

**Mystic River Watershed Steering Committee**  
**Draft Meeting Notes**  
**March 31, 2010**

Ground Rules:

- Everyone is encouraged to speak
- Please raise your hand to speak
- All ideas should be treated with respect
- One person should speak at a time
- Try not to use acronyms or abbreviations
- Ideas should be written as the speaker intends
- Audience member should state their name and affiliation before they speak

Agreement Points:

- Meeting minutes from January 20, 2010 were approved and posted online
- Meeting dates for 2010 are finalized. Please contact Caitlyn Whittle to volunteer to host a meeting in your community for one of the following dates:
  - May 19 – to be held in Charlestown at Delta Dental in the Schrafft's complex\*\*
  - July 21 – potential location in Stoneham
  - September 15
  - November 17

\*\* Since this meeting, it's been determined that instead of meeting on May 19<sup>th</sup>, the group will split and host separate meeting for the Water Quality and Open Space subgroups. They will be held:

- May 12 – Water Quality location TBD
- May 26 – Open space group at Alewife Reservation, pm

Chapter 91 Presentation (MassDEP)

- Chapter 91 refers to a state law that provides protection for the fundamental rights to the air, water, and shore as well as rights to use tidelands and great ponds. Chapter 91 promotes public use and enjoyment of water. Chapter 91 permits are issued through MassDEP to ensure development is done in a safe and sensible manner.
- For more information regarding the Chapter 91 presentation, please review the presentation (sent out previously by email) and/or contact Andrea Langhauser at [Andrea.Langhauser@state.ma.us](mailto:Andrea.Langhauser@state.ma.us)

**Comments and Discussion:**

- Chapter 91 comes into play for temporary activities. If you have a remediation project and there is a hazardous waste release, there is requirement to go into Chapter 91? Hazardous waste does give you the ability to comment; you can have a formal place at the table thru hazardous waste program. If the work is taking place in tidelands, they need a Chapter 91 license.
- MAPC is doing an open space plan for Revere and at times, what was written does not match what you see. There needs to be eyes out there to see what is actually going on on

the ground. Facilities can be old and sometimes are not maintained. Reading a few licenses can help you understand what you can get from this process. It is a good resource to have a copy of the current license.

- DEP needs help with enforcement. If you take a photograph of something you think is out of compliance, please provide the date, and time (for tides). You can approach Conservation Commissions and Harbormasters if you see something that doesn't seem right. In this way you can address it on your own before sending your information to Chapter 91. DEP does have enforcement discretion, but with resource restrictions, they can't go after everything. They do prioritize locations and infractions and choose to enforce where things are egregious.
- Non water dependent reviews can take up to 6 months. Appeals can also take some time.
- In general, Chapter 91 tries not to get involved in protecting an operator, but protects a use.
- In Massachusetts, citizens have kept rights into the natural tidelands. Private adjacent landowners have private rights into the area of wet sand. Massachusetts' use begins at the low water line and goes to the high tide line. In Massachusetts you do have the ability for strolling on the wet sand for fishing and fowling.

#### Mystic River 4<sup>th</sup> Annual Report Card Event and Fact Sheet (EPA New England)

- EPA New England is getting ready to plan for the 4<sup>th</sup> Annual Mystic River Report Card event and is soliciting ideas to coordinate on an already planned clean up or other watershed event.
- Some ideas: May 16 Herring Run, April 17 Everett cleanup, Schrafft's Center Harbor Walk – May 19 (Sunday), April 24 – Urban Wild Cleanup, April 24<sup>th</sup> is Park Serve day for DCR reservations. Alewife Reservation is having one.
- The weekend event is a nice idea. Puts more focus on the report card than a week day would. It could be featured in the Sunday paper if done on a Saturday.
- If there is an interim opening for the new mid-lakes dam, they are building a fish ladder now so that could be a good idea.
- We will look at the calendar get all dates, find out when the Charles is and then scope out the strongest location. There are a lot of options, but do folks agree it would be best to have the event on a weekend to tag on to the weekend events? YES.
- When framing the message for the report card, they will be two fold. One, the river is important and people are doing a lot to get to the river and clean up, and two, there is a lot of work left to do. It would be best to have a location that highlights both of these ideas.
- Cambridge is getting \$3M for a bike path from several state agencies. It will start in Somerville and Cambridge. It is going to be started right away. It would be good to have something up in the Alewife area to highlight the need for the lower basin.
- The Report Card might be a good opportunity to talk about the new permit coming out and the storms. We could get out the message that what happened in people's basements is related to what's happening in parking lots, etc. due to impervious cover. We could use this to teach people why the water hasn't drained away. By mid-summer people will have forgotten about the storms so we may as well take this time and use it to our advantage to get some big points across.

