

MMOC Meeting Minutes

March 13, 2024, ZOOM Meeting, 6:00-7:30pm

As Approved April 17, 2024

Minutes prepared by Kelly Brilliant and Parker James, edited by Matt Eddy

Member Attendees:

- Erin Baker (ENC), Tom Brady, Kelly Brilliant, Elisabeth Cianciola, Elton Elperin, Kurt Gaertner, Jan Henderson, Parker James, Lisa Kumpf, Arleyn Levee, Sean Lynn-Jones, Marilyn Ray Smith, Tom Timmons, Freddie Veikley.

Other Attendees:

- State Senator Will Brownsberger, Annie Mazzone (Senator Brownsberger's Office), Caroline Reeves.

Welcome and Introduction to Senator Brownsberger:

- Kelly Brilliant called the meeting to order and introduced and welcomed Senator Brownsberger; she asked MMOC members and ex-officio members to introduce themselves.
- Kelly provided a summary of the issue of lowered water levels along the Muddy River and the MMOC's involvement to date. Kelly and others (including Lisa Kumpf) have met several times before with the Senator and with representatives of EOEEA, DCR, and Tom Brady. All have been very generous with their time and all are aware of the complexity of the issue. Kelly further noted that the MMOC's Water Quality Subcommittee has been meeting on this issue to discuss and devise a strategy.
- Kelly noted that the purpose of this meeting is to listen and learn from the Senator, and that there would be time for questions and comments after his remarks.

Senator Brownsberger's Remarks, and Discussion:

- Senator Brownsberger began by noting that certain questions need to come into much sharper focus on this issue and that more evaluation is needed. We don't quite know the parameters of the problem yet, we do not know a possible plan for mitigation yet, and we certainly do not have an understanding of the costs of that yet.
- Lisa K remarked that we do know there is a change in the ecological system due to lowered water levels.
- Lisa also mentioned that the MMOC should and will be re-engaging with the US Army Corps. Several committee members and the chair concurred, adding that even though we

may not receive a satisfactory response from the Army Corps, it is still important to have the discussion.

- Kelly added that it will be important for the MMOC to express its concerns to Army Corps officers with decision-making authority and not only technical engineers.
- Senator Brownsberger stated that it is unlikely that we would hear anything productive from the Army Corps, but perhaps we could shake loose a somewhat positive response.
- All agreed that this is an important due diligence effort to speak with the Army Corps, even if a substantive outcome is unlikely.
- Arleyn reminded all that it is just not merely a water level issue but an ecological and landscape issue as well. The lowered water level will impact other aspects of the Park, and as stated in the original MMOC letter on this issue. Arleyn is in agreement with Lisa that we may need to learn to adjust to this new ecology, even though it is not what was originally intended.
- Arleyn, Marilyn, Kelly and others stated that the MMOC's objective is to apply pressure to the correct political powers to create the most accessible and functional Park possible.
- Senator Brownsberger asked about the scope of the evaluative work that CDM-Smith is doing under the City of Boston contract—is it just water level monitoring?
 - Tom Timmons responded that yes, currently it is just water level monitoring. The monitoring has been going on since April 2023 and a preliminary evaluation of the data will take place once that full year's worth of data is compiled.
 - Senator Brownsberger asked why two years of evaluation was necessary. Tom Brady replied that he actually thinks two years in the life of the River is an incredibly short amount of time for evaluation, and as brief as it can possibly be to actually determine anything. He said he'd prefer to see five years of monitoring for best determinations.
 - Senator Brownsberger concurred and said, "I realize this is frustrating to some of the advocates, but we need this 2-year period to evaluate the problem." He also remarked that we should not let too much time lag between monitoring and possible solution(s).
 - Senator Brownsberger said a second contract – one with a wider scope of evaluation and an orientation towards developing a plan for correction – is needed. CDM-Smith could provide recommendations for remediation.
- There was discussion of possible sources and types of data that would be useful for deepening our understanding of the altered ecology of the River.
 - Kelly recommended that the MMOC construct a "wish list" of types of ecological data.

