

A swearing-in ceremony and meeting of the new Board of Environmental Management was held on Friday, March 10, 1995 at the Mt. Wachusett Visitors Center in Princeton, MA.

New members present - Elisa Campbell, Ron Smith, Jeffrey Tranen, Deborah Cary, and Tad Ames. Outgoing members present were Sally Bell and Carol Lash. Absent - outgoing member John Capone and Chairman Michael Last due to illness. Also present from the Department were Commissioner Peter Webber, Director of Forests and Parks Todd Frederick, Chief of Staff Susan Frechette, Deputy Commissioner of Resource Conservation Peter Smith, Nancy Mitchell, and Ron Washburn (photographer). Mike Labuskes was also in attendance from the Governor Chief Secretary's office to assist with the swearing-in ceremony.

The first item on the agenda was the swearing-in of the five new board members. Mike Labuskes assisted the Commissioner with the new members taking oath and official paperwork.

Item 2 was postponed due to Michael Last's illness.

Item 3 - The Commissioner gave a farewell speech to long time board members Sally Bell and Carol Lash for their years of dedicated service to the DEM Board. He presented them with certificates of appreciation from the Department and Carol Lash received a citation from Governor Weld.

At this time the Commissioner suggested that the Board elect new officers. Sally Bell motioned that Michael Last be elected as Chairman since he was the only remaining board member familiar with the Department and the Board. A motion to nominate Elisa Campbell as Secretary was seconded by Deborah Cary and Peter Smith; and Tad Ames as Vice Chairman, seconded by Elisa Campbell and Peter Smith - all were unanimously approved.

Item 6 was moved to the next item of business. DEM counsel, Nancy Mitchell requested approval from the Board for eminent domain for the Valley Land Fund acquisition (formally Quillard) in Chesterfield, MA. The Commissioner explained that we needed the Board approval in order to proceed with the acquisition and that this was a friendly taking. Elisa Campbell moved that the Board take a vote to approve this eminent domain, Ron Smith seconded. All Board members were in favor - unanimously approved.

Item 5 was the slide show presentation on DEM by Chief of Staff Susan Frechette and Director of the Office of Historic Resources Chris Greene. The slides visually introduced the new Board to the many facilities DEM oversees as well as the activities that occur in our forests and parks year-round.

The next item on the agenda was the proposed changes for 304 CMR by Director of Forests and Parks, Todd Frederick. Prior to the meeting Todd distributed a handout to the Board. The Board did not have to vote on the changes but he was looking for comments. Tad Ames open up the meeting for discussion. The biggest concern of the Board was drinking in the parks system. Ron Smith added that pretty much everyone was in favor of banning alcohol in the day use area. Elisa Campbell reported that many campers at Savoy State Forest left the park because of the drinking problem. Tad Ames inquires whether or not this will be a blanket policy. Todd reassured the Board that we want to create a family atmosphere in our parks and it will be strictly enforced. Finally, he informed the Board there would be a public hearing on these regs. March 30.


Other items that were not listed on the board's agenda but presented to the Board was a small presentation on Wachusett Mountain and its history by Park Supervisor Joe Donbrow and a report from the Commissioner.

The Commissioner reported on legislative issues. He briefed the board on the House Ways and Means Budget Hearing: the dollars may look different but the staff level will remain level.

Senator Swift filed a bill to change the size and length of terms of the Board; and finally the Open Space Hearing is March 28, 1995. There will be a big rally at the State House in support of this bill. Invitations will be mailed.

There being no further business before the Board, the meeting was

adjourned. The date for the next meeting was scheduled for Wednesday, April 26, 1995, at the Department of Environmental Management, 100 Cambridge Street, Boston.



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A meeting of the Board of Environmental Management was held on Wednesday, April 26, 1995 at the Department of Environmental Management, 100 Cambridge Street, Boston, MA.

Members present - Chairman Mike Last, Tad Ames, Elisa Campbell, Deborah Cary, Ron Smith and Jeffrey Tranen. Also present from the Department were Commissioner Peter Webber, Deputy Commissioner of Resource Conservation Peter Smith, Director of Forests and Parks Todd Frederick, Nancy Mitchell, Andy Backman, Jack Lash, Bob Wilber, Rich Thibedeau, Anne Fiesinger, Tom Harrington of Pickett & Miyares and Bill Perry from (SNETT).

The first item on the agenda was the approval of the March 10, 1995 meeting minutes. Requests that were excluded from last month's minutes were the Board's request for an organizational chart of DEM employees, environmental committees and their role in relation to the Department, and guidelines for the Board members that were mentioned in a past letter to the legislature from ex-Board member Sally Bell. The Board recommended listing ACTION items, items the Board wishes to accomplish by next month's meeting, in future minutes. Michael Last moved to approve the March minutes, Tad Ames seconded, all approved.

Item #2 was moved to the fourth item on the agenda.

The next item on the agenda was item #3, request for eminent domain authority for a parcel of land in Mashpee, MA presented by DEM Counsel Nancy Mitchell and Director of Land Acquisition Bob Wilber. Bob explained this is a critical piece of property for the Department, since it is adjacent to South Cape Beach, and is declared a wildlife refuge. This a friendly taking with the agreement of the land owner, and if DEM does not acquire this land, it may be used for condominium development. Bob also mentioned that the Wampanoag Indians are supportive of DEM's acquiring this property because some parts are used as tribal hunting and fishing grounds. The reason for DEM

wanting to acquire this land is for the protection of Flat Pond and the viewshed from South Cape Beach. Jeffrey Tranen asked if the Department has a list of land parcels that it will be seeking to acquire this year. Bob informed the Board that the land staff has a list that they work from, as well as a list/"radar screen" of possible acquisitions in the future. Michael Last suggested the first ACTION ITEM: Give the Board a presentation regarding how DEM sets priorities for the acquiring land and how these priorities are being targeted. Deborah Cary also volunteered to write a letter to the legislature in support of the Open Space bill. Michael Last moved to approve the Commissioner's request for eminent domain, Tad Ames seconded. Item #3 was unanimously approved.