- At the report card, we could have tables with representatives of different groups talking about what they are doing in communities around the river that people can get involved in. This could help end the event with a positive message.
- We would want to include points about the Steering Committee's role going forward and highlight opportunities for public participation thru work going on by community groups, etc.
- EPA will go back and pick the date and the venue and then get more involved in messaging.
- EPA is working on a Mystic River Outreach Fact Sheet. It is brief and will focus on the initiative, accomplishments to date and how you can help. We will send it out to everyone for review. The turn around time will be short, but some folks may or may not review.
- Map edits for the Fact Sheet – soften the highways, make the outline of the watershed brighter, MyRWA baseline sampling points for EPA report card.

#### Steering Committee Priorities and Actions (all)

#### **MyRWA Assessment Recommendations and water quality hot spot data (EK Khalsa/Patrick Herron):**

- This presentation will provide an overview of work that was completed as part of the 2006 Action Plan. This was an action plan developed by MyRWA and Tufts University in 2006. Part of this report is posted on the MyRWRA website ([www.mysticriver.org](http://www.mysticriver.org)). It was produced in 2006, much of the material is very current to the work that is going on here. The report addresses four things:
  1. Current land uses in the Mystic by sub-basin (9 sub-basins)
 

Proportion of open space in the lower (8% open space) watershed is substantially different than that percentage in the upper (30-35% - large amounts of DCR land and the Fells Reservation) and middle watersheds. Much of the industrial uses are in the lower watershed. This report also characterizes the changes in percent of undeveloped space from 1971 – 1999. In 1971 the watershed was largely developed with only 28% undeveloped. There was only 23% undeveloped in 1999. A build out analysis looking at remaining open land by EEA Community Preservation Initiative shows that there is little potential for expanded development in many of the Mystic communities. There is very precious land that is undeveloped at all, let alone what is developed and might be available for conversion to open space.
  2. An inventory was done on all existing open space as of 2006. This included delineation of all the DCR parks and all the other open space held by cities and other public entities. Each space is listed with details as to size, uses, and ownership. Open space parcels are not evenly distributed. Residents in lower watershed have substantially less access to open space.
  3. The report established priorities for open space protection. It relies on two studies: 1, A study by the Urban Ecology Institute that identified 10 sites with details about open space, ownership, land, and adjacent uses; and 2, an inventory created by MyRWA that was funded by EPA New England. This inventory identified 32 sites for

protection and 22 sites for restoration. There is a matrix as to why these sites were important and how they'd be protected and restored. Looking forward, it is interesting to look at what sites have been addressed, protected, and remain since 2006. It would be useful for some group to examine the current conditions and update it. The Hess site is featured in the report.

4. The report looks at opportunities to protect and preserve open space and access in the Mystic River Watershed going forward. It underlines the fact that with such relatively little undeveloped land available, the land that is in the public trust is very valuable.
- The big message here is that any opportunity to take back land is unique. There is little left at all. This report emphasizes that existing open space resources are in poor condition, and that we should first improve the current parks and make better connections among them and second include open space components in any future development.
  - Private developers should be persuaded to include open space as part of their plans. There should be protection against the conversion of open parklands to other uses. In 2000 some parklands were swapped with municipalities for educational uses and any other conversions should be closely analyzed.
  - There is a Community Preservation Act and we should encourage all communities to adopt it into their ordinances. It emphasizes the need for comprehensive land planning within the communities and open space planning on a watershed basis.

**Comments:**

- MA DCR ran up against a lot of encroachments onto public open space and it can be a huge undertaking to ensure that DCR properties aren't being encroached upon. Dan Driscoll can speak further regarding the DCR properties, but are there other focus areas where, for example, people are dumping and/or taking over public park land that will need to be taken back.
- This is our opportunity to review the park spaces for encroachments and connectivity among the parklands.
- Does the report talk about communities having active open space plans? There is a website that has all of these plans (MAPC to provide the link).
- There is a push for 7-year plans which makes it difficult to forecast further ahead. Properties could be secured thru conservation restrictions to help eliminate and prevent land swaps.
- It took eight years to gain the interest and need to bring the Alewife area into public attention for protection. This has brought great importance to the area and now there is a lot of potential for access.

