeting with the Board of Fisheries, Wildlife and Recreational Vehicles.

Secretary

A meeting of the Board of Environmental Management was held February 2, 1978 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members: Mrs. Dana Duxbury, Messrs. Loupos, Nickerson and Dawson. Also present were Commissioner Richard E. Kendall, Megan Jones, Executive Assistant to the Commissioner.

Preceding the Board meeting, the members of the Board attended the CZM regulations hearing.

The Board meeting convened at 11 a.m. and Mrs. Duxbury informed the Board that Mr. George Wislocki was resigning as a member of the Board of Environmental Management.

The minutes of the January 8, 1978 meeting were presented for approval and Dr. Nickerson presented the following correction to be made in the minutes.

Page 1, paragraph 3, line 7 - delete the words "from the 10 acre...." and insert therein the following - "from 40 acres of the....."

In reporting on Department activities, Commissioner Kendall said that within the past month major emphasis was placed on the Bureau of Solid Waste's Northeast Resource Recovery project. He said that meetings were held with officials in the cities of Lynn, Lawrence, Lowell, Gloucester and Salem and in the town of Newburyport, and with the North Shore Economic Council. He also said that he and Mr. Gaughan attended a meeting in Chicago with the UOP, Inc. officials in an effort to accelerate the finalizing of the Northeast project contract, as well as to urge UOP to assign a professional marketer to the project.

Commissioner Kendall also reported that the wetlands restriction program was intensifying its efforts, resulting in increased local reaction, both pro and con; that the Division of Forests and Parks was functioning well; and that the final draft of SCORP has been forwarded to the Bureau of Outdoor Recreation on schedule. He further reported that there were substantial personnel activities taking place within the Department with strong affirmative action overtones.

Director Correia was asked to attend the meeting to present land acquisition proposals.

Mr. Correia asked the Board's approval to acquire by eminent domain .2 acres of land adjacent to the Department's Walden Pond Reservation in Concord. He said

that the area is necessary to assist the Department in the relocation of Route 126. The owners, he said, Lawrence & Mildred Rowe are willing sellers but due to insurmountable title problems eminent domain is necessary and agreeable to the owners. Upon motion of Dr. Nickerson, seconded by Mr. Dawson, it was -

VOTED - to authorize the Commissioner of Environmental Management to acquire by eminent domain a certain parcel of land in Lincoln, Middlesex County, Massachusetts, more particularly described as Lot #5, on a plan entitled "Plan of Land in Lincoln, Massachusetts belonging to Bob Bernson Scale 1" = 40', November 26, 1947: said plan being recorded with the Middlesex County Registry of Deeds Southern District in record book 7232 at the end.

Dr. Nickerson brought before the Board the matter of barrier beach restrictions (Chapter 130, Section 105). He referred particularly to beaches in the town of Sandwich, Westport Beach, White Horse Beach and Hummarock Beach. He said that there is an urgent need to establish a policy with respect to the present restrictions on barrier beaches and that the Commissioner should take the strongest stand possible in this effort and that the Board of Environmental Management should take a firm position to support the Commissioner. In discussion, it was suggested that the Department should first seek the opinion of the Attorney General's office as well as the advice of the Soil Conservation Service and the Corps of Engineers. It was determined that Director Hardin would follow through on this suggestion.

Director Bliss briefly reported on the YACC program. He said that funds should be available about April 1st and it is anticipated that the program will begin about June 1st. Employment selection will be through local DES offices but hopefully the Department will be given the opportunity to screen the applicants.

Mrs. Duxbury briefly discussed the litter tax bills filed by Senator Fitzpatrick (S813 and S814). She stated that the bills were not alternatives to the bottle bill and that the Department should seriously assess the intent of the bills before it determines what action to follow. The Board requested further information for discussion at the March Board meeting.

Dr. Nickerson raised the question of how the results of Earthwatch's environmental study of the Boston Harbor Islands, to be conducted this summer, will be utilized by the Commonwealth. He requested that a meeting with DEM officials and Secretary Murphy be arranged to discuss the issue. In this regard, Mr. Loupos suggested that the Department contact a Mr. Leo Dower of Plymouth. He said that Mr. Dower is an expert on the history of the Boston Harbor Islands and that the Department would benefit by his extensive knowledge and expertise. The Commissioner said that he would refer Mr. Dower's name to Meg Ackerman, project director for the Boston Harbor Islands.

Commissioner Kendall reported that Penn Central has finally responded to the Department's request to enter into negotiations for the right-of-way on the Lower Cape but, he said, their cost figure is 7 to 8 times higher than the Department's appraisal of the area of several years ago. He added that the Department is now undertaking a reappraisal which should be completed by mid-April. He noted that the Federal Rails to Trails program has ranked the project fourteenth, nationally. He said that in order to secure federal funding the Department has sought the Massachusetts Congressional Delegation assistance.

The date for the next Board meeting was scheduled for Thursday, April 6, 1978 in the office of the Commissioner.

There being no further business to come before the Board the meeting adjourned at 1:30 p.m.

A meeting of the Board of Environmental Management was held March 2, 1978 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury and Dr. Norton Nickerson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

The minutes of the February 2, 1978 Board meeting were presented for approval and accepted.

In the absence of a quorum, no formal business was conducted.

Commissioner Kendall first presented to the Board for discussion the draft legislation prepared by Ms. Farrell, Department Counsel, on the acquisition policy of storm damaged land caused by the recent storm disaster. Basically, he said it is a request for a $20M bonding to acquire properties that are flood prone or declared as a disaster area. It applies to both coastal and inland areas. It also, by policy, sets up a voluntary acquisition program on the part of the Department with input by the affected communities. The draft has been presented to the Governor and a policy decision must now be made by him as to which way we should go, either with this piece of legislation or some other form. He then asked Ms. Farrell to briefly explain its content.

Ms. Farrell said that the bill was still in the draft stage and that the current title is the Massachusetts coastal and disaster area acquisition law with an emergency preamble so that it could take effect immediately. Basically, she said, the bill authorizes the Department of Environmental Management and the Metropolitan District Commission to acquire certain properties related to the storm for recreation and conservation purposes. Types of areas included are those adjacent to the ebb and flow of the tide, flood plain areas on which buildings were substantially damaged, and such areas contiguous thereto. It is patterned after similar capital outlay bonds within the Department's acquisition program. She pointed out that there was a new provision in the draft which will require a management plan to be developed between the acquiring agency and the community. The plan, hopefully, will allow the community to take over the management of the area while title will remain within the Department. It provides for local management responsibility under DEM title.

