Select Board
Meeting Notice
AGENDA

Date	Time	Location
May 14, 2024	7:00 PM	Bourne Veterans' Community Center 239 Main St., Buzzards Bay 02532 Or virtually (see information below)

BOURNE TOWN CLERK
MAY 9 '24 AM10:01

Note this meeting is being televised, streamed or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099**

Zoom Meeting ID: 869 5775 5505 **Password: BOURNE**

The Zoom chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute.

All items within the meeting agenda are subject to deliberation and vote(s).

7:00 PM Call public session to order in open session

1. Moment of silence to recognize our troops and our public safety personnel
2. Salute to the flag
3. Reading of the Select Board Vision and Mission Statements
4. Report out on Executive Session
5. Community Shout Out & Recognition
6. Public comments on non-agenda items - Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law)
7. Discussion with Cape Cod Commission regarding the draft Digital Equity Plan
8. Consent agenda:
    a. Discussion and possible vote to allow the SISU Volleyball team to hold a fundraising car wash at Pocasset Fire Station on June 2
    b. Discussion and possible vote to allow the National MS Society to use town roads for their annual Bike MS event on June 29th to June 30th as conditioned by departments
    c. Declare surplus 6 broken folding tables at the Library.
9. Licenses & Events
    a. Discussion and possible vote to allow Fishing for the Mission 22 to host their Annual Black Sea Bass tournament at Buzzards Bay Park on 6/2 as conditioned by departments
        i. Discussion and possible vote to allow a One Day Entertainment License for a band to perform in relation to above event as conditioned by departments
        ii. Discussion and possible vote to allow a One Day Liquor License in relation to the above event as conditioned by departments
    b. Discussion and possible vote to allow a One Day Liquor License for St Margaret's Church for a parish fundraising dinner on May 18 as conditioned by departments

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c. Discussion and possible vote to issue an Annual Entertainment License for O'playsis located at 125 Main Street, Buzzards Bay as conditioned by departments

10. Discussion – accepting a Peace Pole as gift to the Town of Bourne from Rotary International
11. Discussion regarding 11 Main Street (gas station) tax taking
12. Minutes: 4/16/24 & 4/30/24
13. Town Administrator's Report
14. Committee reports
15. Correspondence
16. Future agenda items
17. Next meeting dates: May 21 – no meeting – Town Election
    May 28 – meeting and Sewer (reorganization only)
    June 4 & 11 – meeting
18. Adjourn

Reasonable accommodations for people with disabilities are available upon request. Please include a description of the accommodation you require, with as much detail as possible, and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator's Office at 508-759-0600 x1503

Turn Over for Page 2

TOWN OF BOURNE

Vision

Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.

Mission

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

Contact	Date Received	Method Received	Comment Summary	Information to Guide Next Steps	Comment Status
Bourne Resident	3/19/2024	Online form	Letter outlining concern about government involvement in free market issues. Concern around government control of internet access.	N/A	Comment noted
Comcast	3/24/2024	Online form & hard copy mailed to Commission office	Letter from Comcast outlining services across Massachusetts and Barnstable County.	N/A	Comment noted
Bourne Selectboard & CITAC	3/21/2024	Emailed copy sent via town administrator & hard copy mailed to Commission office	1. The report presents a general overview of the demographic and geographic conditions affecting digital equity in Bourne. However, we recommend that the report present more detail on the specific stakeholder groups and their locations and needs in Bourne. Further, we note that these are, indeed, issues affecting the entire Cape.	Additional maps will be included in the appendix related to demographics and geography. However, these maps are not likely to demonstrate more information than what was detailed within the State of Digital Equity narrative. It is possible that some concerns around specific stakeholder groups will be resolved by actions in relation to comment #10.	Revision to be incorporated
			2. Based on data and maps (Fig. 6, page 21), the Commission should state unequivocally, that all of Bourne is "underserved" (possible exception, downtown Buzzards Bay). Based on other statements in the report, the rest of the Towns on Cape Cod appear to be similarly "underserved"; this should be explicit in the final report.	Bourne lacks ISP competition, which impacts quality, affordability, and reliability of service. However, it cannot be unequivocally stated that all of Bourne is "underserved" based on the current FCC definitions. Please note that we have updated the report to reflect new 100/20 FCC standards. The BEAD challenge process is an opportunity for the town to advocate in this area.	Part of Municipal Digital Equity Implementaton grant process, BEAD, or other future action.
			3. The maps of service coverage are clearly inaccurate, apparently based on incorrect ISP reports. E.g., Wing's Neck is noted to have extensive broadband coverage from multiple reliable providers, but this is not true. Sagamore is also noted as having multiple providers, but in fact does not.	Unfortunately, these are existing coverage maps, and they are dependent on ISP reporting, which can be inaccurate. This is another area that can be addressed through town participation in the BEAD challenge process. The Commission does not have access to data to refute the current map or that would provide a more accurate map. The Commission will strengthen language in the report describing challenges and potential inaccuracies with these maps.	Revision to be incorporated
			4. The report notes gaps in the data available for review. We request that the Cape Cod Commission be more specific about the types and quality of acceptable data that will be required to complete applications for upcoming grants. For examples, mailed surveys to all resident and seasonal households; ChromeBooks to all public school children (middle school and above), with software to document speed testing, i.e., upload/download, latency, and reliability in all areas of town year-round; or other.	Data needs will likely become more evident during MBI's information sessions on the BEAD challenge process. Commission staff do not currently anticipate other funding opportunities that require a specific quality of speed test data - however, many funding opportunities are still forthcoming and there certainly could be some beyond the scope of our knowledge. Generally, continued data collection is a recommendation to inform future prioties, particularly focusing on communities who were underrepresented in the MBI survey (like families). However, the type of data to be collected and method should first and foremost reflect town priorities with implementation.	Further discussion needed

	5. We applaud the Cape Cod Commission's efforts to engage community members, but the turnout for your open meetings was low. Few private citizens, i.e., only four people not on advisory or town committees, attended the November workshop. The timing for these was a significant problem. The home-bound, the elderly, the non-drivers; the people still at work or at home with small children, our large seasonal population-none of these groups were able to participate in any meaningful way. This underrepresentation also missed accounting for the areas in town with the largest seasonal population. These are significant deficits when attempting to compile comprehensive data.	Through participation in quarterly consultant meetings (for planning entities supporting Municipal Digital Equity Planning), the Commission is aware that municipalities across the state are struggling with community participation on this project. While the turnout for the community workshop was lower than hoped, community participation at pop-up events was satisfactory and valuable to qualitative data reflected in the report. Bourne resident participation in MBI's Digital Equity Survey was also strong relative to other communities. One-on-one conversations with key stakeholders was a highly valuable component of the community engagement process. Continued community engagement and data collection will be necessary as the town prioritizes implementation strategies.	Comment noted
	6. Your finding that there is "unreliable and spotty internet and cellular service across Bourne" describes Bourne as "largely underserved." Data you present in the plan documents that the Town of Bourne as a whole is "underserved" per the definitions by Digital Equity/ARPA, Gap, and BEAD grant programs. (Appendices regarding specific areas, e.g., Sagamore/Sagamore Beach, should clarify this further in the final report.) We recommend that this fact be added to the heading in this subsection.	Use of the word "underserved" will be clarified in the report so that it is only used in the technical sense (as in federal definition of 'underserved' and 'unserved'). This sentence describes anectodal feedback from residents and is not reflective of quantitiatve data.	Revision to be incorporated
	7. Barriers to adequate service as reported anecdotally by residents in all areas of town are well-described in your report.	Many of these barriers were reported by residents during community pop-ups at the Council on Aging, library, and school resource fair. These would all be strong venues to receive future feedback/qualitative data to inform implementation strategies.	Comment noted
	8. You note that "Capacity and funding challenges impact an entity's ability to develop and maintain new programs, enhance currently existing programs to better meet community needs, and develop the time-intensive partnerships or resources required to further streamline efforts and build a resource network. (p. 37)" It is not clear to what this refers: a path to navigate to a solution, examples of action steps on how to accomplish a better result, resources and funding sources to be sought and applied? We need specifics on all of these.	This sentence summarizes/offers a conclusion to findings previously outlined in this section and is not in itself a new finding. This sentence provides examples of how staff capacity and funding are barriers to increased service offerings. These barriers were reported by entities across town.	Comment noted
	9. Obtain more specific data. More, or focused, speed testing (some aimed at documenting the summer degradation) would improve the accuracy of the data needed to implement any plan.	Data collection beyond what has been provided in the report extends beyond the original SOW. However, this could be an implementation priority for the town. The Regional Broadband Needs Assessment will also be a resource for further implementation.	Part of Municipal Digital Equity Implementaton grant process, BEAD, or other future action.

	10. The Cape Cod Commission should obtain more granular data on specific populations or areas to identify barriers to digital equity for each, or facilitate ways to do this in Bourne via funding, tech support, staffing, or other advice.	Commission staff are developing a regional table that addresses: covered populations, barriers experienced, and recommended solutions to address barriers. Commission staff plan to localize this table for towns participating in municipal planning as part of Implementaton grant support. This table will provide a cleaner thread between covered populations as outlined in Existing Conditions, barriers outlined in Key Findings that are specifically relevant to those populations, and recommendations from the Implementation section that would address those barriers (with thoughts on funding, support, staffing, etc). This tool and accompanying technical support will be among the methods to address these concerns.	Revision to be incorporated
	11. Please provide a strong outline with specifics for a town-wide, perhaps coordinated with a county-wide, master implementation plan to help Bourne address our digital equity divide.	Hopefully the above referenced tool will resolve part of this concern. Commission staff are happy to continue coordination with the town to ensure that town-wide efforts complement county-wide efforts. This coordination can be baked into Commission support of Bourne's Municipal Implementation Grant strategy.	Part of Municipal Digital Equity Implementaton grant process, BEAD, or other future action.
	12. Digital navigators can help assemble and advise a digital equity network in Bourne, when conditions are met, possibly in coordination with other towns. We need detailed specific information to derive such a plan. Please supply a specific description for an ideal such network, including likely resources needed.	This coordination can also be baked into Commission support of Bourne's Municipal Implementation Grant strategy (which will also be coordinated with other Cape Cod towns and regional efforts).	Part of Municipal Digital Equity Implementaton grant process, BEAD, or other future action.

