

A meeting of the Board of Environmental Management was held January 28, 1982 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Ms. Dana Duxbury, Ms. Sarah Bell, Ms. Carol Lash, Dr. Norton Nickerson and John Loupos. Also present were Commissioner William F. M. Hicks and Director Gilbert Bliss.

The minutes of the December 21, 1981 meeting were approved as submitted.

Director Bliss first brought before the Board the proposal to acquire by eminent domain a 50 acre parcel of land, known as the Nixon property, bounding the Myles Standish State Forest in Plymouth. He explained the on-going dispute of several years between DEM and the owners over the value of the property and its ultimate use. Litigation, he said, has recently been resolved in dismissal in a court of final appeal. He noted that the 1980 Capital Outlay Budget (miscellaneous acquisition item) authorized the Department to acquire the 50 acre parcel.

Following discussion, upon motion of Mr. Loupos, seconded by Dr. Nickerson, it was -

VOTED - That the Board of Environmental Management pursuant to the provisions of Chapter 132A, Section 3A of the General Laws approves the exercise of the power of eminent domain by the Department of Environmental Management to acquire approximately 50 acres of land (known as the Nixon property) in Plymouth, Massachusetts, for the Myles Standish State Forest, for an amount not to exceed \$100,000.

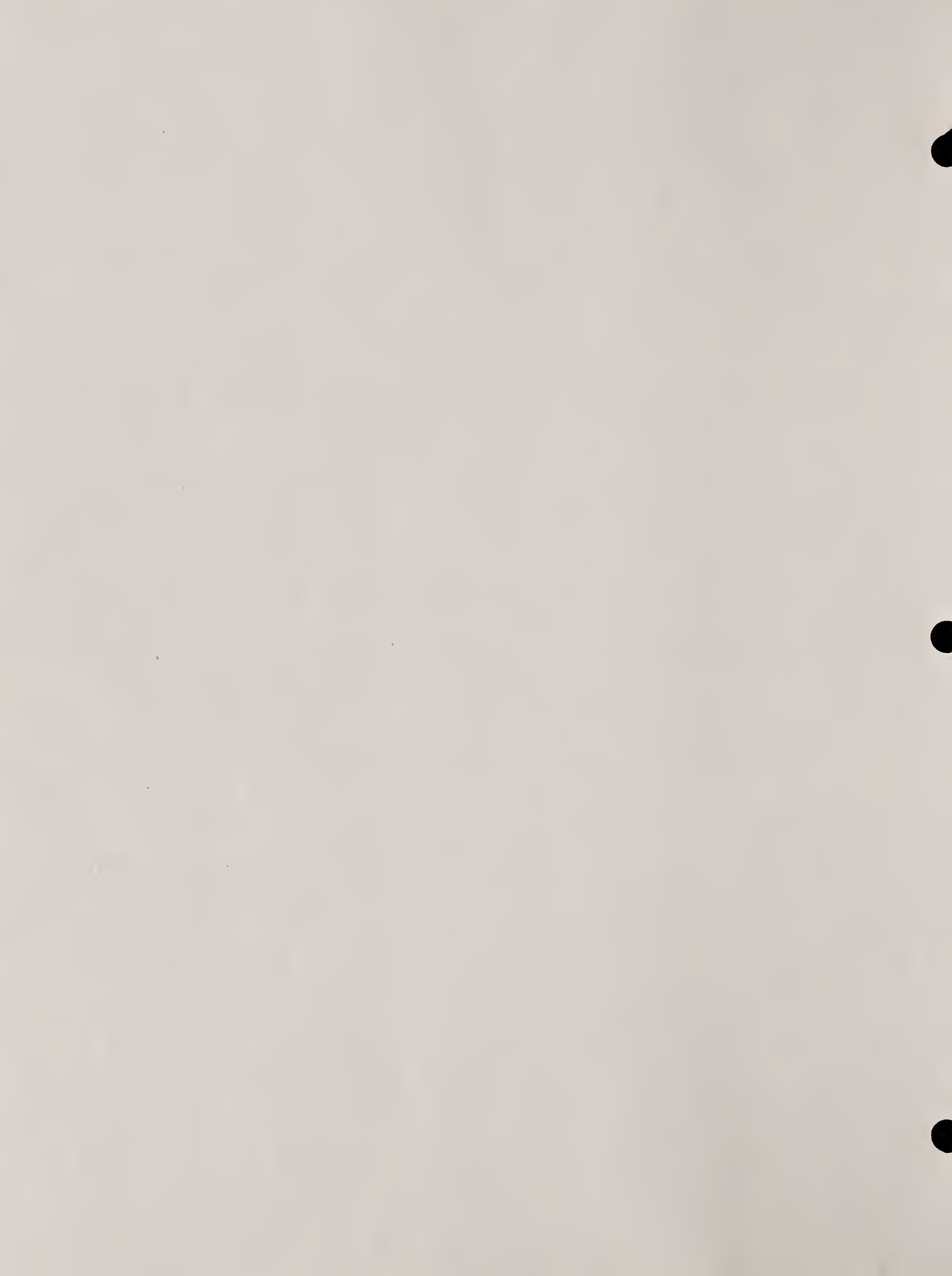
The Board then reviewed the 1982 Gypsy Moth Policy presented by Director Bliss. The policy was discussed at great length and several amendments were submitted by the Board members. Upon motion of Dr. Nickerson, seconded by Mr. Loupos, it was -

VOTED - That the Board of Environmental Management accept the 1982 Gypsy Moth Policy with the following amendments -

1. Page 2 (A), line 5

Reword sentence beginning with the words "If faced with..." as follows -

"The use of chemical pesticides should only be carefully considered if a community is faced with extremely high gypsy moth populations."



2. Page 2 (B)-line 3

Reword sentence beginning with the words "These will give....."
as follows -

"Timing of application must be correct according to larval
development, and label directions must be carefully followed."

3. Page 3 - Item 2 - line

Delete the word "possibly"

Item 3 - line 1

Delete the word "Towns" and insert the word "Townspeople"

4. Page 3

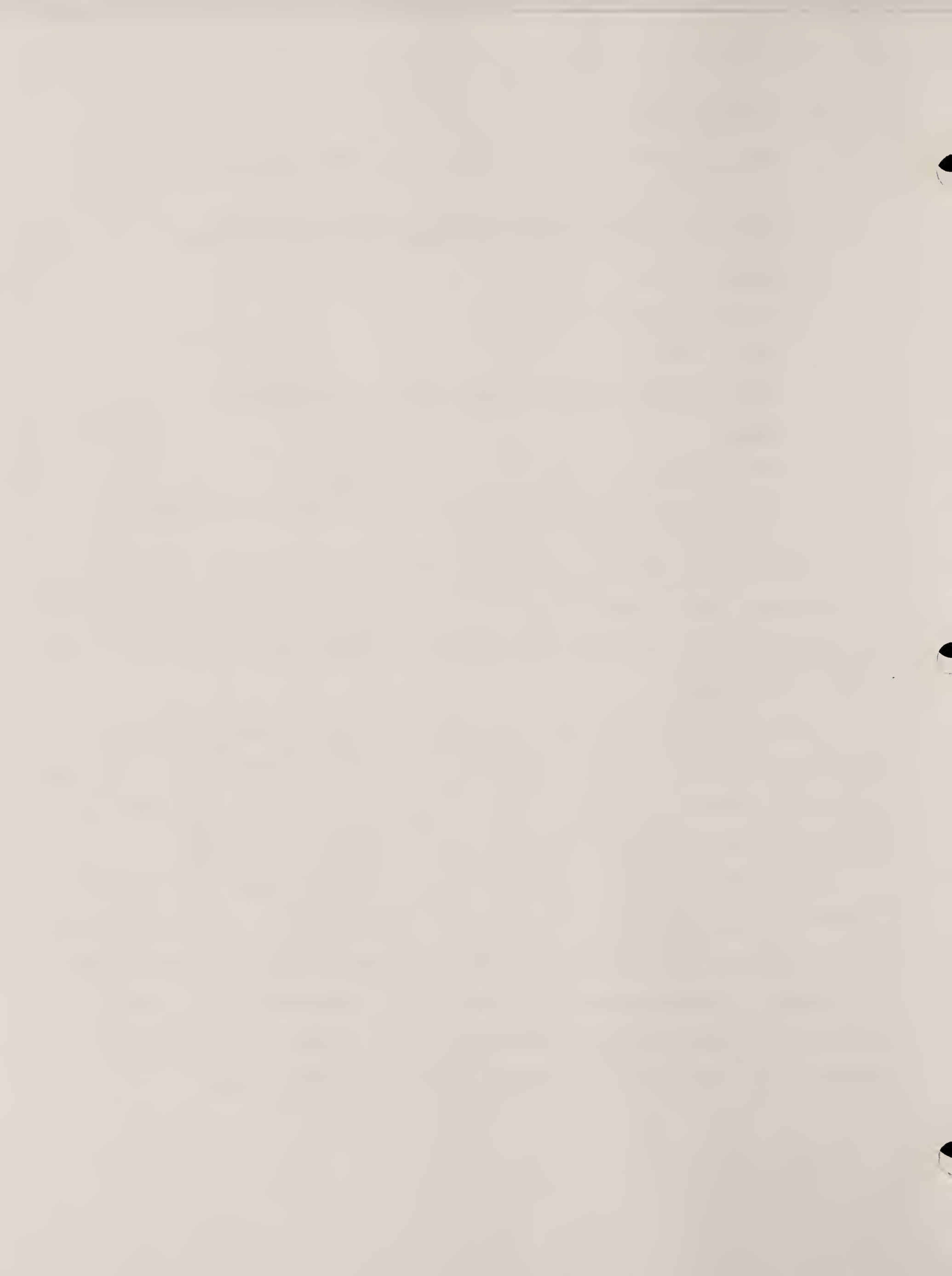
Add the following notation before the "Summary"

"Regulations of the Massachusetts Pesticide Board should be referred
to for more detailed information."

It was also the Board's recommendation that the policy be made available to
all concerned community agencies and officials, with a cover letter emphasizing
the use of B.t. in a manner that will maximize its affectiveness on the early
instars of the larva.

Commissioner Hicks followed with a briefing on the solid waste and hazardous
waste programs, and in so doing, stated that there was no major information to convey.
A discussion, however, followed on the SRS proposal for the City of Haverhill and
whether the Company had the financial strength to carry out the project.

Ms. Duxbury noted that the Hazardous Waste Site Safety Council had recently
voted 7-5 with 2 abstentions not to reconsider the proposal as feasible and deserving,
based on the financial analysis presented by the Coalition for Safe Waste Management.
Dr. Nickerson remarked that because SRS is a privately held Company, the Council
was unable to obtain additional information of its financial worth and, based on the
data presented to the Council, the Company appeared financially sound.




Ms. Duxbury raised the question whether it was wise to put a community through the process until certain pertinent data could be ascertained by the Council beforehand, such as financial strength, technology and site criteria. A wider screen is necessary, she said. She also raised the question as to whether it was wise to proceed with the process before the rules and regulations were in place. She stated that there was a growing mistrust being generated toward the Siting Council, and that the public is losing faith in the Council's ability to guide the communities.

Dr. Nickerson then asked Commissioner Hicks if he considered it appropriate for the Board of Environmental Management to develop criteria by which a willing community might map its restriction areas, at its own expense, if in fact the program is eliminated. Commissioner Hicks replied that the program itself is not being eliminated, but the Secretary is proposing to not fund the program for FY 83. He said, the problem is not just the mapping process, there would be no available funds for the essential procedures such as mailings, on-site inspections, recordings, etc., which is very costly. Dr. Nickerson added that he would like the Board to give the matter some consideration.

There being no further business to come before the Board, the meeting adjourned at 12:55 p.m.

The date for the next Board meeting was scheduled for Tuesday, February 9, 1982 at 12 noon.

Sarah H. Bree
Secretary



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A meeting of the Board of Environmental Management was held February 9, 1982 at noon in the office of the Commissioner, 100 Cambridge Street, Boston, Massachusetts. Present were Board members, Ms. Dana R. Duxbury, Dr. Norton Nickerson and Sarah H. Bell. Also present was Commissioner William F. M. Hicks.

A bad snowstorm caused the absence of Ms. Carol Lash and Mr. John Loupos, and approval of the minutes of the January 28, 1982, meeting was postponed until the March meeting.

Commissioner Hicks and the Board members present reviewed several new bills which may affect the concerns of the Department, particularly those filed which call for revisions in the hazardous waste facility siting process. Ms Duxbury noted a bill sponsored by Senator Amick (S823) which would amend the facility siting act to provide that the "feasible and deserving" determination may be withdrawn by the Secretary at any time during the siting process if the Secretary determines that a proposed facility does not protect the public's health and safety and the environment. The Commissioner said he believed developers would be reluctant to participate in the siting process if such an amendment becomes law.