Item #4, was the next item to be discussed; request for approval of the Commissioner's use of eminent domain for several parcels of land located in the Town of Edgartown, Martha's Vineyard presented by Bob Wilber. DEM's purpose is a friendly taking of 800 acres of land with at a price of \$4 million dollars. Bob explained that the acquisition staff received an additional capital spending plan that will make this acquisition possible. The main reason for DEM's acquiring this property is that it is the last opportunity to expand Manuel Correllus State Forest and our 4500 acres on the Vineyard. The secondary reason is to ecologically restore the property by returning the land to a sand-plain habitat. Michael Last moved to approve, Elisa Campbell seconded. Item #4 was unanimously approved.

Item #2 was the next item on the agenda; a discussion and vote on the Resolution of Support for the Massachusetts Rivers Bill (Senate 1099) by Richard Thibedeau, Director of the Bureau of Resource Protection.

Rich explained that the Rivers Bill would be a major step in the effort to improve the quality of our bodies of water. The Bill would establish a 150 foot buffer zone that would act as a natural filter to absorb non-point source pollution and prevent it from draining into Massachusetts rivers and streams. The reason the bill has not been adopted is because of the opposition of realtors and the concerns of certain property owners. However this version of the Bill addresses those concerns by allowing variances in the case of hardships and in those situations where enforcing the provisions of the Bill would constitute a "taking" of property without compensation. The Commissioner was asked how the DEM Board could assist in the passage of this bill? The Commissioner explained that he could charge the Board with support and he could

communicate this to appropriate parties. Deborah Cary recommended another ACTION ITEM: she volunteered to draft a letter from the Board in support of the Rivers Bill.

Jeffrey Tranen stated that the bill still has problems from a utility prospective that, he therefore, could not personally support this bill. Rich concluded the discussion by reporting that the bill was reported favorably out of the Natural Resources Committee, and is currently before the Senate.

Michael Last moved to approve, Deborah Cary seconded. Item #2 was unanimously approved with the exception of Jeffrey Tranen - who abstained.

Due to shortage of time, Item #10 was next on the agenda. The dates for the next two meetings were decided. The next meeting will be at Jeffrey Tranen's office on May 17, 1995 in Westboro and the June meeting would be June 17, 1995 at Riverbend Farm Visitors' Center in Uxbridge.

Item #5, request for approval of an amendment to the Freetown-Fall River State Forest G.O.A.L.S. Plan (Achusnet Cedar Swamp) by GOALS Planners Andy Backman and Jack Lash. In this case, the Land Stewardship Zoning Classification for a portion of the Acushnet Cedar Swamp SR is recommended to be changed in response to an agreement (Consent Decree) between DEM, EPA, DCPO, the Mass. Attorney General's office, and the Dept. of Corrections.

Michael Last moved to approve, Tad Ames seconded. Item #5 was unanimously approved.

Item #6, a round table discussion of the December 1994 Natural Resources Committee Report on the Department was deferred to the next meeting, due to a shortage of time and the wish to fully explore the issues raised by this report.

Items #7,8,9, Forests and Parks update, Overview of the Division of Resource Conservation, and the Commissioner's report, were all combined. The Commissioner requested that at June, 1995 meeting the staff report on the ORV issue, findings and recommendations; the cottage permit program at Myles Standish State Forest; the Natural Resources Committee Report; the (Representative Pamela) Resor Bill. The Board recommended an ACTION ITEM: have Commissioner Webber list key priorities for the DEM with the following themes; the Board, staff questions, management capability and fire control for next month's agenda. The Commissioner introduced the new legislative assistant, Anne Fiesinger to the Board. Anne distributed and a compilation of all the laws pertaining to DEM and amendment which would earmark each position on the Board as representing a certain constituency. This bill goes to the Senate now, and she encouraged the Board to call Committee members. The Commissioner reported that there is one last vacancy (Hugh Davis') on the Board that will expire August 20, 1995. ACTION ITEM: The Commissioner will copy and

distribute Everett Castro's resume, a prospective candidate. ACTION ITEM: to have the DEM Board meet with the Walden Pond Board, as well as other advisory and friends groups. The Board requested a directory of all the friends groups and advisory committees and meeting times.

Deputy Commissioner of Resource Conservation Peter Smith distributed organizational charts for the Division of Resources Conservation. Director of Forests and Parks Todd Frederick also distributes an organizational chart of his division and announced that Anne Stempka is the new Region 1 Supervisor. Finally, the last ACTION ITEM: Todd Frederick would get "licenses" for all the Board members to enter our parks.

There being no further business before the Board, the meeting was adjourned. The date for the next meeting was scheduled for Wednesday, May 17, 1995, at the offices of the New England Electric System, Westborough.

A meeting of the Board of Environmental Management was held on Wednesday, June 21, 1995 at the River Bend Farm at Blackstone Heritage State Park, Uxbridge, MA.

The meeting was called to order at 10:35am by Vice-Chairman Tad Ames.

Those in attendance were: Tad Ames, Elisa Campbell, Deborah Cary, Ron Smith, and Jeffrey Tranen. Chairman Michael Last had a last minute scheduling conflict and was unable to attend. Also present from the Department were Commissioner Peter Webber, Director of Forests and Parks Todd Frederick, Director of MIS John Geer, Chief of Recreation Gary Briere, Gina Alito, Clerk of the Board, State Trails Coordinator Peter Brandenburg, Tom Harrington of Pickett and Miyares, Bill Perry of SNETT and Ben Phelps of NETRA.

Commissioner Webber started the meeting describing the legislative material he planned to pass out to the members at the meeting. He expressed his feelings and opinions of the various pending bills and issues.

Handouts included:

DEM Legislative Update

Committee Redraft of the Open Space Bond Bill Summary
Open Space Bond (spreadsheet)

DEM Comparison of FY95 Appropriation with FY96 H-1, H-5001, Senate-1997 and Conference Committee

H.5116 Conference Committee Report DEM Issues

Item 1 was deferred to 12:30pm. Elisa Campbell stated that, due to her absence at last meeting, she had some difficulty understanding sections of last meeting's minutes and requested that Gina Alito give her all materials that were distributed.

Item 2 was the next item on the agenda. John Geer, Director of MIS defined modernization at DEM to include data communications network and applications development. It also includes some work with telephone systems, particularly updating them. He began with discussing the data communications network.