Mrs. Duxbury questioned the operation and management costs and where the responsibility would lie - the community or the Department. Commissioner Kendall replied that it could be either way as in the case with any of the Department's properties. The main purpose, he said, would be to obtain local support for the program as it would strictly be voluntary. He added that the management plan to be developed would possibly answer this question. Also, the plan would help the Department to identify what the communities feel is the most important pieces of property. Ms. Farrell added that before any acquisition would take place hearings would be held on the plan in each city or town. She also stated that the bill provided for a $20M bonding by the Commonwealth and that the Department would be eligible to accept up to $20M matching funds from the federal government. The bond expires in 1993.

Mrs. Duxbury also asked if the Department had any idea how much land $40M would purchase. The Commissioner replied that the Department had priced out three difficult areas - Humarock Beach in Scituate, Pegotty Beach in Plymouth and an MDC area in Revere. He said that a rough estimate of $2M per site for acquisition seemed reasonable. We arrived at this figure by placing a $50,000 estimated value on the damaged house and land, assuming that the dwelling was damaged beyond repair. This would then allow us to purchase the land at the lowest possible value.

Mrs. Duxbury asked if we would have any minimal quantities of land we would consider. The Commissioner replied that it would be a policy decision, but it would have to be something we thought could be used immediately for recreational purposes or, in the long term, could be added to different pieces. Ultimately, it would have to be a manageable area offering recreational opportunities.

Mrs. Duxbury also asked if there was anything in the act that would help to prioritize the types of land that would have the maximum conservation value to be retained. The Commissioner again replied that the management plan would help to

identify the most important pieces of land, and that the Department's priorities would have to be considered.

Dr. Nickerson asked that should there be any unexpendable monies available at the end of 1993 would there be a possibility to establish a permanent disaster acquisition fund. The Commissioner replied that it would require additional legislation.

This discussion lead into a discussion regarding the restriction of barrier beaches. Ms. Farrell reported that she had met with attorneys in the Attorney General's office on this matter as requested. She said the question placed before them was - can we place a restriction on the dunes including areas with or without buildings. There was a divided voted (2 to 2) but that they did agree that a decision should be made on what areas are significant in light of the purpose of the coastal wetland act and what areas need the coastal wetland definition, particularly emphasizing coastal flooding. She said that Commissioner Kendall was also present at the meeting and that he showed pictures of Pegotty Beach (before and after) which resulted in a reconsideration of their thinking. Their final concensus was that the Department would be on strong ground to restrict if they could present a demonstratable coastal flooding problem, such as Pegotty Beach, and at the same time keeping priorities in mind and exercising discretion. Discretion is very important, she said, because the key word in the act is "may," not "shall." They agreed that with taking in coastal flooding considerations, definition of the wetlands and the act, and using discretion the Department could go forward and carry out the purposes of the act. Ms. Jones stated that Director Hardin has been requested to prepare recommendations to establish a policy on barrier beach restrictions.

Mrs. Duxbury and Dr. Nickerson indicated their personal support of the draft legislation and the $20M bonding for acquisition of flood damaged properties.

Commissioner Kendall reported that the Department is in the process of hiring primarily within the wetlands restriction office and the Bureau of Solid Waste. He said that several clerical positions have already been filled with minorities and that an affirmative action officer will be on board within two weeks who is also a minority person.

Commissioner Kendall informed the Board that he had received two recommendations from George Wislocki for the vacancy on the Board and that he expected others to be forthcoming from Berkshire County. The final decision will be the Governor's, he said.

Director Bliss brought before the Board the proposed eminent domain taking of 157.4 acres of land in Douglas from the Penn Central Transportaion Company. He said that Penn Central has offered the property to the Department for $328,000 but that the appraised value of the land is between $15,000 and $17,000. Therefore, eminent domain is being sought due to the huge discrepancy between the asking price and appraised value. Due to a lack of a quorum, approval was deferred until the next Board meeting.

The Board members were given copies of all legislation filed by the Department and Director Bliss reviewed such legislation as filed by the Division of Forests and Parks. He reported that on February 16 the Committee on Natural Resources and Agriculture reported favorably on all his Division's legislation (6 in number) with the exception of one - H63 (registration of professional foresters) - this will be refiled at the next annual session.

The date for the next Board meeting was scheduled for April 20, 1978 in the office of the Commissioner.

There being no further business to come before the Board the meeting adjourned at 12 noon.

Norton H. Nickerson
Secretary pro tem

A meeting of the Board of Environmental Management was held April 20, 1978 at 9:30 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were Mrs. Dana Duxbury and Messrs. Nickerson and Loupos. Also present were Commissioner Richard E. Kendall, and Megan Jones, Executive Assistant tothe Commissioner.

In the absence of the Secretary, Mr. Henry Dawson, Dr. Norton Nickerson was elected Secretary pro tem.

The minutes of the March 2, 1978 meeting were approved as submitted.

Commissioner Kendall opened the meeting with the introduction of the Department's new Affirmative Action Officer, Alberta Grant. Ms. Grant outlined for the Board those positions with which she has been charged to fill with a strong affirmative action effort such as a head administrative assistant, resource planner, land use planner and senior clerk and stenographer all within the Wetlands Division, and a senior civil engineer in the Acquisition Division.

Commissioner Kendall updated the Board on recent personnel actions within the Department. He first reported on several in-house promotions. He also made mention that the Wetlands Division has been very fortunate in filling several vacancies with highly qualified minorities.

In further discussion of personnel matters, the Commissioner noted that the Department is in need of a chemist's expertise to deal with pesticides and to assist the Department's Insect Pest Control's office in preparing environmental impact statements, as well as providing consultation to DEM on chemical application both for acquatic weed control and insect pest control. To this end, he said, we are recommending that the Department engage the services of such a person on a part time basis; hopefully, with an -03 contract.

In updating the Board on capital outlay issues, the Commissioner reported that he had met with the Mashpee Board of Selectmen and they are in agreement to the Department's acquisition of South Cape Beach by eminent domain. He said that if the

Tribal Council and their attorneys agree to this action, the Department will proceed with eminent domain proceedings to acquire South Cape Beach.

In reporting on the coastal disaster program, the Commissioner informed the Board that the emergency acquisition bond issue is still pending in Ways and Means. He indicated that additional monies funded through HUD may be available in the amount of $2½ million. Under this program acquisition based on pre-storm damage value will be permitted. This is in contrast to the bond issue legislation which will permit acquisition based only on post-storm values.

Dr. Nickerson expressed his strong support for the bond issue bill and stated that with the Commissioner's approval, he would be willing to submit a letter to House Ways and Means Chairman John Finnegan urging that a public hearing be held at the earliest possible time. The Commissioner was in full support of Dr. Nickerson's suggestion.