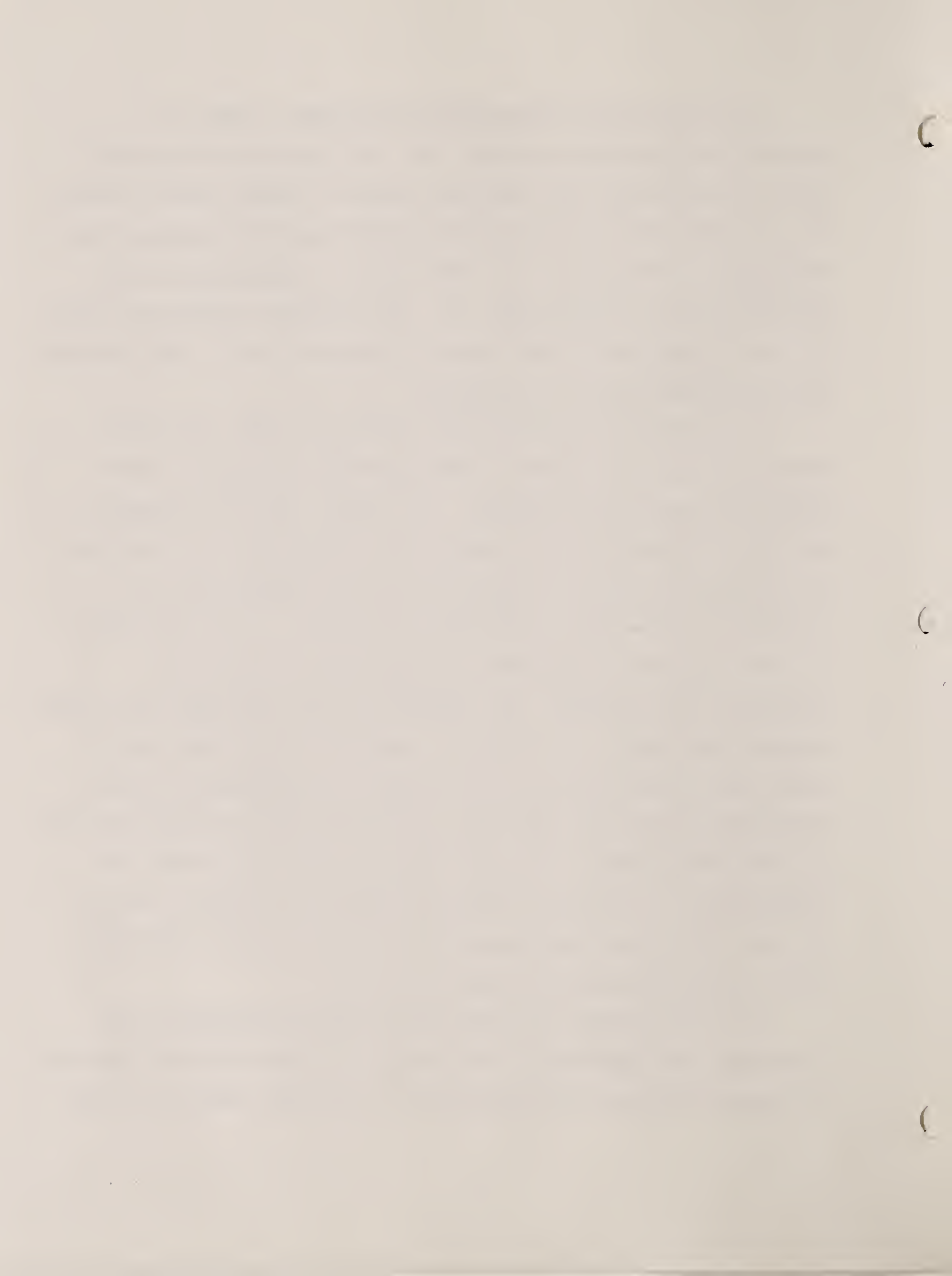
Ms. Duxbury discussed a proposed amendment to C. 21D that would allow the Siting Council to obtain and keep as confidential certain financial information which developers do not wish to become public and therefore do not at present submit to the Council.



The Board and the Commissioner discussed a number of problems in the siting process: (1) the question of how much detailed information the original Notice of Intent should contain; (2) at what point in the process should detailed information be available to the public; (3) the amount of compensation to be paid to abutting communities; (4) the questions concerning liability of developers for post-closure expenses; and (5) the character of the proposed siting regulations.

The Commissioner and the Board members further considered the role of the Department of Environmental Management in the hazardous waste siting process. Ms. Duxbury said she believed the role of DEM was to facilitate the implementation of the law. The Commissioner said the obligation of the Department is to implement the law and to get facilities built. He is not eager to see a layer of regulations which may make it harder to accomplish that purpose. Ms. Duxbury said she believed the process needed improvement. Dr. Nickerson said he thought that the proposed regulations would be of considerable assistance in making the process work more smoothly, and that it had been very difficult to work without them. Ms. Bell said she would like to see the Commissioner's statement of purpose modified by adding that the purpose is to build facilities that we can live with while they are in existence and after they are closed.

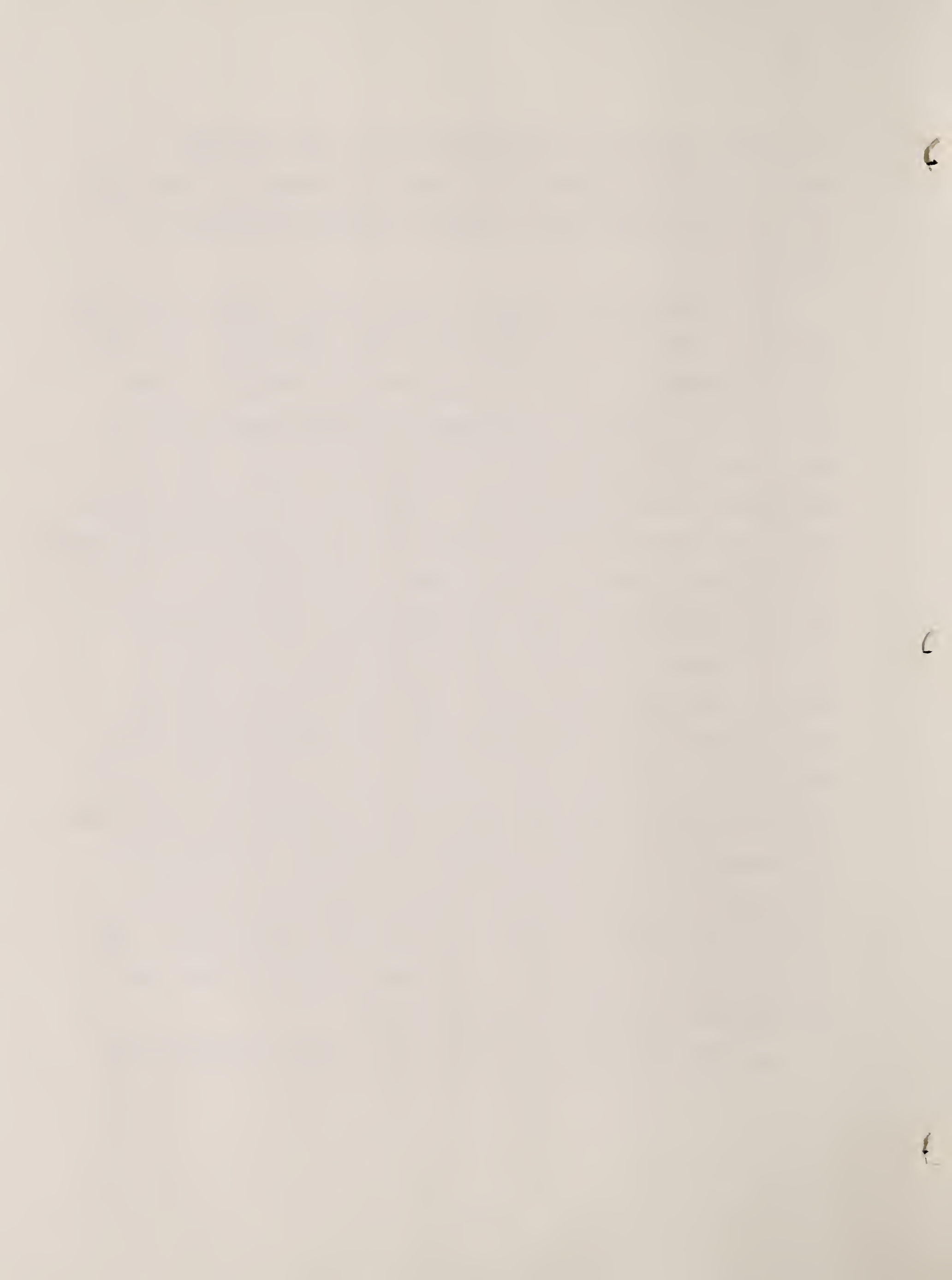
The Commissioner reported that proposed amendments to the hazardous waste facility siting act will be heard by the Committee on Natural Resources and Agriculture on Thursday, March 11, 1982.



The Board scheduled its next Board meeting for Thursday, March 11, 1982, at 9:00 A.M. in order that members of the Board and the Commissioner might attend the hearing following the Board meeting.

The Commissioner reviewed with the Board a number of actions brought or about to be brought against the Department: (1) Two Dennis landowners - a Mr. Kelly and the Good brothers - have brought suit against the Department over issue arising out of the recent restricting of coastal wetlands in that town; (2) Conservation Law Foundation has brought suit in Federal District Court under NEPA and MEPA statutes to halt the Washington Mountain Brook Project naming the Commissioner as Co-Chairman of the WRC and as Commissioner of the Department among other defendants; (3) The Town of Warren has brought suit against the Siting Council, the Department, and IT, the firm seeking a disposal site in Warren, and the Commissioner said that he understands that the City of Haverhill is preparing to bring suit; and (4) Colonial Coastal Corporation the owner of a parcel of land taken by the Department for the Hingham Heritage Park has sued the Department and the Governor's Council because the Governor's Council has refused to approve the pro tanto award check. The Council believes the amount of the award should be lower and has refused to allow the check to issue.

Dr. Nickerson discussed the status of the Wellfleet dike



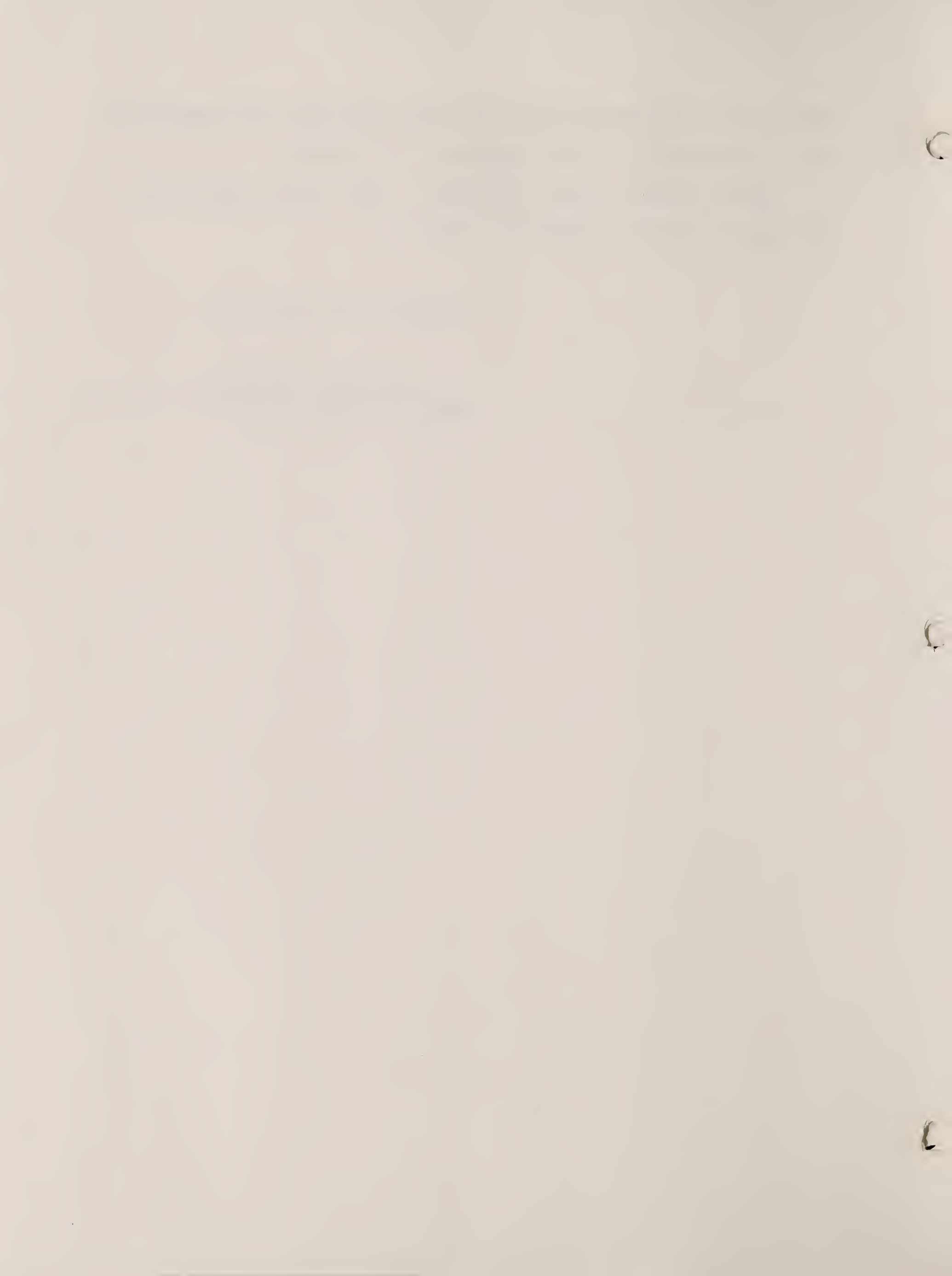
matter with the Commissioner and they explained the background of the situation to other members of the Board.

There being no other business to come before the Board, the meeting was adjourned at 2:00 p.m.

Respectfully submitted,

Sarah H. Bell

SARAH H. BELL, Clerk



A meeting of the Board of Environmental Management was held Thursday, March 11, 1982 at 9 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members, Ms. Dana Duxbury and Ms. Sarah Bell. Also present was Commissioner William F. M. Hicks.

Due to a lack of a quorum no formal business was conducted other than the urgency to designate an acting director for the Division of Forests and Parks. A telephone call was placed to Ms. Carol Lash in order to obtain a quorum to designate Charles Dane in this capacity. It was moved, seconded and -

VOTED- to approve the designation of Charles Dane as an acting director of the Division of Forests and Parks, on the occasion and for the period of time specified in writing and signed by the Director to serve in his absence and in his stead, in accordance with the provisions of Chapter 21, Section 3D.

The Board adjourned at 10:05 a.m. to attend the legislative hearings on hazardous waste bills.

The date for the next Board meeting was set for April 29, 1982 at 9:30 a.m. in the office of the Commissioner.

Sarah H. Bree
Secretary

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5408 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

RESEARCH REPORT
NO. 1234
BY
J. D. SMITH
AND
A. B. JONES
1965

ABSTRACT
The reaction of ...
with ...
has been studied ...
The results show ...

INTRODUCTION
This study was undertaken to ...

EXPERIMENTAL
Materials and Methods

RESULTS AND DISCUSSION

CONCLUSIONS

REFERENCES

APPENDIX

A meeting of the Board of Environmental Management was held Thursday, April 29, 1982 at 9:30 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Ms. Sarah Bell, Ms. Carol Lash and John Loupos. Also present was Bennet Petry, Deputy Commissioner representing Commissioner William F.M. Hicks.

In the absence of the Chairman, Ms. Dana Duxbury, Mr. John Loupos was elected Chairman pro tem.

The minutes of the January 28, February 9 and March 1, 1982 minutes of the meetings were approved as submitted.