He informed the Board that DEM is late with the getting the WAN (Wide Area Network) and described its capabilities. Throughout the agency, over 260 computers, 100 printers and other peripheral equipment exist providing connectivity among DEM users. The Boston office houses the most users. Five regional offices are also on the network. Two of those offices are directly connected (high speed) to WAN. The other three are about to be connected; currently they dial in on telephone, which is slower.

Many of the major forest and park services are connected as well as the Berkshires and Cape and Islands.

In the Forestry Bureau there is a Fire Behavior Model (DEM's Bill Rivers is the designer). Because no funding was initially made available by the Federal Government to help with Hurricane Bob's downed timber, Bill Rivers presented them a compelling "what if" case were this timber were to ignite and funding was created.

Facility Based: information generated at the facility. That info now comes in many different forms, which is cumbersome and frustrating. Facilities could share by using standards which would make info handling/management easier. Incidents; money taken in; people served: all of this would be generated quickly onto one report for all facilities. The facility Supervisor would greatly benefit from this way of managing information.

Tad Ames stated the frustration in not having this sort of information readily available and how difficult it is to give a good, solid answer to a relatively simple question: how many acres are in the forest and park system? His answer could be different from an answer given in a printed document located somewhere else in the DEM system. With solid information, good cases will be able to be presented for seeking funding in the future.

Modernization comes from federal dollars, capital funds and operating dollars. John also mentioned the Information Technology ("IT") Bond, which was passed several years ago by the state. The "IT Bond Two" passed recently, which will hopefully provide \$3-5 million for this facility information system development.

At this time the Director of Forests and Parks Todd Frederick, introduced Item 3 - the Department's proposed policy on the use of Off-Road Vehicles (ORV) in the state forests and parks. Todd

distributed a memo with attached materials outlining this policy.

A round table discussion ensued. Commissioner Webber asked if the Board is willing to take this proposal as a DRAFT policy proposal today. The Board agreed that the status could extend for 60 days, and vote on this at the August meeting. A public meeting should be scheduled sometime before the August meeting and in the next two to three weeks a draft policy proposal could be sent to a mailing list seeking feedback.

It was recommended that the Board form a subcommittee that will meet before the July Board meeting. The subcommittee will consist of three members: Ron Smith, Elisa Campbell and Deborah Cary.

Item 4: Myles Standish Cottage policy change was deferred to July's meeting.

The next item on the agenda was a forests and parks update by Director Todd Frederick. Todd reported attendance in our park facilities is higher than anticipated. Revenue receipts will probably go a couple of thousand dollars over anticipated revenues. The 13-year old female who drowned at Lake Cochituate has prompted a look at our lifeguard policy and should it be improved. Indications are that everything was handled correctly during the incident.

We should be asking park supervisors, etc, what their needs are rather than dictating to them what they need. This is a first. They have been very productive. This will solve short-term needs. Also looking to find out their long-term capital needs and their long-term visions on how they see their parks in five years. There has been a very positive interchange so far. The first week in July will bring a condensed report of all.

The Forestry and Shade Tree Management divisions will be merged.

Customer Service: We are looking to use credit cards at those facilities which take reservations. (Pilot credit cards is Registry.) Municipal golf courses will be starting. This will make the process less cumbersome for visitors and free up staff to do other things.

Berkshire Tornado Update:

Forestry staff is heavily involved with tornado damage/cleanup in Berkshire County. Shade Tree crews are helping pick up the downed wood. Mass Highway and Turnpike Authority is helping, too. US Forest Service have provided aerial photos of the damage. Preliminary indications are that 1300 acres of forest land were impacted (several hundred acres are state land). Removal will be very much involved. Shortly after the storm, the town and state emergency disaster units were set up to help victims. Replanting will be done. Because the wood is green, there is no fire danger for the next few years. There continues to be weekly debriefing sessions in town to assess progress of downed wood removal.

He also noted that the part of the Appalachian Trail has to be re-routed.

Todd described and distributed material on the Myles Standish Cottage Policy change and asked the board to review the material before next month's meeting.

Todd went on to speak of the list of 12 goals of the Board as stated at the last Board Meeting. Peter Smith, Todd Frederick, Susan Frechette, Tim Clark, Susan Fairbanks and the Division and Bureau chiefs have been designated by Commissioner Webber to work with the Board in the future on these goals.

Item 6: Commissioner Webber gave a legislative update; discussed the three-year period before termination; Plymouth Rock plans; skating rink protest; ACEC program; he will be featured on Chronicle TV program 2nd week July on Historic Curatorship Program; Susan Frechette on leave of absence (extended vacation) and will be back end of July.

Commissioner Webber met recently with George Dary, Chairman of the Fisheries and Wildlife Board, on the Jug End Property. The issues resolved related mostly to demolition of vacant buildings and remediation/restoration. Funded out of escrow account was set up at time of purchase. Board members need to meet with DFWELE Board on Jug End, possibly at August's meeting.

Upon motion of Tad Ames, seconded by Deborah Cary the May 1995 minutes were unanimously approved. It also noted that Gina Alito edit future minutes anytime minutes are drafted by a temp.

ACTION ITEMS:

- *Send copies of the minutes to the Board as soon as possible.
- *Deborah Cary requested that we make seasonal hiring a future agenda item.
- *Commissioner Webber suggested we invite our counterparts and other groups to future meetings.
- *Public comments (within 60 day review period) on the ORV issue should go directly to Peter Brandenburg.
- *Distribute DEM Board letterhead and business card to members.
- *Try to get Board on line to the network.

There being no further business before the Board, the meeting was adjourned. The date for the next meeting was scheduled for Wednesday, July 19, 1995 at Gardner Heritage State Park. The Board will also meet with the Department of Fisheries, Wildlife and Environmental Law Enforcement (DFWELE) Board on Thursday, August 31. Location to be announced.

A meeting of the Board of Environmental Management was held on Wednesday, July 19, 1995 at the offices of New England Electric Systems in Westboro, MA.

The meeting was called to order by Vice-Chairman Tad Ames.

Those in attendance were: Tad Ames, Elisa Campbell, Deborah Cary, Ron Smith, Brad Spooner (representing Jeffrey Tranen). Absent - Chairman Mike Last, and Jeffrey Tranen. Also present from the Department were Commissioner Peter Webber, Director of Forests and Parks Todd Frederick, Deputy Commissioner Peter Smith, and State Trails Coordinator Peter Brandenburg; Bill Perry (MARTAB), Benton Phelps (NETRA), Tom Harrington of Pickett and Miyares and Paul Remington.