Director Gaughan was asked to attend the Board meeting to update the Board on the Bureau of Solid Waste matters. To begin, Mr. Jack Albis presented a film produced by UOP on the Northeast Solid Waste project which was followed by Director Gaughan's report on the status of the RFP's (request for proposals). He reported the following: RFP for 128 will be ready to be issued this summer, hopefully in July. No specific site has been selected at this time but Stoughton is preferred. RFP for Central Massachusetts (Worcester) is expected to be issued this fall, hopefully in October. The site is in question at this time, and it is believed that if Worcester itself is chosen there will be air emission problems due to the fact that the city is situated in a so-called bowl. The City of Springfield is in the midst of a feasibility study which includes nine cities and towns and Monsanto and the

RFP progress will depend on the results of this study which should be accomplished sometime this fall.

Director Bliss was asked to attend the Board meeting to discuss several matters within his Division. Director Bliss noted that the Board had given tentative approval to the eminent domain taking of 157.4 acres of Penn Central property in Douglas at the March meeting, but due to a lack of a quorum at that meeting no formal action was taken. Upon motion of Mr. Loupos, seconded by Dr. Nickerson, it was -

VOTED - to approve exercise of the power of eminent domain by the Department of Environmental Management to acquire a certain parcel of land in Douglas, Worcester County, Massachusetts as shown on a plan entitled "Plan of Property owned by Penn Central Transportation Company, Douglas, Massachusetts, Scale 1" = 200', July 25, 1977, Cullinan Engineering Co., Inc., Auburn, Massachusetts" on file with the land acquisition office and the Railroad Right of Way appurtenant thereto.

Dr. Nickerson affixed his signature to the Certificate of Vote.

In reporting on the Division of Forests and Parks security policing policy for the summer months, Director Bliss informed the Board that three of his park employees attended police school at the Barnstable County Academy for 12 weeks this past winter. This program provided proper training in the various enforcement activities pertaining to laws, rules and regulations of environmental protection, etc. Also, the Department will continue to utilize state police and local police as well as NRO's. However, he said, seasonal local policing could be improved, and there are some problems with the NRO's union. We have had several meetings with the union representatives and it is their contention that NRO's should be given all overtime policing assignments. We are not in agreement, he said. He informed the Board that the Department filed a study resolve on police security which focuses on the increased duties and training of fire wardens which has been favorably reported.

Mr. Loupos stated that he was still of the opinion that a mounted police system would be more beneficial as well as efficient in that they could cover a wider area with more speed. He reported that he and Dana Duxbury had met with people before the Board meeting who were associated with a horse patrol. They had discussed the possibility of engaging such services for the Division of Forests and Parks. He said that he would like to have the Department look into the possibility of this concept and to give some consideration to explore means of funding such a program. A horse patrol, he said, would increase the presence of authority giving the public a greater feeling of confidence in park security. He noted that the group has had National Park Service training and owned their own saddles, but horses would have to be provided. Director Bliss said that he would make contact with the group for further discussion, and that he would also look into the possibility of funding a mounted police program. He said that he would report back to the Board at the May meeting.

Mr. Nelson Obus then reported on the Interpretive Services program. He said that the program is progressing, but slowly, due mainly to a lack of an adequate budget. He made mention that the Department has applied for a $7500 grant from the National Endowment for Arts and Crafts and it has been rumored that we will receive at least sixty percent of the grant. The Board expressed their interest in the program and felt that it should be supported. Mr. Loupos questioned the possibility of obtaining CZM funds.

Mr. Robert Yaro was asked to attend the meeting to update the Board on the status of the SCORP rating system and in so doing gave them copies of a proposed rating system and a flow chart outlining the continuing plan of the Department for the next five years. He said that the Department has

received its five-year eligibility from the Heritage Conservation and Recreation Service (BOR) which indicates their acceptance of the SCORP, but this eligibility is contingent on the Department's ability to produce and update the continuing planning program for the years 1979-1983. In order for this program to be effective, he said, it is estimated that six new positions will be necessary.

Due to a lack of time the Board agreed to delay discussion on the rating system until the May meeting at which time they would then offer their comments and suggestions.

The date for the next Board meeting was scheduled for May 11, 1978 at 10 a.m. in the office of the Commissioner. Tentative plans were also made to hold the June meeting in Region IV, possibly on the Holyoke Range.

There being no further business to come before the Board the meeting adjourned at 12 noon.

Norton H. Nickerson

Secretary pro tem

A meeting of the Board of Environmental Management was held May 11, 1978 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury, Messrs. Nickerson and Loupos. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

The minutes of the April 7, 1978 meeting were approved as submitted.

In the absence of Mr. Henry Dawson, Secretary, Dr. Norton Nickerson was elected Secretary pro tem.

In reporting on departmental matters, Commissioner Kendall informed the Board that the Department's budget engrossed by House Ways & Means and sent to the Senate has been reduced by over $1 million and that all new programs have been excluded. He expressed his deep concern and said that he hoped to have the funds restored before the budget reaches the Governor's desk.

In reporting on personnel, the Commissioner submitted for the Board's consideration resumes of two candidates to fill vital vacancies within the wetland section - a geologist to work on the coastal program and a plant ecologist to work on the inland program. Director Hardin briefed the Board on the candidates backgrounds. Mr. Stanley Humphries, geologist, and Pamela Kohlberg, plant ecologist, she said, are extremely qualified as their resumes indicate and have been highly recommended. She said that Mr. Humphries has been highly recommended by Mr. Les Smith (CZM) and that Ms. Kohlberg has been interviewed by Dr. Nickerson. Dr. Nickerson added that he found Mr. Kohlberg to be exceptionally qualified to fill the position. Mr. Loupos stated that he had some reservations on Mr. Humphries because he did not have enough engineering experience but would except Mr. Smith's recommendation. The Board extended their strong support to employ both candidates.

Director Hardin briefed the Board on the present status of the inland and coastal programs. She informed the Board that ten towns within the Nashua River Watershed have been mapped, to date, and that one hearing has been held in the town of Bolton which, she said, is the first area where we have implemented the flood plain zoning act in the restrictions.

In reporting on the coastal program, Director Hardin stated that the cities of Winthrop and Revere on the North Shore have been field checked and hearings should be held shortly in both areas; Saugus and Lynn to be field checked next week; and nothing has been done in Boston, as yet. Five towns on the South Shore have been photographed - Braintree, Quincy, Hingham, Weymouth and Scituate. Four towns in Barnstable County have been recorded - Orleans, Truor, Eastham and Provincetown; and Chatham to be recorded very shortly. She informed the Board that the dunes and barrier beach restrictions were included for the first time in the Provincetown and Sandwich restrictions.