The Board first discussed the eminent domain taking of 16,120 square feet of land in the City of Lawrence, owned by Angelo and Agatha Fisichella. Mr. Chris Greene, Department Planner, in outlining the proposed use of the parcel, stated that the area (with existing building) is essential as part of the proposed Lawrence Heritage State Park. The building, he said, is targeted as the visitors center which will require no major costly alterations. He explained that the owners, although willing sellers, did not accept the Department's appraised value offer of \$75,000; therefore, the Department will exercise its eminent domain powers to acquire the parcel if it meets with the Board's approval.

Following further discussion, upon motion of Sarah Bell, seconded by Carol Lash it was -

VOTED - To authorize the Commissioner of Environmental Management pursuant to the provisions of Chapter 132A, Section 3 and 3A of the General Laws, as amended, to exercise the power of eminent domain to acquire a parcel of land and building owned by Angelo and Agatha Fisichella situated in the City of Lawrence for the Lawrence Heritage State Park, for an amount not to exceed \$75,000.

The Board then reviewed the proposed adoption of an order under General Laws Chapter 130, Section 105, regulating and restricting coastal wetlands in the town of Wellfleet. Ms. Ivy Schram, Department Counsel, noted on a map the areas of restriction. She also noted that the necessary procedures for final restriction had been complied with.

Following review, upon motion of Ms. Carol Lash, seconded by Ms. Sarah Bell, it was -

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VOTED - To authorize the Commissioner of the Department of Environmental Management, acting pursuant to M.G.L. Chapter 130, Section 105, for the purposes of promoting the public safety, health, welfare, and protecting public and private property, wildlife, marine fisheries, hereby adopts this order regulating and restricting coastal wetlands in the town of Wellfleet, County of Barnstable, Commonwealth of Massachusetts, Department of Environmental Management as delineated on Plans, V-33, V-34, V-35, W-239, W-240, W-242 in accordance with the plan and a list of assessed owners of the land so affected and incorporated herein and recorded herewith which is attached to the Order.

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

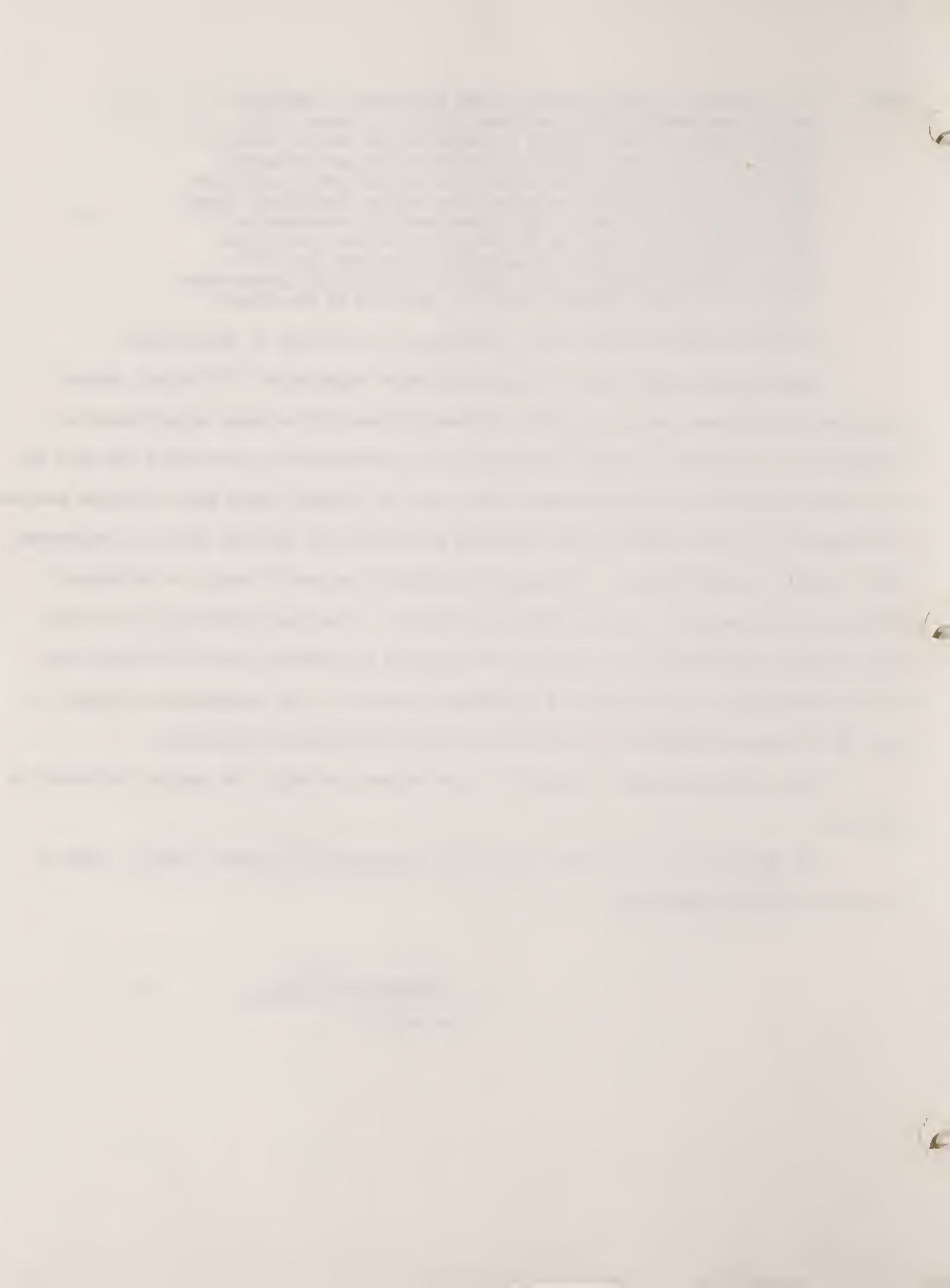
Deputy Commissioner Petry, in reporting on the Department's '83 budget, stated that House Ways & Means has released its recommendations with no great significance to the Department. However, he said, the Governor's recommendation is to reduce the rink and pool program from 7 to a 5-day operation with a cut in funding; House Ways and Means restores the program to a 7-day operation and increased the account by \$700,000 which the Department feels is still not sufficient. If we are to maintain last year's level, an additional \$300,000 will be needed. This is unlikely, he added. We are not proposing any further cuts, but might possibly have to eliminate the second in command position at these areas. He also reported that an additional \$300,000 was received in the supplementary budget for gypsy moth suppression with the proviso that chemical spraying be prohibited.

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

The date for the next Board meeting was scheduled for Thursday, May 27, 1982 in the office of the Commissioner.

Sarah H. Bee

Secretary



A meeting of the Board of Environmental Management was held Thursday, May 27, 1982 at 10 a.m. in the office of the Commissioner. Present were the Board members - Ms. Dana Duxbury, Ms. Carol Lash, Ms. Sarah Bell and Dr. Norton Nickerson. Also present was Commissioner William F. M. Hicks.

Ms. Katherine Preston made a presentation on the progress of the Scenic Rivers program and in so doing explained the two basic approaches - river "classification" and river "designation"; classified being those rivers that have been prioritized, inventoried and screened. She gave the Board members a list of "Classified Rivers" and asked that they authorize Commissioner Hicks to proceed with implementation.

Upon motion of Dr. Nickerson, seconded by Ms. Bell, it was -

VOTED - to adopt the following policy so that these rivers (see attached) will have the distinction as "classified rivers" as a first step toward the goal of restriction -

To authorize the Department of Environmental Management to classify the rivers under the Massachusetts Scenic and Recreational Rivers Act (Chapter 21, Section 17b) in the categories shown on the attached list, and commit said Department to undertake whatever steps possible to ensure that these irreplaceable resources receive the additional protection that their status deserves.

Commissioner Hicks and the Board members affixed their signatures to the order of restriction.

Ms. Preston then presented to the Board for its approval two proposals to designate certain sections of the Charles and Merrimac Rivers as "local scenic rivers", "local" defining those rivers having been approved by the State to be designated as scenic rivers, but "locally" developed with an approved management plan.

In discussing the proposals, the question was raised as to the impact of the "local scenic rivers" designation. Ms. Preston stated that no regulatory impact will be felt other than the recognition and acceptance of a local plan.

In reviewing the Merrimac River proposal, discussion ensued as to whether the line of delineation from the so-called "The Neck" to the ocean included units 3.4 and 3.5 entirely so as to include the proposed SRS hazardous waste facility site. Ms. Preston stated that the entire unit was not included in the delineation but the line was very closely drawn to the SRS site.



It was the Board's recommendation that an exact line be drawn on the Merrimac River Greenway Plan referencing 3.4, 3.5 and 3.6 units to include the SRS site in order to avoid any repercussions at a later date which might appear that it was a political decision at the time to exclude the SRS site.

Upon motion of Dr. Nickerson, seconded by Ms. Bell, it was -

VOTED - To authorize the Department of Environmental Management to officially designate that segment of the Merrimac River from "The Neck" (being defined to include units 3.4, 3.5 and 3.6 on a map entitled "Merrimac River Greenway Plan" dated February, 1981) in Haverhill to the ocean as a "local scenic river."

Commissioner Hicks and the Board members affixed their signatures to the order of restriction.

Upon motion of Dr. Nickerson, seconded by Ms. Bell, it was -

VOTED - To authorize the Department of Environmental Management to officially designate that segment of the Charles River from Mellon Street (Bellingham/Milford) to Cochrane Dam (Needham/Dover) as a "local scenic river."

Commissioner Hicks and the Board members affixed their signatures to the order of restriction.

In discussing the hazardous waste program, Ms. Duxbury asked Commissioner Hicks to report on the status of IT's intention to build a facility in Massachusetts. Commissioner Hicks replied that IT was still interested and that they were looking with favor toward the turnpike site. This seems contradictory, she said, to what one reads in the newspapers. Commissioner Hicks replied that he has not heard to the contrary of IT's interest in the turnpike site.

The Board then discussed at great length the lack of a waste pretreatment process in Massachusetts and DEQE's inability to enforce a pretreatment process. Ms. Duxbury stated that the State does not have a program to monitor wastes being discharged into the sewer systems. This issue needs to be brought to the forefront, she said. The

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outcome of the discussion was general agreement that Commissioner Hicks arrange to have Secretary Bewick and Commissioner Cortese attend the next Board meeting to discuss the pretreatment issue.

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

The date for the next Board meeting was scheduled for the latter part of June depending on what arrangements could be made to meet with Secretary Bewick and Commissioner Cortese.

Sarah H. Bree

Secretary

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and



WILLIAM F. M. HICKS
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Management
Leacretts Suttonstall Building, Government Center
100 Cambridge Street, Boston 02202

Whereas, Chapter 21, section 17b of the Massachusetts General Laws (The Massachusetts Scenic and Recreational Rivers Act) authorizes the Commissioner of Environmental Management to "provide for the restriction and classification of the waters of (said) rivers and streams for scenic or recreational purposes"; and

Whereas, a public nomination process, resulting in 180 river nominations from local boards, citizens, organizations, legislators and agencies, was initiated; and

Whereas, an extensive, onsite inventory of such nominated rivers and streams was performed to determine the extent of the Commonwealth's river resources and to evaluate each one relative to its natural, scenic and recreational attributes; and

Whereas, forty-six (46) rivers and segments of rivers, as shown on the attached list have been determined to possess a combination of such attributes to merit recognition as outstanding resources of significance to all the people of the Commonwealth; and

Whereas, such rivers and segments of rivers merit protection for future generations;

NOW, THEREFORE, be it declared:

That the Department of Environmental Management hereby classifies these rivers under the Massachusetts Scenic and Recreational Rivers Act, in the categories shown on the attached list, and commits said Department to undertake whatever steps possible to ensure that these irreplaceable resources receive the additional protection that their status deserves.

WITNESS my hand and seal this 27th day of May, 1982

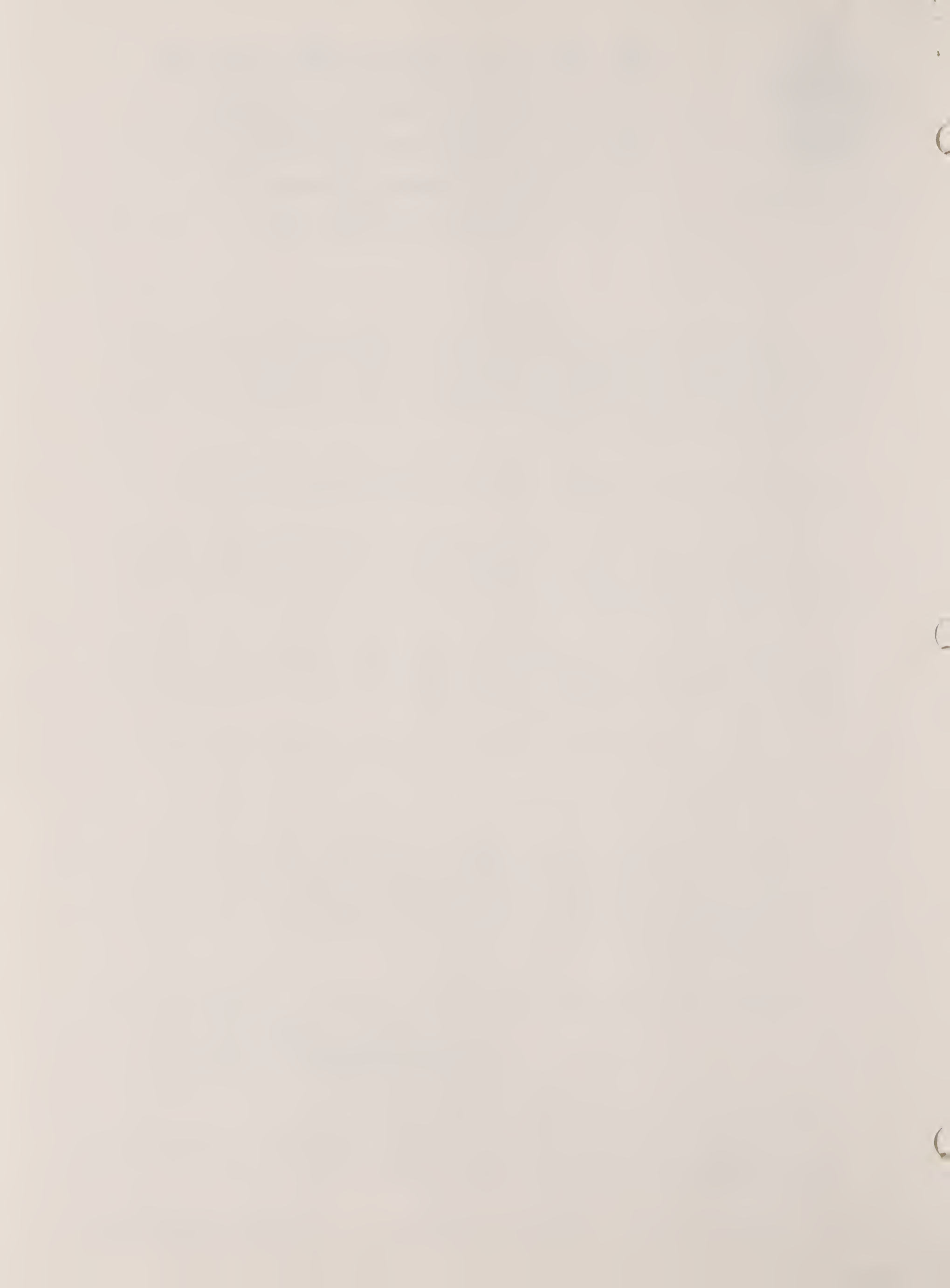
William F.M. Hicks
William F.M. Hicks, Commissioner

COMMONWEALTH OF MASSACHUSETTS, SUFFOLK, SS

Then personally appeared the said William F.M. Hicks, Commissioner of Environmental Management and acknowledged the foregoing instrument to be his free act and deed, before me.