**Water Quality Presentation (Patrick Herron):**

- A number of folks began to start talking about water quality as a component of experiencing access to the river. A number of groups got together and spoke to EPA about the importance of water quality and revisiting the question in a more detail and profound way.

- This presentation is an overview of problems in the Mystic River Watershed. In the lower Mystic, we see urbanization, which created totally impervious surfaces. There is a lot of stormwater runoff, oil on the street; sand, cigarette butts, etc. on the sidewalk.
- Illicit connections are a problem in every community in our watershed. From the baseline monitoring stations, we have three sites (in dry weather) seeing failing data pretty much all the time. Often times, illicit connections are causing these failures.
- There are priority sites throughout the watershed – many of which are caused by illicit connections that are very expensive to fix. (Please see Patrick’s presentation for more information, or contact Patrick at Patrick@mysticriver.org.)
- Nutrients are also a big problem in the watershed. Phosphorus limits growth of organisms in fresh water and with high phosphorous we see cyanobacteria blooms. Cyanobacteria are associated with neurodegenerative diseases. There is also a water chestnut problem, which is an invasive plant. These are both fed by the nutrient problem in the watershed.
- There are a lot of CSOs (combined sewer overflows) in the watershed. There is a removal plan for 2015, and by the end, we will still have 73M gallons coming into the Mystic in an average year. Over the past 2010 large storms we had 10s of millions of gallons pouring into the Mystic.
- There is also an SSO (sanitary sewer overflow) problem in the Mystic. We should find ways to support EPA to get draft MS4 permit out to improve water quality. During a rainy event, the sanitary sewers are being filled with rainwater, which is too much for the sewage system. There is a lot of rainwater coming from inflow where people have sump pumps hooked up to sewer system. This causes raw sewage to pour all over the streets and into the river. There is too much rainwater in the system from all communities. It isn’t about any single operator.
- There are relief points on the lower mystic where MWRA opens up to provide relief to the system. Millions of gallons per day of untreated rainwater and sewage were sent into the Mystic this way during the 2010 storms.

### **Mission & Joint Priorities:**

Discussion of actions and themes we want to work on together (all)

- Would like to acknowledge that there is a lot of effort being made. Broad sense is to reexamine the conditions and look forward to see what the number and volume of discharges is going forward and how to resolve it in a comprehensive way.
- Steering Committee is the appropriate vehicle for this discussion. Stakeholders from every part of the watershed. We need to start thinking of solutions and figuring out ways to fund them.
- When talking about access, you have to have clean water or you lose some of the reason why people are there and what they are doing. The report card hasn’t been so great and probably won’t be so great. Think about the work, we want to eventually get a better grade, we need to look at the priority about water quality and how we are going to improve that in short, medium, and long-term. Need some kind of roadmap to get from where are now too much better water quality. Need a plan on how we’re going to put that together.