The second item on the agenda was the approval of the June 21, 1995 minutes. Vice-Chairman Ames motioned to approve, Elisa Campbell seconded. The minutes were unanimously approved.

Item 3 was citizen concerns. Bill Perry, Co-Chairman of the Friends of Douglas State Forest, stated a concern about clearing the entrance to state property. The Commissioner states that we should communicate with communities where the properties are because they have jurisdiction and incentive for enforcement. Revenue is shared 50/50 rather than going to the State or Courts as in the past.

Ben Phelps said that using parking spot as trailhead isn't appropriate, there needs to be a more appropriate spot. The Commissioner stated that people will use the most convenient parking, no matter how it is marked.

The next item on the agenda was New Business/the cottage permit program at Myles Standish State Forest. The Commissioner said it is under review within the administration. It's a complex and controversial policy change that has been under discussion during last decade. The decision not to rebuild two cottages destroyed because of precipitation rallied legislative disagreement, led by Senator Morrisey. **The Commissioner feels the cottage program should be eliminated.** It was a hot weekend, the campgrounds were filled to capacity and we should have a larger site. There has also been serious erosion and impact from the use of this area.

Todd Frederick provided some history of the program stating the ponds are the most affected. They cannot be expanded and cottages are right on the side. They are mostly used for day use. Two hundred feet of sandy beaches is too concentrated and restrictive.

Retailoring the program might include phasing it out. There are 153 permitted cottages in Myles Standish, two that were recently burned, the question is, should we allow them to rebuild?

Over the last two years, three have been removed due to structural deficiencies. Past and current deficiencies include no functional

septic systems, no electricity or phone, lack of drinking water wells for some and, some are not habitable year-round.

Though a concern, the Commissioner states that septic testing has shown no negative impact. Deborah Cary asked about the purification, Director Frederick said it hasn't been a problem so far. Title V is the main problem.

Deborah Cary asked if the DEM wants the public to know they are rethinking the policy. The Commissioner said yes and reiterates that studies have been done in past.

Deborah Cary suggested, and the Commissioner accepted, the creation of a subcommittee of the Board to study this issue. Todd Frederick recommended a site visit because permitholders claim that they help - collect garbage, etc, and that a 14,000+ acre facility is hard to manage and monitor. There are reports of large parties, alcohol, and fireworks. As more people want to use parks, there is no place to expand and grow.

Deborah Cary also inquired if cottages would be removed and become camping areas. Director Frederick said the **nicer** ones could be rented, unsatisfactory cottages would have to go. DEM is trying to make more waterside camping and swimming to meet a documented state-wide need.

Structures are private, land is public, so if the program were to be terminated, what should be done with the cottages then? Those who lost their cottages were blameless and want to rebuild at a major investment. They should be able to expect to be able to use them for a certain period of time. We should try to arrive at a comprehensive solution. Cottage-holders need guidelines and long-term commitment. DEM is committed to working with them to develop non-arbitrary criteria.

Tad Ames proposed the Board take a vote on deciding how to phase out the program. Deborah Cary made the motion, Elisa Campbell seconded.

Deborah Cary stated that the Board is prepared to support the Department's policy change to elimination and work with Commissioner Webber and the Cottage Association. **Commissioner definitely wants to work towards elimination.**

Todd Frederick informed the Board that a bill has been pending for five years (\$268,000/yr) generated from annual sale of permits. Tad Ames notes that the Conservation Trust fund can be a vehicle to fund the phase-out. There could be huge cleanup costs to remove cottages.

Commissioner Webber said the motion on table amended to include phase-out of Myles Standish and Ashmere Lake. Elisa Campbell asked if we were jumping ahead of ourselves. Todd Frederick

suggested to eliminate the program at Myles Standish now, and then add Ashmere next month. Tad Ames stated the motion stands as made. There is unanimous approval.

ACTION: Volunteers for the subcommittee will be established at the next meeting. Deborah Cary has volunteered. Commissioner Webber offered to contact all Board members who want to pursue this issue. Tad Ames recommends the best use of a subcommittee would be as a sounding board for a phaseout and notes a map of the College Pond will show the amount of control owners have over area.

The next issue under new business was assigning authority for signature of documents in both the absence of the Commissioner and the Chief of Staff. The Board must designate an Acting Commissioner with signing authority (Chapter 21, sec. 3A). Todd Frederick was given authority to sign in Commissioner's absence. The Commissioner noted that this has been done in past with the Chief of Staff as additional signee and that today they are to approve the individual. Elisa Campbell motioned to approve. Deborah Cary seconded. The Board approved by a unanimous vote.

The final item under new business was the recommendation by Deborah Cary to organize a conference and pull together all friends' groups of both MDC & DEM. Commissioner recommended an intern fill position of liaison between MDC and DEM friends groups and organize a conference. Deborah Cary noted that she could take this information back to the Green Ribbon Commission. Commissioner Webber requested the Walden Advisory Board be included in an advisory and friends' group conference.

Deborah Cary made a motion to for the Board to support efforts to organize, in concert with MDC, a conference with friends and advisory groups that work within the state. Elisa Campbell seconded. The Board unanimously approved.

Old Business/ORV Policy.

Commissioner Webber has received a number of letters that have been forwarded to Deborah Cary opposing the proposed change. They haven't gone to a formal commitment period and haven't therefore done public notification. Secretary Coxe supports change and Commissioner is not aware of any further press inquiries.

Deborah Cary reported that she meet with Ron Smith, Todd Frederick, Peter Brandernberg, Jack Lash, Andrea Lukens and Gary Briere. They gave us a history of the development of their policy and how they came up with their recommendation. Any statement of the policy must be in context of the DEM mission. She suggested that a letter go out to legislators. It is important to share responses and to be open. It should be spelled out once a policy is adopted what the implementation elements and finances will be - so everything is enforceable. We should build on other states' experience. Registration fees were recommended to be studied so

they can be applied to management and enforcement demands.

Tad Ames: In CA regions fees are used to manage ORV use, while here they go into the general fund. It is worth investigating.

Ben Phelps: In Massachusetts the fund was originally established and then was recinded. It may still be in effect.