My commission expires April 16, 1987

Robert A. Wickman
Notary Public



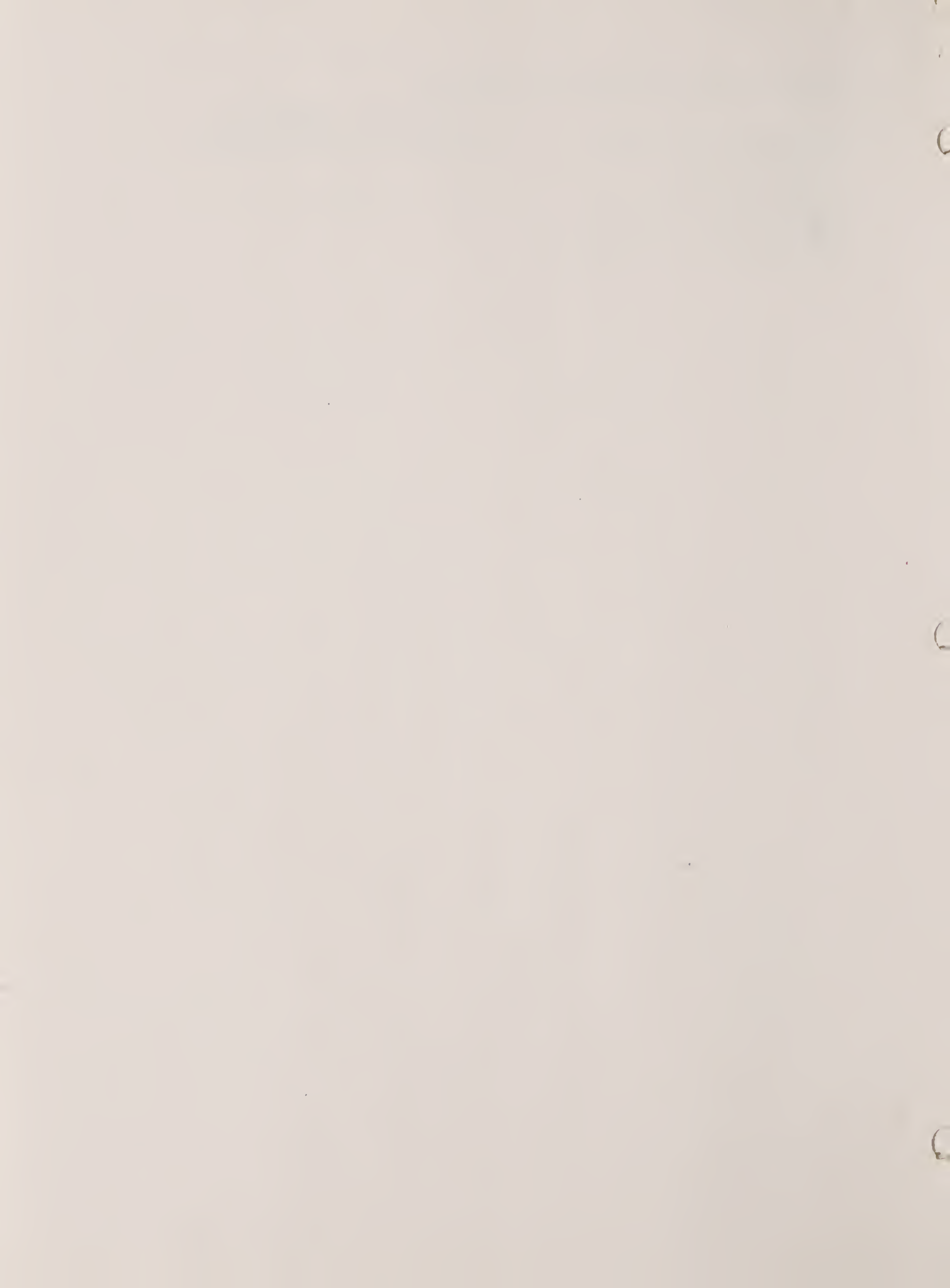
Approved: BOARD OF ENVIRONMENTAL MANAGEMENT


Carole A. Lusk

Norton H. Nickerson

Sarah H. Becc

Dana L. Myles





Massachusetts Scenic Rivers Program

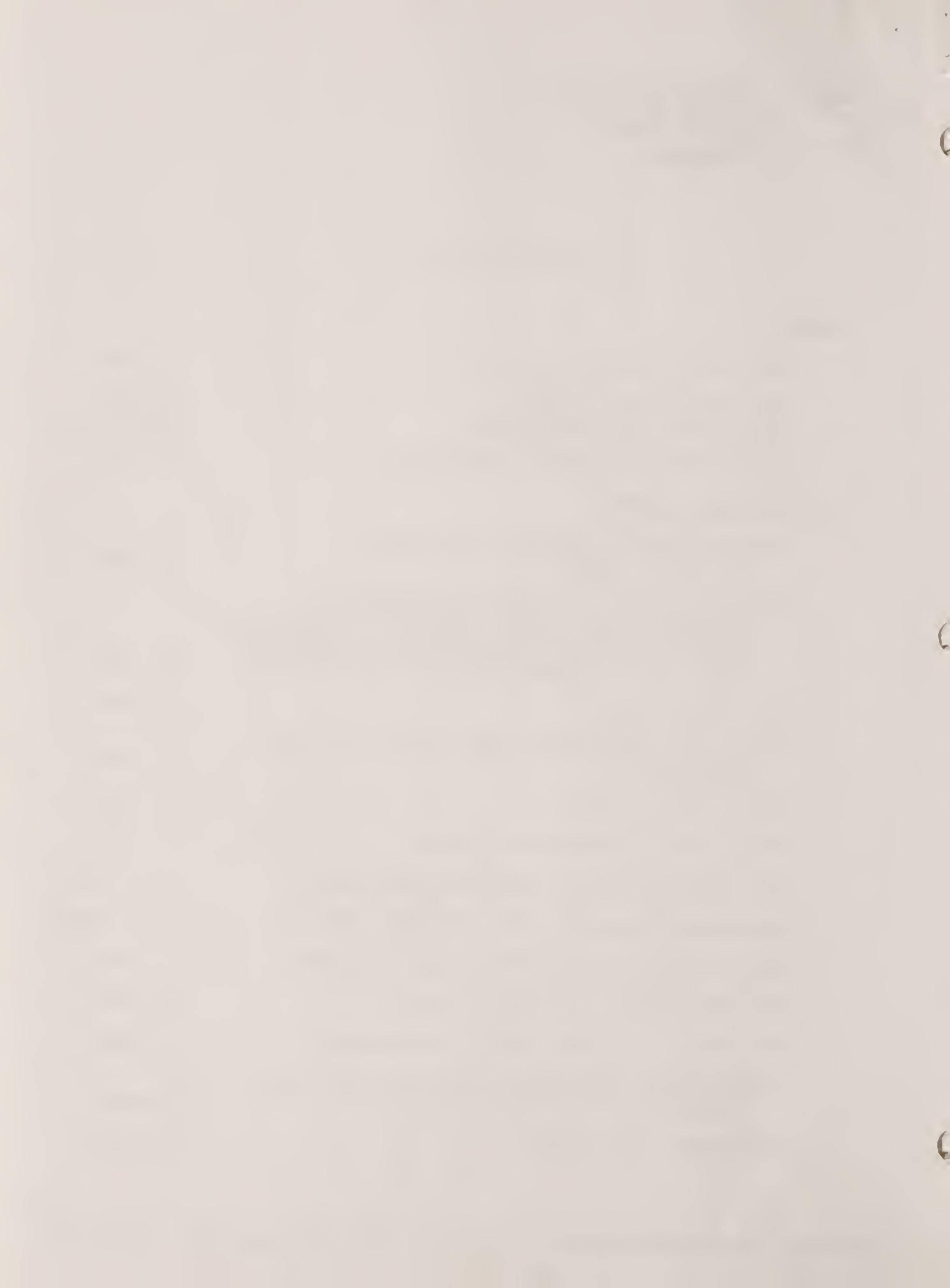
CLASSIFIED RIVERS

NATURAL

Ashley Hill Brook, Mt. Washington	3.3 miles
Cold River, Florida and Savoy	4.6 miles
Money/Hopper Brooks, Williamstown	1.1/2.4 miles
Westfield River-East Branch, Chesterfield	4.0 miles

SCENIC NATURAL LANDSCAPE

Bashbish Brook, Mt. Washington (with Ashley Hill Brook - <u>Natural</u>)	1.9 miles
Cold River, Florida to Savoy, with tributaries: Tannery Brook (0.8 miles), Ross Brook (1.5 miles), Bog Brook (1.9 miles), and Gulf Brook (3.3 miles), This includes the 4.6 <u>Natural</u> section of the Cold River	12.4 miles
Dunbar Brook, Monroe	5.2 miles
Hopper Brook, Williamstown. This includes a 2.4 mile <u>Natural</u> section	4.1 miles
Ipswich River, Topsfield	5.9 miles
Millers River, Winchendon to Royalston	9.1 miles
Race Brook/Dry Brook, Mt. Washington and Sheffield	1.5/2.7 miles
Roaring Brook/Housatonic River, Washington and Lenox	3.5/4.6 miles
Roberts Meadow Brook, Chesterfield to Northampton	4.2 miles
Shaker Mill Brook, Washington and Becket	4.0 miles
Swift River, West Branch, Wendell and Shutesbury	5.9 miles
Westfield River, East Branch, Cummington to Huntington (including the 4 mile <u>Natural</u> section)	14.0 miles
Whiting River, New Marlboro	5.3 miles



SCENIC CULTURAL

Agawam River, Plymouth to Wareham	9.1 miles
Fort River, Shutesbury to Hadley	14.1 miles
Housatonic River, Great Barrington to Connecticut border	22.2 miles
Quinebaug River, Holland to Southbridge	13.5 miles
South River, Ashfield to Deerfield River	14.0 miles
Sudbury and Concord Rivers Framingham to Concord River	17.5 miles
Concord to Billerica	8.5 miles

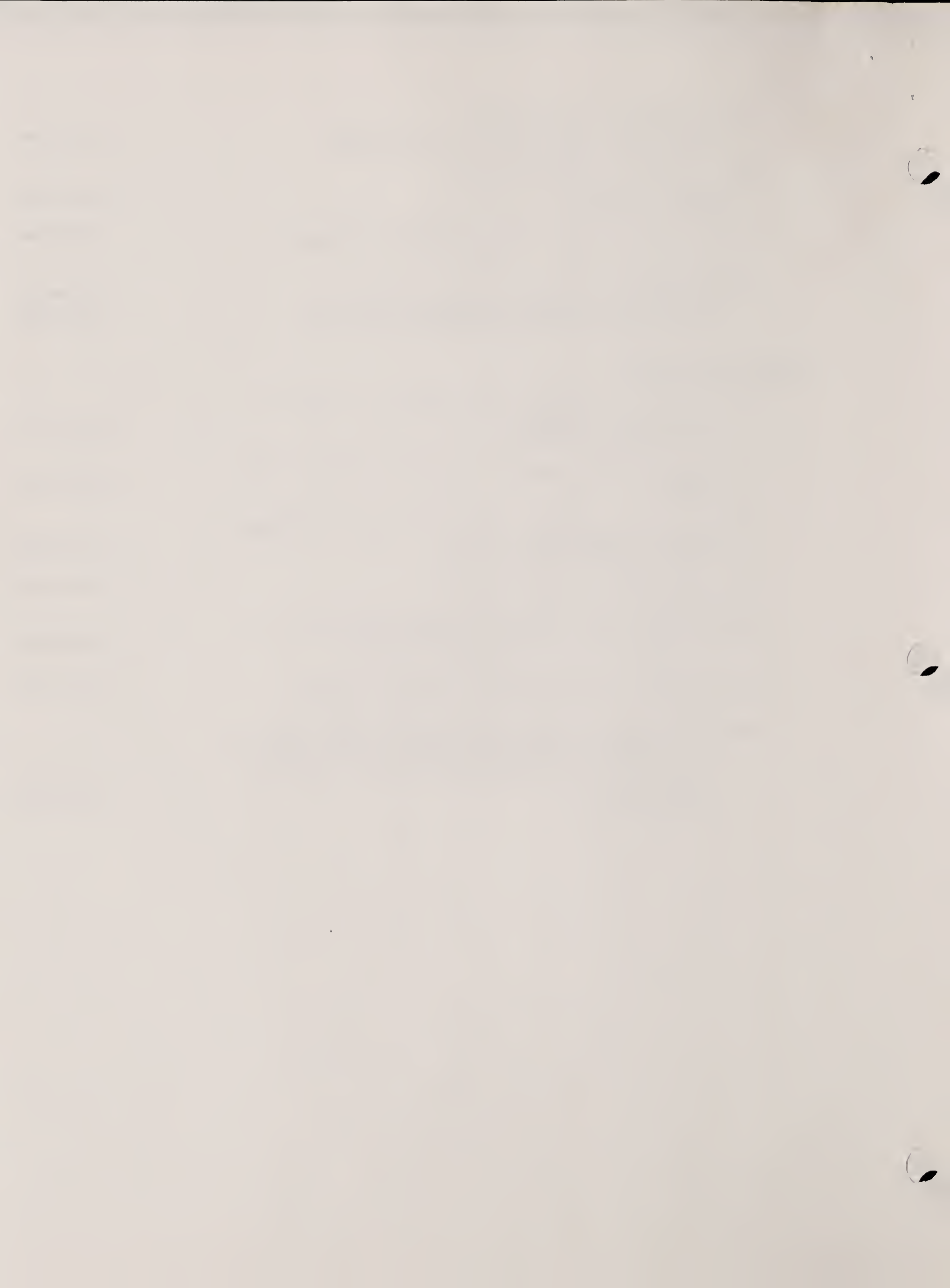
RECREATIONAL NATURAL LANDSCAPE

Deerfield River, Shelbourne Falls to Stillwater Bridge	8.5 miles
Green River, Leyden to Greenfield	11.9 miles
Konkapot River, Monterey to Connecticut border	13.4 miles
Mashpee River, Mashpee	6.4 miles
North River, Hanover to Scituate with parts of Indian Head River and Herring Brook, Pembroke	18.4 miles
Pamet River, Truro	4.0 miles
Parker River, Georgetown to Newbury	13.4 miles
Scantic River, Wesson Pond, Hampden to Connecticut line (in coordination with the Connecticut De- partment of Environmental Protection)	6.3 miles
Squannacook River, West Townsend to Nashua River	15.2 miles
Stillwater River, Princeton to Wachusett Reservoir	7.8 miles
Swift River, East Branch and Main Stem Brown Pond, Petersham to Quabbin Reservoir	9.5 miles
Quabbin Reservoir to Ware River	8.6 miles
Tully River, East Branch New Hampshire border to Millers River	11.0 miles