- Report on the Mystic plan points out that there isn't a lot of developable land left, so what we're seeing at the assembly on the Mystic is sewer and CSO, but the opportunity for that are extremely limited. Seems that the emphasis that Patrick's placed on the coming draft CSO procedures. If steering committee gets behind regulations would be a lot of support. Prepared to go to legislature, governor, congressional representatives so cities and towns and develop resources to make improvements.
- Talking about MS4 permits. This is part of the bigger picture. Have direct municipal contributions. This is important and can be part of a bigger picture.
- We are noticed by the legislation. CRWA is good at making retail sites look at landscaping and snow clearance and watering of lawns that diminishes the non point sources getting into the watershed. Could take on LID initiatives.
- The MS4 permit comment period closes today. Final permit about 6 months from now.
- Municipalities are concerned about cost and labor. Patrick's presentation is very good. MS4 permit is targeting at municipalities, agencies, etc. Education portion – think that's where we need to be. Municipalities don't have enough people to walk into their basements seeing them using sumps tied into sewers. There needs to be a big emphasis on public education. Put homeowners on the hook. That's where it's coming from.
- Steering committee can be helpful by asking state for resources/etc. or laws, and Septic system title 5 program. This could be tied to sumps in people's basements to make sure they are installed properly and not tied into sewer. Need solutions for inflow.
- North suburban planning council meeting last month, Thelma (EPA) came to talk about the MS4 permit and one of the things we hear is cost, and another thing we should put out there is that MAPC has been doing with communities doing joint purchasing of goods and services, fire trucks, etc. This might be a positive way to help communities lower the cost of things they are going to have to do. Could be creative about some of the ways we can influence the direction. This is something that the municipal subcommittee can dig their teeth into.
- Two priorities 1. technical advocacy infrastructure improvements. 2, access open space and education about our waterways. Maybe we should try to bring the two together. Open space, access, education is so vital. There is a lot there and then work with agencies to improve the infrastructure. Maybe we need to split it up, some people are not interested or able to work on some of these things.
- Private inflow programs, few communities coming in with their comprehensive plans, we ask them to put that in. Those that did are Waltham and Framingham. There are there and communities are looking at different ways to incorporate that into their planning processes. The one Waltham adopted is free for the homeowners so they can tie in. They don't pay anything so it's easier. About having title 5 type systems, they look at that too depending on how impermeable the land is. SSOs that we are seeing this month: We have been trying to find out if the communities are reporting those. Some of them are not, and so we are trying to go to places to see for ourselves what they see.
- In terms of a model that municipalities might look at – in Sudbury/Assebet Watershed, the community council has a program to develop education materials at low costs so towns can use them to meet the requirements of the permit. Develop public information materials that focus on these areas.
- While the overflows and CSOs and SSOs are important and on our minds, there are a lot of dry weather issues that we shouldn't ignore.

- Need to be careful about focusing on big storms, for public to discount it as a rare event that doesn't happen that often. The public is experiencing ground water infiltration, part of the message should be to increase infiltration – people would associate that as to why their basements have flooded.
- Is it worthwhile for MWRA to bring in info to financial assistance and educational assistance programs – how they are taking advantage of the programs? Could think about it for the municipal meeting? Most municipals take advantage of funds available. It might just be helpful to have a synopsis for the steering committee.
- Might be important to get an overview of compliance with current MS4 permit. Get an understanding of the lack of compliance in the Mystic. It needs to be enforced by EPA.
- It might be useful to make an effort to improve our understanding of what the existing conditions are. If municipalities are taking advantage of the MWRA funding, SSO reporting is important. Need to look really hard at the details of the problem. Need to develop a clear understanding of what the inputs are. Patrick is working on SSO project and there are a lot of municipalities that aren't reporting any SSOs in their districts. If there are SSOs there, then we don't understand that that is an impairment occurring. We are determined to find and fund solutions to those problems then there might be reason to come forward. Until you address the insufficiency you can't know where the problems are. What are the relative weights of all of these inputs and where the focus should be placed? The commission could be useful to the purpose and then develop a subcommittee of the steering committee to look at this closely to develop the data that we need to look at the full scope of water quality.
- As a steering committee, we have to present an attitude of presentation of advocating to help develop resources to solve problems. If we don't come across as an advocacy group finding resources, stuff isn't going to come out of the woodwork. Need to tread a narrow line between identifying problems and finding the resources to solve the problems.
- As an advocate we should be advocating for cleaner water, mystic, fishable swimming, etc. We should be advocating for the people we work with and who we work for. We need to do something to do something to get fishable swimmable and then support the others so they get resources.
- A few messages at the Urban Rivers Conference were that there was a tactic – WQ perspective. Stormwater, utility, etc. a lot of presentations talked about bringing people to the river so that they then develop that statement even if it's not yet clean that they want it clean. We talk about events and clean ups, etc. The organizers of these events should educate about things like the stormwater permits and what else gets into the river. These are good times to do some of the outreach rather than just do a clean up just to take it a step further will help make that connection.
- We have been hosting Earth Day activities for 10 years. They canoe on the river. What they didn't know is that they were going after rain events and never realized that it was so bad. But if it's filled with raw sewage; we aren't doing our job. Huge priority here is to send a message to the municipalities and agencies that the steering committee says we need a safe river and watershed. Bad overall. Even if you get people down there, you are saying don't go in, don't touch it, be careful, etc. it's just sad.
- What do people think about doing a joint track of public access piece and the water quality piece? Do we have the horse power to pull it off?

