Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Management

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Wednesday, January 8, 1992 in the 19th floor conference room, 100 Cambridge Street, Boston.

Members present - Sally Bell, Hugh Davis, Robert Morgan and Michael Last. Absent - Nan Jenks-Jay, Carol Lash, and John Capone. Also present were Commissioner Peter Webber, Chief of Staff Susan Frechette, Sylvia Stokes, Richard Thibedeau, Chuck Pernaa, Anne Stempka and Germaine Vallely.

Upon the motion of Hugh Davis, seconded by Michael Last, the minutes of the November 20, 1992 meeting was unanimously approved.

Before the start of the regular meeting, the Commissioner officially swore-in the two new board members, Mr. Michael Last and Mr. Robert Morgan. Commissioner Webber and the other board members welcomed them aboard.

Due to Nan Jenks-Jay absence, Sally Bell was acting Chairman for the meeting.

The Commissioner welcomed the members of the interview team that was involved in the search for a new Director of Forests and Parks. Susan Frechette, Chair of the interview team, introduced the members of the committee to the board, which included Sylvia Stokes, Director of Human Resources, Richard Thibedeau, Acting Deputy Commissioner of Resource Conservation, Anne Stempka, Assistant Regional Supervisor for Region 1, and Chuck Pernaa, Management Forester for Region 3.

Susan Frechette updated the board on the search. The second round of interviews have been completed and the field was narrowed to three candidates. They are Stephen Carpenter, Don Stoddard and William Davis. Each candidate will spend a day with the Commissioner, who up until now has not been directly involved in the process, and visit a few key DEM facilities. The interview committee will also meet for a final time with the candidate and then offer their recommendation to the Commissioner. Susan distributed a packet of materials to the board related to the interview process. Susan explained that they narrowed the field down to three instead of two because they all have skills to do the job

but that each one has a unique style and personality. They did not feel it was appropriate to eliminate someone based on a judgement call.

The committee summarized each interview and discussed the merits of each candidate for the board. Board member Michael Last asked the Commissioner what he perceives to be the top three challenges that would require the new director's immediate attention. The Commissioner said that a major challenge would be to tackle the management of a far flung organization that has gone through constant transition for several years. This will be critical. At the same time, handling the day to day, nuts and bolts of the operation, keeping in mind the department's mission, while trying to figure out how to do it with limited resources. Susan Frechette mentioned that another major challenge would be improving employee moral in the field while implementing a reorganization plan for the division. Also, answering the public's demand for access to recreation facilities while at the same time maintaining and preserving these facilities with a diminished budget and resources.

The board then discussed their involvement in the final phase of the search. The Massachusetts General Laws stipulates that the board must take a formal vote on the matter with a majority of the board voting. The meeting must be posted 21 days in advance and the notice must be sent certified mail to each member. It was decided that upon completion of the Commissioner's interviews with each candidate, he will call each member by Friday, January 17, 1992 to discuss and inform them of his decision. On Monday, January 20, 1992 the notices for the next board meeting will be mailed and a formal vote of the board will be taken at the next meeting.

The further discussion of the department's trail use policy was continued to the next meeting, at which time further information will be provided and the board will determine how they would like to proceed.

Under new business, the Commissioner updated the board on the department's budget. Secretary Tierney has recommended to the Governor that the department be level funded for the fiscal year 1993. The Secretary, in preparation for her decision, asked each department to prepare a budget using the "program budgeting" method. The Commissioner commented that it was a very useful exercise that made the department focus on key elements. A copy of the department's final product will be sent to each board member. The Commissioner also mentioned that the four Worcester rinks were going to be privatized. The new concessionaire will take over on February 1, 1992.

Germaine Vallely spoke to the board regarding the upcoming hearings on the proposed changes to the department's CMRs. The public hearings will be held on February 26, 1992 across the state in each

region and at which time the public will have a chance to comment and discuss issues of importance. Germaine handed out the proposed changes to the board. These changes will be posted at each hearing. A majority of the changes are "house-keeping" measures with the exception of some changes in the fees. The Commissioner pointed out that the department is keeping with the past practice of placing these changes into the CMR process but that the Commissioner has the authority to execute changes in the fees without prior public approval. Germaine commented that she does not anticipate these changes prompting much public attention. Sally Bell asked that the public be provided with a summary sheet that indicates the proposed changes and their justification. All agreed that this would be very beneficial to the public during the hearing. Germaine said that she will prepare a two page sheet to be handed out at the hearings.

There being no further business to come before the board, the meeting was adjourned at 2:00PM.

The date for the next board meeting was scheduled for Wednesday, February 12, 1992 at 11:30AM in the 19th floor conference room, 100 Cambridge Street, Boston.

Joanne A. Lash

Secretary

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Wednesday, February 12, 1992 in the office of the Commissioner, 100 Cambridge Street, Boston.

Members present - Sally Bell, Carol Lash and Michael Last. Absent - Nan Jenks-Jay, Hugh Davis, John Capone and Robert Morgan. Also present were Commissioner Peter C. Webber and Chief of Staff Susan Frechette.

Approval of the January minutes was postponed until the March meeting.

Commissioner Peter Webber began the discussion of the new Director of Forests and Parks position by reciting from the Massachusetts General Laws Section 2C Chapter 21, which reads "... Three board members shall constitute a quorum for the transaction of business, except in the case of appointment or removal of any person appointed by the board, or the approval of the appointment or removal of a division director. No appointment or removal of any person appointed by the board of environmental management and no approval of the appointment or removal of a division director, shall be valid unless written notice of the meeting for such an appointment or removal or approval thereof, setting forth the business to be transacted thereat, shall have been sent by registered mail to each board member at least twenty-one days prior to such meeting, and then only by the affirmative vote of three or more members present and voting." Commissioner Webber stated that the notices for this meeting were sent certified mail 21 days in advance and that three voting members of the board were present so a vote could be taken on the position.

Upon the motion of Michael Last, seconded by Carol Lash, it was unanimously -
VOTED: to approve Stephen Carpenter for the position of Director of Forests and Parks.

On behalf of the board, Sally Bell thanked Susan Frechette for all of her hard work as chair of the search and interview committee. Commissioner Webber said that he appreciated the boards support throughout the whole process. He also thanked Susan Frechette for her

efforts. She made a difficult decision easy. The Commissioner is very confident that Mr. Carpenter will do an excellent job.

The Commissioner then passed around a handout from Kathy Smith, Bureau Chief of Recreation, regarding an amendment to the Department's proposed changes to the CMR's. The "Recreation Program Formula" fee was deleted because it can be put into effect through a special use permit or a concessionaire agreement and the formula can be applied on an individual basis.

The discussion of the Department's trail use policy was postponed until the March meeting. The Commissioner passed around a copy of an e-mail message he received from Andrea Lukens regarding ORV use in other states as well as relaying information on the National Recreational Trails Act of 1991 and how it may impact the Department. Commissioner Webber stated that the Department has been trying to take the lead on this issue. He has sent a memo through the Secretary to the Governor asking that the DEM be designated lead agency while working closely with the Department of Public Works. The Board discussed the idea of dedicating some money to subsidize the acquisition of a piece of property to be used strictly for ORV use. If the state has a designated area it may qualify for funding through this Act. This could take the pressure off other areas that are currently experiencing heavy ORV use. The Board was very interested in the idea of separating uses and designating areas. Carol Lash suggested that the Trails Advisory Committee look into the idea of designating a piece of state property for strictly ORV use. The Board also asked that Richard Thibedeau, Acting Deputy Commissioner of Resource Conservation, provide a copy and summary of the National Recreational Trails Act. The Board also asked that Rich prepare for the next meeting the answers to three questions, which are (1) How much money can Massachusetts anticipate annually through this program? How does the allocation formula work? (2) Are snowmobiles considered motorized vehicles? ORV's? (3) Can you (Rich) estimate what it might cost to create dedicated areas for motorized vehicle use in MA?

Jack Lash, DEM's GOALs Program Director, made a presentation to the board regarding the proposed designation of three new areas to the Massachusetts Wildlands Program. Two of the designees are Representative Natural Areas (RNA's), meaning they are the best example of a species or biological community within one of our properties that is less than 150 acres in size. The first is called "Hemlock Wood" which is a five acre portion of Walden Pond State Reservation, with pure Hemlock stand composition. The trees in this area date back to before Thoreau. The second RNA is the "Wildcat Cedar Swamp" at Wompatuck State Park. This area is seventy-five acres, located in the north end of the park, with Atlantic White Cedar in dense stands, and surrounding glacial rock formations. The third designee falls within the Backcountry category of Wildlands, which are remote areas typically separated

from intensive use areas in DEM forests and parks. These areas must be more than 150 acres in size. This is the "Range Ridgetops" and is 1200 acres of the Holyoke Range State Park, at elevations '800 and above.

Upon the motion of Carol Lash, seconded by Michael Last, it was unanimously -
VOTED: to accept the Hemlock Woods, Wildcat Cedar Swamp and the Range Ridgetops into the Massachusetts Wildlands Program.

Jack Lash handed out the Massachusetts Wildland Annual Report for 1991. He also spoke about an exciting study being done by the Department of Fisheries and Wildlife's Natural Heritage Program to document Old Growth Woodland areas throughout the state. So far they have found 300 acres of DEM property, that are of the highest integrity, that can be classified as Old Growth.

Lastly, Jack handed out the draft executive summary for the Douglas State Forest GOALs Plan. The public hearing will take place March 3, 1992 in Douglas.

Under new business, the Commissioner gave a quick update on a few issues of importance. First, the Greylock Glen Planning Committee is continuing to meet regularly. They are pursuing three ideas which are an environmental education center, conference center and a recreational/resort complex. The Committee is investigating and testing whether any of these are feasible with the environmental education concept being the main theme. The Committee is looking for models based on other developments similar to this one.

Second, the Department was helping to arrange a meeting between the Governor and Don Henley, who is interested in discussing the Walden Woods project. The Department is also trying to be the facilitator to help get land protected. The price for the Zuckerman property has been prohibitive with an asking price of $2.8 million. The Department is trying to engineer a land swap .