Deborah Cary: I encourage public comment to this proposal.

Tad Ames: In regards to alternative sites. Where are they? Can DEM use any of its expertise to find/negotiate the sites?

Commissioner Webber: There is a reuse analysis on military property use. It may be early enough to consider them - example, Ft. Devon. There may be some sites that are surplus and suitable, eg South Weymouth. The Ft. Devon Annex is also active, it has a lot of space.

Bill Perry: Feels that this would be an unenforcable declaration. The Department needs 100-200 more people to implement. Spending 10% of their time in '88 on trails yielded little results. People are concerned they're going to be out there with motorized users with bad attitudes. Bans on motorized use don't work. There are 500,000 ORV's - they're not going to go away. He would like to see the Department do something proactive - talk to them, educate them on how to use the land.

Bill Perry stated some will pull out of state forests and some will become scofflaws. We will be left with people out there with an attitude. Deborah Cary stated she was not prepared to abandon the policy. Peter Brandenburg Connecticut started their policy in late '93. We won't have 100% compliance or enforcement.

Commissioner Webber said in regards to enforcement, most people are law-abiding. If you tell them the rules and educate them, as much as 90% of citizens will abide by the law. He is against not passing bills because they're unenforcable - people want to abide and you can effect change if the reasons are sound and make sense.

Ben Phelps suggested that management works better than prohibition. Second page to letter from Clifford X (CA) - "If there exists...". New technologies produce new recreation possibilities. People want to use resources differently.

The Commissioner said we need to give to the Board absolute facts for comparison with other states. Massachusetts is under 300,000 acres of state parks. 2/3 of the State is forested. The only place this activity can happen is in the state forests. In some other states they severely restrict motorized activity in state parks. People familiar with those states find it hard to believe there is such as discussion. An argument can be made that state parks are set aside for conservation and that ORV use is not illegitimate but the Board is legitimately concerned about where

this activity takes place. It is our responsibility to find alternate sites for ORV use but not to purchase, provide or maintain those sites. Elisa Campbell agreed.

Ben Phelps: Believes in shared use of trails whenever possible.

Tom Harrington: Recreation and conservation are equal in the mission statement. The criteria say that parks can support ATV use, the problem is maintenance and enforcement. DEM is seeing some of annual appropriation monies. They aren't doing any trail maintenance - why not? If the problem is trail maintenance, why aren't we addressing that?

Peter Brandenburg said it is one of the issues we need to look at. It's true we don't have resources and that we rely on volunteers.

Todd Frederick reported there are examples of staff and volunteers grading trails. We purchased \$250,000 worth of repair materials last year to maintain fire roads, trails and roads. It's a neverending task and we're doing less than in eighties. ORV groups have made repairs as well.

Tom Harrington recommended reaching out to ATV groups and bring them to the table. Park managers are saying they have maintenance problems.

Tad Ames: Trails have been abandoned to ORV use because they're no good for anything else.

Commissioner Webber: Tom - you know our criteria was developed and I asked staff to relate to ORV use specifically. I'm not sure what your point is on maintenance issue. We don't get \$500,000 for trail maintenance. Dual mission is sustainable recreation.

Paul Remington: No one believed this. Feedback from parks in many cases is that ORV trail use isn't a problem. Information on the report doesn't match input from park personnel.

Deborah Cary: Has asked DEM staff for their input and has gotten unanimous support for the proposal.

Paul Remington: ORV's no worse than other users. Will horses and bikes be next?

Paul Remington: There's no doubt that a motorcycle will do more damage.

Chart shows that ORVs make up 7% of trail users while 90% are walkers. There is a small percent that are doing the damage.

Elisa Campbell: The vote is in August. There will be a format public input process then. Can we move on?

Ben Phelps: Presented study on use of hiking vs "horses and

hikers make more sediment available than bikes". Also a difference of where the majority of the use is - back area vs. near the water.

Commissioner Webber: I will get him a copy of the commission survey of park users that was used.

Tom Harrington: A counterproposal should be presented at the August meeting. There are also two other groups interested in making proposals.

Tad Ames: I would like the ORV groups to present as one, not as 3 groups. Todd agreed.

Elisa Campbell requested that the Department look into how we are mowing fields so early in summer that it kills birds that nest in them and made the suggestion that it be done after mid-July. Understands agricultural concerns for DEM could give them a habitat to nest in. Wants to see in future agendas. Deborah Cary agrees and recommends bringing in Audubon staff.

VII. Reports:

Commissioner Webber described the dedication of the new Lawrence Riverfront Park on the Merrimack River. Major investment of capital dollars after a long delay. Restoration of former city park turned over to MA 10-12 yrs ago - park playground tennis basketball riverfront 1-mile multipurpose trail. Actively working with city & heritage park to maintain. Sought emergency supplemental appropriation from legislature - go it from Senate as well.

Rinks: July 18 signed 5-yr contract for 4 Worcester-area skating rinks. Can function, advertise & book - will be publicizing and have press release.

He distributed "DEM's Top 10 Highlights" Initial reports on highlights of DEM for Fiscal '95. ACTION ITEM: DEM will distribute to the Board EOEA-wide summary of accomplishments through the mail.

Elisa Campbell inquired about the Coca-Cola Tunnel Trail. The Commissioner explained that the Rail Trail is being built and is at the final design stage for completion. City (Northampton) landed opportunity for Coca-Cola expansion if there was a spur added in this area. Determined that could have concurrent bike trail & rail spur in the same area. DEM owns the land and is working on building both.

Commissioner Webber gave a summary on the Department's upcoming events.

The next report was given by Director of Forests and Parks Todd Frederick. He circulated photos of recent tornado in Berkshires and gave a brief overview of the current conditions. He reported on the current fire danger. Some communities on the coast have

been closed to the public at the request of local fire chiefs.

Recreation programs - the heatwave has generated record attendance at the beaches and pools and pool hours are extended in urban areas. Forests and Parks will be starting day-use surveys to obtain a better idea of who uses DEM facilities.

Director Frederick is currently working with Forests and Parks Bureau Chiefs on a consolidation plan.

Martha's Vineyard acquisition: Nature Conservancy will help in its management. Possibly build visitors' center. Clause in mgmt agreement that 20% of revenues will be deposited in trust fund for education/conservation program.

