

**Environmental Management Commission
 Waquoit Bay National Estuarine Research Reserve
 East Falmouth, Massachusetts
 September 29, 2004
 5:00 p.m.**

Meeting Minutes

<u>Members:</u>	<u>Organization:</u>	<u>Telephone:</u>	<u>E-Mail:</u>
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Gary Moran (sitting in for Robert Golledge)	DEP	508-946-2712	
Commissioner Kathy Abbott	DCR	617-722-5500	
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Bill Henchy	Upper Cape Regional Water Cooperative	508-255-1636	whenchy@family.net

Agenda Item #1. Review of March 3 and June 2, 2004 Meeting Minutes

Environmental Management Commission (EMC) Chair David M. Peters, commissioner of the Massachusetts Department of Fish and Game (DF&G) convened the meeting at 5:00 p.m. with general comments. Minutes from the March 3, 2004, and June 2, 2004 EMC meeting were reviewed, and Commissioner Kathy Abbott from the Massachusetts Department of Conservation and Recreation (DCR) made a motion to approve the minutes. Commissioner Peters second the motion. The minutes were approved unanimously, as written.

Agenda Item #2. Chairman's Comments

Commissioner Peters stated that the legislation which established the EMC, Community Advisory Council (CAC) and the Science Advisory Council (SAC) seems to be working very well. He said that there has been a lot of progress and cooperation on the Annual *State of the Reservation Report* and as a result a "great" report has been produced.

Agenda Item #3. Members' Comments

There were no comments.

Agenda Item #4. EMC Environmental Officer's Report

Mr. Mark Begley, the environmental officer for the EMC, reported that the CAC met on June 22, 2004 and reviewed issues relating to tungsten and the small arms ranges. He said that a SAC meeting was held on July 21, 2004, where small arms ranges issues were discussed, and on September 23, 2004 the 2004 Preliminary Draft *State of the Reservation Report* comments were reviewed. Mr. Begley noted that the next CAC meeting will be held on October 13 at the new Barnstable County Correctional Facility.

Mr. Begley stated that based on meetings with Ms. Virginia Valieila, CAC chair, Mr. Russ Cookingham, SAC chair, and the governor's representative, the draft by-laws of the EMC were reviewed, and a number of recommendations were made. Among the recommendations were: dropping terms, including a procedure for failing to attend meetings and replacing a member who is not attending, and general procedures. Mr. Begley said the committees would vote periodically to elect new chairs. Mr. Begley noted that the CAC and SAC had the opportunity to review the revised draft by-laws at their previous meetings.

Mr. Begley stated that he participated in a community outreach workshop in August, which was sponsored by the Environmental & Readiness Center (E&RC).

Mr. Begley stated that during the June 22, 2004 CAC meeting, Ms. Valiela made a motion to request the EMC ask the SAC to investigate the mobility of lead and tungsten and any other metals related to the ammunition used at the MMR and the level of threat to the groundwater and the environment. All CAC members present at the meeting voted in favor of the motion.

Mr. Begley displayed a slide of secondary containment, which is an example of an activity on base designed to protect the environment. He said that there has been a lot progress made on the installation of monitoring wells and roads, lessening impact to the habitat.

Mr. Begley stated that he identified a problem at the ranges: the manmade cement “fox holes” that soldiers fire from are a trap for animals. The solution to the problem is fiberglass covers for the foxholes and are in the process of being researched.

Mr. Begely noted that there are improvements being made to the small arms ranges. He said that one of the requests made is to move the targets from the top of the berm to the front of the berm for recycling the bullets.

Commissioner Peters requested that the revised draft by-laws be reviewed by the Commissioners within six weeks. He recommended that there be a vote on the approval of the revised draft by-laws at the December meeting.

Commissioner Peters noted that there was a good job done on the revised draft by-laws and he appreciates all the effort.

Commissioner Peters asked that there be periodic updates on the status of small arms ranges improvements. It was noted that at the previous EMC meeting a request was made for the E&RC to give an update periodically and there would be an update during the meeting.

Commissioner Peters requested that the commissioners have another tour of the base. He commented that it is important for the legislators to have an update on how the legislation is working. He noted that committee chairs will be reassigned and it would be beneficial for the Cape delegation, senators, and legislators to have an update.

