

In attendance:

- Chairs:** David Cash (EEA); Mary Griffin (DFG)
- Members:** Martin Pillsbury (MAPC); Kathy Baskin (EEA); Phil Guerin (City of Worcester); Raymond Jack (Town of Falmouth); Brian Wick (CCCGA); Jennifer Pederson (MWWA); Peter Shelley (CLF); Jack Clarke (MassAudubon); Margaret Van Deusen (CRWA); Alan Cathcart (Town of Concord)
- Others:** Jeff Davis - Facilitator (UMASS); John Clarkeson (EEA); Peter Newton (SEA); Heidi Ricci (MassAudubon); Mark Tisa (DFW); Todd Richards (DFW); Anne Carroll (DCR); Jonathan Yeo (DCR); Glenn Haas (DEP); Martin Suuberg (DEP)

Meeting Objectives:

- Consider recommendation from Technical Subcommittee to adopt Habitat Categorization methodology
- Continue discussion of safe yield and sustainable allocation

Action Items resulting from today's meeting:

- A complete narrative is to follow, providing the documentation outlining the conditions expected in each individual Category. The agencies will provide this information soon.
- A descriptive narrative is needed should a "challenge" to a categorization be sought. How to challenge, who has standing to challenge, and to whom to challenge need be determined.
- Charge to the Tools Workgroup: look at offsets and water quality issues to help provide guidance
- Charge to the Technical Subcommittee: Continue to develop streamflow criteria. Streamflow criteria should include goal setting, which might include a regional approach.

Items of Agreement:

- The Habitat Categorization methodology was accepted in principle.

Parking Lot Issues: none identified this meeting

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Proceedings:

Jeff Davis, Facilitator, opened the meeting with a reminder of our responsibility to listen closely, test assumptions, and ask clarifying questions. He asked for full participation by Committee members, and reminded us to always be professional and be respectful. Then there were self-introductions offered around the room.

David Cash offered some updates and reviewed the agenda.

- Retreat – not ready for September, but October is now being considered.
- Today we will continue our discussion of categorization
- Remainder of time reviewing the safe yield and streamflow criteria package
- We will solicit ideas to help frame a conceptual framework. This will be done in the spirit of brainstorming, not policy proposals.

Habitat Categorization:

**Mark Tisa, DFW
Todd Richards, DFW**

Refer to adjoining power point presentation Stream Categorization – Advisory Committee 9-1-2010. See http://www.mass.gov/Eoeea/docs/eea/water/2010_Sep_1_ADV_Categorization_Final_Richards.pdf

Categorization is:

- Statewide Screening Tool
- Describe the Current Condition – done on the sub-watershed scale. 1429 sub-watersheds (HUC 12)
- Using Best Available Science
- Living Document
- Useful Tool for Discussion of:
 - Goal Setting
 - Streamflow Criteria
 - Safe Yield

Categories are narrow at the low end of alteration - high quality resources have sensitive populations that respond extensively to alteration.

Categories are broad at the high end of alteration – communities of more tolerant species remain, providing less change per unit of alteration.

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a) Clarifying questions

Question: Who was present at the Technical Subcommittee when the methodology was accepted?

Answer: There was representation from a broad spectrum of viewpoints. The members in attendance were: Dave Kaplan (City of Cambridge); Nigel Pickering (CRWA); Glenn Haas (DEP); Jeff Davis (UMASS); Brian Wick (CCCCGA); Cary Parsons (Woodward and Curran); Kerry Mackin (IRWA); Vicki Zoltay (Abt Assoc.); Peter Weiskel (USGS); Piotr Parasiewicz (Rushing Rivers Institute); John Kastrinos (Haley & Aldrich); Tom Camberari (Cape Cod Commission); Eric Hooper (Town of Sharon) Ralph Abele (EPA); Kathy Baskin (EEA); Jack Buckley (DFG); Glenn Haas (DEP); Anne Carroll (DCR).

Question: Regarding the focus on fish, are there other yardsticks that we use?

Answer: Fish have been accepted as a surrogate for stream health. Alternatives have been discussed over the course of the meetings, but fish were accepted. Remember that this is a screening tool, it does not replace other attributes.

Question: What effort has been done by ground-truthing.

Answer: Site specific analysis can be done, but remember that one cannot just go measure the fish, but also other factors also used in the model.

Follow-up: A descriptive narrative on what should be done to “challenge” should be written and provided. The chair agreed.

Question: For a time, the Technical Subcommittee was looking at subdivisions for category 5, yet that is not in today’s discussion.

Answer: We have decided not to go to that level of detail now, but that work is still there.

Question: There does not seem to be a correlation between categories and designated uses.

Answer: Correct. Designated uses, determined through implementation of the Clean Water Act, provide the basis of those “other factors” discussed earlier. We can remain sensitive to them. The determination for designated uses is often done at scale different from the categorization model.

b) Jeff Davis asked: Can you live with this? Can you support it?

There was a comment that ground-truthing for specific sub-watersheds would be an important element once adopted.

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It was also noted that there is a complete narrative to follow, providing the documentation outlining the conditions expected in each individual Category.

Other than these observations of additional information to follow, there was no objection to the Habitat Categorization as presented.

Habitat Categorization has been accepted by the Technical Subcommittee and recommended to the Advisory Committee. The Advisory Committee has accepted Habitat Categorization in principle (there was no formal vote). The Technical Subcommittee was thanked for their efforts. And there was applause.

Safe Yield/Streamflow Criteria Policy Discussion David Cash

David Cash introduced the discussion as a brainstorming opportunity. He noted we need not be driven by extremes. For example, we should keep our discussion based on a broader perspective of the watersheds across the Commonwealth. A watershed like the Ipswich may have extraordinary conditions which could be addressed separately.