- Feel like we have to do parallel tracks. The groundwork is for people to go down there and look at the river. This needs to be outside of the river, but at the full communities and backyards, etc.
- Reminded of early days on the Charles-At that point there was no fishable/swimmable goal. It was effective to point out that people were on the water body. There are people saying, “we are out here using it, it has to be clean.” You can’t just build something and say, well by the way, it’s not clean. Can work in parallel, but you have to make the connections so that people on the water area aware of when they should and shouldn’t be.
- There are significant periods when we don’t have wet weather when the waters are safe for swimming. There are issues with sediment, in the lower mystic and main channel, the water is generally clean on dry days in the summer. Sometimes it can be swimmable.
- Planning similar events to show people the river. Most common view is that people say what river or that the water is gross. Connection is crucial.
- If we are going to take on parallel tracks, we need to look at regions and start identifying regions where we can work on access and water quality that are really concrete. Here is where we are going to deal with both of them.
- When you talk about parallel tracks, that maybe we should have separate meetings on this. They are intertwined. We will keep an equal energy and force.
- Need to start rolling up our sleeves and take on some of these projects.
- There are watershed wide concerns and we need to make it concrete to help with public awareness.
- When we charge workgroups we’ll have folks look at hotspot monitoring, etc. look at good work and try to make it into priorities for topic and location.
- There needs to be things that the science committee can be tasked with (Roger). Try to show concrete progress. We thought that the reason to do the public access stuff was that it was serendipitous. Maybe we should look at that as a beginning point as to where the spots are to target access and then WQ issues there to perhaps show tangible progress and benefits.
- Gene would be happy to work on water quality piece if MyRWA, EPA and DEP are there. From what Patrick has said it seems there might be some low hanging fruit. There are some things we should do fairly quickly to get some momentum going. Group working on WQ can do both of those things – long range, mid-range, short range.
- EPA will have to double team both
- Need to identify people to be willing to help lead these groups. Ivey, Jen Lawrence, Joan, CLF– open space. WQ – EPA, DEP, MyRWA, Gene, CLF, DPH. We need to work DEP in somehow.
- Let’s get some guide posts of what groups should do for the May meeting. We want some kind of direction and actionable items. What direction do we want to give to the groups?
- Open space, the projects have so many processes. It is difficult to pinpoint what is the one thing we can do. We need to think more about identifying priorities. Need to think about it as a strike task force. Ivey just found out she can use some help on a review letter for assembly sq. Some things are legislation and can move slowly. It is worthwhile to find things where the two priorities overlap, but also look from perspective where some movement might happen next. It has to be flexible; you can’t pick something and say it’s what you’re going to go on. Some things need movement – herding.



- Each committee can keep this in mind. Open space and look at the 2006 report, update the inventory, update the gaps and look for priorities and ideas for pilot projects. The same thing can be done for water quality. The same thing can be done. Need to inventory information and provide some qualitative review, and then take Roger's suggestion and develop information that we need. In the same area, look at WQ as an opportunity for pilot projects and see where the two intersect. There might be opportunity for collaboration. DO need to get the information squared away. If the legislature takes up Provost challenge to create a commission, then it would be good to have this information.
- Mentioned the master plan and was hoping part of the report would be part of commitments to core Alewife Reservation. Want to make sure that whatever is in the new master plan includes what's in the old comprehensive plan.
- Most of the hard work on water quality is done by EPA and DEP on writing and enforcing permits – stormwater, CSO permits. Having inputs into those permits is the best way for the public and this committee have an impact on what happens to water quality over the next several years. MRWA permit will have impact on public information, inflow and infiltration sections, possibility of city named as co-permittees. If this committee misses a chance to comment on that as well. Later this year is BWSC stormwater permit. They are one of the bigger water quality problems. This committee should stay more on top and coming up with committee comments instead of each person write their own.
- Can Roger come with specific ideas as to what might be in the comments? Specific areas where we can impact?
- Roger, CLF, and MyRWA can comment on them. It might be more powerful if the committee can come together and agree on people writing the final permits.
- There might be value in having an NGO committee and not trip into EPA regulatory authority.
- We are going to form up a few groups to do another meeting between the April/May meetings. EPA will take responsibility to link up with the volunteers to establish a meeting. Last thing on the agenda in this section is steering committee chairmanship. I want to float the idea. For those of you at the first meeting of this group a year ago. EPA doesn't want to own this by itself, but want it to be a collaborative effort. As part of moving forward, we'd be willing to have one chair from NGO side and one from government side. At the next meeting we want to talk about establishing a co-chair and EPA will hold on to the government side of it, to get shared governance more in motion here.