Town of

BOURNE

Digital Equity Plan

DRAFT

ACKNOWLEDGEMENTS

The Bourne Digital Equity Plan was made possible through funding from the Massachusetts Broadband Institute (MBI) and the Massachusetts Technology Collaborative (MassTech) as a grantee under the Massachusetts Digital Equity Planning Program. Funding for this statewide program was provided through Massachusetts American Rescue Plan Act (ARPA) State Fiscal Recovery Funds.

Many individuals across the Town of Bourne played a critical role in developing this plan. This includes leadership, staff, and volunteers from the following entities: Town Administration, the Cable, Internet, and Telecommunications Advisory Committee (CITAC), the Jonathan Bourne Public Library, the Bourne Council on Aging, Bourne Public Schools, the Herring Pond Wampanoag Tribe, and Upper Cape Cod Regional Technical High School.

Figure 1: Bourne Town Hall

The Cape Cod Commission was pleased to partner with the Town of Bourne in the development of this municipal digital equity plan and looks forward to supporting implementation strategies and opportunities for regional collaboration.

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INTRODUCTION & TOWN VISION

INTRODUCTION

During the COVID-19 pandemic, when many activities related to work, school, public service, and healthcare moved to a virtual setting, inequities were exposed related to how communities experience the internet and technology. These inequities constitute the digital divide – the gap between those who have access to, and ability to use, the internet and computing devices, and those who do not. Today, the ability to engage in the digital world varies broadly across our communities, with digital inequities inhibiting many from meeting their civic, social, educational, health, and employment needs.

As the digital world continues to advance, all community members must have the opportunity to meaningfully engage with the internet and technology to thrive professionally, academically, civically, socially, and personally. Advancing digital equity will require universal internet connectivity, device adoption, and digital skills.

Digital equity is essential for healthy, engaged, and thriving communities. Municipalities, community organizations, and other actors across our communities have a critical role to play in making digital inclusion a reality for all.

What is Digital Equity?

"The condition in which all individuals and communities have the information technology capacity needed for full participation in our society, democracy, and economy. Digital equity is necessary for civic and cultural participation, employment, lifelong learning, and access to essential services."

National Digital Inclusion Alliance

Key components of digital equity include:

Internet Connection: Do all populations experience internet connection that is affordable, fast, and reliable? Can all populations access the internet?

Devices: Do all populations have devices that are adequate, needs-appropriate? Are devices affordable or otherwise accessible?

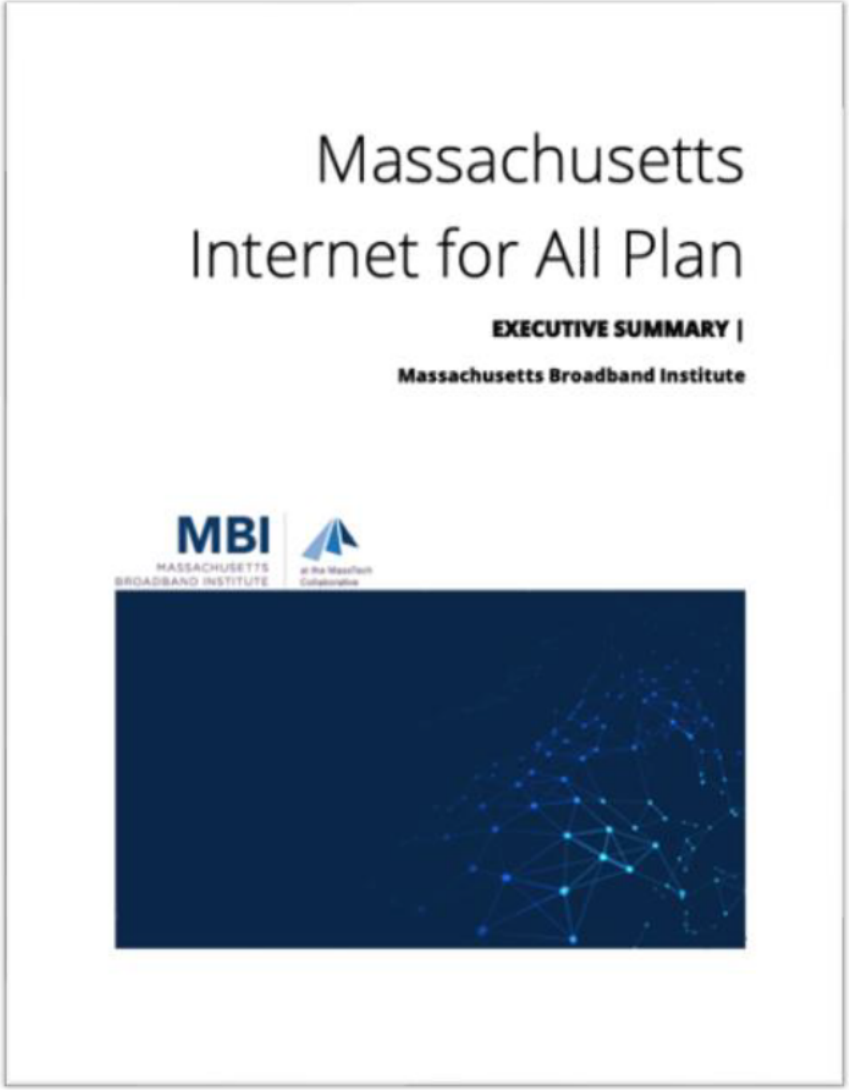
Literacy and Skills: Do all populations have the ability to use technology and the internet to achieve their needs? Do concerns around trust, privacy, and safety exist?

Project Background

Following the passage of An Act Relative to Immediate COVID-19 Recovery Needs, also known as the Massachusetts "ARPA 1.0" legislation (codified as Chapter 102 of the Acts of 2021), a Broadband Innovation Fund was established to bridge the digital divide as a component of the Commonwealth's COVID-19 recovery and response efforts.

The Massachusetts Broadband Institute[1] (MBI), a division of the Massachusetts Technology Collaborative, has led the planning process and development of a statewide digital equity plan known as the "Massachusetts Internet for All Plan"[2] and the deployment of $145 million in federal Bipartisan Infrastructure Law funding to expand high-speed internet access and digital equity programming across the state.

To fully understand local digital equity needs, MBI established a Municipal Digital Equity Grant Planning Program ("Municipal Planning Program"). This program enables municipalities across the state to engage in digital equity planning activities that ultimately yield a town-adopted digital equity plan. Municipalities select a pre-qualified planning service provider, such as the Cape Cod Commission, to support the development of their digital equity plan.



[1] https://broadband.masstech.org/

[2] https://broadband.masstech.org/maininternetforallplan

Project Purpose

The Cape Cod Commission (Commission) assisted the Town of Bourne in this planning effort to assess the digital divide in its community and to develop a Municipal Digital Equity Plan. The purpose of the plan is to understand the current landscape of digital equity in Bourne, to prepare the town for future funding opportunities, and to help guide equitable implementation to ensure that all benefit from infrastructural and programmatic investments.

The Municipal Digital Equity Plan is designed to accomplish two goals:

- Guide municipal decision-making and investments to increase access, adoption, and usage of the internet for the populations most affected by the COVID-19 pandemic; and,
- Prepare municipalities to submit grant proposals to existing or forthcoming state or federal programs to support digital equity activities.

The Town of Bourne Digital Equity Plan includes a community-driven vision for digital equity and inclusion, an overview of existing conditions of the current state of digital equity in Bourne, a description of the community engagement process, and recommendations and solutions based on the sum of these findings.

Considerations throughout the development of this plan were contextualized through the three primary components of digital equity: connectivity, devices, and literacy and skills. This plan also considers community-wide challenges and solutions within this framework.

Recommendations and strategies derived from this plan will lay a foundation for access to future implementation funding, which, in addition to MBI's implementation programs, may be derived from public, philanthropic, or private sources.

Vision and Goals

The vision and goals for the Town of Bourne Digital Equity Plan were synthesized from a robust community engagement process. Recommendations provided within this plan seek to realize this vision through actions that will further each of the below goals.

The Town of Bourne's vision statement and goals complement those as outlined in the Massachusetts Digital Equity Plan. The statewide plan, and Commission participation in the statewide planning process, has informed the development of the Town of Bourne Digital Equity Plan and will guide future implementation actions.