Agenda Item #5. Community Advisory Council (CAC) Report

Mr. Larry Cole, CAC member, reported that Mr. Begley and COL Bill FitzPatrick, compliance program manager at the E&RC, provided an update on tungsten and the small arms ranges at the June 22, 2004, CAC meeting. He said that the CAC is scheduled to meet on October 13, 2004, at which time the council will vote for a new chairperson. Mr. Cole noted that Ms. Valiela would like to resign as CAC chair. During the next meeting, members will receive an update on the status of the Draft *State of the Reservation Report* and Mr. Bill Henchy, attorney for the Upper Cape Regional Water Cooperative will give a presentation.

Mr. Cole noted that the June 22, CAC meeting, was attended by only six members. The vacancies for the CAC are in the process of being appointed.

Mr. Cole stated that the CAC requested for the SAC to investigate the mobility of lead and tungsten and any other metals related to the ammunition used at the MMR and the level of threat to the groundwater and the environment. He said that measures will be reviewed to prevent contamination of the groundwater supply from tungsten and lead.

Commissioner Peters asked for SAC Chair Russ Cookingham’s response to the CAC’s request.

Agenda Item #6. Scientific Advisory Council (SAC) Report

Mr. Cookingham stated that an SAC meeting was held on July 21, 2004 and the SAC decided that they would like to have more information on tungsten before making any recommendations. Mr. Cookingham reported that an SAC meeting was held on September 23, 2004, during which the council was updated on the 2004 Preliminary Draft *State of the Reservation Report*.

Mr. Cookingham noted that there was low attendance at this meeting. He said that at the meeting scheduled for November 18, 2004, the SAC should be able to discuss the request made by the CAC. He also said that Dr. Jack Duggan, from the Wentworth Institute of Technology has been nominated to fill the vacancy on the SAC. Dr. Duggan specializes in metals, and his assistance will be greatly appreciated, Mr. Cookingham said.

Commissioner Abbott asked how many seats are on the SAC and CAC. Mr. Begley replied that there are five to nine seats on the SAC and fifteen on the CAC. Commissioner Abbott asked how many seats were vacant on each council. Mr. Begley replied that five seats are open on the CAC and one is open on the SAC.

Commissioner Peters stated that there is a backlog on appointments at the Governor's office. He said the paperwork is being processed, and he will follow up again for quicker action. Commissioner Peters stated that the recovery of ammunition is important because if ammunition is recovered, then there is no debate over mobility. A long-term plan is important, he said, and should be part of the SAC action items in the future, as it is part of why the SAC was formed. He thanked Mr. Cookingham and the SAC for all their work. He said that it is also important to get comments back to the military on the Draft *State of the Reservation Report*.

Agenda Item #7. Massachusetts National Guard Comments

LTC Dave Cunha, acting director of the E&RC, noted that when Mr. Begley was visiting the ranges he found an artifact, which was identified as a 450 to 1000 year-old spearhead. The spearhead has been turned over to the Public Archaeological Laboratory.

LTC Cunha stated that the Environmental Management Systems (EMSs) for Camp Edwards is in the early stages and how the EMSs will be monitored is being reviewed. He said that the EMSs will help ensure that the Environmental Performance Standards (EPSs) are followed. LTC Cunha said a joint process has been put together, the Environmental Quality Control Committee was established and had its first meeting and the implementation plan was recently completed. LTC Cunha will periodically update the EMC, CAC, and SAC on the EMSs program.

LTC Cunha displayed a slide of a fox hole, noting that these have trapped animals. He said that covers for the fox holes have been purchased for all of the ranges and will be installed soon. Commissioner Peters asked how many fox holes there are on base. LTC Cunha replied that there are 155 fox holes at different ranges.

LTC Cunha stated the Army Environmental Center (AEC) is still reviewing the tungsten project. The sampling plan is under development and funding is being reviewed, because it is the end of the fiscal year. Commissioner Peters asked if the sampling plan for tungsten is in the budget for next year. LTC Cunha stated that the funding is being reviewed.

LTC Cunha stated that the ranges are being reviewed for improvements. He said that there are no traps presently for tungsten; however, there is the basic berm for bullet traps. Commissioner Peters asked when would be the implementation for changes and new traps at the ranges. COL Cunha stated that he recently met with the Impact Area Groundwater Study Program (IAGWSP) to discuss options and requirements and Demo 1 may be the first range for the trap improvements.

Commissioner Peters stated that by the December meeting, he would like to know the process for making changes at the ranges. He said that it is a major concern to move forward soon on this item and have an action plan and implementation strategy. COL FitzPatrick said the Guard is making a commitment to do

this not just to the EMC but to the Guard as well, so that soldiers can be trained into the future. Commissioner Peters said he would like to see some sort of action plan or implementation strategy. LTC Cunha noted that 20 firing positions had been closed at Charlie range because no berm was in place.