Dr. Nickerson commented on recent legislation filed by Senator Wetmore to implement the mapping program. He said that the draft legislation sets up the state as the "determiner" of wetland boundaries. It was his feeling that the state should be required to do minimum delineation and the towns should take it beyond this point. It was agreed that the Board would further discuss the draft at the June Board meeting.

Ms. Catherine Farrell informed the Board that the draft of the Ocean Sanctuary regulations has been completed. Basically, she said, it provides for five sanctuaries along the Massachusetts coastline with the exception of Marshfield to Lynn. DEM's responsibility is to exercise a consultation role with the agencies that license activities in the ocean sanctuaries. The statute specifically allows or prohibits various activities in the sanctuaries. A public hearing is being planned to be held in late June on the proposed regulations, she stated.

Ms. Farrell informed the Board that the town of Millis has placed a preliminary injunction on the Department's enforcing inland restrictions (Ch.131, Sec. 40A) on three parcels of land. She said the landowner's attorney is challenging 1) the taking; 2) the 90 day appeal (not enough time); 3) owner's

notification being sent to assessed owners of record only; and 4) mapping procedure on the whole is not adequate (the attorney contends that the mapping should be done according to metes and bounds). She stated that it has not yet been determined whether the case will go before Superior Court or the Appellate Court. Ms. Farrell added that MAPC, CLF, MACC and the Attorney General's office have all offered their assistance to the Department.

In discussing the heritage park program, Commissioner Kendall informed the Board that the Governor has given approval for a statewide heritage program with a funding of $6 million. He said the concept has been endorsed by the Development Cabinet as well as the Office of State Planning. The program will allow for four additional heritage park areas, similar to the Lowell Heritage State Park but at a lower cost level. He noted that the Department has received several proposals from various areas.

Mrs. Duxbury stated that the Board had not given their approval of the heritage park program and that they had raised significant questions on the park concept at previous Board meetings. Further, she said, she recalled that DEM was to undertake a study on the impact and efficacy of the state assuming the responsibility (operation and maintenance) of additional parks. Also, she said, it was her understanding that proposed new projects were to be brought before the Board before any decisions were made. She added that she did not recall the Board ever having been apprised of the four new parks nor did she recall receiving any further information on the study.

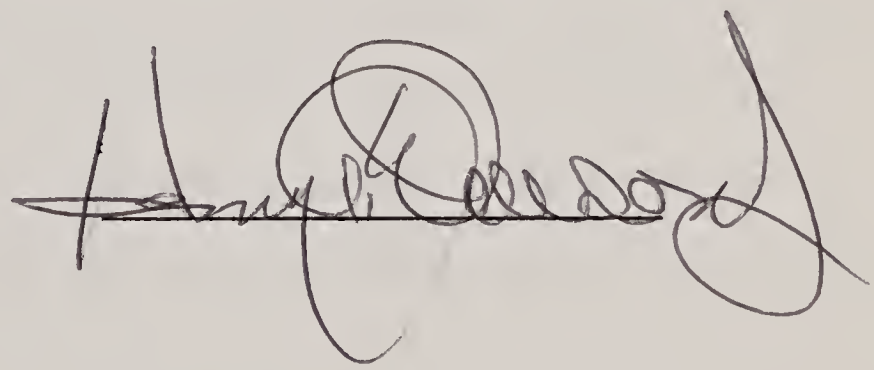
Mrs. Duxbury further added that the Board had been most emphatic in their objections to the selection system relating to how urban projects would be selected as opposed to natural resources areas projects. She requested that Mr. Yaro furnish the Board with copies of the BOR funding directions and that the heritage park program be placed on the agenda for further discussion at the June Board meeting.

Mr. Yaro handed to the Board copies of the proposed L&WCF rating system and copies of a memo from OSP commenting on same. Basically, he said, the rating system will make it possible for natural resources projects in smaller less affluent communities to receive funding. He noted that comments submitted by OSP were weighted towards lower income areas, not necessarily urban areas.

Dr. Nickerson raised a point regarding population density vs. persons per square mile. He asked how one would interpret this statement in relation to resort areas (such as Cape Cod) when during summer months such areas are at their peak period use.

The date for the next Board meeting was scheduled for June 8th - to be held in either the South Cape Beach area or Region IV, Holyoke Range.

There being no further business to come before the Board the meeting adjourned at 12:30 p.m.



A meeting of the Board of Environmental Management was held June 8, 1978 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury, Messrs. Nickerson, Loupos and Dawson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

The minutes of the May 11, 1978 meeting were approved as submitted.

In reporting on departmental matters, Commissioner Kendall reported that the Department's budget was pending in a conference committee. It is believed, he said, that there will be a positive compromise and that the figures to come out of the committee will allow the Department to meet its budget obligations. Also, the capital outlay budget is still pending and it appears that the acquisition of Halibut Point is moving along satisfactorily. He also reported that the Department has held in-depth discussions with MDC regarding the Boston Harbor Islands. He said that out of these many discussions the Department has assumed its taking over the management role of Peddocks and Lovells Islands this summer. However, the MDC's Associate Commissioners have recently voted to oppose this move and further discussions must take place to resolve the issue.

The Commissioner informed the Board that the NESWC project contract has been completed and distributed by hand to every city and town involved in the project. He said that the Department has fulfilled all of its obligations and it is now up to the cities and towns to come forward with the necessary votes which should be by July 1st.

Commissioner Kendall informed the Board that the Court hearing on the Millis inland restriction which was to be held on June 7 was postponed for another week. He said that the original law suit involving two landowers was based on procedures as well as the constitutional taking issue. The hearing next week is to decide whether or not the Millis case will be used as a class action.

The Commissioner reported that the Scenic Rivers bill is being held for further review by Ways and Means. He also reported that the Department is holding briefing meetings with all agencies involved with Ocean Sanctuary Regulations (MDC, DEQE, Corps of Engineers and EPA) - prior to the public hearing which is to be held June 21st.

Commissioner Kendall informed the Board that the Department is in receipt of several letters of disagreement from local tree wardens regarding the decision to discontinue the use of Sevin. Interestingly enough, he said, the toxicologist recently hired by the Department is not supportive of this decision. Dr. Cole feels that there is no cumulative research to indicate that Sevin is harmful. It is his feeling that there is a calculated risk but alternatives are worse.

In reporting on the Heritage Park program, the Commissioner stated that the House Ways and Means Committee has requested that a set of criteria be developed for further review. It is expected, he said, that if the program is approved it will probably be with no monies assigned. He added that the Department is preparing background data for the Fall River project to be used as a test case.