General discussion:

- A link to water quality standards and designated uses would provide an important link.
- Goals: restoring, maintaining, do not drop below a particular level.
- Impervious cover does remain an important issue and needs to remain a consideration among the goals. Changes to impervious surfaces can impact ecosystem health.
- We can take many steps, but toward what end – how are we measuring our success?
- Do we have examples of where wells have gone off line, and then we go back and measure the impact? In Massachusetts, there may be little information but nationwide there is much information on land use and the impacts on the area's ecological health. There was an example in the Holyoke area where waters were returned to small tributaries and the fish community did respond.
- A member of the audience from the Ipswich Watershed did noted that the river did not run dry this summer, although it was a dry summer. This may reflect the impact of reduced withdrawals now that the Town of Reading is receiving water from the MWRA and less dependent on local wells.
(Note: a drought advisory has been posted for that region of the Commonwealth. See http://www.mass.gov/?pageID=eoeapressrelease&L=1&L0=Home&sid=Eoeea&cb=pressrelease&f=100813_pr_drought&csid=Eoeea)
- There is good information in the categorization study, but does this move you toward defining causation?

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- Though the USGS regression model measures impact, it cannot be automatically assumed that reversing actions will automatically bring results. And there may be differences in matters of scale in that the efforts to restore may require efforts greater than what made the original impact, for example a 3:1 or 4:1 removal of impervious surface.
- The USGS regression model may indicate response to a couple of key factors, specifically impervious surface and withdrawals, but there must be a holistic approach to restoration, and a patient approach. Restoration will be a long term process.
- In that vein, as powerful as DEP is in its regulatory role, it is at times weak in the face of the local authority within the municipality. The impact of actions at point B on point A, because of the differing local community boundaries, can be great and outside the reach of regulators.
- If we can focus on streamflow criteria, we may be able to identify the flows necessary to support the ecological health of the stream.
- There is a lot to learn from the water quality standards. The standards were initially established for regulating discharges, but they deal in depth both with scale and differing conditions. They also provide guidance regarding issues such as no backsliding, offering more of a “no, but” strategy.
- Be cautious when merely identifying new standards for communities to respond to, but also realize the need to present standards to them so they understand the benefits, not just costs.
- What is the correlation between higher impervious cover and higher water use? Is that axiomatic?

Regarding Safe Yield specifically, what are the foundation pieces to include?

The handout summarizes the broad variety of topics that have been in the discussions over the last few months. (See adjoining handout Safe Yield and Streamflow Criteria Discussion at http://www.mass.gov/Eoeea/docs/eea/water/2010_Sep_1_ADV_Handout.pdf.)

Clarifying Question:

Question: What is meant by basin?

Answer: There are a couple of basins in Mass that are not really watersheds, specifically the North Coastal and South Coastal, as well as the Boston Harbor watershed. These are not true hydrologic regions but clusters of smaller basins.

- We need to ensure that some sense of minimum flows can be protected.
- Mass Water Works position on safe yield has been very open all the time. We are concerned that any actions taken may lead to the turning off of water in any one community. The discussions about non-consumptive use is helpful and see that referenced on the discussion document.

Question: What if there was a permit that included a sliding time frame, holding that safe yield could be met at a future date?

Response: The water suppliers are already doing a lot to reduce water demand and conserve, but a sliding scale proposal in a permit would again leave all the solutions on the back of the water suppliers, when in fact we are learning the impact of other factors such as impervious cover.

- Safe Yield is likely unresolvable. To see safe yield as the solution will have us sitting here for a long time, where the solutions may better be found in the allocation side. Through allocation a better scale can be addressed, as well as the many other issues we have learned about through this process.
- Another disagreed, noting that safe yield should not be abandoned. Safe yield helps to frame planning up-front. Streamflow criteria and safe yield are two sides of the same coin – how much flow is needed in the river and how much can you take out – these are both inter-related.
- Do not overlook one key point – safe yield specifically mentions drought conditions. The habitat categorization deals with conditions found over time, not specifically at times of drought.
- There is a common vision between safe yield and allocation, and that is to provide us with a comprehensive planning tool. If we lose the opportunity to develop that planning tool, and work together in doing so, we will incur a loss.
- Is there anyone that has a concern that such a goal setting process, which might include a regional approach, would not be a wise approach? There was no objection to the notion that goal setting could continue.
- So what definition of safe yield could be a gatekeeper on a regional basis? Perhaps having safe yield as a “lower bar” that allocation could create the higher bar. There can be no illusions that all the issues, habitat and fish communities for example, can be solved by safe yield, but safe yield and allocation together can provide the keys to protecting environmental health.
- The value of stormwater as a resource should also be recognized. Communities will spend a lot of money to ensure compliance with stormwater regulations, they should seek to get credit for that through some form of offset mechanism.

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Closing Items

Action Items:

- Charge to the Tools Workgroup: look at offsets and water quality issues to help provide guidance
- Charge to the Technical Subcommittee: Continue to develop streamflow criteria. Streamflow criteria should include goal setting, which might include a regional approach.

Upcoming Schedule:

Tools Workgroup

Today at 1:15 in Conference Room A, on this floor

Technical Subcommittee

Tuesday, September 14
10:00 AM to 1:00 PM
100 Cambridge Street
Boston, MA
Conference Rooms C & D

Advisory Committee

Tuesday, September 28
1:00 PM to 3:30 PM
100 Cambridge Street
Boston, MA
Conference Rooms C & D

The Retreat proposed for the Advisory Committee on either September 28 or 29 has been postponed.

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