Third, the Commissioner has been actively involved with Federal Energy Regulatory Commission (FERC) process as it relates to the New England Power Company's application for a new Hydropower License on the Deerfield River. DEM has coordinated comments on the draft application with the Department of Fisheries, Wildlife and Environmental Law Enforcement as well as the National Park Service, U.S. Fish and Wildlife Service and the state of Vermont's Agency of Natural Resources. The Department has been working to represent the recreational interests of river protection. The Commissioner felt that New England Power was missing a valuable opportunity to provide a comprehensive recreation and resource management program in exchange for Massachusetts and Vermont providing them free water power to generate and sell hydroelectric power. DEM proposed that instead of NEP's proposed $500,000 worth of recreation enhancements over the course of their thirty year

license, much more could be accomplished in a more innovative, systematic way to meet the unknown demand of future resource users. A Recreation Enhancement Fund was proposed by DEM, where a percentage of their income is set aside in a trust to be used by both states for recreation enhancement. The resource agencies from both states and the federal government applauded and endorsed the initiative.

Fourth, there has not been much progress made regarding the Myles Standish Cottages but the Department is working to eliminate that program.

Fifth, the Sandy Point Advisory Committee is divided with one vocal faction saying that the federal government wants to take over the property. They have had many contentious meetings and the Commissioner is scheduling meetings with key individuals to try to get the situation under control. The Commissioner recently met with the area legislators regarding Sandy Point. For the record, the Department has no intention of giving up management of that area to the federal government but will also not serve to antagonize the U.S. Fish and Wildlife Service because they have been good to us.

Lastly, a tenant should have moved into the farmhouse at Ellisville State Park.

There being no further business to come before the board, the meeting was adjourned at 1:50PM.

The date for the next board meeting was scheduled for Wednesday, March 18, 1992 at 12:00PM at Borderland State Park, North Easton.

Joanne A. Lusk

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Wednesday, March 18, 1992 at Borderland State Park, North Easton, MA.

Members present - Nan Jenks-Jay, Carol Lash, Sally Bell, John Capone, Hugh Davis and Bob Morgan. Absent - Michael Last. Also present were Commissioner Peter C. Webber, Todd Frederick, Special Assistant to the Commissioner, Stephen Carpenter, Director of Forests and Parks, Richard Thibedeau, Acting Deputy Commissioner of Resource Conservation, and Todd Lafleur, Assistant Director of Forests and Parks.

Upon the motion of Carol Lash, seconded by Sally Bell, the minutes for the January 8, 1992 and February 12, 1992 meetings were unanimously approved.

The day began by an informal tour of the grounds at Borderland State Park followed by lunch inside the mansion. During lunch Bob Babineau, Park Supervisor, gave a presentation to the board on the history of Borderland and the Ames family.

The meeting began with Nan Jenks-Jay welcoming everyone to Borderland and wished the new Director of Forests and Parks, Stephen Carpenter, strength and courage. The Commissioner also gave a brief introduction of Steve to the Board. The Board followed by reaffirming their previous vote on the new director's position.

Upon the motion of Nan Jenks-Jay, seconded by Bob Morgan, it was unanimously -
VOTED: to approve the appointment of Stephen Carpenter to the position of Director of the Division of Forests and Parks.

Richard Thibedeau began the discussion on trails by briefing the board on the Symms National Recreational Trails Act. He provided a hand-out to each member detailing this federal law. This act is administered by the U.S. Department of Transportation. This provision establishes at the federal level a fund with revenues from taxes on non-highway fuel use. The funds are to be used by states on trails and trail related projects. In order to qualify, a state must have a statewide trail user advisory group. DEM's "Statewide Trails Committee"

meets this requirement. Funding for this program will be very competitive. It provides up to $30 million of federal funding to be distributed among the 50 states over the next five years. The Department has proposed to the Governor that he designate the Massachusetts Highway Department and the DEM to jointly administer this program for the Commonwealth. The Governor has yet to make that determination but has until April 1 to responded.

Following the briefing there was a lengthy discussion by the members on the board and DEM staff regarding the details and implementation of the Symms Act in Massachusetts. This discussion led into a further discussion of the Department's trail use policy, which is still before the board to decide whether or not to adopt a moratorium on off-road vehicle (ORV) use. Steve Carpenter recommended to the Board a 5 point proposal for their approval to help deal with this issue.

1) Do not impose a temporary moratorium on ORV use at this time.
2) They recommend the adoption of the ORV Management proposal.
3) The Department would identify areas of the state suitable for ORV use and identify priority areas.
4) Implementation of the Symms National Trails Act Fund in Massachusetts.
5) Application to the federal government for funds under the Symms Act.

The Board discussed these points and point number three was amended to include that no additional trails or areas will be designated without going through the MEPA process.

Bob Morgan moved and Hugh Davis seconded to accept the staff's recommended 5 points with the amendment. After further discussion, it was discovered that the current trails management proposal listing of designated ORV use areas was not complete. Nan Jenks-Jay suggested that the motion be tabled until such time that a more accurate listing of areas could be compiled by the trails committee. Bob Morgan withdrew his motion.

Upon the motion of Carol Lash, seconded by John Capone, it was unanimously -
VOTED: to refer the proposal back to committee for review and be reported out and voted on at the next Board meeting.

The Board then moved onto to a discussion of the this year's recipient of the Alan Hendry Award, which is presented annually by the Department to a member of the Division of Forests and parks who has demonstrated outstanding abilities in recreation supervision as did the late Alan Hendry during his career as Supervisor of the D.A.R. State Forest. Six nominations were sent to the Board for their review prior to this meeting. The Board chose Rodney F. Whipple, Principal Forest and Park Supervisor at Otter River State Forest, as well as being in charge of the operation at Lake

Dennison and Tully Lake Recreational areas, as this year's recipient. Rodney maintains a tremendous attitude and is known throughout the system as a great employee.

Upon the motion of John Capone, seconded by Bob Morgan, it was unanimously -
VOTED: that Rodney F. Whipple be chosen this year's recipient of the Alan Hendry Award.

Todd Frederick then briefed the board on privatization initiatives within the Department and the administration. A package of information was sent to the board back in December, 1991. Charles Steele, General Counsel for EOEA, is Chair of the EOEA privatization committee but has yet to call a meeting. In anticipation of the Department being asked certain questions from the secretariat and administration, a retreat was held at Dunn's Pond. The Commissioner said that the concept of privatization is evolving. It can be seen as a threat or as something good. It could also have conflicting goals; one could be to enhance the mission - volunteers, concessions, etc., the other could be to downsize government - less employees, etc. One clear definition of privatization is instilling competition between private sector and the public sector. The Department has been trying to think through our operation and ways to adopt different initiatives. The Department feels that if we are prepared we can have an opportunity to shape and influence the state-wide policy and be in a position to ward off any bad ideas.

Commissioner Webber indicated that the Department has received a few proposals from outside groups interested in the private management of our facilities. The Department is proceeding slowly with these requests, which involve Salsbury Beach, Hopkinton State Forest and Scusset Beach, to name a few. A Request for Proposals (RFP), which was used in the privatization of the four Worcester Rinks, will be an important part of the negotiations.

The Commissioner told the Board that he is looking for guidance from them on this major policy issue. He would be interested in receiving an official statement from the Board regarding privatization. It was agreed that Sally Bell would draft a statement on behalf of the board to be reviewed by the other members before being presented to the Commissioner.

Nan Jenks-Jay mentioned a few items under new business. The first being that the Board should officially thank Don Stoddard for very effectively serving as Acting Director of Forests and Parks while the Department conducted a search for a new director. Nan offered to draft a letter to Don on behalf of the board. Second, the piping plovers are due to return in April to many of our state facilities. She was hoping that protective measures are being taken again this year to protect them. Third, she asked how the Department and EOEA could be active on the issue of tax exempt

properties. She indicated that communities are no longer encouraging the state to acquire land in their towns. When the state acquires land in a town it takes that property off of their tax roles and the town loses that much needed revenue. The Commissioner responded by pointing to the materials that were sent to the Board regarding the state of Vermont's land acquisition policies - the Woodford Plan. The Commissioner indicated that he is concerned that the Department currently has an aggressive land acquisition policy and fears that the public may not be receptive. The Commissioner stated that the Governor may not realize the backlash he may face from the towns regarding his open space agenda. The Commissioner will plan to discuss this with Secretary Tierney and his fellow Commissioners.

There being no further business to come before the board, the meeting was adjourned at 3:35PM.

The date for the next board meeting was scheduled for Wednesday, April 15, 1992.

Laura A. Lash

Secretary

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Office of the Commissioner

The April 15, 1992 meeting of the Board of Environmental Management was cancelled due to a lack of a quorum. The next meeting of the Board was scheduled for Wednesday, May 13, 1992.

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Wednesday, May 13, 1992 at F. Gilbert Hills State Forest in Foxboro, MA.

Members present - Nan Jenks-Jay, Sally Bell, Carol Lash, Mike Last, Bob Morgan and John Capone. Absent - Hugh Davis. Also present were Commissioner Peter C. Webber, Acting Deputy Commissioner Richard Thibedeau, Director of Forests and Parks Stephen Carpenter, Todd Lafleur, Karl Honkonen, Chris Greene, Andrea Lukens, and Mike Gildesgame.

Upon the motion of Carol Lash, seconded by Sally Bell, the minutes for the March 18, 1992 meeting was unanimously approved.

The meeting began with a tour of the facility and a look at certain trails within the state forest. Following the tour lunch was served at the headquarters and park Supervisor Ron Clough spoke to the Board about F. Gilbert Hills.

Mike Gildesgame, Acting Director of the Office of Water Resources began the meeting by discussing his January 31, 1992 memo to the Board regarding the impact of wastewater discharges on Ocean Sanctuaries. Mike also handed out copies of the Ocean Sanctuaries Act (OSA) brochure and a map of the designated areas. The purpose of the act is to protect the fragile coastal resources - marine life, water quality, and beaches - of the Commonwealth. The Board asked for a preliminary investigation into two items. First, how existing regulations protect against pollutant entering or moving within a sanctuary. Mike answered by saying that while the Ocean Sanctuaries Act prevents new discharges, it appears that there was no attempt to stop existing discharges, either those going directly into a sanctuary or those which would enter a sanctuary indirectly such as from a river or circulation currents. The legislature passed an amendment to the OSA in 1989 by requiring the establishment of a Generic Environmental Impact Report (GEIR) Fund within the Executive Office of Environmental Affairs to evaluate the impacts of discharges into Massachusetts Bay by June 30, 1992. But because the GEIR proposal appeared to be

redundant to research already in progress and came at a time of fiscal instability, the fund was never established.