Mrs. Duxbury again stated that the Department should not be involved in the operation and maintenance of such areas. She said that if the program is to be a reality it should have its own budget and not drain the already strained recreation budget. She added that the obligation to support the Department's present recreation program should not be overlooked.

Commissioner Kendall stated that the following two questions should be considered by the Board.

1. Do you think state government has any jurisdiction to involve itself in such a program?

2. If so, do you think DEM is the appropriate agency or should the responsibility fall within the jurisdiction of Commerce & Development, Economic Affairs or MDC?

Mr. Dawson questioned the capabilities of the Commonwealth in the operation of urban parks. He felt that there should be some coordination on a statewide basis but the initiative should be placed with local communities to develop and operate these areas.

Mrs. Duxbury asked Mr. Yaro how the program fits in with BOR funding. Mr. Yaro replied that under the new terms of the L&WCF, $13 million has been set aside for urban projects, exclusively, and that once the Department has committed its entire $7.8 million (L&WCF) apportionment, it is then entitled to request funds out of the $13 million for urban projects. He noted that the Secretary of Interior is requesting from Congress an additional $150 million as a catchup fund to rehabilitate the urban park system.

Mrs. Duxbury directed Mr. Yaro to prepare an overview of the entire Fall River proposal for the Board's review. She also requested that the Board be continuously updated on the progress of the Heritage Park program.

Mr. Yaro then outlined for the Board the Natural Heritage Park program. He said that the program will allow the Commonwealth to develop a means of inventorying and classifying unique and diverse natural areas and landscape that have some cultural features. It also allows for the development of programs to protect entire natural resources, e.g., Walden Pond.

Discussion on the BOR funding was postponed until the next Board meeting.

The Board briefly reviewed Senator Wetmore's proposed mapping legislation. Dr. Nickerson stated that he was concerned that there was no provision in the legislation to allow input from the local conservation commissions during the time of the mapping development. He said that if the Board wished, he would review the legislation in more detail and report back to the Board with recommended amendments. The Board was in agreement.

Commissioner Kendall then brought before the Board for approval, the Department's proposal to acquire South Cape Beach by eminent domain. By statute, he said, the acquisition must be approved by the Board of Selectmen and at a recent meeting with them they had given verbal approval; however, the signed document of approval has not as yet been received. Commissioner Kendall asked

the Board for its approval to proceed with the taking. Following discussion, the Board approved the following takings, contingent on the approval of the Board of Selectmen.

Item 1	South Cape Beach	-	New Seabury Corp./or Fields Point Mfg. Corp.	- 375.5A	$1,604,100
Item 2	South Cape Beach	-	E. Winthrop Hall	6.6±A	81,600
Item 3	South Cape Beach	-	Ada M. Jonas	2.5±A	10,000
Item 4	South Cape Beach	-	Chester A. Wright, Jr.	1.9A	5,700
Item 5	South Cape Beach	-	Corinna Tobey	2A	2,000
Item 6	South Cape Beach	-	Owners unknown	3.6A	18,000
Item 7	South Cape Beach	-	Owners unknown	0.3A	300

The Board authorized Mr. Henry Dawson, Board Secretary, to affix his signature to the Certificate of Vote, contingent on the Selectmen's approval.

VOTED - that the Commissioner of Environmental Management is hereby authorized pursuant to the provisions of Chapter 132A, Sections 3 and 3A of the General Laws, to acquire by eminent domain all that land as shown on a two sheet plan entitled "Plan of Land - South Cape Beach - Mashpee, Ma., prepared for the Department of Environmental Management - Scale 1" - 200' February 16, 1976 - Briggs Engineering & Testing Co., Inc., on file with said Department, provided however, that no land owned by the Town of Mashpee shall be taken.

Director Bliss was asked to attend the Board meeting to discuss several matters pertaining to his Division. He first gave the Board members a copy of the Division of Forests and Parks Policy Memorandum regarding rental of dwellings on property under its control. He cited three individuals on the list of dwellers who were not DEM employees. In these cases, he said, the occupants were living on the properties at the time of acquisition and were given life tenancy. All three are very old, he added. He further informed the Board that the rents are established by the Office of Administration and Finance. This office inspects the dwellings from time to time and set the rates according to the number of rooms and condition. In all other cases, he said, the occupants are department employees and are on call on a 24 hour basis.

In bringing the Board up to date on its request to investigate the possibility

of having mounted police patrols on forests and parks during the summer months, Director Bliss said that he has made arrangements to hire mounted police to patrol Walden Pond for the month of June as a test case. He said that this is a very complex area and it will give us a good idea of the effectiveness of mounted police patrol. The men will be on duty from 12 noon to 8 p.m. and will be equipped with two-way radios for fast and efficient communications. He further stated that if the results prove to be effective, the Department will arrange to have the service continued at Walden Pond and will extend the service to such areas as Borderland, Harold Parker, Carlisle, Lowell Dracut and Robinson State Parks. He added that he would keep the Board informed on the results.

Mr. Paul Granger of the Wetlands Division brought before the Board a request of the Norfolk County Commissioners to relocate a road within the inland restriction area in the Town of Millis. He informed the Board that the Millis Board of Selectmen have given approval and that Commissioner Kendall had given verbal approval to the request. Based on this approval, he said, the County Commissioners prepared an agreement between the three agencies which has been signed by the Board of Selectmen and it now awaits the signatures of the Board and the Commissioner. Following a review of the agreement, it was the opinion of the Board that in light of the law suit pending in the Courts on the Millis restriction, it would be wise to hold a public hearing on the proposal at which time the Conservation Commission would have an opportunity to re-examine the request and offer their recommendation. They agreed not to sign the document at this time and directed Mr. Granger to request that a public hearing be held.

The date for the next Board meeting was scheduled for Tuesday, July 11, 1978 in the office of the Commissioner.

There being no further business to come before the Board, the meeting adjourned at 1:15 p.m.

Secretary

Due to a lack of a quorum, there was no meeting of the Board of Environmental Management during the month of July.

A meeting of the Board of Environmental Management was held August 3, 1978 at the Nickerson State Park in Brewster. Present were the Board members - Mrs. Dana Duxbury, Messrs. Nickerson and Dawson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

A tour of South Cape Beach area and an area near the proposed Cape Cod bikeway preceded the Board meeting.

The minutes of the June 8, 1978 meeting were approved as submitted.