Wachusett expansion - met with DEM staff to decide on their comments on draft DIR. Areas of concern were water quality issues, education in expansion and operation of the area with interpretive displays and kiosks; that they deposit a portion of their increased gross receipts for preservation - one already exists for land acquisition. Environmental Education: Make a serious commitment to educate people actively in the ski and lodge areas themselves without hiring additional staff. Want skiers to realize that they're skiing in a state facility and they impact they're having on the environment. Would like to use the interest to hire seasonal interpreters.

Wachusett needs consolidation of plans and resources. Needs a lot of work and have to put a coordinated plan in place. The field is indicating where it needs help. Will be goal for next year to find out and coordinate these issues from the different sites.

There being no further business before the Board, the meeting was adjourned. The date for the next meeting was scheduled for Thursday, August 31 at Borderland State Park, Sharon, MA. The DEM Board will also meet with the Department of Fisheries and Wildlife Board on August 31 at the same location.

A meeting of the Board of Environmental Management was held on Thursday, September 21, 1995 at the offices of the New England Electric, 25 Research Drive, Westboro, MA.

The meeting was called to order by Chairman Michael Last.

Those in attendance were Chairman Michael Last, Tad Ames, Jeff Tranen, Elisa Campbell, Debbie Cary, and Ron Smith. Also present from the Department were Commissioner Peter Webber, Director of Forests and Parks Todd Frederick, Deputy Commissioner of Resource Conservation Peter Smith, Jack Lash, Don Stoddard, Charles Perna, and Gina Alito. Tom Harrington of Pickett and Miyares, and Bill Perry of SNETT, Marilyn Lund of the Walden Pond Board of Directors.

The second item on the agenda was the approval of the August 31, 1995 minutes. Mike Last suggested the Board submit written edits to Gina Alito and that the approval be deferred to the October meeting.

Peter Smith then proceeded to give his report. Peter spoke about the Open Space Bond Bill and that it was currently in the Senate. It is critical that we get support because the Bill funds our acquisitions, GIS and other services. Debbie Cary made the motion to draft a letter to all legislators with the Board members' signatures and follow-up with phone calls. Elisa Campbell seconded. Bill Perry suggested that the Board also send a letter to friends groups. Debbie agreed, and added users groups. The Board voted unanimously in favor of Debbie's motion.

At this time item #5 was confirmed. The next DEM Board meeting be on 10:30am, Tuesday, October 17, 1995 at Walden Pond State Reservation. The following month's meeting will be Tuesday, November 21, 1995 at the Rockwell Visitors' Center at the base of Mt. Grelyock.

The fourth item on the agenda was old business - ORV policy. Michael Last asked if there were any items before public hearings. Director Todd Frederick said no action was needed from Board. Staff will provide information about land and material will be forwarded

containing information from National Park Directors Convention in Wisconsin. 44 states participated and DEM staff spoke to all about ORVs. Todd reported most of the states greatly restrict or do not allow off-road vehicle use on park land and said the Board will be updated on this.

Ron Smith reported that he contacted DEM park supervisors and would like to draft a report to circulate to the Board and staff. Michael Last suggested we thoroughly discuss the ORV policy at the October meeting. Jeff Tranen asked Ron Smith based on what he has learned, does he think we can reach a solution between proposed policy and ORV users? Ron said he was more enthusiastic about a possible compromise and that groups are very open to working with us.

Commissioner Webber welcomed between today and the next meeting, the ORV subcommittee stay active in further response to Jeff's question on alternatives, analysis, and more collecting more data. Dialogue should be ongoing.

Michael suggested that November would be good opportunity to tour ORV trails in western Massachusetts. Elisa recommended that pedestrians be included. Debbie requested that the Board get a list of where ORV use has been heavy with contacts names.

Commissioner Webber distributed articles on ORVs from the Berkshire Eagle, Springfield News and other newspapers, and circulated a copy of a letter from ex-Board member Sally Bell. Todd Frederick circulated a report with foresters recommendations. Michael requested a summary and bibliography.

Item 5b/Mt. Wachusett Old Growth was the next item on the agenda. Commissioner Webber introduced staff Don Stoddard, Regional Director for Worcester, Chuck Perna, Management Forester, Jack Lash, Old Growth subject specialist, goals and wild lands specialist. He reported that there has been a lot of coverage about the subject since last meeting. After receiving confirmation from Mass Audubon's Peter Dunwiddie (report distributed), we have a very significant stand of old growth trees at Mt. Wachusett which conflicts with ski area expansion specifically one trail coming from the summit.

Debbie distributed maps of the Old Growth trees. Discussion ensued as to the identification, description and protection of old growth forest. Commissioner Webber stated that we need to protect this area but we do not know extent of the area yet for

cutting or alteration of trails. Commissioner Webber said the Commonwealth should not have to bear the expense of studying the extent of the area. Staff time is, and will continue to be considerable.

Elisa Campbell motioned that the board take a vote to protect any area of old growth forest. Boundaries should be identified and protected. Debbie Cary seconded.

Jack gave the Board the four criteria for Old Growth. 1) 10 acre contiguous, 2) half or more of species have to be old growth, 3) regeneration, sprouts or seedlings are starting to occur and regenerate, 4) lack of disturbance/no evidence of human disturbance, i.e. no stone walls or sawn stumps.

Jeff Tranen interrupted the old growth discussion via car phone to report on the current status of the open space bond bill.

Michael suggested we should have a working subcommittee to look at this issue and consult with Fisheries and Wildlife since they have similar concerns and make recommendations to the board and possibly modify criteria. Elisa stated she will volunteer to be part of the group.

Michael reiterated the original motion before the Board, to fully protect all old growth trees. Tad Ames seconded. The Board unanimously approved.

The Board would encourage the development of guidelines for Old Growth Forests and once the guidelines have been developed they should be brought to the Board for approval and become policy.

Item 6b was next on the agenda. Todd reported this year we had a successful recreational season. On the resource management side, Todd reported that DEM has problems with water quality attributable to lack of rainfall. DEM had to close facilities for several days due to the fire situation. There were large fires north of Boston and in Berkshire county. The Montgomery/Russell fire was declared an emergency from U.S. government and the C130 tanker dropped water over that area.

Todd is working with Peter Smith to develop a document to detail benefits of public open space.