The second item Mike looked into was the possibility of amending the OSA to protect the sanctuaries from wastewater entering a sanctuary from a non-sanctuary area or from moving from one are of the sanctuary to another. The staff recommended that until the many ongoing studies and research is completed by various environmental groups, it would be premature to amend the Act.

After a discussion by the Board, Nan Jenks-Jay thanked Mike for his presentation. Mike offered to put together a "score card" of current research efforts so everyone could follow. Mike also volunteered to come to the Board with a recommendation on how DEM can be more pro-active given a broader interpretation of the Act.

The Board then began a further discussion of trails. Director Carpenter passed out a memo to each Board member on the off-road vehicle (ORV) use and the trails. The DEM trails committee has spent a great deal of time since the last board meeting to come up with an accurate list of existing ORV use trails throughout the state. Arriving at a complete listing of authorized ORV trails has proven to be more a more difficult than it was originally thought. The staff feels that they need to establish specific criteria to be applied throughout the state. Director Carpenter's recommendation for the Board was basically the same as it was presented to the Board at the March 18, 1992 meeting, with the exception of deleting any mention of specific designated ORV use trails.

Karl Honkonen outlined for the Board the possible consequences of designation at this time. He said that given current resources for trail maintenance, it would create a lot more attention to those areas; specifically Regions 3 and 4. Regions 1, 2, and 3 can deal with this through organized trail users but Regions 3 and 4 do not have that. Currently, each individual supervisor of a facility have to deal with this 365 days a year. A DEM ORV Use Policy is in development with criteria yet to be put into place. There needs to be a coordinated and uniform state-wide policy for dealing with this issue. The recommendation is to have Forests and Parks staff and Division of Resource Conservation staff, in conjunction with the Regional Trail Coordinators, work together to come up with a designated list of ORV use trails.

The issue of the Department's relationship with motorized user groups was discussed. Commissioner Webber stated that our general relationship with these groups has been confrontational and adversarial. The Commissioner noted that the Douglas State Forest GOALS plan is in the process of being reviewed and discussion with trail user groups has been polite but people are standing their ground. Mike Last recommended that the Department go on the offensive. Every neighboring state has banned ORV use; we are their only option. The burden of maintaining and monitoring

designated areas should be placed on the user. If this is not done to the Department's satisfaction then the "privilege" will be taken away. Mr. Last also suggested an "adopt-a-trail" program be established for these designated trails. John Capone mentioned issuing permits for the use of the trails and instituting fines for any violations. Todd Lafleur said that currently permits are only issued for special events.

The Board then briefly discusses the Symms National Recreation Trails Act. The Commissioner told the Board that the Governor has already submitted a letter to the U.S. Department of Transportation designating the DEM and the Massachusetts Highway Department as lead agencies to administer the act in this state. Rich Thibedeau said that the federal government expects that the regulations for this act will be in place July 1, 1992 but there is no money in this year's federal budget for this program. Nan Jenks-Jay said that the Conservation Law Foundation is looking into the Symms Act. Sally Bell asked that the Board be given a copy of the regulations, once they are made available, while the DEM staff review the regulations and make a recommendation to the Board before the Department applies for the grant money. Commissioner agreed to Sally's recommendation. So, it was decided to delete any reference to the Symms Act from Director Carpenter's recommendation because #3 has already been done and #4 is premature.

Carol Lash suggested that #1 be deleted at this time. Everyone agreed.

After much discussion, Director Carpenter's recommendation to the Board for their approval regarding ORV use trails was amended and now reads:

Adopt the ORV Policy as recommended by the Environmental Policy Committee (deleting #3 in that policy and without the list of designated ORV use trails) and proceed with the following actions:

a) Prepare a list of authorized Forests and Parks areas where ORV use is authorized ... proposed time period for task completion: 6 months;

b) Establish criteria, procedure for adding/removing authorized ORV trails from above list ... proposed time period for task completion: 6 months;

c) Prepare a Statewide Trails Plan (based on a and b) ... proposed time period for task completion: 1.5 years.

Upon the motion of Sally Bell, seconded by Carol Lash, it was unanimously -
VOTED: to adopt the interim ORV use policy as recommended by DEM staff and outlined above.

Chris Greene then made a presentation to the Board on the Governor's Conference on Travel and Tourism that took place April 2nd and 3rd in Hyannis. Chris handed out a packet of information from the Massachusetts Office of Travel and Tourism as well as a handout on the Heritage Discovery Network. Commissioner Webber led a workshop at the conference on cross marketing that was well attended. Eight DEM staff from all levels of management attended the conference. Chris then spoke about the Heritage Discovery Network and DEM's Tourism Initiative DRAFT Proposal where the Heritage Parks are the essential, key point that ties this together. Chris explained the strategic goals and the action steps for FY93 as described in the proposal. The Commissioner welcomed the Board's endorsement of the initiative. The Board unanimously endorsed the DEM Tourism Initiative Proposal.

Due to the length of the meeting, Todd Lafleur handed out copies of his notes on the Forests and Parks Annual Supervisor's Conference and DEM's Volunteers in Parks Week. The notes were accepted by the board in lieu of a briefing.

Under new business, Sally Bell discussed the in lieu of taxes issue. The Commissioner said that Secretary Tierney is aware of the issue and she has spoken to Secretary Nessen. This issues has also been raised at the Governor's cabinet meeting. A larger meeting has yet to take place. Commissioner Webber encouraged the board to write to Secretary Tierney on this issue.

There being no further business to come before the board, the meeting was adjourned at 3:35PM.

The date for the next board meeting was scheduled for Tuesday, June 16, 1992.

Carrie A. Lark

Secretary

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Tuesday, June 16, 1992 at the Boston office, 100 Cambridge Street, 19th floor, Boston, MA.

Members present - Nan Jenks-Jay, Sally Bell, Carol Lash, Hugh Davis, Mike Last, and Bob Morgan. Absent - John Capone. Also present from the Department were Commissioner Peter C. Webber, Richard Thibedeau, Terry Blunt, Melanie Hagopian, Andrea Lukens and Jack Lash.

Upon the motion of Carol Lash, seconded by Bob Morgan, the minutes for the May 13, 1992 meeting was unanimously approved.

Terry Blunt and Melanie Hagopian outlined for the Board the taking of the R. Cichy property in Northampton by eminent domain. They displayed a map of the area and had a handout for the Board members. Negotiations to purchase the land from the owner have broken down; a mutually agreed upon price could not be determined. This property has been condemned by the Northampton Board of Health and there are many leans on the property. Commissioner Webber stated that he strongly endorses the plan and that it is the absolute appropriate use of eminent domain. Terry and Melanie fielded questions from the Board before asking them to authorize the Commissioner to go forward with this taking. Terry also told the Board that the Northampton City Council would have to give their vote of approval as well.

Upon the motion of Hugh Davis, seconded by Bob Morgan, it was unanimously -
VOTED: to give their authorization to Commissioner Webber and approval to the eminent domain taking of the Cichy property in Northampton.

Jack Lash then made a presentation to the Board regarding the draft management plan for the Haley in Williamstown. Copies of the draft plan were distributed at the May 13, 1992 board meeting. The acquisition of this property began a little over a year ago. This property, known as the Haley-Greene property, added 500+ acres to the Mt. Greylock State Reservation. Several department priorities are themes of this acquisition. Namely, agricultural preservation and scenic quality. The National Park Service called this piece of property a

"natural national landmark." There are many pluses to this property. The plan focuses on the recreation and resource uses of the land. Jack told the Board that the first hay cut was today under a DEM Special Use Permit. Also, they have done some screen planting around the parking lot, interpretive and historic signs have been installed and a parking lot for 10-20 spaces is being planned. The Plan calls for no motorized vehicle use on the property and hunting will be allowed as it has in the past. Jack said that the management plan is an innovative approach to historical, agricultural preservation. Nan Jenks-Jay commented that the plan does not describe the uniqueness of the acquisition. She suggested that this should be reflected in the final management plan.

Upon the motion of Hugh Davis, seconded by Carol Lash, it was unanimously -
VOTED: The Board authorizes Nan Jenks-Jay to prepare a statement regarding the Haley Plan that would capture the spirit of the special, innovative management of this parcel that existed at the time of the original acquisition.

The discussion ended with Jack being invited back to next months meeting to further discuss the plan. Before he left he handed out a copy the draft Otis/Tolland GOALS Plan.

Under New Business, Commissioner Webber acknowledged two members of the public that were attending the meeting. Mr. Bill Perry submitted a statement from the Statewide Trails Advisory Committee. The statement indicated that the committee voted 22 to 3 to oppose the Douglas State Forest GOALS Plan. The Committee was upset because they felt that trail users input on the plan did not make the final draft. Mr. Perry also provided a second handout on Douglas trails. Mr. Perry stated that there would be an adverse economic effect if trails are lost or closed and that citizens are feeling that this important recreational outlet is about to be lost. He had no complaints regarding the work of DEM staff but mentioned that the National Park Service study determined that work on trails was being done by volunteers more than by employees. Commissioner Webber suggested that the Douglas GOALS plan not be presented to the Board because they have not been fully briefed on the matter and the staff is unprepared at this time to respond to Mr. Perry's comments. The Commissioner assured Mr. Perry that the Department will keep him fully apprised of when the Douglas GOALS Plan will be discussed by the Board. The Commissioner also stated that Mr. Perry's figures are a misrepresentation of the issues. Commissioner Webber indicated that he has received many letters from people who have concerns regarding the Douglas GOALS Plan and that he has extended the comment period to accommodate them. Sally Bell, as Acting Chairperson, deferred the subject to a more appropriate time. Carol Lash asked to table the discussion. Mike Last stated that he was looking forward to reading all the appropriate documents. Jack Lash indicated that the final draft of

the Douglas GOALS Plan should be finished by late summer or early fall.

Commissioner Webber also acknowledged the presence of Doug Gillespie from the Massachusetts Farm Bureau.