Commissioner Kendall, in updating the Board on the 1979 budgets, stated that the Department did not lose a major issue and he considered it to be an acceptable budget. He said that the Department fared very well in the capital outlay budget with the following items approved:

$4.1 million	Lowell Heritage State Park
$1.5 million	Boston Harbor Islands - acquisition of Rainsford Spectacle and Long Island Head
$35,000	access road at Wells State Park
$1,125,000	rehabilitation of existing recreational areas
$400,000	acquisition of Halibut Point, Rockport
$1,500,000	construction of skating rinks - Berkshire and Hampshire Counties
$600,000	rehabilitation of Summit House, Holyoke Range; reconstruction of visitors center
$125,000	regional headquarters at the Pittsfield State Forest
$5 million	Fall River - Urban Heritage Park
$200,000	EIS and feasibility study of Southwest Corridor

The Commissioner also reported that there was only one minor amendment pertaining to the Department in the deficiency budget.

In reporting on division activities of the Department, Commissioner Kendall stated that no action has been taken by the Mashpee Selectmen on the South Cape Beach acquisition. In reporting on the wetland court case, the Commissioner reported that the Court has placed a halt on all inland restrictions. He said that the Attorney General's staff has expressed great concern over the case but that they are hopeful their appeal to remove class action injunction will be successful. Regardless of the outcome of this decision, the main case will go before the Appeals Court in September. The Commissioner announced that Rod Gaskell is on loan from the Attorney General's office to act as liaison between the two Departments and

to assist the Wetlands Division in preparing policy recommendations for the entire program.

The Commissioner further reported that the Department has been mandated by the Legislature to do a feasibility study and an EIS of the Southwest Corridor. He added that this action was not on the recommendation of the Department.

The Commissioner reported that the Bureau of Solid Waste is still awaiting firm commitments from the cities and towns involved in the NESWC. He stated that there are a lot of competitive proposals but the Bureau of Solid Waste has the most logical proposal.

Director Bliss reported on several activities within his Division. He gave the Board members a copy of a status report on the YACC program which he noted outlined the areas where the program is on-going. He reported that the bottle/can sorting campaign conducted on recreational areas over the holiday weekends did not appear to be too successful from the reports received so far, However, he said, the final tally may indicate more positive results. He then reported on the horse patrol program conducted at Walden Pond. He said that the results proved to be very worthwhile and that it will be continued at that area for the summer. He further stated that the program cannot be expanded at this time due to a lack of funds and, he said, the State Police does not have the capability.

In bringing land acquisition matters before the Board for its approval, Commissioner Kendall presented a proposal to take by eminent domain certain tracts of land within the Towns of Dennis, Brewster, Harwich and Eastham for the construction of a Cape Cod bikeway. He stated that Eastham has given its approval and that no objections are expected from the other three towns. The Board authorized the taking conditioned on the approval of all four towns. Upon motion of Dr. Nickerson, seconded by Mr. Dawson, it was -

VOTED - to authorize the Commissioner of Environmental Management, pursuant to the provisions of Chapter 132A, Section 3A of the General Laws, to exercise the power of eminent domain to acquire a certain tract of land known as the Cape Cod Railroad, being more particularly described in the attached "EXHIBIT A" and "EXHIBIT B"

Mr. Dawson affixed his signature to the Certificate of Vote.

Director Bliss then brought before the Board a proposal to take by eminent domain a small tract of land (124 sq. ft.) located in the City of Lowell as part of the Lowell Heritage State Park. He noted that the Lowell City Council had given blanket eminent domain approval but that this particular parcel was overlooked. Upon motion of Dr. Nickerson, seconded by Mr. Dawson, it was -

VOTED - to authorize the Commissioner of Environmental Management, pursuant to the provisions of Chapter 132A, Section 3A of the General Laws, to exercise the power of eminent domain to acquire certain lands n/f of Catherine Kinney described as follows:

A certain tract of land in the City of Lowell, Middlesex County, Massachusetts, being shown as Lot 1 on a plan of land entitled "Plan of Land in Lowell, Ma., belonging to Frank D. Frawley, Scale 8 feet to an inch, October 7, 1958, Brooks, Jordan and Graves, Civil Engineers, Lowell, Ma. "Said plan is on file with the Middlesex North Registry of Deeds, Book of Plans 90, plan 114a."

Beginning at a point marking the most southerly corner of said parcel; thence in a northwesterly direction a distance of 12.00 feet to a point; thence at an interior angle of 90°-00' a distance of 5.00 feet to a point; thence at an interior angle of 270°-00' a distance of 3.00 feet to a point; thence at an interior angle of 90°-00' a distance of 4.28 feet to a point; thence at an interior angle of 89°-52' a distance of 15.00 feet to a point; thence at an interior angle of 90°-08' a distance of 9.24 feet to the point of beginning.

Said parcel of land contains 124 square feet.

Mr. Dawson affixed his signature to the Certificate of Vote.

There being no further business to come before the Board, the meeting adjourned at 3:30 p.m.

The date for the next Board meeting was scheduled for Thursday, September 7, 1978 at 10 a.m. in the office of the Commissioner.

Secretary pro tem

A meeting of the Board of Environmental Management was held September 7, 1978 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury and Messrs. Loupos and Nickerson. Also present was Commissioner Richard E. Kendall.

In the absence of the Secretary, Mr. Henry Dawson, Mr. John Loupos was elected Secretary pro tem for the meeting.

The minutes of the August 3, 1978 meeting were approved as submitted.

Not being present at the August meeting, Mr. Loupos requested clarification of a statement in the August minutes relating to the study to be done by DEM on the Southwest Corridor. He asked if the Department is required to do the study and what is its involvement.

Commissioner Kendall replied that the Department is mandated by legislation to do the study and its involvement would be in assisting in the planning process. Also, upon completion of the project, the Department would be required to maintain and manage the area. It is DEM's contention that in order to be successful in the operation of the area it must be managed with assistance by the local communities. However, he said, this can only be accomplished with adequate funding and we will request line items in the budget for additional funds for personnel, equipment, etc.

In updating the Board on division matters, Commissioner Kendall reported that the South Cape Beach issue remains status quo pending clarification of the depressed property values in the town of Mashpee. He indicated that the Department is prepared to recommend the acquisition of Washburn Island if and when South Cape Beach is acquired.

In reporting on the Millis Court case, the Commissioner informed the Board that the class action injunction has been removed from the inland/wetland restriction process but that the main case is still awaiting Court hearing in September. The Commissioner further stated that in an attempt to resolve the many complex problems within the Division, the Department has engaged the services of two consultants - one to develop new techniques in recording; and another to develop a means by which to better define property bounds. Also, he said, Mr. Gaskell has completed the final draft of the policy recommendations.

The Commissioner reported that the Pesticide Board is progressing satisfactorily in developing new regulations.

In reporting on the Bureau of Solid Waste the Commissioner said that hopefully, by the end of October public relations signing will take place with Lowell, North Andover and Lawrence city officials.