- Lisa stated that she was skeptical of collecting more water level data unless we consult with an engineer to confirm that additional water level sampling would be helpful (or necessary) for building a revised hydraulic model.
- Freddie inquired if the MMOC or non-federal sponsors could ask the Army Corps to provide us with their data. Several in group thought this would be difficult, but Marilyn reminded us that the US Army Corps is a public agency and should therefore supply this to us.
- Sean Lynn-Jones asked if the water quality monitoring that the nonfederal sponsors are conducting is separate from the water level monitoring. Tom B said yes, they are separate.
- Several members of the committee mentioned the need for continued discussion about how further restoration work might be funded, especially if federal dollars are an unlikely source.
 - Senator Brownsberger asked if the City of Boston might be willing to pay for remediation; Tom Timmons said that could be discussed.
 - Kelly noted that there may need to be other fundraising efforts for this in addition.
 - Senator Brownsberger said the MMOC may want to ask for a meeting with Mayor Wu in a year when more data is available; the goal would be to request funds for evaluation, planning, and remediation.
 - Kurt Gaertner said that there may be some state funding available to employ a hydrologist, additional landscaping experts, etc. He said we should start thinking about this now. Senator Brownsberger agreed: “We need some additional expertise applied to this issue.”
- Tom B reminded us that from the US Army Corps’ perspective, this project has been a resounding success—flood risk mitigation has been achieved. No state or federal regulator is presently concerned with this issue; looking forward, this is primarily a landscape problem. Arleyn agreed and said that from the public’s perspective it is a landscape issue, and Sean added that the landscape is not a small issue.
 - Senator Brownsberger expressed sympathy for those who feel a sense of urgency, but this all does take time. We need data over several seasons; we are not “doing nothing” as we collect this useful data.
 - Kelly reminded all that the MMOC is working diligently on this issue and has the great good fortune of strong allies in our nonfederal sponsor partnerships. She noted the uniqueness of this aspect.
- Elton asked if we should study the health of the river in other areas.
- Parker asked who “owns” the Muddy River. Committee members responded it’s a shared stewardship of DCR, Boston and Town of Brookline, but it is truly “owned” by the public.
- Kelly offered that she would invite an appropriate US Army Corps representative to a future MMOC meeting.

Public Comment:

- Caroline Reeves commented that she thinks it is disingenuous to oversimplify the issue of low water as merely a landscaping issue. The current situation is a public safety hazard and threatens herring migration.

Phase 1 and Phase 2 Updates:

- Tom Timmons reported that CDM-Smith took its first set of samples for post-construction water quality monitoring in February. Data will be available in a few weeks for MMOC review. Additional sampling will occur twice per quarter. [NOTE that this water quality monitoring is distinct from the water level monitoring that CDM-Smith is conducting along the Riverway.]
 - Sean Lynn-Jones expressed his interest in learning more about water quality from the Brookline outfalls into the Muddy River.
- The Phase 2 landscape maintenance contract was awarded to Great Horizons. The City of Boston is required by law to award such contracts to the lowest responsible bidder. Regular monitoring of Great Horizons' work is warranted. A "spring clean-up" will take place in the coming month. Tom has sent a copy of the contract specifications to Matt Eddy, who will review it with the Landscape Maintenance Subcommittee.
- Freddie Veikley asked about Boston Parks's plans for tree replacements following removal of approximately 60 dead and dying trees from the Project area in early March. She asked: is the city attending to principles of historic landscape design and Olmsted-oriented species selection? Tom T replied that he would forward those questions to City Arborist Max Ford-Diamond, who is responsible for tree planting for the City.
- Boston Parks is planning to perform soil decompaction and reseeded of the "Moonscape" areas along Park Drive and the Fenway downstream of Brookline Ave. Tom T has worked with A&M Home Services to sketch out a plan for completing this work, probably in April 2024. The work will involve soil decompaction to 6" depth, installation of chain-link construction fencing, reseeded and watering.
 - The Landscape Maintenance Subcommittee has submitted to Tom a set of recommendations to increase the likelihood of success of this effort, including suggesting a deeper decompaction depth and a change to the seed mix to a more drought-friendly and/or pollinator-friendly combination of plants.
- Kelly asked Tom T about Phragmites management. Tom replied that this is a constant management effort but that it is proceeding according to plan. SWCA is the BPRD's consultant for invasives management, and they expect to perform a survey in June 2024. Results of that report will be included as part of the Project 2024 annual update.
- Tom T reported that the Army Corps is expected to provide an Operations and Maintenance (O&M) Manual for Phase 2, but that document has not yet been delivered. It is possible that the reason is that some Phase 2 areas have not yet been returned to local control. He will ask USACE about a timeline for Manual delivery at their next on-site meeting.

- Tom Brady noted that the USACE O&M Manual will focus on flood risk mitigation, e.g. practices for sedimentation monitoring and culvert maintenance. Maintenance manuals produced by the City and Town are much more detailed.
- Kelly said that she expects to hear less-than-ideal results from the Army Corps. MMOC's job will be to lobby from there.
- Arleyn and Freddie communicated their shared interest in promoting additional public education related to landscape maintenance. Signage could be very useful in appealing to park users to help protect and maintain the restored spaces.

MMOC Member Business:

- Following motion and second, minutes for the MMOC meeting for February 14, 2024, 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 Events:

- Kelly announced that the Colleges of the Fenway's 18th Annual Muddy River Symposium will be on April 10th at Simmons University. Fran Gershwin will be an honoree. She asked that all MMOC members attend and help promote the event through their respective communication channels. A flyer will be delivered to all MMOC members for distribution.
- The April MMOC meeting will be postponed by one week to allow MMOC members to attend the Symposium. The new date will be Wednesday, April 17, 2024 at 6:00pm.

Adjourned 7:30PM.