Vision Statement

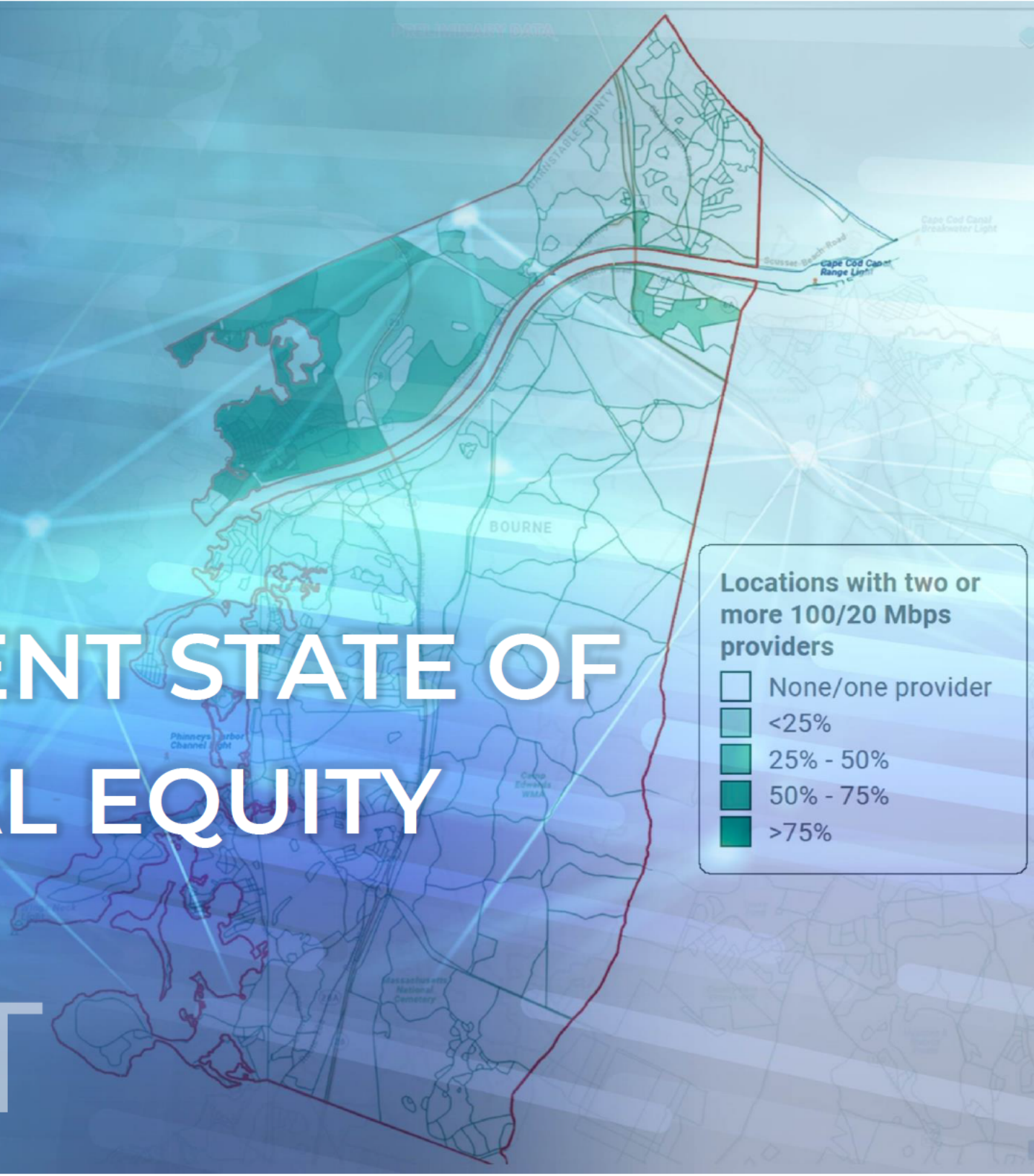
All members of the Bourne community will have the opportunity and ability to access reliable, affordable, high-speed internet service, and will have the knowledge and skills to access and utilize devices that are appropriate to fulfilling their individual needs safely and adequately. This is essential to full personal, civic, and economic participation in the community.

Goals

To achieve the community's vision, the Town of Bourne should strive to meet the following goals:

- *High-quality connectivity:* Reliable, fast, and affordable internet service is available throughout the entire Town of Bourne. Community members are aware of how to access the internet and can choose a service provider that suits their needs.
- *Increased device awareness:* Community members are supported in understanding how they can access needs-appropriate devices.
- *Universal skills, safety, and language:* Educational programs, workshops, and services ensure that community members have the skills to use devices and the internet safely and effectively. Through educational opportunities, community members are able to develop the technical understanding and shared language necessary to easily use technology and the internet and to perform daily activities.
- *Community leadership and collaboration*: Entities across the Town of Bourne have capacity, resources, and a shared strategy required to further digital equity for those they serve. Entities supporting digital equity within the Town of Bourne and from across neighboring communities function as a network, providing complementary and community-responsive services.

CURRENT STATE OF DIGITAL EQUITY



DRAFT

KEY DEMOGRAPHIC INFORMATION

POPULATION	HOUSEHOLDS	HOUSEHOLD SIZE	HOUSING UNITS	MEDIAN SALES PRICE	HOUSEHOLD INCOME	MEDIAN AGE
20,455	8,715	2.3	11,428	$580,000 (2022)	$90,640	52.7

Figure 2: Key Demographic Information for Bourne. (Various Sources)

EXISTING DIGITAL EQUITY CONDITIONS

INTRODUCTION

Digital equity efforts seek to ensure everyone has the same access and opportunities to the information technology needed for full participation in society, democracy, and the economy. As such, a core element of this planning process was to understand the Town of Bourne on a community level – who lives in town and what conditions may impact the ability of Bourne community members to experience digital equity. This planning process also required an understanding of connectivity conditions that may impact community access to the digital word.

Setting

The Town of Bourne is comprised of seven villages as well as areas within Joint Base Cape Cod. It has the distinction of being the literal and figurative bridge to and from Cape Cod. Its unique geography, with both a canal and a military installation physically separating its land and populations, creates equally unique challenges for infrastructure and resource planning. This is true for municipal services such as water supply and wastewater, as well as privately provided services, including broadband internet.

Bourne's geography also presents challenges for residential access to essential resources, services, and activities. Access challenges differ across various areas of town. For example, while some residents experience relatively easy access to grocery stores, others may experience far lengthier travel times due to bridge traffic or construction.

Covered Populations

Defined by Digital Equity Act of 2021

- Low-income households
- Aging individuals (60 and older)
- Incarcerated individuals
- Veterans
- People with disabilities
- People with language barriers
- Racial and ethnic minorities
- Rural inhabitants

Underrepresented Communities

Defined by Broadband, Equity, Access and Deployment (BEAD) Program

- Indigenous and Native American individuals
- Members of ethnic and religious minorities
- Women
- LGBQTI+ individuals
- Persons of color
- People adversely affected by persistent poverty or inequality

People

To ensure resources are directed at bridging the digital divide for those who are most in need, the federal Digital Equity Act of 2021 identified certain populations that are more likely to experience difficulty accessing and using broadband internet. These include:

- Low-income households (at or below 150% of the federal poverty level)
- Aging individuals (60 and older)
- Incarcerated individuals
- Veterans
- People with disabilities
- People with language barriers (limited English proficiency or low literacy levels)
- Members of racial or ethnic minority groups
- Rural residents

In Visions of Digital Equity, the Benton Institute provides a useful outline of how Covered Populations experience the digital divide. While some of these dynamics are described in the section to follow, referencing this report will provide

a more complete understanding of the disproportionate challenges faced by these populations.[3]

The Broadband, Equity, and Access Deployment Program also identified key populations to consider throughout digital equity planning efforts. These populations are reflected in the "Underrepresented Communities" portion of the table to the left.

For the purposes of this planning effort, Commission staff explored data and experiences from populations that are particularly present in the Town of Bourne, with a focus on Covered Populations. Generally, the Town of Bourne's demographics reflect the entirety of the Barnstable County region, with a few variances discussed further in the sections that follow.

AGING INDIVIDUALS

Cape Cod is a popular retirement destination, which provides a consistent influx of aging residents and boosts median ages higher than the state and nation. The Cape-wide median age 55.7 years. Bourne is lower at a median age of 52.7 years, which is still far higher than Massachusetts (39.8 years) and the nation (38.5 years).

Bourne's lower median age in comparison to Barnstable County is influenced by a number of factors, including the presence of Massachusetts Maritime Academy in Buzzards Bay, Joint Base Cape Cod, and the Barnstable County Correctional Facility. Relative ease of access to year-round employment opportunities off-Cape may also be a factor.

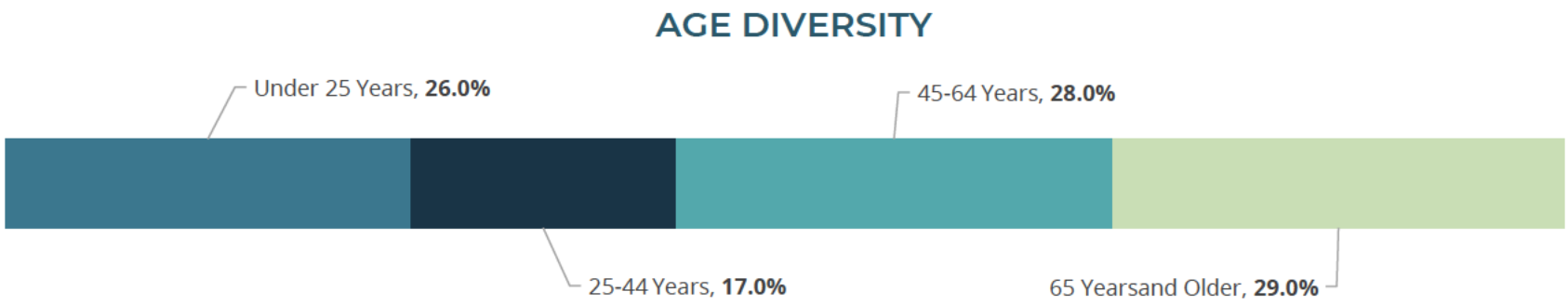


Figure 3: Age Diversity in Bourne

[3] Visions of Digital Equity, the Benton Institute for Broadband and Society, August 2023.

People

The U.S. Census Bureau measures the Age Dependency Ratio, which considers the number of individuals in a community who are outside of working years in comparison with those who are a working age. According to this calculation, working age is considered to be within the range of ages 18 to 64; those who are younger than 18 and older than 65 are dependent on the economically active segment of the population to some extent. A high Age Dependency Ratio can have implications for social support systems, healthcare needs, and workforce sustainability. For example, social services such as Councils on Aging may feel particularly exacerbated in a community with a high Age Dependency Ratio.

In Bourne, as with the rest of the Cape, a higher-than-average number of aging residents drives a high Age Dependency Ratio of 88.5. This means that for every 100 residents presumed to be in the workforce (those aged 18 to 64), there are nearly 90 outside of it. The State ratio is 58.