Westfield River, Dead Branch Damon Pond, Chesterfield to East Branch	8.3 miles
Westfield River, Middle Branch Peru to Chester	13.5 miles
Westfield River, West Branch, Becket to Chester	9.1 miles
Westport River East Branch, Noquochoke Lake to ocean	9.1 miles
West Branch, Rhode Island border to ocean	4.6 miles

RECREATIONAL URBAN

Charles River, Lincoln Street, Medway to Cochrane Street dam, Needham	26.5 miles
Connecticut River, Vermont line to Holyoke dam plus Oxbow	52.8 miles
Ipswich River, Peabody to Ocean (includes 5.9 <u>Scenic Natural Landscape</u> section)	26.4 miles
Merrimack River, Lowell to Ocean	38.9 miles
Nashua River, North Branch and Mainstem; Route 2, N. Leominster to New Hampshire border	35.0 miles
Quaboag River, Quaboag Pond to Chicopee River	24.9 miles
Wampanoag Canoe Passage, Scituate to Fall River (including portions of the North River, Herring Brook, Satucket River, Matfield River, Taunton River <u>and</u> Nemasket River	72.0 miles 9.4 miles





WILLIAM F. M. HICKS
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Management
Leicester Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202

Whereas, Chapter 21, section 17b of the Massachusetts General Laws (The Massachusetts Scenic and Recreational Rivers Act) authorizes the Commissioner of Environmental Management to "provide for the restriction and classification of the waters of (said) rivers and streams for scenic or recreational purposes"; and

Whereas, through the auspices of the Massachusetts Scenic Rivers Program, a management plan, entitled "The Charles River Corridor Plan" has been developed and is currently under active implementation by the Charles River Watershed Association; and

Whereas, the goals and objectives of said plan have been accepted by the Department of Environmental Management as representing an appropriate protection scheme for the segment of the Charles River from Mellon St., in Bellingham/Milford to Cochrane Dam in Needham/Dover (the "Demonstration Segment"); and

Whereas, there has been a genuine demonstration of local governmental support of said plan;

NOW, THEREFORE, the Department officially designates that segment of the Charles River from Mellon Street (Bellingham/Milford) to Cochrane Dam (Needham/Dover) as a "local scenic river."

WITNESS my hand and seal this 27th day of May, 1982

William F.M. Hicks
William F.M. Hicks, Commissioner

Approved: BOARD OF ENVIRONMENTAL MANAGEMENT

James A. Rank

Yorton H. Vickerson

[Signature]

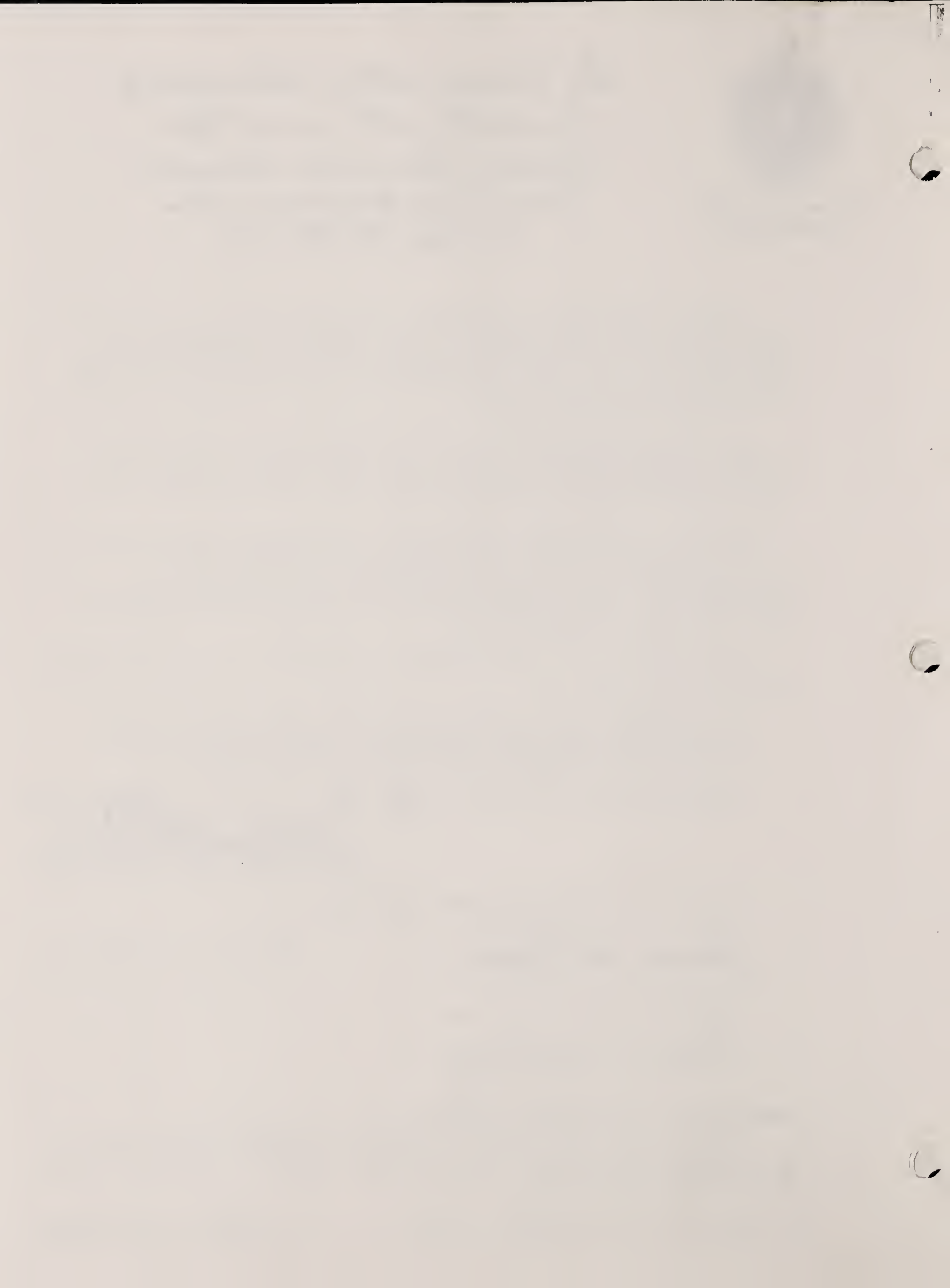
Dora A. [Signature]

COMMONWEALTH OF MASSACHUSETTS, SUFFOLK, SS

Then personally appeared the said William F.M. Hicks, Commissioner of Environmental Management and acknowledged the foregoing instrument to be his free act and deed, before me.

My commission expires April 6, 1987

Yorton H. Vickerson
Notary Public





WILLIAM F. M. HICKS
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Management
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202

Whereas, Chapter 21, section 17b of the Massachusetts General Laws (The Massachusetts Scenic and Recreational Rivers Act) authorizes the Commissioner of Environmental Management to "provide for the restriction and classification of the waters of (said) rivers and streams for scenic or recreational purposes"; and

Whereas, through the auspices of the Massachusetts Scenic Rivers Program, a management plan, entitled "The Merrimack River Greenway Plan", has been developed and is currently under active implementation by the Merrimack River Watershed Council, and

Whereas, the goals and objectives of said plan have been accepted by the Department of Environmental Management as representing an appropriate protection scheme for the segment of the Merrimack River from "The Neck" in Haverhill to the ocean; and

Whereas, there has been a genuine demonstration of local governmental support of said plan;

NOW, THEREFORE, the Department officially designates that segment of the Merrimack River from "The Neck" in Haverhill to the ocean as a "local scenic river."

WITNESS my hand and seal this 27th day of May, 1982.

William F.M. Hicks
William F.M. Hicks, Commissioner

Approved: BOARD OF ENVIRONMENTAL MANAGEMENT

Gene A. Land

Norton H. Nicholson

Sarah H. Lane

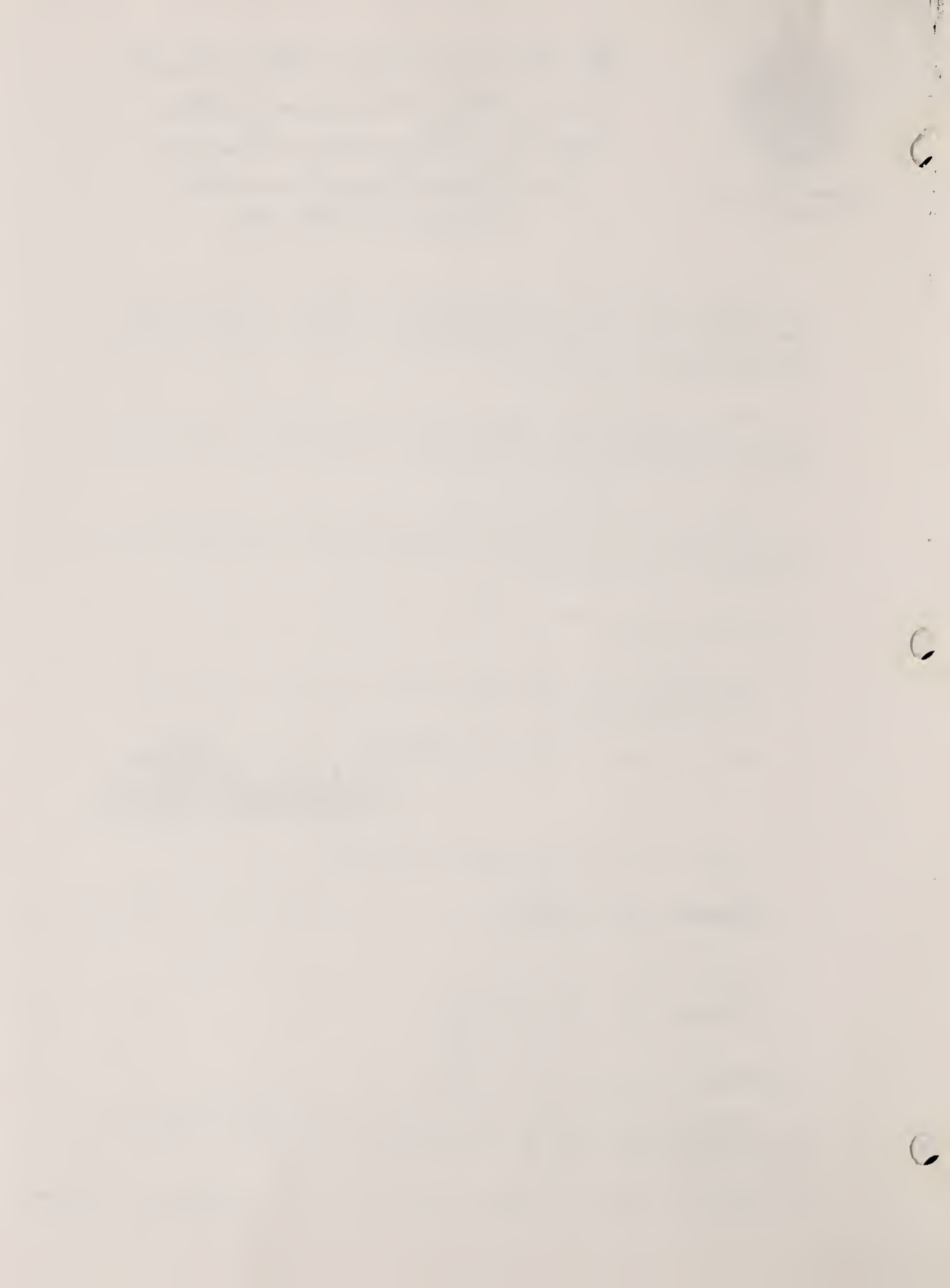
Dana K. Ryeberg

COMMONWEALTH OF MASSACHUSETTS, SUFFOLK, SS

Then personally appeared the said William F.M. Hicks, Commissioner of Environmental Management and acknowledged the foregoing instrument to be his free act and deed, before me.

My commission expires April 16, 1987

Norton H. Nicholson
Notary Public



A meeting of the Board of Environmental Management was held July 1, 1982 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Ms. Dana Duxbury, Ms. Sarah Bell, Dr. Norton Nickerson and John Loupos. Also present were Commissioner William F. M. Hicks, Secretary John A. Bewick, and Commissioner Anthony Cortese and Messrs. Gaughan and Bonne of the Department of Environmental Quality Engineering.

The minutes of the April 29, 1982 meeting were approved as presented.