Mr. Moran asked if the systems that are being reviewed are for tungsten and lead. LTC Cunha replied that the systems will be tested for tungsten and lead.

COL FitzPatrick stated that the range improvements are part of the EMSs process.

LTC Cunha noted that the prescribed burn program has been very successful. He noted that the prescribed burns improve the habitat, training mobility, and reduce fuel for potential wildfires. The next cycle for prescribed burns is from October 6 through November 30. There was a recent discussion with the Sandwich fire chief regarding the need for protection from wildfire on the east side of the base, adjacent to the Forestdale neighborhood.

Dr. Mike Ciaranca, natural resources manager at the E&RC, stated that notifications have been sent to the Forestdale neighborhood describing what a prescribed burn is, the agencies involved in conducting one, and the safety measures in place. Commissioner Peters said that the prescribed burns are a good management tool. He also said that he is very impressed by the prescribed burn program.

Mr. Begley inquired about the New England cottontail's status. Dr. Ciaranca stated that the New England cottontail has been proposed for Federal listing.

Agenda Item #8. Presentation on Preliminary Draft of the 2004 State of the Reservation Report

Mr. Bill Sullivan, E&RC's operations manager, gave a brief update on the Training Year (TY) 2004 Annual *State of the Reservation Report* process. He noted that the 2003 annual report process included board of selectmen briefings in April and May 2004 and an appearance on the Adelphia Phil Goddard cable show. There was also a 2003 Overview *State of the Reservation Report* document published and distributed to the community in April.

Mr. Sullivan stated that TY 2004 ends on September 30, because the training year is based on the fiscal year cycle. He said that a preliminary draft report was released at the end of August and data from the training year will be added to the final draft report. He noted that the final report will be published at the end of January 2005.

Mr. Sullivan commented that the report is basically the same format and content as the 2003 annual report. He noted that the 2004 annual report will have updated tables and figures, changes in the names of some appendices, and additional information, such as graphs, that will reflect trends over a period of years.

Mr. Sullivan stated that highlighted areas in the preliminary draft report indicate changes in the habitat management tables and figures and items that will be added after September 30. Information about the remediation programs located on base and information about future work has also been added, he said.

Mr. Sullivan noted that under the section on habitat management, information is included about the six prescribed burns, totaling 672 acres, conducted by the natural resources program. He said that a contract has been awarded for the Deep Bottom Pond restoration, which should begin in 2005. He noted that repairs were made to erosion sites in May 2004 and restoration done at the Cantonment area grasslands. He also said that a figure in the report has been updated to reflect the restoration of the grasslands.

Mr. Sullivan stated that a table was added to the 2004 Preliminary *State of the Reservation Report* listing the EMC, CAC, and SAC meetings.

Mr. Sullivan noted items to be added after September 30 are the U.S. Geological Survey (USGS) information, rainfall utilization from the 102nd Fighter Wing (FW), water usage and quality from the Upper Cape Water Cooperative and the 102nd FW, waste water treatment plant (WWTP) discharge from the 102 FW, natural resources summer field work, pesticide/herbicide usage, vernal pool certification, military training, and remediation activities. He said that the 2004 annual report includes information about Chemical Spill 19 (CS-19), Demo 1, Demo 2, J-2 and J-3 Ranges soil excavation. He also said that the annual report will include information about the soil treatment at the thermal desorption unit and groundwater treatment at the Demo 1 plume.

Mr. Sullivan noted that future work for TY 2005 includes the Deep Bottom Pond restoration work and Donnelly Pond area restoration project design, Estey Road upgrade/resurface project, Joint Land Use Study (JLUS), noise study, small arms ranges and tungsten nylon study, and updated Integrated Cultural Resources Management Plan (ICRMP). He also said that the Integrated Natural Resources Management Plan (INRMP) will be updated in 2006.

Mr. Sullivan stated that verbal comments for the 2004 Preliminary Draft *State of the Reservation Report* were received at the September 23 SAC meeting. He said that written comments from the SAC members are being routed through Mr. Begley. He also said that the comments on the annual report are appreciated.

Mr. Sullivan noted that the goal is to create a more reader-friendly report that provides more trending.

Commissioner Peters commented that the annual report is a more readable-friendly report and he appreciates the input. He asked if Mr. Sullivan has received feedback on the report from any sources other than the EMC, SAC, and CAC. Mr. Sullivan replied that there have been no other comments.