Bourne's aging population is reflected in other data points as well. Close to 50% of all households have at least one person over 65. A third of households reported retirement income and 44% with Social Security income, not including supplemental security income. The percentage of the population with a disability (14.4%) is higher than the state (11.9%). The proportion of those with a disability over 65 years old accounts for nearly two-thirds of all persons with disabilities in town.

From a digital equity perspective, a significant aging population may represent a skills and knowledge gap in how to use internet-based systems and an understanding of what represents quality internet service. This may be especially true for aging residents living alone without family nearby or strong social networks. In Bourne, close to 18% of all year-round households are run by someone aged 65 or older and living alone.

MEMBERS OF RACIAL OR ETHNIC MINORITY GROUPS

Practices of historical underinvestment and systemic discrimination that create social disparities in areas such as housing, education, and wealth also contribute to digital inquieties that may be experienced by members of racial or ethnic minority groups.

Bourne's racial and ethnic diversity is fairly consistent with County-wide statistics, with 91% of its population identifying as White alone. The second highest percentage of one race is Asian (2.1%), followed by Black or African American (1%), and Native American (0.3%), including but not limited to members of the Herring Pond Wampanoag Tribe and the Mashpee Wampanoag Tribe.

Bourne's enrolled student population demonstrates greater racial and ethnic diversity than the town as a whole. This appears to be a trend across towns in Barnstable County and may be indicative of greater diversity in the

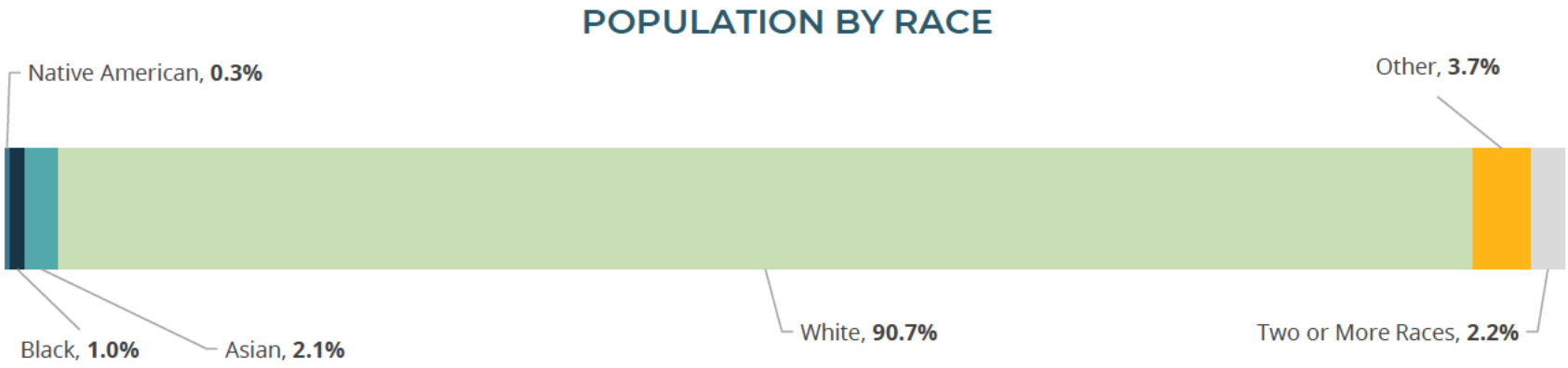


Figure 4: Population by Race in Bourne

population of families with school-aged children. Enrollment data indicates that 2.9% of students identify as Black, 2.2% as Asian, 8.3% as Hispanic, 7.5% as Multiracial, 0.7% as Native American, 0.2% as Native Hawaiian or Pacific Islander, and 82.4% as White. Additionally, 6.4% of students speak a first language that is not English.

INCOME

Income significantly impacts an individual or family's experience within the digital world, with a greater household income offering the ability to afford high-quality internet plans, own effective devices, and experience opportunities to advance digital skills. Low-income households may have greater difficulty affording and accessing the internet and technology needed to achieve basic stability or to thrive.

Bourne's $90,640 median household income is in line with the County's median household income of $90,477, but includes a higher percentage of households reporting wage and salary earnings (73.5%). Correspondingly, the number of households in Bourne reporting retirement income is lower relative to the rest of Cape Cod, which reflects the town's higher percentage of working individuals.

7.6% of Bourne households receive food stamps or SNAP benefits, which is slightly less than the county (7.8%) and significantly less than the state (12.9%). Approximately 3% of all Bourne households fall below the poverty level for Massachusetts. This increases to about 6% for those households with children under 18 years old. For female

householders with children under 18 and no partner, this grows to 18.3%. Approximately 39% of students enrolled in Bourne Public Schools qualify as low-income. It is likely that these households experience challenges accessing the digital world, such as affording broadband.

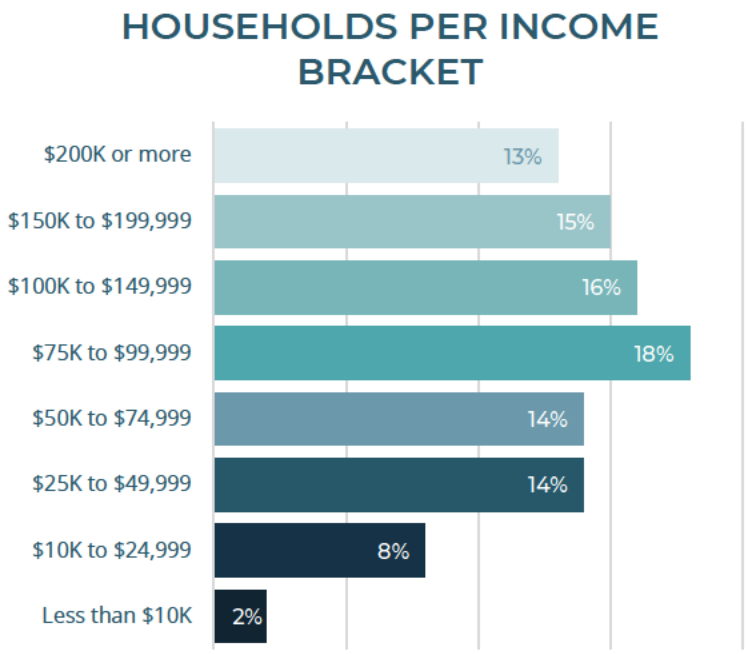


Figure 5: Households per income bracket in Bourne

PEOPLE WITH DISABILITIES

In June of 2022, the U.S. Department of Labor released a report describing the intersection between having a disability and internet subscription affordability and access, internet use, and employment outcomes, demonstrating inequities experienced by people with disabilities.[4]

A higher percentage of Bourne residents have a disability (14.4%) than either the County (13.8%) or the state (11.9%). Close to two thirds of Bourne's population with a disability is aged 65 or older, which likely compounds digital equity challenges and barriers faced by these individuals.

INCARCERATED INDIVIDUALS *(NON-FEDERAL)*

Bourne is home to the Barnstable County Correctional Facility, which has a maximum capacity of 588 inmates. The facility typically runs much lower than its rated capacity, housing approximately 170 individuals at any given time. In the Massachusetts Digital Equity Plan, the Massachusetts Broadband Institute indicates that incarcerated individuals constitute 0.1% of the population on the Cape and Islands as compared with 0.3% in the state.

[4] Disability and the Digital Divide: Internet Subscriptions, Internet Use and Employment Outcomes, Office of Disability Employment Police, U.S. Department of Labor, June 2022.

While operated by the county's elected Sheriff, the Barnstable County Sheriff's Office was established as a state agency in 2010 and much of the operational responsibilities related to the Barnstable County Correctional Facility are under state jurisdiction. Consequently, meaningful opportunity to further digital equity for incarcerated individuals within Barnstable County will likely be driven by state-led efforts.

VETERANS

Barnstable County has a greater number of veterans per capita (over age 18) than the county, state, and nation. At 10%, the number of veterans per capita is 2% higher than the county and twice that of the state. Additionally, 3.5% of Bourne veterans report having a disability and 80.5% are 55 years old or above. These combined characteristics are likely to lead to heightened digital equity challenges for Bourne's veterans.

Housing

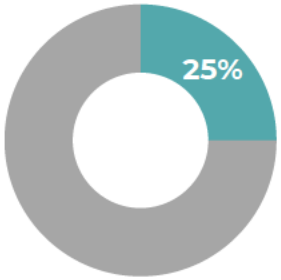
Of the 11,400-plus housing units in Bourne, more than three quarters are occupied year-round, with a higher percentage of rentals than most other towns across Barnstable County.

HOUSING STOCK

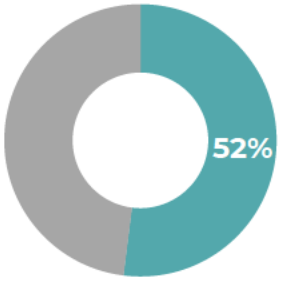
In Bourne, about 78% of residential properties are single family homes; about 19% are multifamily properties. Just over 3% are other types of properties. Other properties may be multifamily homes such as compounds or mix of use properties. Compounds may include multiple houses on one parcel occupied by different households or a single-family home with a guest house. Mix of uses properties have at least one residence on them but also have some sort of other use such as agricultural or commercial.

HOUSING COST BURDENED

A household is considered cost burdened when housing costs exceed more than 30% of monthly income. *(ACS 2022 5-year Estimates)*



OWNERS spending at least 30% monthly income



RENTERS spending at least 30% monthly income

Housing

More than half of these rental households are considered cost burdened, spending more than 30% of their monthly income on housing.

The percentage of seasonal housing stock in Barnstable County is among the highest in the United States, ranking fifth among 1,000 counties with populations of at least 50,000. In counties with more than 200,000 year-round residents, Barnstable County ranks first.