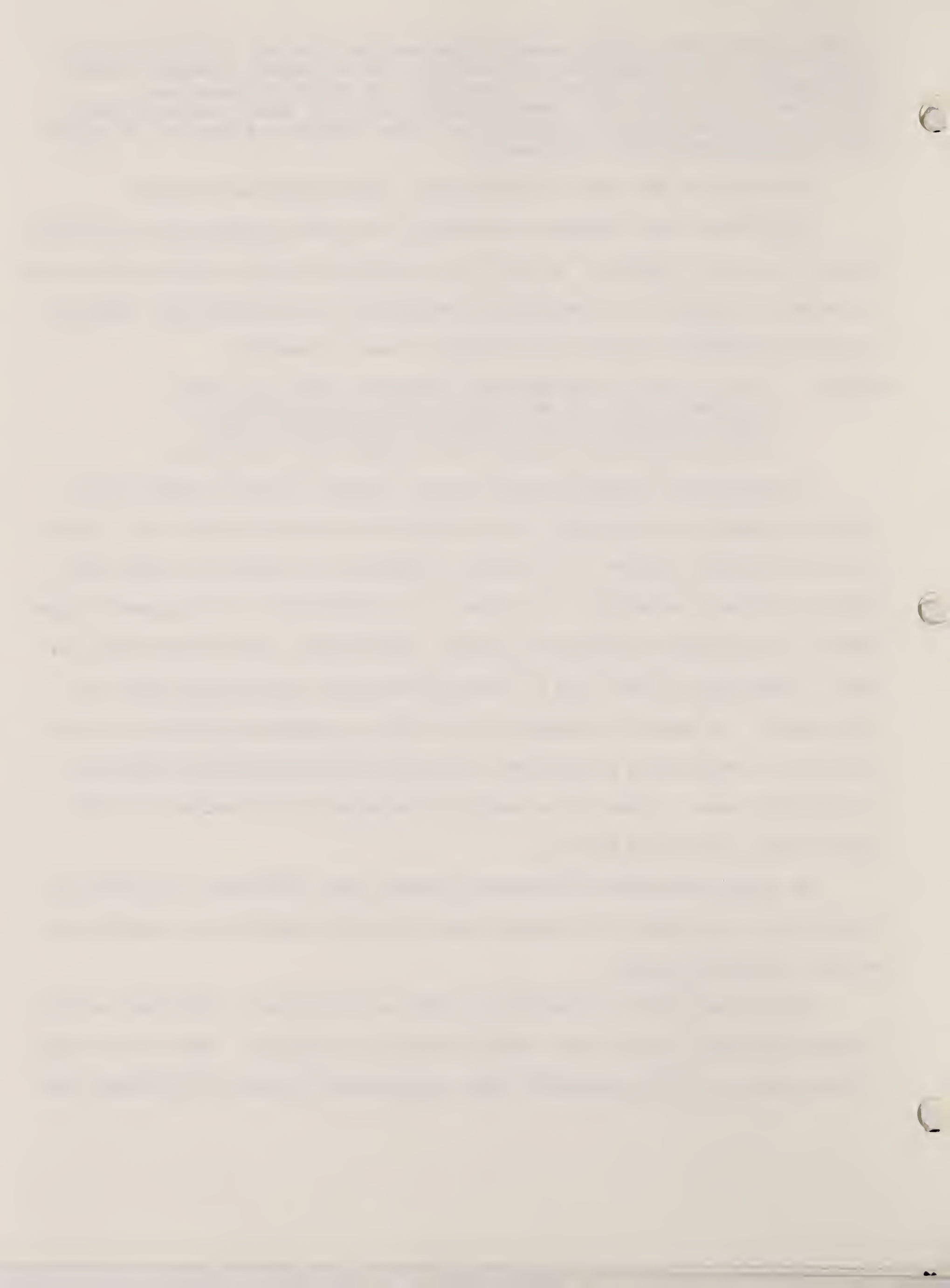
Commissioner Hicks informed the Board that the South Cape Beach bill was on the Governor's desk for signature. He has 10 days in which to either sign the bill or veto it, he said. The Board, in expressing its enthusiasm for the acquisition, requested the following RESOLVE be sent to the Governor as soon as possible.

RESOLVE - That the Board of Environmental Management wishes to express to Governor King its very strong support of the South Cape Beach acquisition and the necessary legislation for this accomplishment, and to urge him to expedite this acquisition.

At Commissioner Cortese's request, Messrs. Gaughan and Bonne opened the discussion of wastewater pretreatment by Mr. Gaughan first explaining EPA's role regarding the pretreatment program. In so doing, he passed out a summary fact sheet with several attachments pertaining to the issue. He said that EPA has consistently lagged behind in establishing pretreatment standards, unfortunately, but they have now been given a target date of July, 1983 to develop pretreatment standards and adhere to a time schedule. He added that inasmuch as the federal government would like to place the burden of establishing pretreatment standards on the municipalities, basically, it is a national issue. Where EPA is headed on the issue, will determine the Commonwealth's future in dealing with it.

Ms. Duxbury expressed her concerns regarding toxic pollutants and stated that irrespective of the present EPA administration should not Massachusetts establish its own toxic monitoring program.

Commissioner Cortese explained that there were 129 priority pollutants and that a proper monitoring system of this magnitude would cost millions. There are, he said, 41 municipalities in the Commonwealth whose pretreatment programs are far better than



most other states on a national level. He said, pretreatment programs vary throughout the state from approved programs to none. However, the Division of Water Pollution Control has been very active in assisting these municipalities when requested or required and they will continue to do so. It is still undetermined, he said, how the problem should be faced. There have been several suggested ways - should we give municipalities money, if so, how much; by means of enforcement; persuasion; or direct citizen action. All four means have merit; however, it is a political problem which, basically, means money.

To this end, he continued, we have developed a 5 year strategy plan that hopefully will address all concerns. It is in a "draft" stage but copies will be sent to you for review - your comments and suggestions would be appreciated.

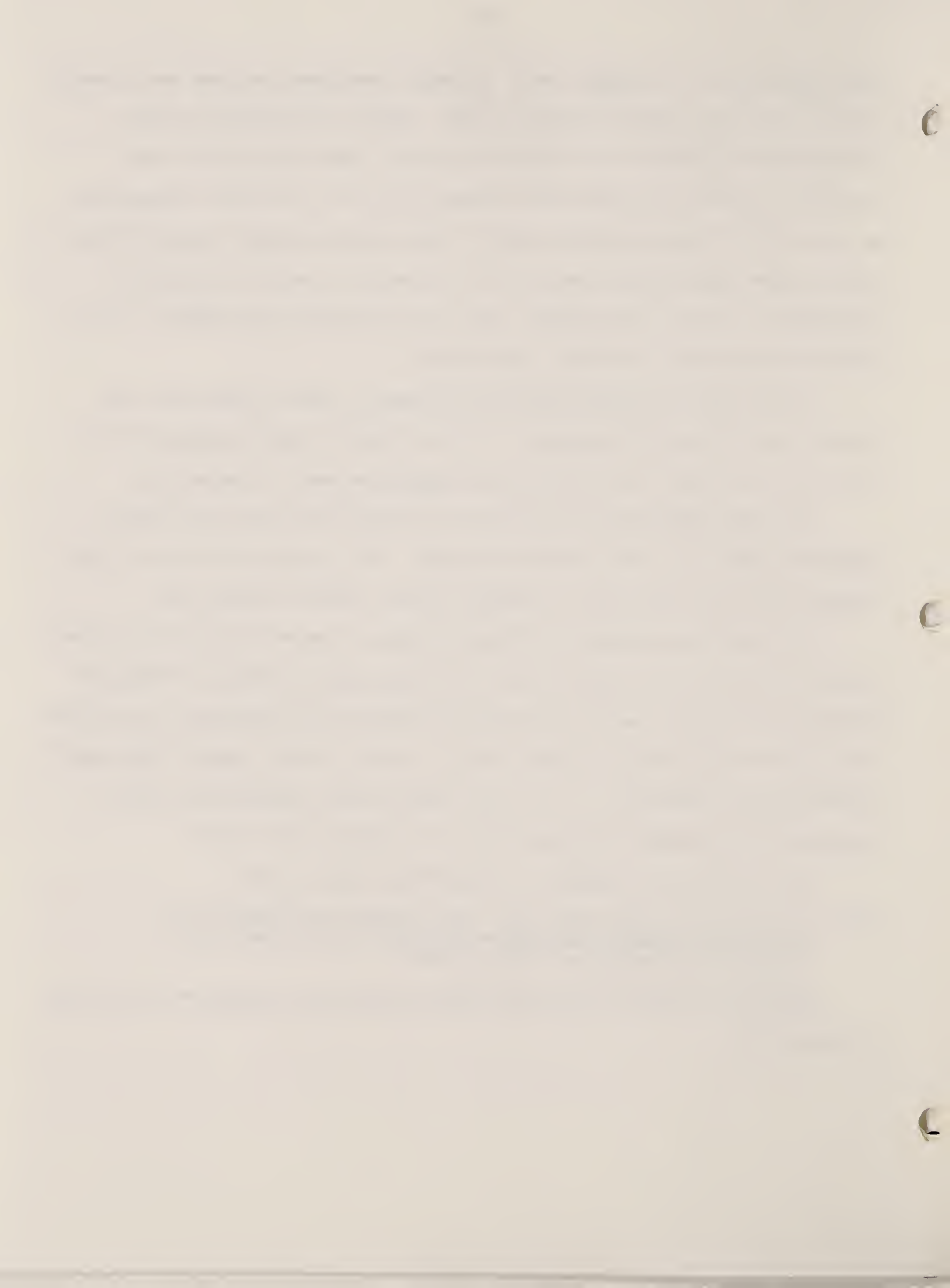
The Board expressed its appreciation to Commissioner Cortese and Messrs. Gaughan and Bonne for a very informative update. They requested that they be kept informed and offered their help to generate support for the strategy plan.

The Board then reviewed the proposed adoption of an order under General Laws Chapter 130, Section 105 regulating and restricting coastal wetlands on Nantucket. David Hayward noted on a map the areas under restriction and pointed out a particular parcel known as the "Backus property" which, he said, had been issued a DEQE permit (#10-48) for the construction of one single dwelling (see permitted use, page 5, paragraph 11 of the Order of Restriction) as it relates to the parcel.

Upon motion of Dr. Nickerson, seconded by Ms. Bell, it was -

VOTED - To approve the restriction order under General Laws Chapter 130, section 105 regarding wetlands on Nantucket, in accordance with paragraph 1 of the Order of Restriction.

Commissioner Hicks and the Board members affixed their signatures to the Order of Restriction.



For the Board's consideration, Ms. Ivy Schram presented the proposed order of restriction under General Laws Chapter 130, Section 105 regulating and restricting coastal wetlands in the Town of Chatham. She indicated on a map the areas of restriction.

Upon motion of Dr. Nickerson, seconded by Ms. Bell, it was

VOTED - To approve the restriction order under General Laws Chapter 130, Section 105 regarding the wetlands in the Town of Chatham in accordance with paragraph 1 of the Order of Restriction.

Commissioner Hicks and the Board members affixed their signatures to the Order of Restriction.

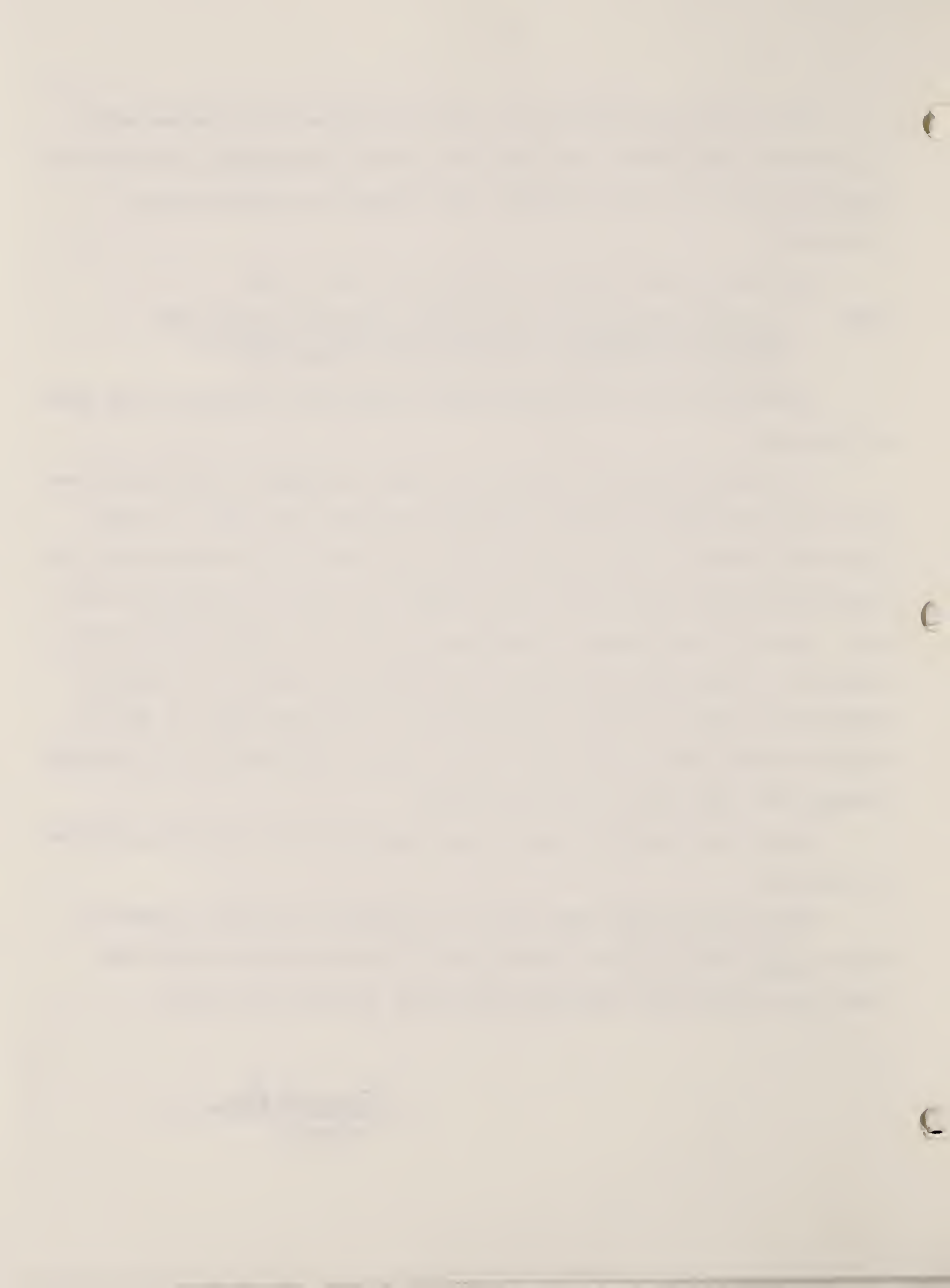
Dr. Nickerson reported to Commissioner Hicks a complaint he had received from friends who had camped at the Myles Standish State Forest last summer. He could give no real details, he said, other than what was reported to him that the area and rest rooms were very dirty and that there seemed to be a lack of supervision in the area. Because of the inadequate conditions, the people left the area before their time was up. Commissioner Hicks replied that without more details as to specific dates and area within the forest, and because it occurred last summer, he did not know what could be done at this time other than report the complaint to the Division of Forests and Parks, which I will do, he said.