Commissioner Peters asked if there would be another “road show” for the 2004 *State of the Reservation Report*. Mr. Begley stated that the presentations to the local boards of selectmen and community were well received for the 2003 annual report.

Ms. Lynda Wadsworth, E&RC’s public outreach manager, stated that there would be bi-annual visits to the local board of selectmen as part of the E&RC’s community involvement plan. Mr. Begley noted that there could be another presentation on the Adelphia cable show for the 2004 annual report.

Mr. Moran asked if the 2004 Preliminary Draft *State of the Reservation Report* was distributed to the Department of Fisheries and Wildlife and the Department of Environmental Protection. Mr. Begley noted that last year the final draft was distributed to the agencies. He also said that the 2004 preliminary draft report should be on the E&RC web site and it may be useful to see what other organizations may have for input or suggestions. He also said that there have been a number of suggestions to make the 2004 annual report more user-friendly.

Commissioner Abbott inquired whether there was any notification that the draft annual report is on the web site. Ms. Wadsworth noted that last year there was notification when the 2003 draft report was posted on the web site. She said that there is a MMR monthly newspaper column in the local Enterprise and the annual report is in the *Environmental Monitor*.

Agenda Item #9. Upper Cape Regional Water Supply Cooperative Overview

Mr. Begley gave a brief summary of the Upper Cape Regional Water Supply Cooperative. The Cooperative was created by Chapter 352 of the Acts of 2000. The main purpose is to protect the groundwater for the primary purpose of drinking water.

Mr. Begley stated that the water supply system was initially developed by the Department of Defense in July 1998 for a 3 million gallon per day system to be built within three years. He said that there are extensive environmental assessments and safeguards which include *Chapter 352 of the Acts of 2000* and the Massachusetts Environmental Policy Act review. He also noted an interesting component of the system, the Water Cooperative's Supervisory Control and Data Acquisition System referred to as the SCADA system, which is a computer operated system.

Mr. Begley presented views of a state-of-the-art system that included the control system, wells, pumps and controls, tower, and connection to municipalities.

Mr. Bill Henchy, attorney for the Upper Cape Regional Water Supply Cooperative, requested that the EMC give permission for him to work with their staff and both advisory councils for input and suggestions on the permanent easement. The staff would include the Division of Fisheries and Wildlife; *Chapter 47 of the Acts of 2002* gave them custody of the northern 15,000 acres.

Mr. Henchy stated that the water supply cooperative has been able to assist Bourne and Falmouth with their public water supply.

Mr. Henchy stated that the infrastructure's 5-year lease for the Upper Cape Regional Water Supply Cooperative needs to become a permanent easement. He said that any change is still subject to all of the regulatory requirements.

Ms. Abbott asked if there were any plans to expand the water supply cooperative. Mr. Henchy replied that he is not sure what the future plans are to expand. He said that he does not feel that any of the communities know the full extent of the groundwater pollution that may impact their public water supply. He also said that there is a threat of perchlorate to two of the water cooperative's groundwater wells.

Ms. Abbott asked if there were demand projections done during the Massachusetts Environmental Policy Act process establishing the water cooperative. Mr. Henchy replied that he could not confirm whether there were demand projections done. He said that there is an extent of which growth and public water supply are interrelated and the demand for public water is driven partly by growth and larger measures by the public's concern that private drinking wells are not safe with the extent of groundwater pollution in the area. The need for public water has driven to a high extent for the need to tie into a safe source of water, he also said.

Mr. Moran asked if there has been any impact on the current 5-year lease. Mr. Henchy stated that there were not any other issues, other than it is impractical to have a 5-year lease.

Ms. Abbott asked if there has been opposition for a permanent easement. Mr. Henchy replied that he was not aware of any opposition. He said that he could supply a copy of the steps that are necessary in the process for permanent easement.

Commissioner Peters asked if there have been any negotiations yet for the permanent easement. Mr. Henchy replied that negotiations have not started, and a request has only been made to work with the advisory councils on the permanent easement process. Commissioner Peters recommended identifying the step by step process.

Agenda Item #10. Other Business

Mr. Moran suggested another base tour for the commissioners before the next EMC. He said that the ongoing work on the MMR has been very successful and deserves recognition.

Agenda Item #11. Public Comment

There was no public comment.

Agenda Item #12. Schedule Next Meeting

The next EMC meeting is tentatively scheduled for December 8, 2004, at 5:00 p.m., at the Waquoit Bay National Estuarine Research Reserve.

Agenda Item #13. Adjourn

The meeting adjourned at 7:00 p.m.