The next item on the agenda was high ground communications and the Commissioner's report. Commissioner Webber discussed effects, pros and cons of removing/lowering the WTEN 250 foot radio tower from Mt. Greylock to beautify the mountain. Criteria to be considered, public opinion, effect on local radio, etc. Policy issue for the board is to resolve by DEM's centennial in 1998, which may take longer especially if relocation or alternative site is required.

Commissioner Webber outlined the several categories of easements

and high ground - water supply, utilities easements. Frequently, more and more often lands are not in the forest and park system, but are rare flood control that are managed by the department.

The Commissioner also reported that tomorrow is the Greylock development proposal presentation to the review committee. There were six altogether. There will be an update next month. For October's agenda, an ORV update, and an acquisition presentation as main items, and leave room for land disposition discussion. The previous board adopted policy, which will be forwarded to the Board.

Tad Ames made the motion that the Board should support the Commissioner to minimize height and obtrusiveness of the broadcast tower on Mt. Greylock. Ron Smith seconded. The Board unanimously agreed.

The final item on the agenda was Board concerns. Debbie reported that the subcommittee, having traveled extensively, was truly impressed with people and their commitment with the parks, from laborers to park supervisors. The DEM Board needs to be a strong advocate for annual budget. In January, EOEAs has a budget hearing. She emphasized the need for a spokesperson from each region to come to Boston and speak as a constituent.

Discussion ensued about DEM's presence at budgetary hearings.

There being no further business of the Board the meeting was adjourned. The October Board meeting will be held on Thursday, September 21, 1995 at Walden Pond State Reservation in Concord. The November meeting will be held, November 21, 1995 at the Rockwell Visitors' Center, Mt. Greylock.

A meeting of the Board of Environmental Management was held on Tuesday, **October 17**, 1995 at the Walden Pond State Reservation, Route 126, Concord, MA.

Those in attendance were Chairman Michael Last, Tad Ames, Jeff Tranen, Elisa Campbell, Debbie Cary, and Ron Smith. Also present from the Department were Commissioner Peter Webber, Director of Forests and Parks Todd Frederick, Deputy Commissioner of Resource Conservation Peter Smith, Bob Wilber, Gary Briere, Christine Chisholm, Andrea Lukens, Peter Brandenburg and Gina Alito. Tom Harrington of Pickett and Miyares, and Marilyn Lund of the Walden Pond Board of Directors.

The meeting was called to order by Chairman Michael Last.

MINUTES:

1) **Approval of the August 31, 1995 and September 21, 1995 minutes** Mike Last suggested again the Board submit written edits to Gina Alito and that the approval for the August minutes be deferred to the November meeting. Chairman Last motioned to approve the September minutes with Elisa Campbell's written edits. Tad Ames seconded. The Board unanimously approved.

2) **Old Business: Update on Mt. Wachusett old growth forest** Commissioner Webber told the Board that a letter was written by staff to the Crowleys highlighting all the points about the scope of work and incorporated what the Board has raised and discussed. DEM's Andrea Lukens is coordinating the internal examination of the expansion issue. Elisa Campbell requested a report. The Commissioner said that we do not have an old growth policy because we have some gray areas in regards to criteria. At this point, DEM is going with the program/recommendations of the Mass Audubon's Peter Dunwiddie. Debbie Cary mentioned to the Commissioner about the upcoming Wachusett Mountain Advisory Committee meeting on October 26. Debbie Cary

requested more information on the background of income and revenues.

3) Old Business: Mt. Greylock/WTEN radio tower

At the September Board meeting the Board received a briefing and voted to support DEM's efforts. Debbie Cary distributed an article from the South Advocate newspaper. The Commissioner reported that we are still examining the issue and making progress. DEM is receiving much correspondence and media calls. Todd Frederick has recently been meeting with the board of representatives from WTEN, and our legal counsel Nick Vontzalides has had several meetings with WTEN. Public concerns are about quality of service and cost of service. The Commissioner stated that we mutually agreed to keep them on from month to month. Commissioner Webber made the commitment to the WAMC station manager that DEM would not impair their ability to broadcast. WTEN's license depends on the height of the tower. Jeff Tranen said we need to set a greater sense for urgency and should establish a deadline. Commissioner Webber encouraged the Board to write letters to local press and TV stations. Jeff suggested we look at the audience. How many people are going to be affected by this decision on the tower. In lowering the tower questions and concerns are raised as to the effect of radiation and the impact of the electromagnetic fields. Board decided to issue a letter of support of Commissioner Webber.

4) New Business: ORV policy

The Board reviewed the report produced by Forests and Park and made comments. Ron Smith asked if DEM had designated any trails for year round ORV use. Tom Harrington representing NETRA said that their position is that they agree that there is a problem. The question is how do we solve it. There has to be some place where the ORV users can ride. They are supportive of fees as long as it goes back to the trails. There is room to get creative regarding the potential development of an ORV permit within a state park. Discussion ensued on the pros and cons of privatization and approach to dealing with this "hot button" issue. Elisa Campbell encouraged staff to continue to work on this proposal and answer questions. Remember the noise issue - can this be allowable in the park system and open space. It is not the state agency's role to provide a venue for all recreational purposes. Debbie Cary agrees and does not see how all recreational groups can recreate together in state parks. Tom Harrington is concerned that the number of events is too limited. Jeff Tranen said let us use these meetings as sounding boards.

5) **Interactive Video of Walden Pond State Reservation** presented by Karl Honkonen, DEM's Chief of Interpretive Services and Karst Hooeboom, Walden Project Manager. (see accompanying handout)

6) **Land Acquisition Presentation** by Bob Wilber and Christine Chisholm of the DEM's land acquisition staff. (see accompanying handout) Bob summarized recent acquisitions and mentioned the acquisition highlights of FY'96. He explained the process for new acquisition strategy as well as the coordination with forests and parks and other agencies. Tad Ames requested a monthly, bimonthly or quarterly reports on upcoming DEM land acquisitions.

7) Reports:

Due to the length of the meeting, Director Todd Frederick and Deputy Commissioner Peter Smith deferred their reports to November's meeting. Commissioner Webber gave a brief report on upcoming events. Open Space Rally at the State House on Oct. 25th, Northampton Dedication on October 27th, Charles Buffone Skating Rink Dedication on October 20th in Worcester, and Access for All at Pittsfield State Forest on October 21st.