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

The date for the next Board meeting was scheduled for Thursday, August 26, 1982 at 1 p.m. unless action is taken by Governor King in signing the South Cape Beach bill in which case an emergency meeting will be called for in July.

Sarah H. Bee

Secretary



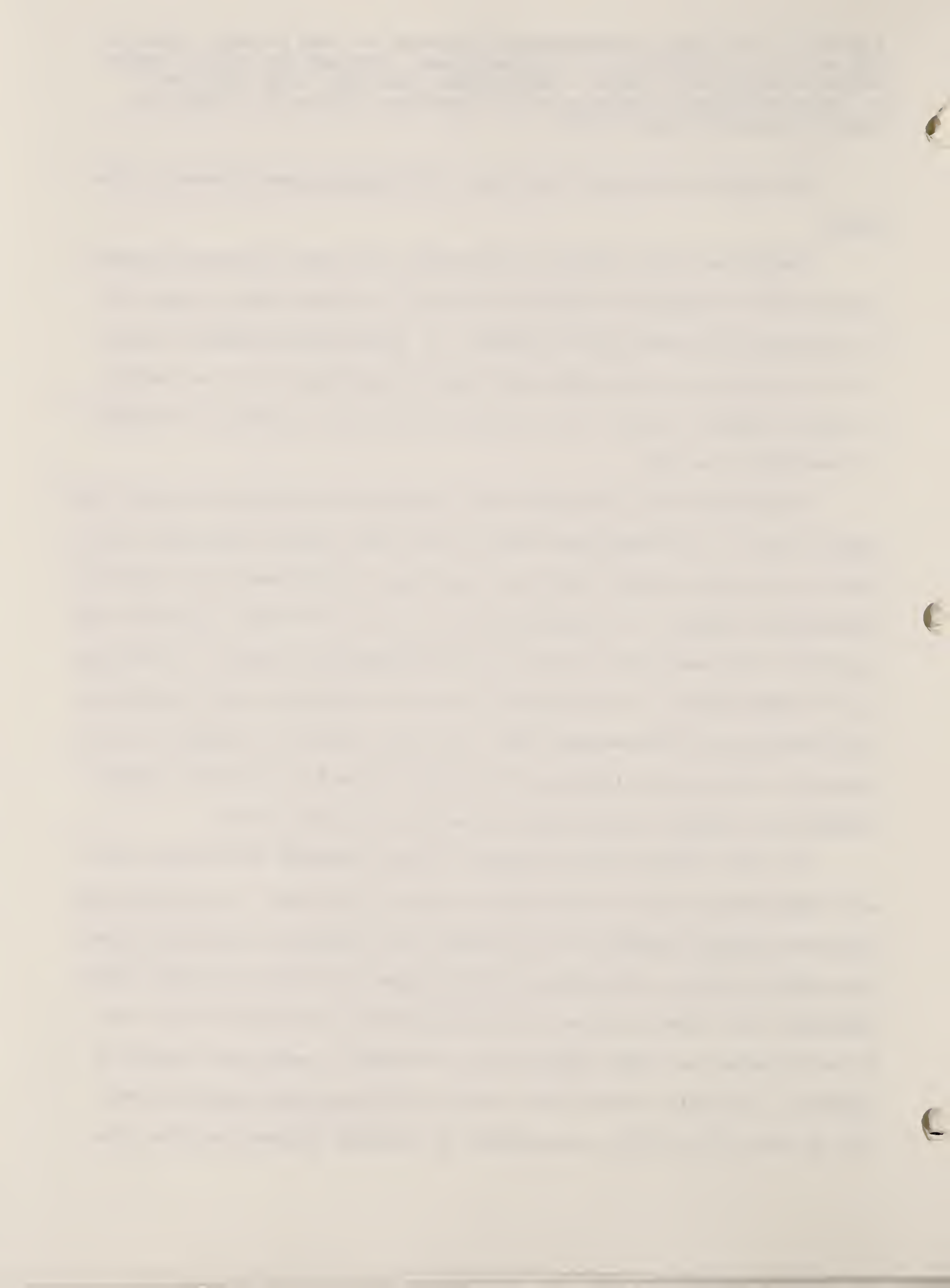
A meeting of the Board of Environmental Management was held Thursday, August 26, 1982 at 1 p.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Dana Duxbury, Sarah Bell, John Loupos and Dr. Norton Nickerson. Also present was Commissioner William F. M. Hicks and Deputy Commissioner Bennet Petry.

The minutes of the May 27 and July 1, 1982 meetings were approved as submitted.

Commissioner Hicks informed the Board that the South Cape Beach appraisal up-date will be completed in September at which time eminent domain taking will be presented to the Board for its approval. He added that the recently enacted off-street parking bill (\$5 million for coastal acquisition) may allow funding to acquire Washburn Island. We are going ahead with the appraisals to determine its feasibility, he said.

Commissioner Hicks and Bennet Petry reviewed the Department's proposed 1984 budget request. The Commissioner said that this year's budget preparation will be based on last year's formula which is in two forms - maintenance and an expansion appropriation requests. Of significance, he said, the '83 budget transferred the acquisition and construction account to the administration account. In preparing the '84 budget request, it is proposed to place the acquisition and construction and planning units under one unit head. It is also proposed to up-date the data processing system, and to build up the wetlands program by initiating a mapping program and a program to micro-fiche the wetland restriction files.

Mr. Petry reported that the budget is due on September 10 and that state-wide budget hearings will be held between October 18 and 20th. In explaining the expansion package, he said that it is listed as an adjustment to the base budget. The package includes, a \$2 million staffing request for Forests and Parks, which, hopefully, will restore unfilled year round positions and seasonal support lost in the '82 budget and again deleted in the '83 budget; a supervisory package to establish a recreation career ladder system in field positions upgrading level 12's to 14's, 16's to 18's; and reallocate 10 assistant regional positions from



18's to 22's. He said that the assistant regionals were excluded in the management reclassification package. Also, he said, the package includes staffing and equipment requests for the heritage parks, South Cape Beach, Cape Cod Rail Trail, Halibut Point, Holyoke Range and Appalachian Trail.

The Board requested that they be given the opportunity to review the final budget before submission to Secretary Bewick, and that they be informed of the hearing dates. They therefore scheduled the next Board meeting for September 13, 1982 at 10 a.m. in the office of the Commissioner.

There being no further business to come before the Board, the meeting adjourned at 2 p.m.

Sarah H. Beece

Secretary

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A meeting of the Board of Environmental Management was held September 13, 1982 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Ms. Sarah Bell, Ms. B.Jean Thomas and John Loupos. Also present were Deputy Commissioner Bennet Petry and Chief Planner Robert Yaro.

In the absence of the Chairman, Ms. Dana Duxbury, John Loupos was elected Chairman pro tem for the meeting.

The Board welcomed Ms. Thomas as a new member of the Board of Environmental Management.

The minutes of the August 26, 1982 meeting were approved as presented.

For the benefit of Ms. Thomas, Mr. Petry again reviewed the Department's Fiscal Year 1984 budget request and briefed her on the process followed in preparing a budget.

In further discussion on the budget, Mr. Yaro reminded the Board that the '83 budget combined the Office of Acquisition and Construction and the Planning Office under the Administration Account. He stated that he would be coordinating all activities of both offices. He said, DEM has \$54.6 million in authorized capital outlay funds plus \$16 million recommended by the Governor in the '83 budget (see attached). Approximately one-half of the \$70 million represents proposals to acquire additional lands adjacent to DEM's existing holdings, and major renovation and rehabilitation of existing areas. And in order to efficiently utilize these funds, it will require a staffing pattern expansion. For the first time, we will attempt to equate staff with project. Also, for the first time, we are developing a long term capital facilities plan and top priority will be the renovation and rehabilitation of the entire park system, which is long over-due. We hope to have a draft for the Board's review within the next two months.

On a motion duly made and seconded, it was -

VOTED - to accept the Department of Environmental Management's Fiscal Year 1984 budget request as outlined in its present form.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

RESEARCH ASSISTANT
JAMES M. HANCOCK
1968-1970

RESEARCH ASSISTANT
JAMES M. HANCOCK
1970-1972

RESEARCH ASSISTANT
JAMES M. HANCOCK
1972-1974

RESEARCH ASSISTANT
JAMES M. HANCOCK
1974-1976

RESEARCH ASSISTANT
JAMES M. HANCOCK
1976-1978

RESEARCH ASSISTANT
JAMES M. HANCOCK
1978-1980

In presenting the proposal to acquire South Cape Beach by eminent domain, Mr. Yaro stated that there are sufficient funds available to initiate a negotiated purchase. However, this may not be possible because of New Seabury. He said, the Agreement between DEM and the Town of Mashpee has been executed and appraisals have been updated.

It being Ms. Thomas' first meeting, it was agreed that she abstain from voting on the South Cape Beach acquisition. Therefore, because of a lack of a quorum, Ms. Duxbury was contacted by telephone and the following vote was read and approved by her. The Board gave its approval with the proviso that the acquisition amount not exceed the available appropriation.

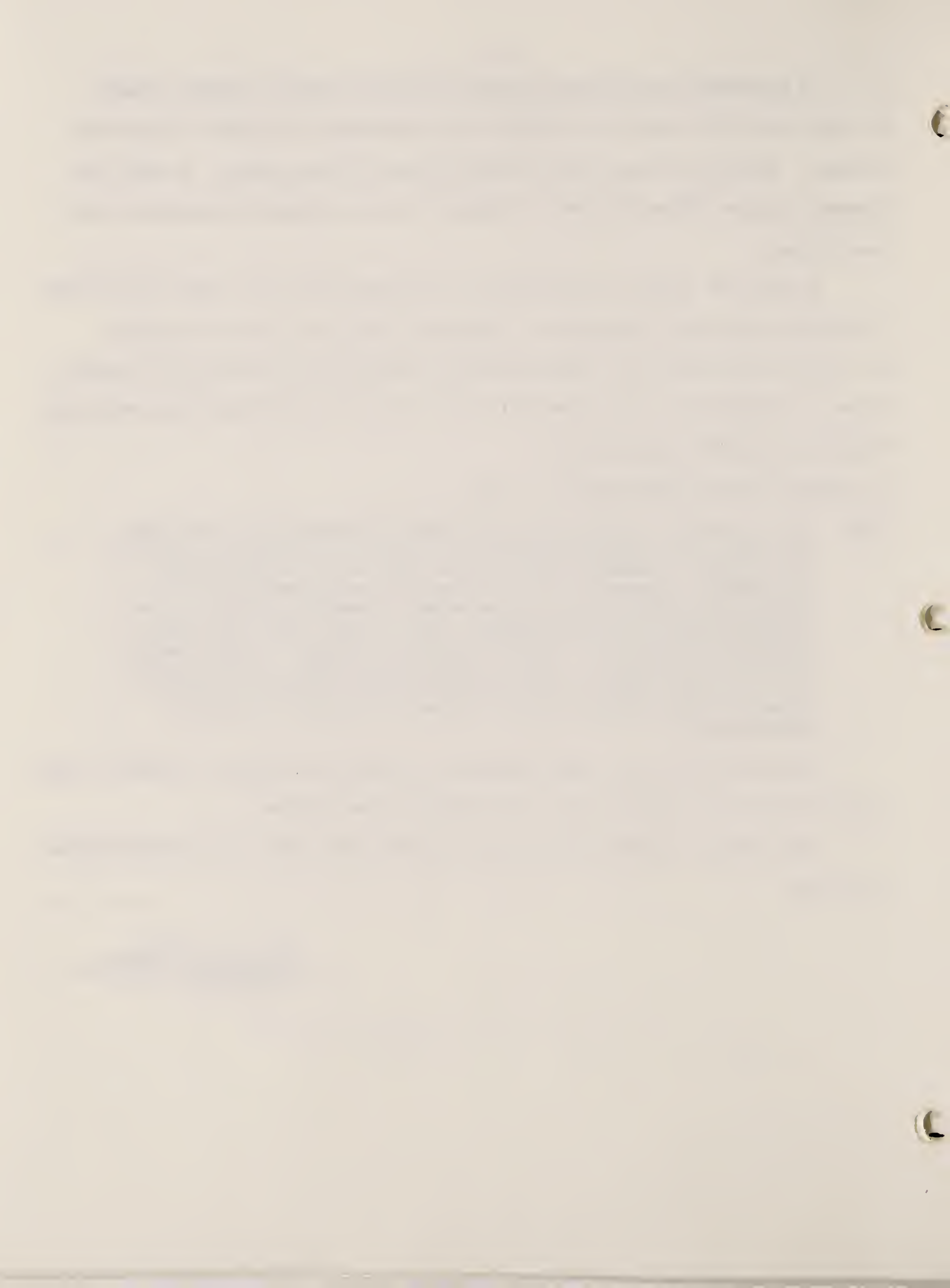
On a motion duly made and seconded, it was -

VOTED - That the Board of Environmental Management pursuant to the provisions of Chapter 132A, Section 3A of the General Laws, approves the exercise of the power of eminent domain by the Department of Environmental Management to acquire the property known as South Cape Beach, Town of Mashpee, Barnstable County, Massachusetts, containing 400 acres ± as shown on a two sheet plan entitled "Plan of Land - South Cape Beach - Mashpee, Massachusetts - prepared for the Department of Environmental Management - February 16, 1976 - Briggs Engineering & Testing Company, Inc.," provided that no land owned by the Town of Mashpee shall be taken; and that payment is not to exceed the amount of available appropriation.

The date for the next Board meeting was scheduled for Tuesday, October 19, 1982 in the office of the Commissioner, 100 Cambridge Street, Boston.

