

MMOC Meeting Minutes

January 10, 2024, ZOOM Meeting, 6:00-7:55pm

As Approved February 14, 2024

Minutes prepared by Matt Eddy, MMOC Administrator

Member Attendees:

- Kelly Brilliant, Elisabeth Cianciola, Elton Elperin, Jan Henderson, Parker James, Lisa Kumpf, Arleyn Levee, Sean Lynn-Jones, Kay Mathew, Jack Schleifer (ENC), Marilyn Ray Smith, Tom Timmons, Freddie Veikley; Matt Eddy (MMOC Administrator).

Other Attendees:

- Ellen Faszewski, Caroline Reeves, Carroll Williamson.

Welcome

- Kelly Brilliant welcomed everyone and initiated the meeting with the announcement that the Operations Subcommittee had decided that MMOC meetings would be held monthly (rather than bimonthly) at least through June 2024. She also said that she will be traveling during at least some of that time, but Vice Chair is able to facilitate meetings.

Phase 2 Updates:

- The Phase 2 Ribbon-Cutting Ceremony (November 29, 2023) was an exciting and well-attended commemoration of the end of active dredging and landscaping work for all of Phase 2. Speakers included Ryan Woods (BPRD Commissioner), Reverend Mariama White-Hammond (Boston Chief of Environment, Energy, and Open Space), Colonel Justin Pabis (Commander and District Engineer, US Army Corps of Engineers, New England District), Rebecca Tepper (Secretary, Massachusetts Executive Office of Energy and Environmental Affairs), Brian Arrigo (Commissioner, Massachusetts Department of Conservation and Recreation), Michelle Wu (Mayor, City of Boston), Erin Chute (Commissioner, Brookline Department of Public Works), and Kelly Brilliant (MMOC Chair). Many MMOC members participated in the event.
- A number of trees – both mature and young – have been marked for removal with orange paint. The imminent removal of two very large oaks in Phase 2 (between the Riverway and Brookline Ave) will change the character of that area significantly, although Charter will plant younger replacement trees there. Other areas with dead or dying trees marked for removal include Work Areas 4 (Netherlands Rd), 8 (opposite the MFA), 10 (near the ENC visitor center), and in the Phase 1 area opposite Emmanuel College.
 - Marilyn Ray Smith noted that at least one photo showed a tree that appeared to be still alive, even if in poor health. **Tom Timmons offered to ask Max Ford-Diamond for additional information about tree removals and general policies.**

- Large trees have fallen into the river at Work Area 3 (upper Riverway Park) and Work Area 11 (downstream of Agassiz Rd Bridge). Tom reported that Boston's policy for managing such tree-falls is on a case-by-case bases but the guiding principle is to leave trees that are in the water as habitat. Trees that are on land and that block paths are generally removed. Lisa added that Boston's choice aligns with CRWA's general recommendation for fallen tree management.
 - Sean Lynn-Jones noted that we do not have any data as to how trees in the river alter flow rates or sedimentation rates.
- Vinyl fencing remains up in a number of areas where turf is still being established, but some combination of pedestrian activity, weather, and tree-fall has caused some sections of the fence to fail. **Tom Timmons appreciates any communications by MMOC Members regarding damage to these fences, as their maintenance is still Charter's responsibility.** Low black chain-link fencing is generally overseen by the non-federal landowner; damage to these should continue to be reported to Boston 311 or BrookOnLine as appropriate.
- Boston Parks and Recreation Department is still in the process of preparing a Phase 2 maintenance contract and securing bids. Work between now and the awarding of the contract will be completed on a per-case basis with existing contractors.
- CDM Smith will begin post-construction water quality monitoring in January 2024. Thirteen sites have been identified along the river between Leverett Pond and Commonwealth Ave, and 16 variables will be assessed twice quarterly. According to Tom Timmons, the work was postponed from fall 2023 because landscaping work had not been completed by then.
- CDM Smith continues to monitor water levels along Riverway Park (above and below the site of the former cofferdam at Work Area 6). They have provided preliminary raw data to the MMOC, but we are waiting for them to interpret the data before investing energy in our own analysis.
- Boston Parks and Boston Water and Sewer Commission are collaborating on a project to improve the stormwater outfall at Daisy Field. Historically, this has been a source of highly polluted discharge into the Muddy. Matt Eddy and Jack Schleifer are in contact with both BWSC and BPRD representatives for this project.
- Environmental Monitor Reports, which were a required biweekly element of the Phase 2 restoration work, have reached their conclusion. The last one was produced October 29, 2023. Elisabeth Cianciola deserves high praise for looking over these documents regularly and flagging unresolved issues. Tom Timmons stated that EMR's would likely be succeeded by a different form of monitoring by the city, although it's not yet clear what form that would take.
- The green filter socks used as erosion control in certain areas are being over-topped by sediment in some spots – most notably at Work Area 4 (Netherlands Rd) and Work Area 6 (Carlton St. Footbridge). Tom stated that BPRD would assess the condition of the upland areas and determine whether filter socks warranted replacement or could be safely removed. This judgment depends on the degree of establishment of turf in those areas.
- Recent storms have led to water levels rising as high as 11.5 ft at the USGS gage at Netherlands Rd. Matt asked if anyone at USACE could state whether the river was