Bourne stands somewhat apart from the county. While it is five times more seasonal than the rest of Massachusetts and the nation, Bourne is among the Cape's least seasonal communities, with 18% of housing stock being seasonal homes. The town shares this characteristic with its Upper Cape neighbor of Sandwich, which has the lowest percentage of seasonal homes (13.5%).

Bourne's areas with the greatest seasonality are the villages of Cataumet and Pocasset. These areas also experience some of the worst internet speeds in the region, which will be further explored below.

Understanding Bourne's housing landscape supports the identification of barriers to achieving digital equity for residents. For example, internet service providers may develop and maintain broadband infrastructure to align with year-round housing needs, which may not account for seasonal population growth. This may contribute to poor connectivity, particularly in highly seasonal neighborhoods during peak summer months.

Additionally, housing challenges can serve as an indicator for other digital equity barriers, particularly when considering how the cost burden and the affordability gap may impact a resident's financial stability. Housing authorities across the state are eligible for funding and infrastructure programs to support digital equity for residents, which should be considered in towns such as Bourne with a high housing cost burden.

Connectivity

Massachusetts has among the highest percentages of broadband served locations in the country, meaning its overall number of unserved and underserved locations is relatively low compared to other states, with some exceptions. Bourne's connectivity profile based on Federal Communication Commission[5] (FCC) and Massachusetts Broadband Institute[6] (MBI) broadband maps more or less aligns with the statewide landscape, with wide availability of service.

Accurate connectivity data is essential to the deployment of Broadband Equity, Access, and Deployment (BEAD) funding. The datasets serving as the basis of these determinations have gone through periodic updates during the compilation of this existing conditions assessment. In each instance the number of both unserved and underserved locations within Bourne has been reduced, meaning more locations have been determined to be served.

There will be opportunities for communities to challenge the broadband availability maps as part of the state's broadband funding opportunities.

There is no one source to measure or verify available internet speeds, but taken together, current data on the experience of Bourne internet users indicate pockets of poor performance with broad variability.

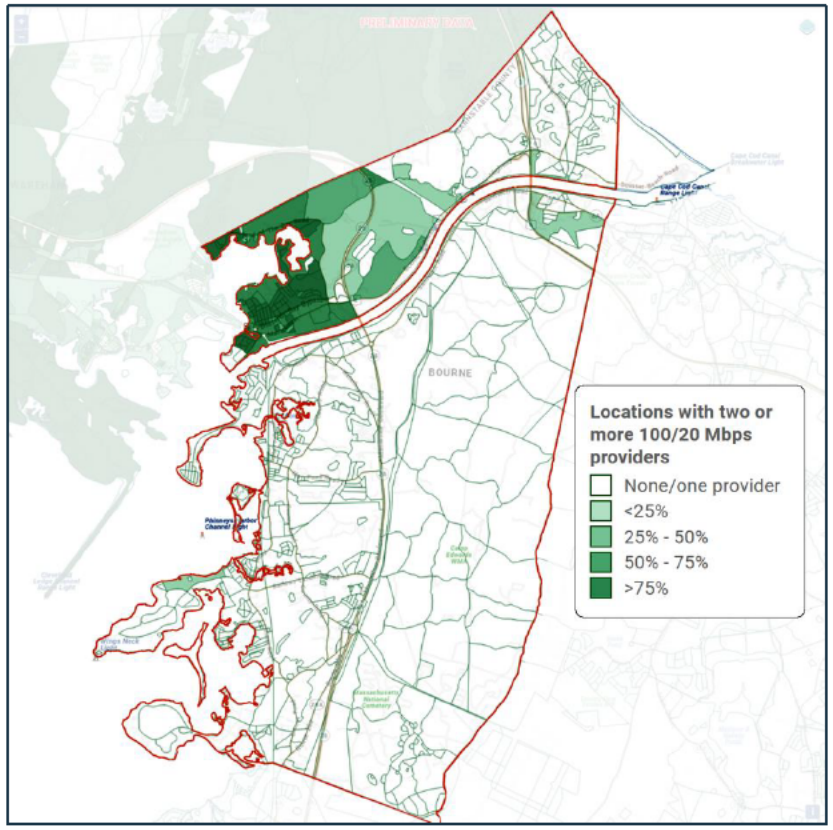


Figure 6: Map of Bourne Census Blocks with at least two providers of 100/20 Mbps broadband services. (Source: Massachusetts Broadband Institute)

[5] Link to Federal Communications National Boadband Map: https://broadbandmap.fcc.gov/area-zsummary/fixed?version=jun2023&geoid=250018

[6] Link to Massachusetts Broadband Institute Broadband Map: https://mapping.massbroadband.org/map/

Connectivity

Table 1: Providers Serving Bourne by Availability

Provider	Technology	Advertised Download	Advertised Upload	BSLs	with Service	% with Service
Comcast	Cable	1200	35	10,597	10,558	99.63%
T-Mobile	Fixed Wireless	25	3	10,597	1,502	14.17%
T-Mobile	Fixed Wireless	100	20	10,597	529	4.99%
Verizon	Fiber	940	880	10,597	1,309	12.35%

SOURCE: Massachusetts Broadband Institute Broadband Map. https://mapping.massbroadband.org/map/Competition

Data reviewed from multiple sources and in-person expressions of dissatisfaction during outreach sessions indicate a mismatch between stated availability of broadband and how many Bourne users experience the Internet.

MBI provided a year's worth of download speed data from Ookla, a company that provides internet speed data and analysis. This data set covers users' tests taken from December 2021 to November 2022, with about 4,100 tests by 850 users within the Town of Bourne *(summary table in Appendix)*.

An analysis of these tests shows about 26% of all Bourne tests would qualify as underserved, which is slightly lower than all tests for Barnstable County (28%).

Bourne is the only Cape Cod town with recognized competition, defined by MBI as locations with two or more 100/20 Mbps providers (Table 1.). A closer look at the Census Block Level shows that two Census Blocks on the Cape side of the canal meet this definition. One block is on Wings Neck in the village of Pocasset with 108 serviceable locations, and the other in Sagamore, with 113 serviceable locations.

In fall 2023, Verizon initiated Cape-side construction of its Fios fiber network in Bourne's northern villages. The extent of this construction or future offering is unknown.

All other providers are located on the mainland side, primarily in Buzzards Bay, which has service from Comcast, (99.9% availability), T-Mobile (40% availability), and Verizon

(8.5% availability), for the roughly 4,300 serviceable locations.

In Bourne and Cape-wide there is a correlation between areas with higher percentages of seasonal housing and lower speeds of internet connections. This may indicate that related infrastructure does not account for higher peak season usage, which may degrade overall performance.

While poor connectivity and a lack of competition can in itself be a barrier to digital inclusion, it can also exacerbate other factors, particularly for residents with limited digital skills and inadequate access to needs-appropriate technology and devices.

Table 2: Types of Household Internet Subscriptions

	Bourne		County		State	
Service Type	**Total**	**Percent**	**Total**	**Percent**	**Total**	**Percent**
With an Internet subscription	8,263	94.8%	101,544	94.7%	2,601,334	93.0%
Without an Internet subscription	**452**	**5.2%**	**5,643**	**5.3%**	**196,442**	**7.0%**
Dial-up with no other type of Internet subscription	11	0.1%	57	0.1%	2,843	0.1%
Broadband of any type	8,252	94.7%	101,487	94.7%	2,598,491	92.9%
Cellular data plan	7,315	83.9%	94,332	88.0%	2,431,572	86.9%
Cellular data plan with no other type of Internet subscription	688	7.9%	9,084	8.5%	261,234	9.3%
Broadband such as cable, fiber optic or DSL	7,407	85.0%	90,886	84.8%	2,295,043	82.0%
Satellite Internet service	288	3.3%	3,828	3.6%	89,830	3.2%

DEVICES AND CONNECTIONS

The vast majority of Bourne households have one or more computing devices (96.7%) and some form of broadband internet connections (94.8%).

Desktop and Laptop computers are found in 88% of homes, with 6% relying on them as their only computing device. Smartphone (89%) and tablet (64%) adoption is consistent with the county, state and federal percentages.

The number of households with no computers (3.3%) is consistent with the county and lower than the state and national figures. It also represents a significant decrease (i.e. more homes with computers) since the start of the pandemic.

Post-pandemic data demonstrates that the town is trending positively for increased connectivity. A comparison between 2019 and 2022 American Community Survey data shows that more residents have adopted in-home devices and internet subscriptions. This is especially true for the lowest of the income brackets reported.

The ACS 5-year average prior to the pandemic showed fewer than 60% of households earning less than $20,000 annually had a broadband internet connection. In 2022, that rose to nearly 90% of such households.

Approximately 80% of Bourne households have the possibility of redundant internet access through cellular data plans in addition to their primary internet subscription. Approximately 8% of households only have a cellular plan for internet access.

ACP AND AFFORDABILITY

The Affordable Connectivity Program (ACP) is an FCC benefit program that helps households afford the broadband they need for work, school, and more.

ACP provides:

- Service discount up to $30/month
- Service discount up to $75/month on qualifying Tribal lands
- Device discount up to $100 for a qualifying device

The percentage of Bourne households without internet access is comparable with the county at 5.3%. Households with less than $20,000 in annual income include the greatest percentage of households without internet (10.2%). This is less than half of the county, state, and national percentages for such households. Middle-income households, those earning between $20,000 and $74,999, show the greatest variance for those without internet between Bourne (9.4%) and the county (5.7%).

Commission staff estimated that nearly a quarter of all Bourne households would qualify for ACP based on income. While there are many ways for households to qualify, including but not limited to participation in other government aid programs, Medicare enrollment, or

Veteran status, income serves as a good proxy for eligibility. While Bourne consistently has the highest ACP participation of any Cape town, under 30% of eligible households have taken advantage of the ACP.