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

Sarah H. Bee
Secretary



DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Division of Acquisition and Construction

ACTS	CHAPTER	ITEM	ORIGINAL APPROPRIATION	BALANCE REMAINING	PROJECT
1970	742	2630-9060	\$ 3,500,000.	\$ 17,579.	Boston Harbor Islands
1972	803	2632-7201		Acq. 32,627.	Lowell HSP/Appalachian Trail
		2632-7202	3,000,000.	Constr. 2,418.	Lowell HSP
1974	519	2611-8752		Acq. 936,738.	(Appalachian Trail/Tolland State Forest/ (Walden Pond Reservation/West Branch - (Westfield River/Holyoke Range Massasoit State Park/Cochituate State Park Planning & Design
1976	481	2611-8753	8,600,000.	Constr. 122,337.	Cape Cod Railroad
		2611-8754		Planning 43,813.	Lowell Heritage State Park
		2120-8773	600,000.	23,170.	Webb Memorial State Park
		2120-8774	1,800,000.	1,251,517.	Bascom Lodge
		2120-8775	500,000.	50,850.	South Cape Beach
		2120-8776	145,000.	0	Quinsigamond State Park
		2120-8777	1,500,000.	1,456,425.	Blackstone River State Park
1977	920	2120-8781	200,000.	200,000.	Lowell Heritage State Park
		2120-8782	1,000,000.	344,185.	Boston Harbor Islands
1978	513	2120-8791	4,100,000.	3,813,469.	Wells State Park
		2120-8792	1,500,000.	709,484.	Rehabilitation of Existing Areas
		2120-8793	350,000.	0	Halibut Point
		2120-8794	1,125,000.	17,635.	Sports Complex - South Berkshire
		2120-8795	400,000.	0	Holyoke Range
		2120-8796	1,200,000.	1,185,000.	Harold Parker State Forest
		2120-8797	600,000.	135,206.	Fall River HSP
		2120-8799	200,000.	3,400,673.	Southwest Corridor
		2121-8792	5,000,000.	200,000.	Urban Heritage State Parks
		2121-8782	200,000.	13,521,897.	Public Access Acquisition Plan
1979	798	2120-9801	20,000,000.	0	Rehabilitation of Existing Areas Abbott Tree Farm
		2120-8801	1,000,000.	442,306.	Recreational Support Facilities-Horseneck
		2120-8802	1,000,000.	1,000,000.	Halibut Point
		2120-8804	1,300,000.	0	Amendment - Urban Heritage State Parks (Nixon Property - Plymouth
		2120-8805	500,000.	483,087.	(Miscellaneous Acquisition Rehabilitation of Earthen Dams
		2120-8806	200,000.	0	Undeveloped Beaches - Public Access
1980	512	2120-9801	750,000.	621,637.	Horseneck Beach
1980	578	2120-8811			Blackstone River State Park
		2120-8812	500,000.	440,000.	Bascom Lodge
		2120-8814	1,000,000.	1,000,000.	Abbott Tree Farm
		2120-8815	250,000.	203,000.	Coastal Acquisition
		2120-8816	160,000.	111,384.	Bike Paths and Hiking Trails
		2120-8817	200,000.	165,000.	Acq. Inholdings State Forests & Parks
		2120-9812	150,000.	12,645.	Mosley Estate
1982	313	2120-8821	5,000,000.	5,000,000.	Acq. Dev. & Redev. of Fresh Water Swimming
		2120-8822	500,000.	500,000.	
		2120-8823	5,000,000.	5,000,000.	
		2120-8824	5,000,000.	5,000,000.	
		2120-8825	1,000,000.	1,000,000.	
			\$16 million		
			79,030,000.	48,444,082	



A meeting of the Board of Environmental Management was held Tuesday, October 19, 1982 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Ms. Dana Duxbury, Ms. Sarah Bell, and John Loupos. Also present was Commissioner William F. M. Hicks.

The minutes of the September 13, 1982 meeting were approved as submitted.

Commissioner Hicks informed the Board that Ms. B. Jean Thomas, newly appointed member to the Board of Environmental Management, has submitted her resignation due to a conflict of interest ruling by the Ethics Commission which specified that she cannot, simultaneously, serve on the DEM Board and the South Cape Beach Advisory Committee.

The Board then discussed its recent approval of the South Cape Beach taking. It was determined that it not be considered valid because of the lack of a quorum at the time of approval. They also discussed the issue, whether or not the Board should approve eminent domain takings without full knowledge of the dollar value; or, if not a known figure, at least a statement to the effect that the acquisition amount not exceed the available appropriation.

For the Board's information, Commissioner Hicks brought to its attention a legal opinion which was rendered, at the Board's request, on a similar issue which states in part "...there is no requirement in the statute that a dollar value be attached, or be a condition of the approval..." - any such statement would be extraneous, he said. Also, when preparing pro tanto payments, we are limited to the existing appropriation and if the Court award is a larger amount, legislative approval is necessary.

On a motion duly made and seconded, it was -

VOTED - that the Department of Environmental Management pursuant to the provisions of Chapter 132A Section 3A of the General Laws, approves the exercise of the power of eminent domain by the Department of Environmental Management to acquire the property known as South Cape Beach, Town of Mashpee, Barnstable County, Ma., containing 400± acres as shown on a two page plan entitled "Plan of land - South Cape Beach - Mashpee, Ma. - prepared for the Department of Environmental Management - February 16, 1976 - Briggs Engineering & Testing Co., Inc." provided that no land owned by the Town of Mashpee shall be taken.



Commissioner Hicks reviewed for the Board, House Ways & Means capital outlay recommendations (list of projects attached). In addition to these funds, if approved, he said, is the \$20 million in the off-street parking bill.

There being no further business to come before the Board, the meeting adjourned at 11:30 a.m.

The date for the next Board meeting was set for Monday, November 15, 1982 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston.

Sarah H. Bee
Secretary



A meeting of the Board of Environmental Management was held Monday, November 15, 1982 at 10:00 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Ms. Dana Duxbury, Ms. Sarah Bell and John Loupos. Also present was Commissioner William F. M. Hicks.

The minutes of the October 19, 1982 meeting were approved as submitted.

Discussion followed on the proposed cross country ski tour concession on the Harold Parker State Forest. Director Bliss was asked to explain the proposal. In so doing, Director Bliss said that the Division had been contacted during the summer by Mr. Duane Johnstone of Snowmas Ski Touring Center, with a proposal to operate a cross country ski tour on artificial snow cover, on an experimental basis on one of DEM's facilities. The Division felt the proposal was an innovated activity and one in keeping with the Department's authority to provide recreational activities on state forests and parks. Several areas were canvassed and it was determined that the Harold Parker State Forest would be an appropriate area. Prior to this decision, it was determined that no substantial damage would occur to the area. A public hearing was called on October 19 but had to be cancelled due to an over-crowded hall. It was rescheduled for November 3. We felt that all concerns were addressed at the hearing.

Because the proposal was considered "experimental" in nature, together with the possibility that snow-making may not be feasible, it was determined not to seek competitive bid proposals. Although no formal agreement was entered into, it was agreed to grant Mr. Johnstone a two year permit with the option to match the bid at the end of this period and continue as concessionnaire for an additional three years. This was considered reasonable because of Mr. Johnstone's initial investment which would probably be about \$30,000. We feel we are on solid ground, he said, as far as the legality of our actions are concerned. This procedure has been practiced on other DEM areas; in fact, it is written directly into the legislation regarding one of our areas - the operation of the farm at the Carlisle State Forest.



In conclusion, Director Bliss stated that due to the negative opposition and pending law suit, the decision to further consider the Harold Parker Forest has been clouded. Further, the plaintiffs in the law suit are a group of horse-back riders and commercial stable operators who frequently use the Harold Parker Forest, and the abutters to the forest itself. We feel that no level of satisfaction can be reached with them. We plan to establish an advisory committee and initiate a site specific study to determine an appropriate permanent site to accommodate this type of an activity if the "experimental" period is successful.

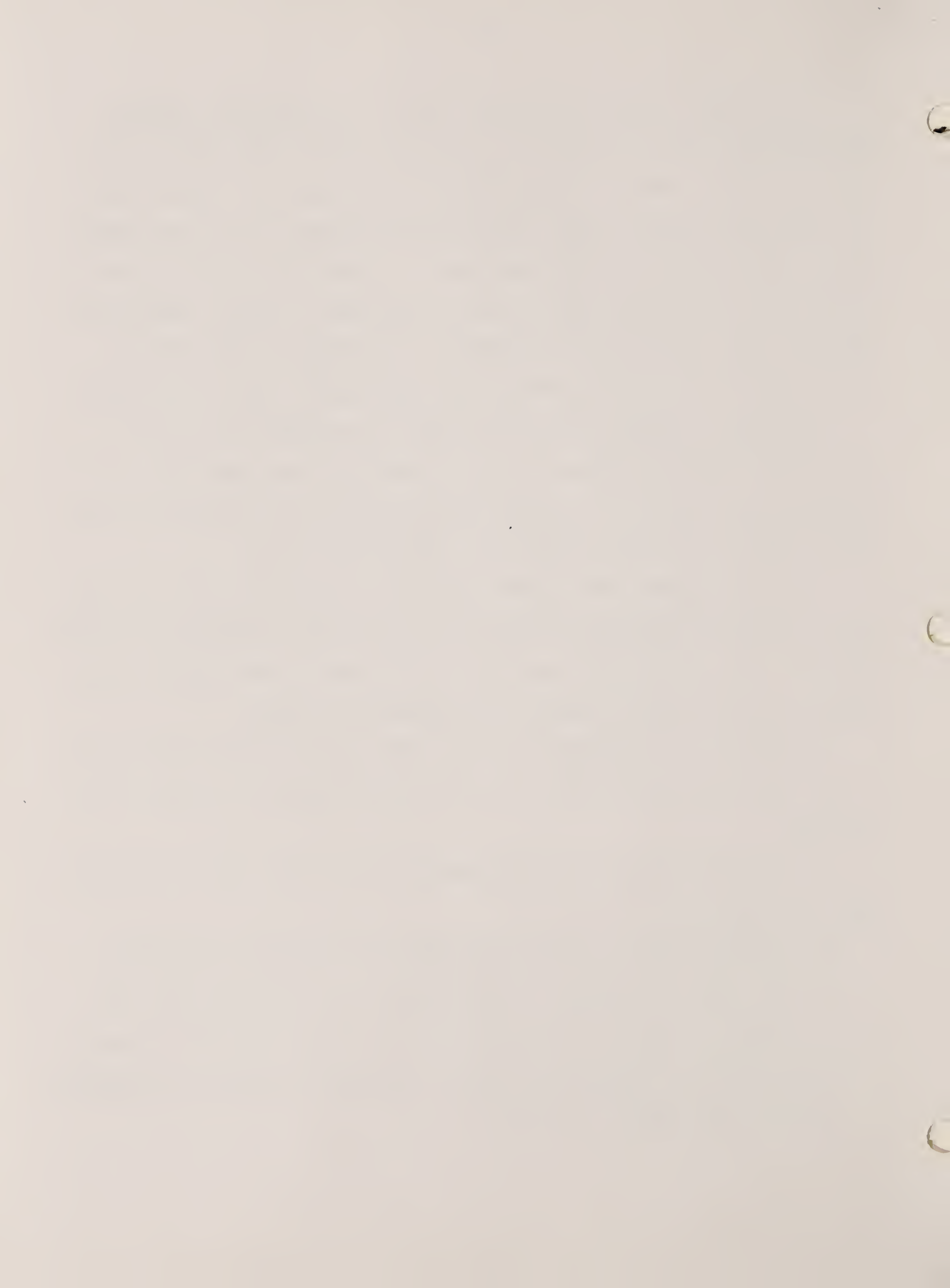
The Board, in general, raised no objection to the proposal per se, but questioned the appropriateness of a private individual being exempt from the bidding process, as well as this same individual being given the option to match the bid amount at the end of the two year "experimental" period.

It was Ms. Duxbury's feeling that the public as well as the Board of Environmental Management be made aware of such proposals at their inception and not after the fact. They then discussed the issue - at what point in time should a public hearing be held on similar proposals. No agreement was reached.

Ms. Duxbury also questioned whether the Board should develop a viable policy to deal with future requests such as as the Johnstone proposal. No decision was concluded.

The general concensus was that Commissioner Hicks obtain legal clarification from DEM Counsel on -

1. The appropriateness of a private individual being exempt from the bidding process in order to conduct an "experimental" activity on state-owned land.
2. The legality to allow a private individual the option to match the bid amount at the end of the "experimental" period to allow him to continue as concessionaire for the additional three years.



The amendment to the Walpole Order of Restriction (Diamond Brook Watershed Flood Prevention Project) was presented to the Board for its approval and Mr. Hayward explained the need for the correction. The amendment, he said, will allow culverting the water after it leaves the dammed area and will pass in a controlled state through the center of Walpole for flood prevention purposes. The amendment is at the request of the Town, he said, and should have been included in the original order of restriction.

On a motion duly made and seconded, it was -

VOTED - to approve an Order under M.G.L. Chapter 131 Section 40A adopted on December 18, 1975 and recorded at the Norfolk Registry of Deeds, Dedham, on January 5, 1976 in Book 5191 Page 206 and as Document No. 35644 in the Land Court Section, and amended by an Order of Amendment dated February 20, 1980 and recorded on February 20, 1980 in Book 5708 page 627 at said Registry is hereby further amended by deleting the words that appear after the word "Commission" in paragraph "0" of said amendment and inserting in place thereof the words "Contracts for the Diamond Brook Watershed Flood Prevention Project".

Commissioner Hicks and the Board members affixed their signatures to the amended order of restriction.

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

The date for the next Board meeting was scheduled for Tuesday, December 14, 1982 at 12 noon in the office of the Commissioner.

Sarah H. Bree
Secretary

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A meeting of the Board of Environmental Management was held Monday, December 13, 1982 at 12 noon in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Ms. Dana Duxbury, Ms. Carol Lash, Ms. Sarah Bell, and John Loupos. Also present was Commissioner William F. M. Hicks.

The minutes of the November 15, 1982 meeting were approved as submitted.

For the Board's consideration, Commissioner Hicks presented the proposal to take by eminent domain 2.75 miles of abandoned railroad in Eastham. He said, the area is to be used as an extension to the Cape Rail-Trail from Eastham to Wellfleet town line.

On a motion duly made and seconded, it was -

VOTED - that the Board of Environmental Management pursuant to the provisions of Chapter 132A, Section 3A of the General Laws, approves the exercise of the power of eminent domain by the Department of Environmental Management to acquire the 2.75 mile abandoned railroad right-of-way extending from Locust Street in Eastham north to the Wellfleet town line owned by the Penn Central Corporation.

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

The date for the next Board meeting was scheduled for Friday, January 7, 1983 in the office of the Commissioner.

Sarah H. Bell
Secretary