Sally Bell brought up the issue of payment in lieu of taxes. Commissioner Webber told the board that there was a recent meeting with Secretary Peter Nessen on this issue and that the administration is very favorably disposed to restoring in lieu of tax payments to towns. The House passed a resolution in support but the proponents will be looking to the Senate for the actual appropriation and language in the FY93 budget. The estimated cost is between 8 - 20 million dollars, depending on how you apply the formula. DEM is providing information on recent land acquisitions to the Department of Revenue, who is pulling together the figures. The effort is to try and recreate the program and reappropriate the money to every community, although some communities will get more than appropriate. Sally Bell said that she felt it would be better if the money was given to the communities not in the form of local aid but as the state paying as a taxpayer. Sally Bell offered to draft a letter to Secretary Tierney on behalf of the Board to outline their concerns and feelings on this issue. All agreed.

Nan Jenks-Jay told the Board that she met with Chief Forester Warren Archey, George Wislocki, Executive Director of the Berkshire Natural Resources Council, and Bill Rivers in the Massachusetts Highways Department regional office in Lenox to discuss the Timber Bridge Initiative. Timber bridges are used as replacement bridges in rural areas where they are compatible with the landscapes. They are hoping to use a site in Williamstown as the state's first timber bridge project.

There being no further business to come before the Board, the meeting was adjourned at 2:30PM.

The date for the next board meeting was scheduled for Wednesday, July 22, 1992.

Joanne A. Lark

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Wednesday, July 22, 1992 at the Boston office, 100 Cambridge Street, 19th floor, Boston, MA.

Members present - Nan Jenks-Jay, Sally Bell, Bob Morgan, Hugh Davis and Mike Last. Absent - Carol Lash and John Capone. Also present from the Department were Commissioner Peter C. Webber, Richard Thibedeau, Stephen Carpenter, Jack Lash, Mike Tirrell, Frederick Lyman and his project management staff.

The approval of the minutes from the June 16, 1992 meeting was deferred until the August meeting.

Upon the motion of Sally Bell, seconded by Bob Morgan, it was unanimously -
VOTED: to designate Todd Lafleur as Acting Director of the Division of Forests and Parks in the absence of the Director.

Director of Forests and Parks Stephen Carpenter reported to the Board on Forests and Parks Activities so far for this summer season. He said that seventy fee based forests and parks facilities are open across the state as opposed to sixty-eight last year at this time while two hundred sites and facilities total are open. Six beaches and twenty pools are in operation and twenty-five campgrounds are open in comparison to twenty-three last year. Attendance is down approximately ten percent due to unseasonably bad weather in the month of June. Likewise, revenue is down about 12.5%. The fees are the same this year as last year. His office has received very few complaints from the general public regarding service delivery. Most comments he has received has focused on the lack of staff and the deteriorating condition of facilities. The Heritage State Parks are open for longer periods of time and additional days as compared to last year. Seasonal staffing level is at about 1,000. which is approximately 150 more than last year. Director Carpenter also commented that he has been pleased with the way facilities have been maintained. Nan Jenks-Jay asked if the situation is improving as far as maintaining facilities is concerned. Commissioner Webber answered that the Department is stretched thin and people both within the Department and volunteers have helped tremendously. He is, however, very concerned that

the Department may very well be reaching a breaking point in maintaining the current system and in providing quality services. Deterioration is occurring it just is not visibly to the trained eye. Nan Jenks-Jay summed up by saying that the Department is just lucky that nothing catastrophic has happened. She also mentioned to Director Carpenter the idea of getting inner city youths out to the parks in a mentor/shadow type program that would provide needed summer jobs. The Director responded by saying he would look into this idea.

Next, Jack Lash then continued his discussion of the Haley Management Plan. He provided a hand-out to the Board members and produced two maps of the area that were helpful in the discussion. He mentioned that at the request of the Board at the July, 1992 meeting, page 10 was added to the plan incorporating Nan Jenks-Jay suggestions and comments. Mike Tirrell, Assistant Regional Supervisor for Region 5 spoke to the group regarding this property. They would like to keep it maintained as an open field. This piece also makes it easier to monitor and control access to Mt. Greylock. On this piece of property, one night camping will be allowed. Jack also mentioned they are working with Ellen Rothman to create an interpretive display for the area as well as preparing a report on the historical/archeological integrity of the site. He also mentioned the possibility of a one page agreement between DEM and the Williamstown Rural Lands Foundation on tasks and management responsibilities. He will produce a draft and distribute copies to the Board once it is ready. This agreement will require a separate vote of the Board because the GOALS plan extends to this property. Nan Jenks-Jay stated that final approval of the plan should be postponed until the historical/archeological study is completed and includes an aspect on rare plants and species. So, discussion and final approval was postponed.

Frederick Lyman, Director of Project Management presented to the Board a briefing on the projects that he and his staff are currently working on throughout the state. Fred mentioned the Commissioner's interest in exploring urban services programs and projects as well as a new initiative involving the enhancement of tourism service delivery in Plymouth. Fred produced a GIS map of the state with markers indicating existing projects across the state. The briefing began with Gary Briere who covered Greylock Glen, the CT River Great Falls Discovery Center (formally the Turners Falls Heritage State Park proposal), and the Northampton to Amherst Bikeway. Charlie Gibson said that he is the project manager for the Fall River Heritage State Park, the Ernestina, New Bedford and the Blackstone River Valley. He discussed for the Board the Blackstone project that has brought together the National Park Service and the state of Rhode Island. A federal Commission has been formed and federal funding has become available to do a good portion of the work. Karst Hoogeboom briefed the Board of the latest developments at Walden Pond State Reservation in regards to the involvement of the Walden Woods Project and the effects of the

Concord landfill. Bonnie Brown discussed the recent lakes and ponds initiative that involves two people from the Department of Environmental Protection's Clean Lakes program who are contributing the needed technical assistance. Diane Haynes is the project manager for the cities of Lowell, Lawrence and Boston as well as for the Boston Harbor Islands. The projects she briefed the Board on are in Roxbury. They are the completing work on a Roxbury Heritage State Park, a passive park adjacent to the Heritage State Park, as well as working with a non-profit group to create two passive parks in the Blue Hill area. Nan Jenks-Jay thanked everyone for the inspirational presentations.

Item number eight on the agenda was postponed.

Commissioner Webber then began by giving an update on personnel issues. He told the Board that the positions of Deputy Commissioner of the Division of Resource Conservation and the Bureau Chief of Recreation are in the process of being filled. Interview committees for both positions have completed their work and will be giving their recommendations to him soon. He expects to be able to move forward to hire soon.

Next Commissioner Webber gave an update on the Department's FY93 budget. The Department is looking at an appropriation of approximately $2.3 million below the FY92 funding level, which was $24.6 million. Therefore, the Department is expecting to receive $22.3 million. The $24.6 million spending level for the previous year included one time costs, such as Hurricane Bob and money to operate the 4 Worcester skating rinks that have since been privatized. So, the remaining gap centers around the rest of the rinks and that raises the question of privatization. The Department, up to this point, has been receiving mixed signals from the Legislature on this issue so no action has been taken as of yet to prepare for any further rink privatization. If the Department keeps the rinks, we would have to appeal for more money in a future supplemental budget. We do, however, have dedicated funds in the Inland Harbors and Waterways account that will enable us to fund the Clean Lakes program that was given to the DEM, through the budget, to manage. The idea of retained revenue, where the Department would receive a percentage of the revenue coming in from fees, was taken out of the final budget. The Department did have it in the past and it was a good incentive and moral builder among field personnel because that money was used to buy equipment, uniforms, etc. But there is the possibility of the Department receiving money through the Inland Harbors and Waterways account and the transportation account. Both have been created but no money has been appropriated as of yet. The Commissioner is advocating for a dedicated account or revolving fund account for the Department. Nan Jenks-Jay asked about the Conservation Trust Fund. The Commissioner stated that money is coming in but it has been sporadic.

Under New Business, Gordon Graham, DEM's General Counsel, spoke to the Board, at their request, regarding agency responsibility and legal liability of the Department and the Board. Gordon said that every Board member qualifies as a state employee so they qualify for protection under the state torts acts. People at the policy making level can not be deemed as being negligent, accountable or liable for policies they have made and the subsequent consequences they may bring. However, the administerial or proprietor level is where criminal liability may be applied. In that case, the person or agency would be entitled to have the Attorney General defend them. In any event, the Board is protected.

The Commissioner recognized two members of the public who attended this meeting. They were Attorney Ray Miyares and Mr. Ben Phelps, who represents the Southern New England Trails Conference. Mr. Phelps took the opportunity to tell the Board that most people are in agreement to paying fees for trail use so long as that money can go into a dedicated fund and be used to maintain the trails. He also requested that he be put on a future Board agenda to speak to them further regarding trails.

There being no further business to come before the Board, the meeting was adjourned at 2:45PM.

The date for the next meeting was scheduled for Wednesday, August 19, 1992.

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Office of the Commissioner

A meeting of the Board of Environmental management was held on Wednesday, August 19, 1992 at the Boston office, 100 Cambridge Street, 19th floor, Boston, MA.

Members present - Nan Jenks-Jay, Sally Bell, Carol Lash, Hugh Davis and Mike Last. Absent - Bob Morgan and John Capone. Also present from the Department were Commissioner Peter Webber, Richard Thibedeau, Andrea Lukens, Jack Lash, Todd Frederick, Warren Archey, Gary Briere, and Leslie Luchonok.

Upon the motion of Hugh Davis, seconded by Carol Lash, the minutes for the June 16, 1992 and July 22, 1992 meetings were unanimously approved.

Invited guest Mr. Mead Bradner spoke to the Board regarding hiking and backpacking as it relates to DEM trails. Jack Lash introduced Mr. Bradner. He is the Chairman of the Three Forest Advisory Council, Secretary of the Region 1 Trails Advisory Committee, a member of the Appalachian Mountain Club trail committee, Director of the Neponset River Watershed Association and the keeper of the Warner trail. He explained about the Warner trail, which the board saw a piece of during their visit to Foxboro State Forest in May. It is a thirty-four mile long trail used mostly for day hiking. He said that the major problem he encounters is in regard to the private property the trail goes through. There is a reluctance on the part of the property owner to give approval for a permanent easement through their land. He said he has been working with DEM staffers Jack Lash and Andy Backman, who have been very supportive and helpful, to create new directions for the trail. He said that he is continually working with planning boards, conservation commissions, and property owners to keep the lines of communication open to ensure good relations.