The future of the Affordable Connectivity Program is contingent upon federal action, as current funding is expected to run out in Spring 2024. This could create a financial burden for the families in Bourne who are currently relying on the ACP subsidy to support their internet connection. ACP eligibility and uptake data remains useful because it can inform an understanding of populations struggling to afford internet access.

Information Gaps

While many sources were reviewed in the compilation of the above data, information gaps still exist and data will continue to change. Ongoing data collection is a recommended action for the Town of Bourne in the continued pursuit of advancing digital equity for the community. In particular, Commission staff recommend continued data collection in the following areas:

- The Massachusetts Broadband Institute's Statewide Digital Equity Survey was well taken by residents in Bourne. However, young families were underrepresented in survey respondents. To better understand the digital equity landscape specific to young families in Bourne, further distribution of the survey or a similar survey is recommended.
- This project explored covered populations identified by the Digital Equity Act. However, the federal Broadband, Equity, Access, and Deployment (BEAD) program identified "underrepresented communities" who may also face heightened barriers to achieving digital equity. Continued exploration of data related to the experiences of these populations would benefit future implementation strategies.

COMMUNITY ENGAGEMENT

DRAFT

COMMUNITY ENGAGEMENT

Process Overview

Community engagement was central to the development of the Town of Bourne Digital Equity Plan. Feedback and experiences shared by community members and key stakeholders directly inform the *Key Findings* and *Implementation Recommendations* sections that follow.

To develop an effective community engagement strategy, a municipal project team was formed to provide initial guidance during the project launch. This team offered direction on key stakeholders to engage and outreach strategies that work for residents of the Town of Bourne. Commission staff then implemented a variety of community engagement activities to meet the diverse needs of residents and stakeholders across the Town of Bourne.

A particular goal of this planning process was to engage individuals and organizations representing covered populations— communities who are particularly impacted by the digital divide.

Key community engagement activities included:

- Survey distribution
- Stakeholder interviews
- Community pop-up events
- Community workshop

Project Kickoff

On August 30, 2023, Commission staff facilitated a project kickoff meeting with leaders identified through project coordination with town administration. The purpose of the kickoff meeting was to build a shared understanding about the Municipal Digital Equity Plan, present and discuss data related to existing conditions in the Town of Bourne, identify local digital equity assets, and elicit feedback related to effective community engagement strategies. This meeting was foundational to subsequent digital equity planning activities. Meeting attendees included representatives of the following entities:

- Town Administration
- Bourne Public Schools
- Canal Chamber of Commerce
- Cable, Internet, Telecommunications Advisory Committee (CITAC)
- Jonathan Bourne Public Library
- Bourne Council on Aging
- Cape Cod Commission

Survey Distribution

Commission staff utilized the Massachusetts Broadband Institute Statewide Digital Equity Survey to gain feedback from residents about their experiences with the internet and technology. The survey link was shared with members of the municipal project kickoff team and was available at community engagement activities. Survey responses have been incorporated into existing conditions data and have informed recommendations within this plan.

Stakeholder Interviews

At the project kickoff, participants identified individuals and organizations that would be critical to engage throughout the digital equity planning process. Commission staff hosted one-on-one meetings with stakeholders.

The purpose of these conversations was to provide further education about the digital equity planning process, learn about barriers and opportunities to achieving digital equity, hear about the stakeholder's vision for digital equity within their own organization and the Town of Bourne, and learn how to best promote the digital equity plan and survey within stakeholder's individual community.

Participating stakeholder entities included:

- Jonathan Bourne Public Library
- Bourne Council on Aging
- Bourne Public Schools
- Upper Cape Cod Regional Technical High School
- Herring Pond Wampanoag Tribe
- Massachusetts Maritime Academy
- Joint Base Cape Cod

Community Pop-Ups

Commission staff endeavored to reach community members "where they are at" by offering information and feedback tables at community events and key locations.

The purpose of community pop-ups was to inform the community about the digital equity planning process, share an invitation to the community workshop, and gain feedback from residents about barriers and opportunities they experience within the digital world.

Community pop-ups included:

- Bourne Public Schools Resource Fair, September 27, 2023.
- Jonathan Bourne Public Library, October 16, 2023.
- Bourne Council on Aging at the Bourne Veterans' Community Center, November 1, 2023.

Each pop-up activity purposefully offered an opportunity to interact with a different segment of the community in order to gain diverse perspectives. For example, the Bourne Public Schools Resource Fair and Jonathan Bourne Public Library pop-ups targeted families with school-aged or young children. The Bourne Veterans' Community Center pop-up coincided with the Bourne Council on Aging's weekly café hours, providing staff with an opportunity to have one-on-one conversations with aging adults.

Community Workshop

A public community workshop was held at the Bourne Veteran's Memorial Community Center on November 13, 2023 at 6:00pm for residents, community members, and stakeholders. As the hallmark activity within the digital equity planning process, the workshop provided a platform for participants to share essential feedback that directly informed the digital equity plan.

Cape Cod Commission and Town of Bourne staff welcomed participants by providing an overview of the project and background about broadband and digital equity work within a national, statewide, and local context. Commission staff presented on data related to the town of Bourne's digital equity landscape, explored in *State of Digital Equity*, including population demographics, an overview of covered populations, connectivity, and Massachusetts Broadband Institute (MBI) statewide digital equity survey data.

Commission staff then facilitated three exercises to gain feedback from participants:

ASSET MAPPING ACTIVITY

The first exercise was an asset mapping activity, the purpose of which was for participants to identify individuals, groups/organizations, programs, and municipal efforts that advance digital equity and inclusion within the community. These assets have been outlined within the *Key Findings* section of this plan and are considered within the plan's recommendations.

VISION & GOAL SETTING EXERCISE

The next exercise focused on developing a shared vision and goal statement for the plan, feedback from which is incorporated within the *Introduction* of this plan. Examples of feedback gathered through this activity include:

- Bourne residents should have affordable, reliable, and adequate broadband service, with provider options and price points that meet individual needs.

- Bourne community members should have the technology, devices, and skills needed to be educated citizens.
- Digital equity planning should be integrated and considered with other municipal activities and strategies.
- All community members should be incorporated within digital equity planning, not just residents.
- The importance of education: how can the Town of Bourne help community members develop a shared language and technological understanding related to the internet and technology.
- Plain and intuitive language should be used across digital equity efforts.
- Municipal digital equity strategies should be simple, transparent, foster shared learning, and prevent duplication of efforts.

BARRIERS & OPPORTUNITIES EXERCISE

In the final exercise, participants dove further into digital equity barriers and opportunities specific to the Town of Bourne. Commission staff shared prompting questions and captured participant feedback on flipcharts. Data from this exercise provides the foundation for the *Key Findings* and *Implementation Recommendations* sections.

Additional Outreach Strategies

Public comment form: A feedback form was available on the online project page from the project launch through the public comment period. Public feedback was incorporated into plan development.

Public meetings: Commission staff presented on the Digital Equity Planning effort before the Town of Bourne's Cable, Telecommunications, and Internet Advisory Committee.

Outreach Toolkit: A publicity toolkit, including newsletter copy, graphics, social media language, and posters, was available on the online project page and was shared with key stakeholders. Bookmarks, posters, and postcards promoting the community workshop were left at key locations across town. Examples of outreach materials are available in the Appendix.

Media: A press release was jointly issued by the Cape Cod Commission and the Town of Bourne. The project featured in local media, with articles appearing in the Bourne Enterprise and the Cape Cod Times. The goal of media publicity was to increase community awareness about the planning process and opportunities for participation.

KEY FINDINGS

DRAFT

KEY FINDINGS

Overview

Throughout the digital equity planning process, residents, community members, and stakeholders shared their unique experiences and perspectives within the digital equity landscape. Individuals reported barriers and challenges to achieving digital equity, as well as assets and strengths that will support the advancement of digital equity into the future. The following section synthesizes feedback shared with Cape Cod Commission staff.

Barriers and Challenges

The barriers and challenges outlined below are categorized within four areas that are essential to achieving digital equity: connectivity, devices, skills, and community. Many challenges have a ripple effect and, in reality, impact a multiple areas. For example, connectivity challenges in the home will also impact an individual's ability to build the skills needed to achieve personal or professional goals.

CONNECTIVITY

Unreliable and Spotty Internet and Cellular Service Across Bourne

Community members frequently reported poor internet and cellular service in their homes or across key locations in town. Community members named geography, weather, and a lack of competition as contributing factors towards unsatisfactory internet service. Residents reported "dead-zones," exacerbated by the above factors and coupled with ongoing high costs, a lack of choice, a lack of reliability, and poor customer service. In particular, residents from Monument Beach and Pocasset self-reported unacceptable internet service.

Connectivity troubles were equally true for both low- and high- internet and technology skilled individuals. Several individuals reported that they regularly drive to locations with better access to make calls or perform other mobile-based tasks, some routinely, others during power outages.

Lack of Competition Impacts Service, Affordability, Reliability, And Overall Quality

Community members frequently reported issues with their incumbent internet service provider. Issues of note included:

Affordability of current internet plan or bundle. Residents frequently report that they are spending more than they

would like on their current internet plan. This is coupled with a perception that residents are paying for higher quality service than they actually receive. Residents self-report that when conducting internet speed tests, service speed is often slower than what they have purchased. Due to a lack of local competition, particularly in southernly areas of town (on the Cape-side of the Canal), residents do not have more affordable options.

Accountability and customer service issues with current provider. Residents self-reported customer service issues with their current internet service provider. Residents frequently shared a lack of options in terms of holding their internet service provider accountable for poor service.

A lack of reliability and quality with current internet plan or bundle. Residents self-reported outages, dead-zones, and wavering internet quality and strength, which may be impacted by increases in local population during the summer season.

Needs-appropriate internet plans or bundles. Residents report that they struggle to understand which plans they really need to achieve their individual goals without overspending. Residents report that they do not always understand the language used around the internet and technology and that customer service agents may assume a level of knowledge that is not there.