behaving in accordance with the hydrological model for post-construction. Tom agreed to ask at the next meeting of the USACE and the non-federal sponsors.

- Matt showed a photo of bridge repair efforts at the Chapel St Footbridge that do not appear to be consistent with historic preservation. Cracks in other bridges (Agassiz Rd Bridge and the Richardson Bridge) may worsen with freeze-thaw cycles this winter. **Arleyn agreed to reach out to Brookline DPW Commissioner Erin Chute**, and the Historic Bridges Subcommittee will discuss at their next meeting.
- Jack asked about the status of the proposal to post public signage explaining how Phragmites is managed. Tom reported that Charter was open to generating signs but that they were waiting for ENC to provide language for those signs. The MMOC thanks ENC for this contribution.

Phase 1 updates:

- Matt continues to walk the area regularly looking at tree health, litter management, geo-cell condition, Phragmites growth, and graffiti. A&M Home Services continues to do strong work overall.
- Boston Parks intends to use its \$30,000 annual retainer with A&M Home Services to decompact, aerate, reseed, and fence the Moonscape area. This work will begin as soon as weather conditions allow. The Landscape Maintenance Subcommittee is considering ways to use other sources of funds to expand upon the work in this area.
 - Kelly had a conversation with BPRD Commissioner Ryan Woods about using funds provided to BPRD by Skanska to offset the moonscape work. Commissioner Woods was open to the idea, but the funds will not be received until all permitting approvals have been achieved. **Kelly offered to speak to Commissioner Woods regarding timing of payment.**

Water levels in Riverway Park:

- Kelly Brilliant summarized her recent conversation with State Senator Will Brownsberger (at which Lisa Kumpf also participated). Senator Brownsberger acknowledged that 401 Water Quality Permit regulations tie the hands of MassDEP in its ability to push back against the Army Corps with respect to water levels at Riverway Park. He endorsed the idea of continued monitoring of environmental variables to strengthen any future case made to the federal government, and he vouched for CDM-Smith as a high-quality monitoring contractor. The MMOC should request CDM-Smith go beyond monitoring and produce some recommendations for mitigating the observed low water in the Riverway. Such recommendations should probably precede any efforts by the MMOC to reach out to Massachusetts legislators in Washington. Senator Brownsberger is open to discussing his thoughts at a future MMOC meeting if that would be helpful.
 - Lisa noted that CRWA's attorney also looked into 401 certification and came to the same conclusion that it's not an effective leverage point for MassDEP. It is possible that other federal and state regulations and permit requirements *might* be more useful, but not entirely clear if so. Arleyn added that the Mass Historic

Commission and Preservation Commissions may be other sources of leverage. Kelly and others agreed.