Mr. Bradner then took questions from the Board. Hugh Davis asked if there were any problems with non-compatible use of the trail. Mr. Bradner said there is no problem with compatibility because he has been able to get all the user groups together to discuss relevant issues. He says that this is not an impossible association and he has seen these user groups work together. It is usually the individual that they have problems with. Mike Last asked a question regarding

different user groups and the need to segregate certain areas for particular uses. Mr. Bradner said that it is not practical to segregate trails to make certain parts exclusive. The user groups know what sections of the trail are appropriate for certain uses and groups respect this. Nan Jenks-Jay asked if any one use dominates over others. Mr. Bradner said that hikers dominate in Foxboro State Forest but motorcyclists dominate the meetings. Hugh Davis asked if there is any merit to the idea of the state compensating private property owners for the use of their land and whether this would alleviate the uncertainty. Mr. Bradner said that the towns and conservation commissions would like to ensure the permanency of the Warner Trail and if there was a way the state could financially provide assistance - but not take control - that would be great. Commissioner Webber asked if Mr. Bradner encounters any concern on the part of the private property owner in regard to liability. Mr. Bradner said that he gives them a copy of the legislation and that seems to alleviate any concerns they may have. Nan Jenks-Jay suggested that DEM could take more of a role in getting trail corridors designated through Chapter 61B, which would give the property owner a tax break. Sally Bell mentioned that the Town Commons program might be applicable to this situation. Commissioner Webber mentioned the upcoming Greenways Conference and getting local land trusts involved to help protect these corridors.

Jack Lash summed up the discussion by stating Mead Bradner deserves the credit for getting the users groups together. Also, Mr. Bradner's personal attention to the trail has made this one of the top trails in the state. Mr. Bradner added that Ron Clough, Supervisor at Foxboro State Forest is an "a number one guy and his assistant is good too" and that he couldn't have done it without them. Commissioner Webber thanked Mr. Bradner and told him that he and the board genuinely appreciates his compliments and comments.

The next item on the agenda was a briefing on forestry related issues by Chief Forester, Warren Archey. He handed out a FY92 grant summary memo to the board which outlined grants which are individually initiated and are in excess of those funds the Forest Service normally provides. Warren also handed out a package of information on the Timber Bridge Initiative. Warren outlined the Forest Legacy Program which is a federal program that Massachusetts was granted $185,000. to conduct the first assessment in the country. A committee was formed that assessed areas throughout the state that would be applicable and have scaled these areas down to one. The money will be used for easement rights of the land and to counteract forest fragmentation. The Forest Service would become owner of the interest in the land but management and the responsibility of provisions of deed restrictions could be carried out by DEM. Funding for FY93 is being resolved in Congress but Massachusetts is first on the list. Warren also stated that state lands need attention. In particular, roads, bridges, and boundaries need upgrading. As far as timber harvesting is

concerned, the department is trying to be more intuitive in light of increased scrutiny. The state will be using the North East Decision model, which is used by the Forest Service, to evaluate projects and help the department better defend their decisions and actions.

The Department also needs to update the forest health information. The last study was done twelve years ago. It will cost approximately $250,000. to conduct the study. There are certain trees in the forest that are in decline due to environmental factors - acid rain, insects, salt, air pollution or urbanization. Generally, the forest is not in bad shape because species go through cycles and there will always be some that are in decline. Acid rain is not having an impact except in the higher elevations. The state has a diverse forest but the department needs to be cutting and clearing more to create greater diversity. Use of the North East Decision Model and the GIS data and computer mapping system will help the Department make better educated decisions.

Warren also spoke about the Timber Bridge Initiative. It is important to get acceptability of the timber bridges by local engineers. This grant will help gain acceptance at the local level for this plan. Timber bridges are important because they use excess wood, there is a willingness by others to fund the project, it has the ability to change the landscape in a positive way as well as the ability to impact the primary and secondary wood industry in Massachusetts. There are 53 bridges on state owned land and they all are in need of some sort of repair.

The next item on the agenda was an update on privatization by Commissioner Webber and Todd Frederick. The Department is interested in privatization when it makes sense for advancing DEM's mission. The emphasis has been on the rinks but it can be applied elsewhere in the Department and in state government. The main goal is to improve public service by increasing competition. The Commissioner would like the Board to be directly involved in the creation of a privatization policy for the Department. He asked the Board members to send him any thoughts they had on what services within DEM should and should not be privatized. Board members also had questions in regards to what our counterparts in other states are doing on privatization. They asked that this issue be placed on next months agenda for further discussion.

Leslie Luchonok, program Director, and his assistant, Liz Sorenson, briefed the Board on "Areas of Critical Environmental Concern" or ACECs. They handed out a newly printed brochure on ACECs and a listing of inland and coastal ACEC designations. Leslie told the Board that Coastal Zone Management or CZM approached DEM and asked that they assume management of all ACECs. The CZM program is currently dormant. It is logical to combine the two programs. DEM provides technical assistance to the coastal ACECs now. The Secretary has endorsed this idea and the Department would get the

staff support from CZM. It would be a stretch but it can be done. Leslie told the Board that there has been one nomination after the other for the past three years. He is going to try to defer any new nominations until 1993. What he and Liz would like to work on during this time is a program guide that details the effects of nominations on an area along with an educational component on ACECs in general. Also, they would like to conduct a state-wide inventory of potential critical areas in collaboration with other groups and from there target areas for future designations. There was also talk of changing the enabling legislation, which currently is very broad.

Gary Briere gave a brief update for the Board on the Greylock Glen project. The intent of the advisory group was to develop a new concept for the Greylock Glen parcel. What was decided was to combine a conference center, which would include an 18 hole golf course, tennis courts, swimming, walking trails, cross country trails, etc. with an environmental education center. Two consultants were hired to conduct a feasibility study by working both together and separately. DCPO paid the consultants $11,000. - $12,000. for their work. The consultants concluded that each component can work independent of the other but a blend of the two sites would be the most profitable. The consultants estimated that it would take 75-100 full time employees to run both facilities and it would attract approximately 40,000 visitors per year. They also felt that both entities should be kept autonomous since they both have different missions. What the Department needs to do is to create a demand for such a facility. Currently there is little competition but there is no demand. Also, financing for this project will have to be worked out. Since this is a unique project, there maybe non-conventional sources of funding that can be tapped.

Jack Lash and Andy Backman gave a brief synopsis of the Otis-Tolland GOALS plan. There have been two new additions to the existing property for a total of 10,000 acres. A public meeting was held in July on the plan. Most of the letters that the Department has since received have complained about boat congestion. Tolland State Forest is the most heavily used facility in Western Massachusetts. There is a public access ramp that can accommodate 30 cars. There is a new day use area that has parking for 60-90 cars. The Department is working with the town to set the carrying capacity (number of boats) for Otis reservoir. A survey will also be done to see if the water quality is being effected by work being done around the Reservoir. There is the whole issue of cottages at Otis Reservoir too.

There being no further business to come before the Board, the meeting was adjourned at 3:15PM.

The date for the next meeting was scheduled for Wednesday, September 23, 1992.

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Wednesday, September 23, 1992 at the Eastern States Exposition or the "Big-E" in West Springfield.

Members present - Sally Bell and Carol Lash. Absent - Nan Jenks-Jay, Hugh Davis, John Capone, Mike Last and Bob Morgan. Present form the Department was Commissioner Peter Webber, Todd Frederick, Jack Lash, Paul Adams and Bruce Anderson. Also present were Shirley Standring and Bill Perry.

There was not a quorum present so this was an informal meeting. The vote to approve the minutes of the August 19, 1992 meeting was postponed until the October meeting.

Invited guest speaker Shirley Standring, a volunteer at the Massachusetts 4-H Horse Camp, spoke to those present regarding equestrian trails on Department of Environmental Management land. Mrs. Standring volunteers most of her time at Camp Marsh in Spencer, MA where there are 25 miles of trails. At Camp Marsh there is a 4-H Horse Camp for girls who own their own horses that runs on a weekly basis and there is a 4-H Horse Lovers program for kids who do not own a horse but "adopt" one for the week long program. There are also trails around the camp that are for equestrian use. They are in Rutland, Moore State Forest, Moosehill Dam area and Howe. The 4-H works to cultivate relationships with these areas as well as with private land owners.

There do exist some problem areas. In particular, at Camp Marsh there is a river crossing and because of the use it gets, the shore is beginning to erode. Also, in Howe and Spencer the trails are no longer able to tolerate the heavy equipment use. Mrs. Standring said that this area has not bounced back from the logging that once took place there. It was once a footpath but now it is a fire lane.

Liability is also a big issue in keeping 4-H from putting together large 100 mile treks through state and private lands/trails to create long distance trails for equestrian use. Mrs. Standring said that it is easy to get the verbal okay from a private land owner to use

their property but it is very difficult to get that approval in writing because of the existing liability issues.

A possible solution to the liability issue would be to amend existing laws to lessen the burden of liability on the landowner. Also, the Department could identify other open space within the radius of a state park and establish a system where the public can move from one trail to another easily.

The 4-H is working with the Appalachian Mountain Club trails committee on a computer data-base of trail corridors between private and state land. She went on to say that most of the trails were multi-purpose with horseback riding being the most compatible with other users. They have never had any problems with other user groups because of all the work they do to educate the public. Mrs. Standring ended by saying that there exists a strong partnership between the DEM and youth groups to preserve the trails for the long-term. She also volunteered her services and those of other 4-H group leaders during future GOALS meetings where trails issues are discussed.

The next item on the agenda was a vote by the Board on the Haley Management Plan. Since there was not a quorum, this measure was postponed until the October meeting. Jack Lash distributed an appendix to the Haley Plan.

The fourth item on the agenda was a discussion and vote on the Tolland State Forest GOALS plan. The vote was moved to the October meeting but the discussion did take place. Paul Adams, the Supervisor of Otis-Tolland State Forest and Bruce Anderson, the management Forester in Region 5 were present for the discussion. The key management issue is balancing the use of the abutters and the use of the public on Otis Reservoir; which is 1065 acres within the State Forest. There are 615 cottages around the reservoir. There is a public boat ramp with limited parking. The Department would like to expand the day-use area off the peninsula and expand the campground. The problem is that a town road runs along the reservoir so it ca not be expanded until the town gives up the road.