Identification of small groups (and leaders) to draft a roadmap of priority actions (all)  
Steering Committee Chairmanship (EPA/all)

### **Discussion:**

### Announcements:

- The matrix button is available online to ADD projects only. If you have updates or edits to make to an older submission, please information to Caitlyn

- The Municipal Subcommittee meeting will be held on April 29, 2010 from 11:30 – 1pm in Woburn, MA. Specific location TBD and will be posted online.
- EPA New England has been reaching out to steering committee members who haven't been active. All of those who want to continue participating are going to participate and/or agree to appoint an alternate. We haven't yet heard back from WREN, but we plan to try to be in touch with them again. Roots & Shoots is no longer able to participate, but they would like to stay engaged on education and outreach issues. They will stay on our email list and continue to get communication. We recognize the need to get an answer from WREN and would prefer for them to opt off before being removed. We will give them another call before the May meeting to get an answer from them. If they can't staff it or need to take a break, it would be good to know. They could be a temporarily step down.
- University Collaborative
- WBUR was working on a story about flooding in the watershed.
- There is a photography show happening in Harvard Square focused on the Alewife silver maple. It is being held at Zero Church Street on weekend's from 12pm – 4pm.
- Pfizer is hosting an Earth Day event and Ellen Mass suggests that the watershed organization host a table.
- Members of MyRWA staff were out in the storm doing video work documenting the storm. You can watch the videos on their website at [www.mysticriver.org](http://www.mysticriver.org).
- EPA New England may have access to a very small amount of money from EPA HQ. We are thinking about putting it toward some education and youth efforts in the watershed. While we are working on a concept that may be a grant, we don't want to put out for folks to look at yet so that we don't compromise any group's ability to apply. If you have ideas about education opportunities, water quality efforts or open space, please give us a call and let us know what your thoughts are.
- At this point the videos we did for a HQ's webcast have been put on hold. We are working on a short piece for the Report Card event and will have that ready soon. Those of you who haven't yet been interviewed, we will be getting touch with you for a longer video soon.

#### Follow up Actions:

- EPA New England will circulate the matrix to municipalities and ask them to fill it out. EPA will also send the latest version of the matrix to Steering Committee members.
- There are two upcoming MAPC regional meetings. Joan Blaustein will work to get the matrix on their upcoming agendas. The Inner Core group is meeting in March to discuss an open space forum. If the matrix is ready, it could be worked into the meeting.
- Ivey St. John will continue to compile a list of interested businesses. At the next meeting, the committee can determine if the list is big enough to warrant planning the first subcommittee meeting.
- EPA New England has compiled a list of NPDES permittees in the watershed and plans to draft a letter inviting them to attend the first subcommittee meeting, once it has been planned.
- Ivey, EK, Caitlyn and Lynne will work on making language for adding and disengaging groups from the Steering Committee.

- EPA will make the edits to the Draft Mission & Joint 2010 Priorities. The document will be circulated via email for final review.
- EPA will work with DCR to provide printed copies of the Master Plan to all Steering Committee members.
- The Steering Committee will continue to have briefings and/or distribute materials on state and federal water quality standards and regulations (CWA, TMDLs, etc.)
- EPA will continue to gather and distribute existing Mystic River Watershed plans from DCR, MyRWA, MAPC, and Chelsea Creek and look at how they relate to the list above.
- Chairmanship of SC should be discussed at next meeting
- The next Meeting will be on July 21, 2010 at the Whipp Hill Park, Stoneham.

**Mystic River Watershed Steering Committee Sign-in Sheet  
March 31, 2010**

<b>Name</b>	<b>Organization</b>	<b>E-mail address</b>
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Patrick Herron	Mystic River Watershed Association (MyRWA)	Patrick@mysticriver.org
Rafael Mares	Conservation Law Foundation	rmares@clf.org
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