- Kelly noted that CDM-Smith’s work is being paid for entirely by the City of Boston and costs are not being shared by the other non-federal sponsors, currently. **Kelly offered to inquire with the other nonfederal sponsors if they might assist in cost for CDM to produce remediation recommendations.**
- CDM Smith’s work is limited to water level. There was lively discussion about increasing the number of monitored variables to include ecological health, mosquitoes, sedimentation rates, herring, historic preservation, etc.
 - Elton summarized his research into the past 12 years of data from the USGS gage at Netherlands Rd., noting that water levels are now about 11” lower than those described in the USACE documents. Sean added that the degradation of the aesthetic quality of the river in that section is of particular concern to him. Much agreement.
 - Lisa noted that Mary Mancini (of CDM-Smith) has reached out to her to ask for CRWA’s help in monitoring environmental conditions in this area.
 - Kelly recommended that a MMOC ad hoc committee identify the variables that would be most useful in assessing river health in this area. **Arleyn Levee, Elton Elperin, Lisa Kumpf, Jack Schleifer, Marilyn Ray Smith and Caroline Reeves all volunteered to serve on this committee.**
- Kelly summarized her and Lisa’s recent meeting with MassDEP Northeast Regional Director Eric Worrall and Senior Environmental Engineer Stephen Lipman. MassDEP had previously received the MMOC’s letter regarding the Riverway, but they continue to wait for the results of post-construction bathymetric profiles to be provided by the Army Corps. Mr. Worrall and Mr. Lipman noted that MassDEP’s role is compliance enforcement and that USACE’s work is, in fact, in compliance with the 401 Water Quality Certificate. According to them addressing the river level there would likely require another federal earmark and another round of permitting. When Kelly asked whether MassDEP would have a more robust response if the river “dried up,” Director Worrall replied “We’ll cross that bridge when we come to it.”
 - Marilyn recommended that the MMOC contact EOEEA Secretary Rebecca Tepper, EOEEA Undersecretary for the Environment Stephanie Cooper, and perhaps the Governor’s office. **Marilyn offered her connection to the Secretary to assist/arrange such a meeting. Kelly offered to meet with Secretary Tepper.**
- It is *possible* that other numbered state and federal statutes and permits could provide legal leverage in this case. Lisa will follow up with CRWA’s legal counsel about those possibilities.

Updates on Other Local Projects:

- 2 Charlesgate West: The project has undergone significant changes since the MMOC last commented on plans. A meeting of the Impact Advisory Group (IAG) to review updated project plans is scheduled for Thursday, January 11. Karen and Parker are both members of this group.

- There is particular concern about how the project will affect water quality, as the proposal suggests significant stormwater inputs into the Muddy River.
- Comment letters are due to BPDA by January 23. **Freddie encouraged the MMOC to write a new letter. Kelly requested that letters by Fenway Civic and ENC be provided as templates for the MMOC.** Boston Parks has not yet submitted its comment letter, but their concerns likely overlap significantly with those of the MMOC.
- **Back Bay Fens Pathways Project:** A virtual community meeting took place in November. **Kelly agreed to send notes from that meeting (taken by a Fenway Alliance staff member) to the full MMOC. Those notes have been sent.**
- **1400 Boylston St. (Star Market site):** A community meeting is scheduled for January 17. **Freddie, Lisa, and Elton had previously volunteered to write a MMOC letter and will undertake that process following the January 17 meeting. Freddie will provide a summary of how the project is expected to address MEPA concerns.**

Subcommittee Reports:

- Historic Bridges Subcommittee has not met recently but intends to. Sean Lynn-Jones noted that the Town of Brookline had elected not to move forward with its application for CPA funding for studying bridge restoration. This choice was in response to the City of Boston choosing not to use their CPA funds for a similar purpose. Boston requires that CPA funds go only to “shovel-ready” projects and not to planning or studies.
 - Concerns about graffiti at the Longwood Ave bridge remain. Efforts by Boston to remove this graffiti should take into account the historic importance of the stone and mortar.
- The Operations Subcommittee is working to increase the overall membership of the MMOC using the list of organizations included in the MMOC operating documents and is working on MMOC issues of culture and governance. More to come on that.
- The Water Quality Subcommittee has its next scheduled meeting on Wednesday, January 24.

Public Comment:

- Caroline Reeves thanked the MMOC for its efforts to press public officials to address the low water at Riverway Park.

MMOC Member Business:

- Kelly has several travel obligations in the coming months. MMOC Vice Chair Kay Mathew will lead MMOC monthly meetings when Kelly is away.
- Following motion by Arleyn Levee and second by Elisabeth Cianciola, minutes for the MMOC meeting for November 15, 2023, were approved by unanimous vote (with abstentions from those who were not present for that meeting). Final copies of the minutes will be distributed to MMOC members and will be available on the MMOC website.

Upcoming MMOC Meetings:

- Weds, February 14, and Weds, March 13, 2024, 6:00 PM

Adjourned 7:55PM