In reporting on the 1979 budget the Commissioner stated that it follows very much on the same vein as last year's austerity budget and that the Department is still faced with a serious attrition problem with over 100 vacant positions most of which are in the Division of Forests and Parks. Also, he said, the Department will expend its efforts in the coming session to upgrading the salaries of personnel in the Division of Forests and Parks as well as to stress a strong interpretive services program.

Commissioner Kendall brought to the Board's attention, several employee grievances which have been brought against the Department and one racial discrimination complaint. In each case, he said, the Department is obliged to follow Collective Bargaining procedures and hearings will be held in the near future.

There being no further business to come before the Board, the meeting adjourned at 12:15 p.m.

The date for the next Board meeting was scheduled for Friday, October 13, 1978 at 11 a.m. in the office of the Commissioner.

Norton H. Nickerson

Secretary pro tem

A meeting of the Board of Environmental Management was held October 13, 1978 at 11 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Dana Duxbury, Messrs. Nickerson and Loupos. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

In the absence of the Secretary, Mr. Henry Dawson, Dr. Norton Nickerson was elected Secretary pro tem for the meeting.

The minutes of the September 7, 1978 meeting were approved as submitted.

Commissioner Kendall first brought to the Board's attention, an oversight in appointing an acting commissioner in his absence. He recommended the designation of Deputy Commissioner Albert H. Zabriskie and Deputy Commissioner Luke E. Thompson. Upon motion of Dr. Nickerson, seconded by Mr. Loupos, it was

VOTED - to approve the designation of Albert H. Zabriskie, or in his absence, Luke E. Thompson, as acting commissioner with power to sign for the department in the event of any incapacity or absence of the Commissioner from office, in compliance with Chapter 30, Section 6.

In updating the Board on the capital outlay budget, the Commissioner gave the Board members copies of the Department's capital outlay requests with priority listing. He invited the Board to the hearing before Administration and Finance on the capital outlay budget, and the meeting adjourned for that period of time.

Following the hearing, the meeting reconvened and Commissioner Kendall continued to update the Board on department activities. With respect to the Wetlands Division, the Commissioner reported that the Millis Court case was to be heard on Monday, October 16. In further discussing the wetlands program, he reported that the decision has been made to concentrate full staffing to restricting areas within Barnstable County (CZM AREAS). He also informed them that Meriel Harden is being transferred from the wetlands office to the staff of Secretary Murphy, and in the interim before appointing a new director, he was requesting the Attorney General's office to allow Rod Gaskell to devote a portion of his time to provide guidance in restructuring the wetlands program.

The Commissioner further reported that the Bureau of Solid Waste is slowly progressing on the NESWC; and that the Cape Cod Railroad bikeway acquisition has been recorded. A formal dedication will take place shortly, he said, to which he extended an invitation to the Board.

Commissioner Kendall informed the Board that due to the current investigation of state building contracts, the Blue Ribbon Commission has requested that all building contract records since 1968 be provided to them. We have complied with this request, he said.

The Commissioner brought before the Board the proposal to take by eminent domain a small tract of land (.25 acres) located in the city of Lowell as part of the Lowell Heritage State Park. The Board approved the acquisition conditioned on local approval, and upon motion of Dr. Nickerson, seconded by Mr.Loupos, it was

VOTED - to authorize the Commissioner of Environmental Management, pursuant to the provisions of Chapter 132A, Section 3A of General Laws, to exercise the power of eminent domain to acquire certain lands n/f of Albert T. Olsen and described as follows:
A certain tract of land in the City of Lowell being triangular in shape and situated on the southerly side of Broadway and bounded: Northerly by said Broadway to two courses of 95 feet and 10.7 feet; Westerly by other land of the City of Lowell, the line being the Easterly line of a 12 foot strip of land used for water department purposes, 310 feet; Easterly by land of the Proprietors of the Locks & Canals in three courses at 170 feet, 76 feet, and 91 feet. Said parcel of land contains 11,680 square feet.

Dr. Nickerson affixed his signature to the Certificate of Vote.

Commissioner Kendall discussed with the Board the action taken by the Massachusetts Organization of State Engineers and Scientists challenging the qualifications of five DEM employees. The claim, he said, now before the Civil Service Commission stipulates that the employees in question do not meet the entrance requirements - either they are lacking specific educational background or the number of years experience required to fill their particular position.

He further stated that Wallace Kountze, Director of the Division of Personnel Administration has served notice on the Department to terminate three of the employees by 10/27/78. In an effort to prevent this action, he said, extensive documentation substantiating the qualifications of the remaining two employees has been forwarded to Mr. Kountze - we are now awaiting his decision on the material submitted.

The date for the next Board meeting was scheduled for Thursday, November 9, 1978 in the Boston office.

There being no further business to come before the Board, the meeting adjourned at 1:45 p.m.

Norton H. Nickerson

Secretary pro tem

A meeting of the Board of Environmental Management was held November 9, 1978 at 10 a.m in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Ms. Dana Duxbury, Messrs. Nickerson, Dawson and Loupos. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

Ms. Dana Duxbury advised the Board of her reappointment to the Board of Environmental Management, and Commissioner Kendall reported that Ms. Sarah Bell has been appointed as a member of the Board filling the vacancy created by the resignation of Mr. George Wislocki of Pittsfield.

The minutes of the October 13, 1978 meeting were approved as submitted.

Commissioner Kendall first advised the Board of several developments during the previous month. He reported that the series of grievances which were pending before the Division of Civil Service have been resolved with the exception of one position which is still under review by the Civil Service examiners. The budget, he said, in the amount of $17 million has been accepted by the Secretary almost verbatim to what was submitted by the Department. He noted that the budget included a $2 million request in new monies for the Division of Forests and Parks.

As a matter of interest to the Board, the Commissioner reported that the Governor has announced the selection of six urban heritage park projects throughout the state - Gardner, Lynn, Lawrence, Springfield, Holyoke and North Adams. Also, he said, the Department has signed a contract with The Nature Conservancy which calls for an inventory of unique and significant areas throughout the Commonwealth and the design of a system to protect those designated areas.

The Commissioner reported that regulations have been drafted for the Scenic Rivers and Wetlands Acts and informed the Board of public hearings to be held December 13 and 18, respectively.