DEVICES

Barriers to accessing public devices and lack of available needs-appropriate device lending programs

Multiple barriers to accessing needs-appropriate devices were identified throughout the planning process. Access to owning a cell phone was not identified as a significant barrier for community members in Bourne. However, representatives of community organizations reported unequal access to devices such as computers and laptops for the populations they serve.

For example, some families may rely on school-issued ChromeBooks as the primary at-home device if the family does not have access to a computer otherwise. Individuals may also rely on public computers at the library, which may pose challenges when needs arise related to sensitive or private matters, such as legal or telehealth appointments. There is currently no public lending program related to devices such as tablets or laptops in Bourne.

Staff at Upper Cape Cod Regional Technical High School report that the price of device insurance for school issued ChromeBooks can create a disproportionate cost burden for families. This challenge likely exists across Barnstable County school districts unless the individual school system has a robust affordability program.

DIGITAL SKILLS AND LITERACY

Access challenges posed by Bourne's geography

The Town of Bourne is physically divided by the Cape Cod Canal and by the 22,000 acres of land that comprise Joint Base Cape Cod. Residents of Bourne are familiar with infrastructural challenges posed by this unique geography, but this division also impacts the ability of residents to access essential services, programs, and resources – particularly those hosted on the opposite side of the bridge during peak travel times or construction. For example, courses, including those related to digital equity, available at the Council on Aging, which is located on the mainland side of the bridge, may not be readily accessible to residents living Cape-side. Similarly, resources available through the library may not be readily accessible to residents living on the mainland side of the bridge.

Lack of programs that provide individualized tech support

While workshops and courses collectively address shared skills challenges and build community, community members noted that increased 1-to-1 programming is a critical need and could complement already-existing skills courses. In particular, community members are hoping to better understand how to use devices that they already own. These needs may include anything from completing Department of Motor Vehicles (DMV) paperwork or accessing MyChart to taking a photo, downloading an application, or sending a message to a family member.

Barriers in current outreach strategies related to digital services

Many residents were unaware of current digital support services and cited outreach methods as a barrier to learning more. For example, outreach materials that rely heavily on QR codes are a barrier for many. Outreach strategies that are grounded in information only available digitally (such as through an online newsletter or website) may not reach all residents.

Community members and stakeholders acknowledged that many community programs require online sign-ups, which can create a barrier for those without internet access at home or who feel less comfortable navigating online forms. Both library and Council on Aging staff noted that they are available to support individuals in navigating digital materials but would benefit from greater capacity to do so consistently or formally. The need to consider diverse outreach methods was reported across municipal services.

Safety, security, and trust-based concerns

There are safety, security, and trust-based concerns related to internet use for specific populations. In addition, many community members reported "fear of the unknown" when engaging with technology and a lack of interest in learning new digital skills due to these concerns. Safety, security,

and trust-based concerns can increase existing knowledge gaps, particularly as the digital world continues to advance and as sign-ups and provision of essential services are increasingly offered solely through digital means.

COMMUNITY

Heightened digital equity challenges experienced by specific communities in the Town of Bourne

While covered populations throughout Bourne were considered within the digital equity planning process, there are a few populations that are particularly present within the Town of Bourne. These populations may experience heightened barriers and challenges within the digital world and should be integrated within future implementation strategies. These populations include:

Families and individuals living on or stationed at Joint Base Cape Cod, including both active-duty military, migrants, and families stationed for other forms of emergency response. Notably, Bourne Public Schools reports more than 80 military family students as well as students who have recently arrived through the state's housing program. These populations may struggle to have access to the same resources as their peers.

Bourne's aging population. As described previously, Bourne is home to a significant aging population. These residents often self-report heightened barriers when navigating an increasingly digital world.

Members of the Herring Pond Wampanoag Tribe and the Mashpee Wampanoag Tribe. Stakeholders throughout the planning process demonstrated commitment to prioritization of tribal members throughout future implementation strategies. Developing programs that benefit tribal members and their families should be both a local and regional priority.

Implementation and capacity challenges

Community advocates with knowledge of funding opportunities and solutions that address digital equity challenges note barriers in accessing funding for future solutions. For example, many grant applications are dense and lengthy, requiring time and technical knowledge. This is often coupled with fast deadlines which prevent volunteers with limited time from submission or that may impact the quality of the application. This is a quickly evolving landscape, and municipal staff, advocates, and community members may lack the capacity and technical knowledge to move initiatives forward.

Entities across the town reported staff and organizational capacity and available funding as the two key barriers to providing increased offerings to address the digital divide. Capacity and funding challenges impact an entity's ability to develop and maintain new programs, enhance currently existing programs to better meet community needs, and develop the time-intensive partnerships or resources required to further streamline efforts and build a resource network.

Assets and Strengths

By pursuing this planning process, and by beginning to bolster and connect key digital equity assets within the community, the Town of Bourne has already shown great dedication to furthering digital equity. Building on already-existing assets and strengths will be key to advancing digital inclusion efforts into the future. Assets were identified by community members and stakeholders through an asset mapping exercise at both the kickoff meeting and community workshop. Strengths, which often involve the efforts of one or multiple assets, were also identified throughout the community engagement process.

MAPPING BOURNE'S DIGITAL EQUITY ASSETS

Stakeholders and community members conducted an asset mapping exercise at the project kickoff and at the community workshop, which were consolidated by Cape Cod Commission staff. Many identified assets will play a critical role in advancing recommendations described in the *Implementation Recommendations* chapter.

Aligning with best practice established by the Massachusetts Broadband Institute through their Statewide Digital Equity Plan, assets are divided into four categories: Individuals, Groups/Organizations, Programs, and Plans.

As identified by community members, entities that will be key to helping address the Town of Bourne's digital divide include the following:

Individuals

- Herring Pond Wampanoag Tribal Leadership
- Massachusetts Maritime Academy Cadets
- Members of the Selectboard
- Council on Aging staff and leadership
- Members of the Cable, Internet, and Telecommunications Advisory Committee
- School staff and leadership, including guidance counselors and STEM teachers
- Jonathan Bourne Public Library staff and leadership
- Students
- Town Administration
- Police officers, particularly when considering emergency communications and support for vulnerable communities

Groups and Organizations

- Cable, Internet, and Telecommunications Advisory Committee
- Jonathan Bourne Public Library
- Cape Cod Canal Region Chamber of Commerce
- Massachusetts Maritime Academy
- Bourne Council on Aging
- Bourne Public Schools

- Upper Cape Cod Regional Technical High School
- Computer Consulting Network/GeekSquad
- Bourne Food Pantry, particularly considering their support for residents in need
- Daycares and pre-schools, who support directly support youth and families
- Village associations

Programs

- Council on Aging: computer classes, Senior Planet program, ACP signups, gadget assistance, Eastern Bank laptop grant (during COVID-19 pandemic)
- Bourne Public Schools: ACP signups (during COVID-19 pandemic), technology and STEM programs
- Jonathan Bourne Public Library: technology support, hotspot lending
- Affordable Connectivity Program
  BEAD and GAP funding
- Boy and Girls Scout programming
- American Association of Retired Persons tax support program

Plans and Municipal Efforts

- Jonathan Bourne Library Strategic Plan
- Massachusetts Bay Transportation Authority Plan
- Local Comprehensive Plan

DIGITAL EQUITY STRENGTHS

Community Knowledge and Leadership

The Town of Bourne is well-positioned to further future digital inclusion efforts. Local digital equity advocates, many of whom serve on the Town's Cable, Internet, and Telecommunications Advisory Committee (CITAC), have technical knowledge and passion to further important projects. Key entities, such as the Council on Aging, schools, and Jonathan Bourne Public Library, have staff or volunteers who are knowledgeable and dedicated to providing digital support for those they serve. All entities engaged throughout the process expressed interest in furthering digital equity for the Town of Bourne.

Public WiFi and Device Availability

Municipal, community-based, and recreational entities throughout the Town of Bourne offer public WiFi. Residents report using public WiFi available at the Jonathan Bourne Public Library and the schools. It is notable that residents and stakeholders reported that quality of the WiFi at both locations could be improved (for example, strength of WiFi available at the library or increased outdoor availability of WiFi at the schools). Residents also report the importance of being able to access WiFi in other social and recreational spaces, such as cafés.

In terms of public device availability, the library offers 4 public computers, 12 hotspots for lending, and 1 public

printer. While a desire for increased and improved technology offerings was reported, it is important to note the current benefits of this existing public technology infrastructure.

Mobile Service Model and Programmatic Innovations

Bourne's geography, with a physical division of the town resulting from the Cape Cod Canal, can create a barrier to accessing essential resources and services. To address this, the Jonathan Bourne Public Library is piloting a mobile library model. With lessons learned and best practices developed from the implementation of this new service, available resources could be expanded to include digital programs, tech support, or devices.

Generally, community members reported an interest in creating digital service models that offer more "hands-on" outreach and stakeholders expressed interest in exploring opportunities that build off existing services to better reach the community in this way.

Established Digital Equity Programs and Services

Key entities across the Town of Bourne offer technology support programs that could be maintained or enhanced into the future. The Council on Aging offers a beginner Senior Planet course in partnership with Elder Services of Cape Cod & the Islands that is available to aging residents.

The Council on Aging also offers 1-to-1 tech support through a skilled volunteer.

The library offers ad-hoc support tech support, addressing issues that residents encounter while using the library's public devices and WiFi. Staff will also triage general questions related to personal devices or the internet.

Technology is well-integrated into student academic experience at both Bourne Public Schools and Upper Cape Cod Regional Technical High School. Both school systems have IT support staff that are available to help students and families with school-related technology needs. During the height of the COVID-19 pandemic, Bourne's schools provided increased resources for families, such as hotspots and information about internet affordability programs. Schools are benefiting from E-Rate: Universal Service Program for Schools and Libraries and the Emergency Connectivity Fund.