There are a few rehabilitation projects that are needed at the State Forest including building a new garage area at the Headquarters, handicap access for 2 buildings, dig another well for existing comfort station, new hot water heater, and construction of new comfort station. The proposed expansion plan for the park would increase by 32 the number of parking spaces.

There are enough trails at Tolland State Forest and a majority of them are for multiple use. There are certain areas that get heavy use by ORV's but in general most trails are not really suited for that type of use. The problem now is keeping these trails maintained.

Todd Frederick then continued with the discussion of privatization by handing out the National Park Service Guidelines for Privatization. In deciding what services should be privatized a market analysis is very helpful. This will show what impact that concession will have on a facility. It will be the responsibility of the concessionaire to provide services that are needed but which currently do not exist. In New York state, the concessionaire pays a flat fee to lease a facility. In Massachusetts we are looking for them to pay a percentage of their gross income. The Federal government and state of New York have ten year concession agreements. In Massachusetts we give three year contracts but some of these concession agreements can be extended either through legislation or by the Department on a case by case basis. If the Concessionaire is looking to make changes, it has been determined that any permanent changes will take longer than three years.

Privatization is a way of freeing the department's current staff to work on other projects as opposed to looking at it as losing people and facilities. The Department is continuing to push for retained revenue. If this does become a reality, the Department would dedicate the money toward equipment and other capital improvements which would be a great moral booster for the employees. But even with retained revenue, the Department would not be self-supporting. We would still need a base appropriation, similar to the Department of Environmental Protection.

An update on the rink RFP's is that they were available to the public on September 9. Over 150 RFP's have been requested and sent to potential bidders. These proposals are due on October 23, 1992 at 5:00PM. A matrix was developed by Chief of Staff Susan Frechette and Director Stephen Carpenter on a 300 point system to be used during the evaluation process to keep it as fair as possible. It is hoped that the evaluation process will take no more than two weeks so the Department can then begin working out the details the bidder in order for them to take over on December 1, 1992.

There being no further business to come before the Board, the meeting was adjourned.

The date for the next meeting was scheduled for Wednesday, October 21, 1992.

Laura A. Lark

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Wednesday, October 21, 1992 at 100 Cambridge Street, 19th floor, Boston, MA.

Members present - Sally Bell, Carol Lash, Michael Last, and Nan Jenks-Jay by phone. Absent - Bob Morgan, John Capone and Hugh Davis. Present from the Department was Commissioner Peter Webber, Peter Smith, Jack Lash, Gail Benedict, Tom Lavoie and Andrea Lukens. Also present was Bill Boles.

The vote to approve the minutes of the August 19, 1992 meeting was postponed until the November meeting. The minutes from the September meeting were not available.

Commissioner Peter Webber introduced the new Deputy Commissioner for the Division of Resource Conservation, Peter Smith, to the Board. The Commissioner said that he first met him at Amherst twenty years ago when they were both in the American Studies Program. Peter Smith then said a few words. Previous to coming to DEM he had his own business developing affordable housing and renovating historic buildings in Boston and the suburbs. Through his past work with towns and other organizations he feels that he has received the training needed to develop public-private partnerships. He feels he can bring a fresh look or "economic feasibility" to our current projects. Another interest he has is marketing our facilities. He said his first task will be to make sure that what the Department currently has is in working order. Then he will move on from there. Commissioner Webber added that Rich Thibedeau has re-assumed his role as Director of the Bureau of Resource Protection - Office of Water Resources. Rich and Peter Smith are working as a team during this transition and they are working well together. There are continuing efforts to keep DRC and F&P in sync.

Jack Lash then introduced Mr. Bill Boles who was invited to speak to the Board because of his familiarity and interest in mountain biking. He is involved on the Region 1 trails advisory committee as well as the state-wide trails committee. He has been active on the Mysles Standish and Freetown GOALS Plan and has been active on the Blue Hills (MDC) Advisory committee. He said that he began his interest in trails while involved with

motorcycles but he has become very active on behalf of mountain bikers and hikers. He gave a very detailed discussion on the history of mountain bikes in this country. Then he stated that there are three types of mountian bikers 1) Hikers - they enjoy the woods; 2) Joggers - they appreciate the outdoors, are interested in the set course and into a daily fitness regiment; 3) Those that are interested in the challenge of the outdoors - rocks, logs, etc. He explained to the Board how they are educating mountain bikers as to the rules of the trails and how to co-exist with other types of users. He handed out a brochure to the Board. He then gave his insight into the environmental impacts of moutain bikes. The discussion ended with a question and answer period. (A more detailed transcript of Mr. Boles presentation will be available shortly).

The fourth item on the agenda was a vote by the Board to approve the Haley Management plan. Nan Jenks-Jay was called to participate in this vote. Jack Lash was present and answered a few questions of the Board. Upon the motion of Sally Bell, seconded by Carol Lash, the Haley Acquisition Preliminary Plan was unanimously approved.

The next vote by the Board was to approve the Otis-Tolland Management Plan. Upon the motion of Sally Bell, seconded by Carol Lash, the Otis-Tolland Management Plan was unanimously approved. Mr. Bill Perry added that the State-wide Trails Advisory Committee endorsed and approved this plan also.

The Commissioner began a discussion of the Douglas State Forest GOALS plan by stating that both Douglas and Walden Pond State Reservation have landfill issues. In the case of Douglas, the Department is concerned with wetland impacts and the proximity of the landfill proposal. Mike Last excused himself from this portion of the Douglas GOALS discussion because of the conflict of interest with this case. Carol Lash suggested that the Board write a letter to Secretary Tierney and Commissioner Greenbaum at the Department of Environmental Management. The Commissioner suggested that the Board defer further discussion of this aspect until there is a quorum.

Mike Last returned and the Board began a discussion of the Walden Pond State Reservation GOALS plan. Jack Lash distributed a copy of the Department's Capital Improvement plan by fiscal year. Walden was highlighted. There were a number of advisory meetings but the numbers of participants have dwindled. There is a need to revamp the advisory group but those that have been involved on behalf of the advisory group have reviewed the plan and endorsed it. There hasn't been a public meeting since 1988 so there is a need to schedule one soon. Jack Lash stated that this plan has taken longer than expected but with the help of volunteers both from the public and from DEM staff to do the trails re-hab, fencing, etc., the plan has been moving along. The pond is 91 acres and has a

deep spot of over one hundred feet. There are two vernal pools on the property and a representative natural area - "The Natural Hemlock" that is now protected. The main problem is shoreline erosion. Fencing has been placed around to reinforce the bank and keep visitors from further compounding the problem.

Commissioner Webber told the Board that there has been a great deal of focus on Walden by the administration. The Secretary is very interested and has approved $220,000 in capital spending for improvements and restoration projects. Mike Last asked about the Route 126 relocation and who is paying for the project. Jack Lash responded by saying that the Department doesn't expect to pay for the construction. It is anticipated that the federal government will pay for that. DEM money is being spent on design work. Jack also stated that they hope to have Red X signs installed during the winter and crossing lines re-painted in early spring. Sally Bell asked about the nearby trailer park and the contamination of Goose Pond. Jack Lash said that the number of people at the trailer park has declined 70% and the Department currently has a good repore with the people there. The Department is testing the water and most of the previous water quality tests have been very good. Jack mentioned that the Board could hold its December meeting at Walden and tour the reservation.

The discussion then returned to the Douglas GOALS plan. Gail Benedict and Tom Lavoie gave a presentation to the Board on the plan. Gail handed out a sheet that highlighted the plan. There have been eighteen public advisory meetings and a final meeting. Over the last ten years, $2.6 million has been spent on acquisition programs and improvements to the Headquarters, recreation areas, etc. Tom Lavoie, Assistant Regional Supervisor, gave the regional significance of the state forest. He said that it is the most heavily used day-use facility in Region 3. The facility makes the most money for the region and is the 5th largest revenue generator out of the entire system. It gets a lot of ORV use from Rhode Island and Connecticut because it is banned in those states. There are twenty-eight miles of trail. The plan calls for a reduction in designated motorized trails as a way for the Department to control the heavy use. They discovered that there were trails that they didn't even know about. Trail users were very involved in this aspect of the GOALS plan. The plan calls for closing only one mile of trail because it runs through a wetland. There will be trails that will be unmarked because the Department doesn't feel they can sanction their use because they go through private lands. This plan allows for 22+ miles of trails for motorized users. The staff will do their best to mark and monitor these trails. The Southern New England Trunkline Trail runs through Douglas and the Department needs to make a concerted effort to keep this nationally recognized trail in good condition.

The Douglas State Forest encompasses 18.8% of the land in Douglas and provides much of the town's open space. It also provides

protection for significant water bodies. The Department has had a good relationship with local fire and police departments up until this year when it became a little strained due to the communities desire to get more money. There are a lot of sensitive resources in this area. They have designated an Environmental Protection Zone and a Natural Resource Management Zone. The staff currently consists of one supervisor and one assistant supervisor. On average 12 to 14 seasonals work there in the spring and summer. The facility has the capacity to handle 1600 people a day with 500 cars. They are proposing to build another parking lot and reduce the number of cars in the first lot to 350 cars which would get the facility back to its historic levels. The day use area and boat ramp are heavily used. There is also a small interpretive building that usually houses one interpreter; bird blind; and a bog trail.

It was agreed that the November meeting would take place at Douglas so the Board members could tour the facility.

There being no further business to come before the Board, the meeting was adjourned at 2:30PM.

The date for the next meeting was scheduled for Wednesday, November 18, 1992.

Carol A. Lock

Secretary

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Wednesday, November 18, 1992 at Douglas State Forest, Wallum Lake Road, Douglas, MA.

Members present - Nan Jenks-Jay, Sally Bell, Carol Lash and Hugh Davis. Absent - John Capone and Mike Last. Present from the Department were Commissioner Peter C. Webber, Director Steve Carpenter, Jack Lash, Danny O'Brien, Andrea Lukens, Todd Lafleur, Karl Honkonen, Gail Benedict, Tom Lavoie and Bill Annese.

Upon the motion of Carol Lash and seconded by Sally Bell the minutes of the August 19, 1992, September 23, 1992 and October 21, 1992 meetings were unanimously approved.