Mr. Robert Yaro and Ms. Catherine Preston (Planning Office) reviewed for the Board the proposed protective order establishing the North River as the first scenic river in Massachusetts. Ms. Preston briefly reviewed the background

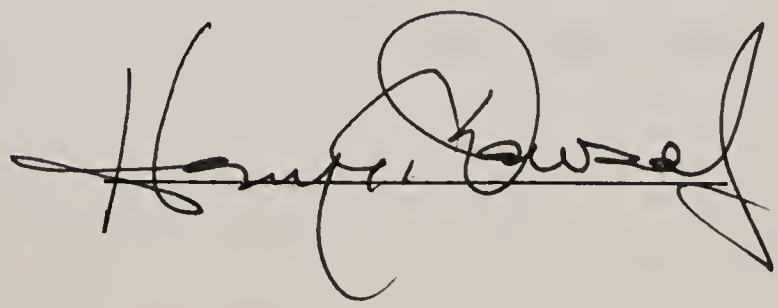
on the scenic rivers program and the procedure followed designating the North River as the first scenic river to be placed under the protection act. She advised the Board of the public hearing to be held December 20th.

Mr. Stephen McLean (Office of Land Acquisition) brought before the Board a proposal to take by eminent domain 206.5 acres of land in the Town of Plymouth, owned by A. D. Makepeace Company. He reported that about five years ago the Department constructed a bathhouse at the Myles Standish State Forest on property which was believed at the time to be state owned. It was later learned that the building was partially on land owned by Makepeace Company. Since that time, he said, the Department has been unable to use the building, and has been negotiating with Makepeace Company in an attempt to come to an equitable arrangement to satisfy both parties. He reported that an agreement was finally reached whereby DEM would take the entire parcel (206.5 acres), deed back 145 acres to Makepeace Company, and they in turn would gift to the Department the 61 acres on which the building stands. This approach, he said, has met with the approval of the local Board of Selectmen and Planning Board.

Mr. Loupos questioned the use of that portion of land being deeded to Makepeace Company. Mr. McLean replied that he assumed it would be used as a buffer area. Mr. Loupos requested that the Board defer action on the proposal until he confers with local officials. The Board agreed to defer action until the December meeting.

The date for the next Board meeting was scheduled for Thursday, December 7, 1978 at 10 a.m. in the office of the Commissioner.

There being no further business to come before the Board, the meeting adjourned at 12 noon.



A meeting of the Board of Environmental Management was held December 7, 1978 in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury, Mrs. Sarah Bell, and Messrs. Dawson, Nickerson and Loupos. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

The Board welcomed Mrs. Sarah Bell as the new member to the Board of Environmental Management.

The minutes of the November 7, 1978 meeting were approved as submitted.

Mrs. Dana Duxbury and Mr. Henry Dawson were unanimously re-elected as chairman and secretary, respectively, of the Board of Environmental Management.

The meeting adjourned for a short time in order to introduce the full Board to the Department's Regional Forest and Park Supervisors and to attend a Christmas tree presentation to the Governor.

The meeting reconvened and Commissioner Kendall updated the Board on recent department activities. With respect to the new administration, the Commissioner informed the Board that all division directors, as well as himself, were personally interviewed by the Governor-elect's transition team. He said that their main concerns focused primarily on personnel (number of positions vacant and filled) and programs.

As a note of interest, the Commissioner reported on a meeting he had recently attended at Yale University with his counterparts of Rhode Island and Connecticut. The purpose of the meeting, he said, was to discuss the possibility of establishing a tri-state cooperative forestry program. The group is to meet again on January 24, 1979 for further discussion, he said.

The Commissioner also informed the Board that the department has formally acquired the Penn Central railroad property which will now allow the department to go forward with establishing the Cape Cod bikeway in the towns of Brewster, Harwich, Dennis and Orleans. Formal dedication will be held on December 15th in the Orleans Town Hall, he said.

Commissioner Kendall brought before the Board the proposal to acquire the Makepeace property in Plymouth by eminent domain. He reminded the Board that they

had discussed the proposal at the November meeting and had deferred action until Mr. Loupos conferred with local officials. Mr. Loupos reported that he had made contact with the officials and that he was satisfied that the portion of land being deeded to Makepeace Company will be used as a buffer area. Upon motion of Dr. Nickerson, seconded by Mr. Dawson, it was -

VOTED - to approve acquisition, by eminent domain, of a certain parcel of land in Plymouth, Massachusetts, owned by the A. D. Makepeace Company within the Myles Standish State Forest, in the vicinity of the Charge Pond camping area (B south), containing 206.5 acres, more or less.

Attorney Catherine Farrell presented to the Board for their approval an amendment to the Pembroke Order of Restriction. She explained that at the time of the Pembroke Order of Restriction in 1969, an affected landowner (Arthur Gerstley) disputed the accuracy of the boundary line restriction on his property. It was agreed at that time, she said, that Mr. Gerstley had a legitimate complaint and that the then Commissioner and Board of Natural Resources agreed to have the preliminary plan corrected in accordance with the true wetland/upland border. However, due to an oversight, the restriction and plan were recorded without the correction. The amended order before you now, she said, corrects both the order and plan. Upon motion of Dr. Nickerson, seconded by Mr. Dawson, it was -

VOTED - to delete the paragraph of said order (G.L. Ch.130, S.105) which reads as follows:

"The coastal wetland, hereby regulated or restricted is as defined in said Section 105 and is as delineated in red on three plans entitled "Plan of Land in Pembroke dated May 1, 1969 and numbered Sections 1, 2 and 3 inclusive, which plans are recorded herewith and incorporated herein."

and substituting therefor the following paragraph:

"The coastal wetland hereby regulated or restricted is as defined in said Section 105 and is as delineated in red on the following plans:

(1) Plan of Land in Pembroke, Massachusetts, adopted and approved June 27, 1969 and numbered Sections 1, 2 and 3 inclusive excepting that portion of Section 2 which shows the land of Arthur B. and Florence S. Gerstley, which Plan is recorded in the Plymouth County Registry of Deeds, Plan Book 15, Plan 231;

and

(2) Plan of Land in Pembroke, Massachusetts owned by Arthur B. and Florence S. Gerstley, dated October 23, 1978, recorded herewith and incorporated herein.

The Board members affixed their signatures to the corrected Order of Restriction.

Commissioner Kendall reported on the Department's involvement in the promulgation of regulations for the Scenic Rivers and Wetland Restrictions programs. He said that public hearings will be held on the proposed regulations within the next two weeks.

Attorney Farrell reviewed the proposed regulations for the Scenic Rivers and Wetland Restrictions programs and explained the objectives of both. In reviewing same, Dr. Nickerson suggested several minor "word" changes in both sets of regulations which, he said, made no legal difference but effected a clearer meaning. Attorney Farrell agreed to the changes and said that she would incorporate them in the proposed drafts. The Board unanimously agreed to go on record in full support of the Scenic Rivers and Wetland Restrictions regulations.

The date for the next Board meeting was scheduled for Thursday, January 11, 1979 in the office of the Commissioner.

There being no further business to come before the Board, the meeting adjourned at 1:10 p.m.