There being no further business before the Board the meeting was adjourned. The next DEM Board meeting be at 10:30am, Tuesday, November 21, 1995 at the Rockwell Visitors' Center, Mt. Greylock.

A meeting of the Board of Environmental Management was held on Tuesday, November 21, 1995 at the Department of Environmental Management, 100 Cambridge Street, Boston, MA.

Those in attendance were Chairman Michael Last, Brad Spooner (for Jeff Tranen), Elisa Campbell, Debbie Carey, Ron Smith. Tad Ames was absent. Present from the Department were Commissioner Peter Webber, Director of Forests and Parks Todd Frederick, Chief of Staff Susan Frechette, Deputy Commissioner of Resource Conservation Peter Smith, Andrea Lukens, Jack Lash and Susan Fairbanks.

The meeting was called to order by Chairman Michael Last.

The minutes from the August 31, 1995 and September 9, 1995 Board meetings were unanimously approved. Elisa Campbell had two minor revisions to the minutes of October 17, 1995. Ms. Campbell motioned to approve with these revisions and the October 17, 1995 minutes were unanimously approved.

OLD BUSINESS:

Update on WTEN Tower

Commissioner Peter Webber reported that the Governor recently visited the Berkshires and his comments were in both the local press and on the news. It is important to reassure the public the Department will not take action to reduce the tower's signal level. The Governor has stated that fair market value should be paid and negotiations continue with broadcasting. Currently movement is toward a 2-3 step approach:

1. Short/Interim approach
2. Get them to pay for a consultant to review the situation
3. Take a second look (built in reviews based on thresholds set)

ORV Hearings

The ORV hearings are on November 30, 1995 at 7:30 pm, at six locations located around the state. Text is being prepared by Peter Brandenburg to be read at all hearings. Meetings will be facilitated by the regional supervisors. Ms. Carey suggested an executive summary of the report be available at the hearing for the press to review. Ron Smith delivered a letter addressed to the Board from the Berkshire Trails Council asking that the meeting to be rescheduled before the end of December. Chairman Last suggested the meeting be rescheduled in January.

Wachusett Old Growth

Andrea Lukens gave an update on the Wachusett Old Growth issue. A handout of correspondence (three letters) was distributed. DEM and Wachusett Mountain Associates (WMA) need more information and will work together on a course of action. The Commissioner suggested that it would be wise to reinforce our policies and rules to protect the area from hikers and skiers.

Friends Meeting January 20, 1996

The Park Friends Conference will be held January 20, 1996. Suggested locations were discussed.

NEW BUSINESS:

Recreation Customer Surveys

Gary Briere gave a presentation on the customer survey results. Important findings include top scores in cleanliness, safety and attractiveness of the sight. The results were broken down into five themes: clean, safe, attractive, friendly and informative.

There is a draft report of the 1995 camper survey. This was a phone survey of 450 campers. Cleanliness, safety, setting and price were top factors.

The Camper Card survey was the last survey to be discussed. It is useful as a management tool to track camping activity. Trends show quality of "camping environment shortfalls" is going down and "exceeding expectations" is going up. By nationwide comparisons we are low.

Wildlands Program

Jack Lash gave a presentation on the wildlands program. He concluded with a 10 minute slide presentation. Elisa Campbell mentioned the agencies' WWW home page and suggested we post some information. This would be a suggested agenda item for a future meeting.

Jack summarized his presentation, stressing the need for more emphasis on variety and education and mentioned that there will be two nominations presented to the board in the near future, Manuel Corellus State Forest savannah grasslands and the East Mountain spot in southern Berkshires.

Budget/Reorganization

Commissioner Webber gave some background on the reorganization initiative. The Commissioner offered the Board copies of the relevant EOE sections, which were released Nov. 1, 1995. The Commissioner said that the Governor reaffirmed his commitment to the environment by keeping it on the table and not eliminating the environmental secretariat. He then introduced Chief of Staff, Susan Frechette, who described her role in the reorganization effort. The consolidation of agencies requires legislation because each agency is established in state statutes and would require legislation for any changes. Regarding the funding, we will have to come up with our share of the \$5.5M reduction which may be minimal since we already have already done some streamlining and privatization. There should be no reduction in the field level, more at the administrative level. Ms. Carey requested that the Board be notified about what DEM is doing in the legislative districts as there is a need to get the word out about the need for funding. **(this was a formal request)** The budget must be into the legislature by early January. Ms. Frechette reported that none of the Environmental Affairs Boards

were among those recommended to be eliminated. Chairman Last will write a letter and circulate to the Board about the basic information needed to enhance services. Time should be set aside at the next meeting to review this issue in depth.

Windmills

Ms. Campbell left the room prior to the following discussion so as not to have a conflict of interest. Commissioner Webber discussed a letter from UMASS Amherst Professor Kirchhoff requesting to use four sites under DEM supervision for wind energy exploration. All have existing towers that would allow windmills to be attached. The objective is to test the feasibility of these sites for wind power generation. The Board members expressed a number of concerns. The Commissioner advised that we have one demonstration project already at Halibut Point in conjunction with the State energy office. The Commissioner will contact absent Board members to get their thoughts on the request. He noted the opposition of the Board members in attendance.

REPORTS:

A) Peter Smith informed the Board of a November 28, 1996 Greylock Center public meeting. There will be a final round of presentations before selection. Peter distributed the Horseneck Beach Master Plan. The following programs needs to be discussed at future meetings: Watershed, Horseneck Beach, Coastal access, ACEC programs, greenways and bikeways and the Historic Curatorship Program. The Commissioner suggested bikeways and greenways be placed on an upcoming meeting agenda.

B) Todd Frederick introduced Ruth Teixeria as the Director of Park Improvements. Ms. Teixeria gave a presentation on the Salisbury Beach State Reservation Improvement project. She described the project in some detail.

There being no further business before the board, the meeting was adjourned. The next DEM Board Meeting will be December 20, 1995 at the Notch Visitors Center, Holyoke Range State Park in Amherst. The January Board meeting will be January 24, 1996, location to be determined. The meeting was then opened for public comment. Two members of the trail riding community expressed their individual concerns on the ORV issue.