The meeting began with a presentation by Henry Woolsey, Director of the Natural Heritage Program for the Department of Fisheries, Wildlife and Environmental Law Enforcement. He handed out copies of the fall newsletter and a brochure outlining the Natural Heritage Program. His presentation began with a slide show in which he showed his data base of endangered species, both plants and animals, as well as areas of great bio-diversity. He said that the Department of Environmental Management is the single most important land owner of endangered species. He pointed out three categories of species. They are endangered, threatened and concerned. He focused on Myles Standish State Forest by showing the coastal plain ponds and the damage around the ponds caused by ORV use. He said that he has worked closely with DEM staff in his work and feels that there is a good working relationship established between himself, the regional staff and the Boston planning staff. He outlined the Massachusetts Endangered Species Act which was signed into law on December 27, 1990. It is complimentary to the federal act. The MA law has three primary focuses. The first is to prohibit the taking, killing, etc. of endangered species. Second, it establishes a process by which specific areas are designated - e.g. "significant habitats." Third, it establishes responsibility for state agencies. He finished his discussion by stating that he feels strongly that motor vehicle use is inappropriate (especially in the case of Myles Standish). He finds that it is a

losing battle no matter how DEM has tried to control ORV use. He recommends the state get away from sanctioning ORV use.

Item number two on the revised agenda was a vote on the proposed Douglas GOALS plan. This item was inadvertently left off the first agenda. Carol Lash moved to accept the plan and Sally Bell seconded. But, after some discussion, the Board felt that they should review the complete GOALS plan, which was handed to them at this meeting. Carol Lash withdrew her motion. A final discussion and vote on the Douglas GOALS plan was postponed until the December meeting.

In light of the fact that the GOALS team was present and the board had a tour of the state forest earlier in the day, the Board took sometime to ask questions and make comments regarding what they saw at Douglas. Carol Lash said that it was very evident that there is ORV use at Douglas and what she saw upset her. She recalled that one group that came before the board a while ago said that they were environmentally friendly and that they would maintain the trails. From what she saw today, it doesn't appear to be happening. Nan Jenks-Jay said that what we saw today was the worst case of ORV use. Jack Lash took a moment to thank the GOALS team of Gail Benedict, Tom Lavoie, Bill Annese, Chuck Pernae, the citizens advisory group, Fish and Wildlife and others. They have worked for three years to put this plan together for this property. Nan Jenks-Jay applauded the group for their efforts. Mr. Bill Perry addressed the board and gave them a little background into Douglas and the surrounding areas and the importance of open space and state forest land. He also said that what the Board saw today was not the worst case but that it was typical of what trails look like across the state.

Nan Jenks-Jay decided to divert from the agenda for a moment to discuss the Douglas landfill issue due to the fact that there was a scheduled permit hearing with the Department of Environmental Protection. Bill Annese, Douglas State Forest Supervisor, said that there is one 34 acre site in between the state forest and the proposed landfill. Nan Jenks-Jay said that as far as she can tell, the DEM has opposed this landfill citing from the outset five years ago. She cited a passage in a letter from former Environmental Affairs Secretary John DeVillars dated February 20, 1990. In the letter he signed off on the MEPA process but also mandated the DEP to take into consideration DEM's concerns. Nan Jenks-Jay asked if the DEP has followed through on this. Commissioner Webber said that Gail Benedict, Bob Wilber and Bill Annese have been actively involved and that he is planning on speaking on behalf of the Department at the hearing. He has reaffirmed former Commissioner Kendall's letters stating the Departments position on this landfill on a number of occasions. Commissioner Webber did say that DEM's concerns are not fully addressed in the draft permit. He said that the Department's strongest position in defending our resources is to point out how it does not comply with the Secretary's

certificate. The Commissioner said that he has had periodic conversations with DEP Commissioner Daniel Greenbaum, who has said that they want to comply with the Secretary's certificate. Nan Jenks-Jay recommended that the Board support Commissioner Webber and the Department and asked the Commissioner to state this at the hearing. She also said that the Board will follow up with a letter to submit to the DEP. Mr. Bill Perry stated that a majority of the town of Douglas is opposed to the landfill but the town has not taken an official vote on this issue. He suggested that the Department should use Article 97's protection, especially the part that mentions "aesthetic quality." Commissioner Webber concurred. Chris Sanderson, a resident of Douglas, is also opposed to the landfill. She said that it appears that certain permits have not been obtained from the U.S. Environmental Protection Administration; such as the MPDES Discharge or Stonewater Permit. Another citizen stated that a survey was done of the area but it was in February when everything was dormant. Nan Jenks-Jay thanked those towns people who came to this meeting and wished them well.

The next item on the agenda was a presentation by the DEM Trails Committee on ORV use and their recommendations for trail use designation. Andrea Lukens began the presentation by handing out a copy of the draft proposal on Managing Off-Road Vehicle Use that was discussed at the March, 1992 meeting. At that time the Board agreed in principal to the proposal but objected to the list of areas designated. Since the March meeting, this proposal has been considered an <u>interim policy</u> by Department staff. The Board charged the committee to come up with criteria to evaluate where ORV use should occur and devise a new list of sites. The criteria that the committee compiled was weighted on the side of the environment. They sent the criteria out to the field for their comments and the field evaluated their areas and based on the criteria, sent back a list of sites where ORV use could continue. The list presented to the Board was the list compiled form the regions. Those on the trails committee are Tom Lavoie, Danny O'Brien, Gail Swett, Jack Lash, Todd Lafleur, Karl Honkonen, and Andrea Lukens.

Jack Lash began the presentation by handing out a copy of the criteria that was given to the field. There are four categories, which are legal, environmental, demographic and operational. He did research other surrounding states on how they are managing ORV use. He said he spoke with Tom Armstrong who is enforcement Chief for the state of Rhode Island who said that they impose fines and user fees for ORV's. John Smutnick, Director of Law Enforcement in Connecticut said that they do not have time to deal with this; it is always last on their list.

Karl Honkonen then told the Board where ORV uses are presently occurring at Forests and Parks facilities and then he listed those areas that the regions recommend be removed from the current list. In Region 5, those areas <u>currently being used</u> by ORV's are at

Beartown, Sandisfield, Tolland, October Mountain, Pittsfield, Peru, Middlefield, Windsor and Savoy. In Region 4 - Dubuque, Wendell and Brimfield. In Region 3 - Douglas, Southern New England Trunkline Trail, Spencer, Ware River Rail Trail, Birch Hill, Leominster, and Upton. Region 2 - Rowly, Lawrence Heritage State Park - the Riley Section, Marlboro/Sudbury, and Hopkinton. And Region 1 - Franklin, F. Gilbert Hills, Wrentham, Ames Nowell, Myles Standish and Freetown. The areas the committee recommends be removed from ORV use because they were found to be unsuitable are: Region 5 - Sandisfield, Peru, Middlefield and Windsor. Region 4 - Dubuque and Brimfield. Region 3 - Birch Hill and Leominster. Region 2 - Hopkinton and the Riley Section of Lawrence Heritage State Park. Region 1 - Ames Nowell. The areas designated for ORV use do not necessarily have to remain entirely open to ORV use; certain areas within the facility can have restrictions.

Todd Lafleur then told the Board that the committee took the list of criteria that Jack presented to them and put together a check list. He then told the Board of the following management considerations. They are:

1. Require a special use permit for all ORV users on DEM property. Issue a sticker for vehicle.
2. Retain revenue for admin./maintenance of trails including ranger patrols.
3. Use statistics from citations to justify necessary regulations.
4. Require users to attend a training session on the proper use of ORV's and include suggestions on safety, trail etiquette, protection of environment, and rules and regulations. Charge a (retainable) fee.
5. Close all state parks to off road use from February 15 until May 15 to prevent trail and road deterioration during "mud season."
6. Retain all fees and fines from enforcement and use public access monies to maintain the trail system.
7. Allow ORV use under special permit only. Monitor after events and document all/any damage.
8. Set up test plots in all ORV areas to monitor environmental use/abuse.
9. Change CMR's from listing where ORV use is not allowed, to where it is (only).

Andrea Lukens concluded the presentation by asking where do we go from here. She suggests that the CMR's be changed so the interim list (stated above by Karl Honkonen) can be made public. Also, a more complete assessment is needed in the way of public review and input and review of the criteria through the state-wide trails committee. She said that the overwhelming message from the field is that clarifying the regulations is only the first step, it still does not change what they have to deal with.

Commissioner Webber thanked the staff for a tremendous job. He told the Board that the Department is trying to lead them to the

point of approving a definitive policy. We are currently operating under the interim policy. The Commissioner said that they would welcome the Board's input on the list of criteria provided to them today. Commissioner Webber and Nan Jenks-Jay wanted to make it clear that this is an interim policy and that the list of criteria is a draft because the Board is still seeking feedback on the entire issue.

The next item on the agenda was a discussion of the Savoy State Forest Management Plan. Jack Lash had a hand-out. The issues that this plan attempts to address are outlined on page 5 of the executive summary. This plan seeks to move a trail that is too close to the swimming area, expand the picnic sights, pave the roads, and build a new bathhouse. The boat ramp at the day-use area is used all year around. There are cabins on the property for rent that are extremely popular. Staff is minimal with two full time staff people assigned to Savoy during the winter. Savoy is 10,500 acre and has 50 entrances. This plan also asks for a higher staffing level. There is multiple use occurring on the trails. One trail is designated for motorized use and it has worked to some degree because the users have tended to stick to the trail and this has created less erosion. The trails get tri-state use as well as in-state use. The planning committee has established a time-table whereby some of these actions will begin. Jack pointed out that the DEM is the major land owner in Savoy and the town is looking for some form of compensation ("in lieu of taxes" issue). With the economy, the forest has become a factor in providing basics to the town. There has been an increase in hunting, fishing, trapping, and the collection of firewood on the property. Commissioner Webber said that the Department should try to articulate open space and economic benefits. At the December meeting the board will be given the opportunity to ask questions.

The Commissioner then handed out to the board a memo from Jim Soper, who is the Department's Generic Environmental Impact Report (GEIR) coordinator. The Commissioner wanted to make the board aware of what is happening and solicit their support for the Department's position, which is outlined in the memo. The issue has to do with MEPA thresholds regarding wetlands. This has put the Department in conflict with the DEP. It is hoped that this can be resolved before it goes before the Secretary. Comments are due by the end of November. The Commissioner said he would welcome a letter of support from the Board. Nan offered to take the lead and coordinate a response with the other board members.

The next item on the agenda is a status report on seven new Wildlands nominations. Jack Lash handed out a package of material to the Board. He summarized by stating that there have been 15 Wildlands designations with eight more nominations. These nominations have not gone out to the field yet. Four out of the eight were part of the hand out for the Board's review. Jack stated that Henry Woolsey's shop has been incredibly helpful with

these designations. He will be proposing a change to the regulations around February of 1993 to ask for joint agency nominations for Wildlands designations.

Commissioner Webber then handed out to the Board a copy of the vacancy announcement for the position of project manager for the Greylock Glen project. Another update will take place at the December meeting.

Under new business, the Commissioner told the Board that Bob Morgan has resigned from the Board. Hugh Davis then asked if it is possible to privatize the effort to publish the GOALS plans so that they could be made available to a greater audience. The Commissioner said that he would look into publishing these documents.

There being no further business to come before the Board, the meeting was adjourned at 4:15PM.

The date for the next meeting was scheduled for Wednesday, December 16, 1992.

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Secretary

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Wednesday, December 16, 1992 at 100 Cambridge Street, 19th floor, Boston, MA.

Members present - Nan Jenks-Jay, Sally Bell, Carol Lash, and Hugh Davis. Absent - John Capone and Michael Last. Present from the Department were Commissioner Peter Webber, Andrea Lukens, and Bob Wilber.

Upon the motion of Carol Lash and seconded by Hugh Davis, the minutes of the November 18, 1992 meeting was unanimously approved.

The first item on the agenda was to be a guest speaker representing the motorized trail bikers but due to some internal confusion there was no guest speaker.

The second item on the agenda was a vote by the Board on the Douglas State Forest GOALS plan that was discussed at last month's meeting. Upon the motion of Carol Lash, seconded by Sally Bell, it was unanimously -
VOTED: to approve the Douglas State Forest GOALS plan.

Andrea Lukens, on behalf of the GOALS team, took a moment to clarify for the Board the fact that the Douglas GOALS plan calls for ORV use but that the state-wide ORV use study, that coincidently happened to take place simultaneously, is separate and apart from the Douglas plan.

The Board decided that since there was no trail speaker for this meeting, that they would discuss last month's trails presentation and get an update on the situation from Andrea Lukens. Andrea began by saying that the in-house committee met with Commissioner Webber and Deputy Commissioner Peter Smith after the November Board meeting. The committee felt that there were many issues left unresolved and that there were too many ambiguities in the current process. To alleviate this, they agreed on a course of action and on the appropriate next steps. The Commissioner asked the committee to make improvements to the draft criteria to be used to evaluate trail use. He asked the committee to make them "user friendly" by

clarifying certain aspects. Andrea said that the committee will be working on that immediately and welcomes input from Board. There was no discussion of substantive changes to the criteria so that will be left unchanged.

Once the criteria is clarified it will go out for public review. Trail users and other interested recreational users, as well as DEM staff, will be notified of scheduled public meetings and the call for public comment. The committee will also send out a press release. It is thought the public review of the criteria would be done over the next six months with a final draft of the criteria completed at the end of that period. The list of DEM areas that was presented at the last meeting will be set aside for now. After some discussion by the Board it was decided that this criteria should be applied to all DEM facilities. Previously, the criteria was applied to only those areas where significant ORV use was currently occurring, which was not necessarily all facilities. Andrea stated that the only possible effect this may have on the process is that the field staff may need more time to evaluate and identify areas. At the end of the discussion, the Board and Commissioner Webber endorsed this plan of action. The Board requested a copy of the package that will go out to the public regarding the review process. Nan Jenks-Jay thanked Andrea and asked her to express the Board's gratitude to the rest of the trails committee for their painstaking effort to put this together.

Commissioner Webber took a moment to tell the Board of his meeting with the New England Trail Riders Association (NETRA) and their legal counsel, Ray Miyares and Tom Harrington. There were about 10 people total present. It was a long meeting but the tone was cordial and respectful. This was an opportunity to clear the air and to begin some constructive dialogue. He stressed to the group the Board's intentions and efforts to address the conflicts that currently exist in our state forests and parks between individual user groups as well as between user groups and the DEM. The pressure to address this issue is coming from a number of sources, including the Board, DEM staff, himself, and the Department's mission and mandate. The Department is trying to be responsive and responsible. In regard to dedicated funds and revenue, the Commissioner said that it is highly unlikely that the Department will get any new dedicated funding. He does not want to see the Department collecting money for the sole purpose of collecting more money for the Commonwealth. They also discussed Myles Standish State Forest and he told NETRA that this facility is under a great deal of scrutiny and that ORV use may very well be banned from this area. Tom Harrington, attorney for the NETRA, said that they understand that Myles Standish is a sensitive area. He said that the slides of trail degradation at Myles Standish that Henry Woolsey showed at the November meeting was caused by renegades. NETRA has taken steps to improve the existing trails and have

offered to purchase and donate equipment to the Department maintain the trails. He said that NETRA is in support of permits for trail use.

Agenda item number 4, a discussion of the Savoy State Forest Management plan and number 5, a summary of 1992 Wildlands nominations, were postponed until the January meeting.

Bob Wilber, DEM's Director of Land Acquisition, briefed the Board on the Executive Office of Environmental Affairs (EOEA) land acquisition policy and open space plan and how that effects the Department. Bob passed out to the Board a copy of EOEA's Final FY 93 Land Acquisition Program Guide and the DEM's FY 93 Land Acquisition and Protection Plan. Previously, each EOEA agency enjoyed an opportunity of free reign on acquisitions. This resulted in each department having a closed process. EOEA had the perception that the departments had no direction, did not utilize creative techniques, and bought whatever came along. This was created largely in the 1980's because there was very little oversight. The Weld administration has committed substantial funding towards land acquisition and the protection of open space. With the realestate market low and the increased funding from the Governor, the agencies have an opportunity to enhance and further impact open space. Secretary Tierney has met with the Commissioners and each Department has made extensive presentations on their land acquisition procedures and practices. The agencies were able to demonstrate that EOEA's current perceptions were not accurate and that agencies did have long and short term plans and that it was a pro-active process. Last year was the first year of the policy document process but it proved to be very stressful because there was a late disbursement of funds. DEM received its portion of the funds with five months left in the fiscal year. This year, EOEA has taken steps to try to alleviate these problems by allocating the funds prior to individual submission of projects. There still is needed some additional fine tuning of this policy. For example, the early release of funds for this fiscal year has not yet happened. $3.8 million dollars is available but the money has not been distributed so the Department is looking at a 6 1/2 month period to complete acquisitions for FY 92. Also, the agencies are encouraging EOEA to use the land acquisition directors within the Departments more in this process.

Commissioner Webber stressed that the EOEA Commissioners met with the Secretary in September and that it is important that all come togther and work towards a common goal. At this meeting, the Commissioners stressed to the Secretary the importance of a timely release of funds.

Bob Wilber then outlined the procedure and steps for land acquisition. Briefly, each department submits their land acquisition plan for FY 92 which reflects a cap of $3.8 million. Then EOEA reviews the submissions and responds back with

designating what is high priority, deferred or no designation. The second phase of allocation will be competitive with this round being discretionary funding. Bob told the board that this second phase may hurt the Department if the money is not released on a timely basis because DEM negotiates its sales as opposed to other agencies. Nan Jenks-Jay stated that this policy appears to lengthen the process, pits agencies against one another, and will make the process more politicized. Sally Bell suggested that the Board meet with Secretary Tierney to discuss this issue and voice their concerns. Commissioner Webber said that the Commissioners are keeping on top of this issue and are committed to working together cooperatively. He also said that he is not upset by this policy, although he admits that it is not perfect, the agencies have reconciled many issues and have made significant progress from where we once were. He doesn't feel that he is far off from Commissioners Phillips and Watson on this policy. The Commissioner encourages the Board to meet with the Secretary. Bob Wilber made one final comment to the Board that it would be helpful to have the Board discuss this issue with the Secretary before March so if any changes are made, they can be incorporated in next year's process.

The Board decided to review the package of information Bob handed to them on land acquisition and then discuss this further at the January meeting.

The Board asked Bob for an update on the Douglas landfill issue. He reported that the public meeting did take place in November and the Commissioner spoke on behalf of the Department and reiterated our original concerns with the project. The crowd was tough and extremely frustrated because they feel they have been pushed out of the process. The hearing received Boston news coverage. The public comment period was just recently extended to January 15, 1993 and Commissioner Greenbaum of the Department of Environmental Protection has asked Commissioner Webber to give him a tour of the state forest in the near future. Commissioner Webber stated that there are other solid waste proposals surfacing. The most recent one is in Dartmouth and adjacent to the Acushnet Cedar Swamp area. This proposal is at a very advanced stage and it does not appear that DEM is going to be able to stop this one, but the department can ask the DEP to place more stringent conditions on the project. The Commissioner mentioned some thoughts he has that may help the Department become pro-active on these proposals. One is to create protective or buffer zones around our facilities - similar to an ACEC. The second is to speed up the locating of these properties by making this part of the ENF filing and the use of GIS mapping. Hugh Davis said that the National Park Service has worked on this a great deal and that some of their techniques may be useful to the Department.

Item number 7 on the agenda, a review of proposed changes to the CMRs no longer needs discussion because the proposed changes are so minor that the Commissioner has decided not to go forward with this

year's CMR changes. The Commissioner said that he would find out whether the Department needs to make a public announcement regarding this decision.

The next item is an update on the Greylock Glen project. Commissioner Webber told the Board that an interview team was assembled to help fill the project manager position currently vacant. The team has reviewed sixty or so resumes and have narrowed the field to eight candidates. Interviews will be held the first week in January. The next Greylock Glen advisory committee meeting will be held mid-January. Nan Jenks-Jay stated that she is continuing to encourage the DEM staff to work with the advisory committee locally. A real bond has occurred with the committee and they are committed to making this work. Commissioner Webber said that he has brought a lot of new staff people in on this project and has stressed to them that they try to understand what happened in the past and familiarize themselves with the legislation and go from there.

There being no further business to come before the Board, the meeting was adjourned at 2:30PM.

The date for the next meeting was scheduled for Wednesday, January 27, 1993.

Leave A. Lark

Secretary