There are private businesses in and near the Town of Bourne that also offer tech support. However, it is noteworthy that community members must pay to use these services, which could be a barrier for those who need ongoing support.

Organizations and Advocates Supporting Covered Populations

There are many strong entities across the Town of Bourne and throughout the region that support covered populations through programs, services, and resource

provision. Entities supporting covered populations that were contacted during the digital equity planning process generally expressed an understanding of digital inequities experienced by those they served. Staff at these trusted entities often triage internet and technology challenges, and many are considering opportunities to better serve their community within this space. For example, leaders of the Herring Pond Wampanoag Tribe currently serve as a community resource and have desire to further digital inclusion for Tribal Members.

Existing Partnerships and Regional Networks

Throughout the planning process, community members and stakeholders identified already-existing partnerships that could be advanced to further digital inclusion. While this includes examples specific to the Town of Bourne – such as the strong programmatic partnership developed between the library and Joint Base Cape Cod, this may also include regional partnerships and peer-learning opportunities.

For example, the library is a member of the CLAMS Library Network, a non-profit cooperative association of libraries from across Cape Cod and the Islands. The mission and activities of this network are intrinsically linked with digital equity values and goals. The CLAMS Library Network and associated libraries were identified as a regional digital equity asset within the Massachusetts Statewide Digital Equity Plan. Participation in this network could result in peer-learning and resources that will benefit the Town of Bourne and beyond.

Similarly, the Council on Aging is a member of the COAST network, which is comprised of COA leaders from across the region. As another entity committed to advancing digital inclusion for aging adults, participation in COAST will benefit the Town of Bourne.

IMPLEMENTATION RECOMMENDATIONS

DRAFT

IMPLEMENTATION

Overview

This section provides recommendations and related actions tied to specific challenges and opportunities outlined previously and categorized by four pillars of digital equity: connectivity, devices, skills, and community. The recommendations seek to advance the vision and goals for this digital equity plan as developed by community members, further described in the *Introduction*. This section also provides considerations on how the Town of Bourne can measure its progress in advancing digital equity for community members through the execution of this plan.

It is critical to note that the vast majority of these recommendations require expanded capacity for key entities and community organizations. It many cases, digital equity cannot be furthered without increased funding. The Town of Bourne is not alone in this struggle – municipalities across the Commonwealth are all currently considering available funding for critical digital equity programs. The *Funding Opportunities* section below describes funding mechanisms and strategies identified by Cape Cod Commission staff.

Generally, recommendations provided to the Town of Bourne will ring true for municipalities across Barnstable County. Municipal leadership across the region should consider opportunities for peer-learning, cost-sharing, and streamlined strategies. Cape Cod Commission staff are available to support the consideration of regionalized solutions.

Recommendations

CONNECTIVITY

Continue to advocate for improved internet service provision

Internet service reliability and affordability were dominant concerns reported by residents throughout the community engagement process, backed by both quantitative and qualitative data. The Town of Bourne has already taken significant steps in advocating for improved connectivity for all community members through the re-establishment of the Cable, Internet, and Telecommunications Advisory Committee (CITAC). The Town of Bourne should continue to provide a platform for residents to share internet service challenges. Incumbent internet service provider performance quality, infrastructure, and accountability should continue to be a priority for the CITAC.

Encourage internet service provider competition

Geography, weather, seasonal population fluctuations, and a lack of competition are contributing factors to unsatisfactory service in the Town of Bourne. While little

can be done about geographic or weather-related impacts, The Town of Bourne should continue to advocate for increased internet service provider competition. The town should explore opportunities to attract new providers to the area with an aim to increase affordability, speeds, and service quality. Building off the success along Main Street in Buzzards Bay, the town should continue to investigate opportunities to extend broadband to all residents and businesses in town, with particular emphasis on supporting new fiber-to-home and fiber-to-business opportunities.

Promote public WiFi availability

Entities and residents across the Town of Bourne report community dependency on public WiFi locations, but also report poor WiFi signal in some key locations. For example, Bourne Public Schools reports strong public WiFi availability within and immediately adjacent to main school buildings, but desire to improve access at key locations outside school walls, such as playgrounds, sporting fields, and gymnasiums.

In another example, library staff report that they will often see community members parked outside of the library to access public WiFi, but share that the signal is only strong in certain areas of the parking lot and is also spotty across the inside of the building. Entities across town report that public WiFi access in key community locations is particularly important given poor cellular connectivity – a total lack of connectivity can pose safety issues. The Town of Bourne should work with key community entities to ensure that public WiFi availability and strength accommodates needs and is of a high and consistent quality.

Across the Town of Bourne, it would be beneficial to better map public WiFi availability for residents and to develop a simple, user-friendly resource for individuals to view this map.

DEVICES

Improve on current and develop new public computing device offerings

Introducing new public device lending programs would support the 3.3% of Bourne residents without a device or those who lack a needs-appropriate device. Libraries across Barnstable County vary in device lending programs and policies. Currently, the Jonathan Bourne Public Library does not offer ChromeBooks for lending. Library staff should continue to consider whether such a program would be beneficial to residents and may conduct peer-learning to understand how other libraries across the region have operationalized this service. Library staff may consider weighing potential loses or risks against the benefits of a device lending program. A pilot program may be considered and could be informed by similar efforts by other communities in the region and state. If the library ultimately introduces a device-lending program, this program would be augmented by offering it on both sides

of the bridge and providing accompanying technological support for new users.

Implementing and operating this type of program may require additional library staff or volunteer time. Building additional library staff or volunteer capacity should accompany the introduction of a device lending program. In particular, the library should ensure that available staff have the technical ability to support residents with devices available for loan.

The Town of Bourne may also consider how to initiate a regional device lending program, either through the library system or another entity, as this approach could reduce risks or loses experienced by individual towns.

Improvements could also be made to existing public device lending programs to support greater accessibility. For example, Upper Cape Cod Regional Technical High School reports that device insurance has proven a major barrier for low-income families within the school system. This is likely a widespread issue for schools across the County and state. As this is a shared barrier amongst a variety of institutions, groups should consider communal advocacy, purchases, or financial assistance programs.

Educators across the Town of Bourne and the region should advocate for state and federal government opportunities to mitigate the financial burden of devices for both schools and families. Districts will continue to adopt 1-to-1 device models as this level of technical literacy proves increasingly necessary by the demands of our society. By expanding access to and augmenting current in-school programs and resources, and by introducing new cost-savings offerings for schools (such as device insurance financial assistance programs), we can ensure that youth across Bourne are not left behind within the digital world.

Expand hot spot lending programs

While data demonstrates that residents across the Town of Bourne are relatively well-connected from a device access perspective, it is critical to continue making devices available to residents in need. An increase in publicly available hotpots will also help to support connectivity issues, understanding that these should not serve as the primary form of internet access.

Currently, hotspots are available for lending through the Jonathan Bourne Public Library. Library staff across Barnstable County report that hotspots are a popular lending item, but not the easiest to manage from a user-accountability perspective. Libraries across Cape Cod would benefit from a collective hotspot lending program with shared costs, though it is uncertain how this would be operationalized. In the meantime, staff at the Jonathan Bourne Public Library should continue to monitor hotspot loans and collect data to support an increase in hotspots for lending.

DIGITAL SKILLS AND LITERACY

Develop a digital equity network to strengthen public service and awareness

As described in *Digital Equity Strengths*, there are many disparate programs already offered within and nearby the Town of Bourne that address digital skills and literacy. However, throughout the community engagement process, residents frequently reported wanting support that already exists in some capacity in town. There is both a regional and local need for greater collaboration and coordination among entities that are bridging the digital divide.

Increasing public awareness and interagency communication is necessary to ensure that community members are aware of opportunities designed to support their digital needs. Trusted service providers across Bourne should familiarize themselves with digital equity offerings so they can properly direct their constituents to already-existing programs. The development of a digital equity network within the Town of Bourne would provide a consistent platform to achieve greater peer-learning, public awareness, and interagency communication.

A digital equity network could be operationalized by facilitating regular meetings between key entities that focus specifically on components of digital equity. A network would be an effective way to ensure that services across town are complementary, needs-responsive, and not duplicative. By gaining a greater understanding of existing resources and services, participating entities can further train staff and volunteers to make cross-organizational referrals to constituents. A robust digital equity network could also serve as a platform to build a digital skills service continuum and to further identify and address existing gaps in resources and services.

An effective digital equity network for the Town of Bourne may include key digital equity assets such as the Council on Aging, Jonathan Bourne Public Library, Bourne Public Schools, and Upper Cape Cod Regional Technical High School. A strong digital equity network may also involve representation from or streamlined communication with organizations that support covered populations – such as the Herring Pond Wampanoag Tribe and the Mashpee Wampanoag Tribe, Joint Base Cape Cod, municipal departments working closely with veterans and other covered populations, the housing authority, and other human service providers. Regular facilitation by a lead entity would be required to ensure sustainability and success of this network.

Organizational capacity may be one barrier to achieving a digital equity network, particularly where burden may lie heaviest on the facilitating entity. A solution to alleviate this would be developing a streamlined system for resource and information sharing among participating entities.

Network building may also involve inter-municipal partnerships and partnerships with entities outside of the boundaries of the Town of Bourne. As this work continues across Cape Cod, there may be opportunities for greater regional networking.

Introduce increased one-to-one programming

Community members frequently reported a need for increased 1-to-1 technology support with their personal devices. The Council on Aging recently engaged a volunteer to provide this level of support for Bourne's aging community. This initiative should be continued and entities across town should be made aware of this service so they can direct aging residents to the service as appropriate. The Council on Aging should continue to ensure that this service, along with other digital equity courses and programs, is well-publicized in both online and paper formats.

This particular 1-to-1 offering was developed to support the aging population, and the Town of Bourne should consider increased 1-to-1 tech offerings to support other populations, such as veterans and military families; immigrants, refugees, ESL populations, and individuals with disabilities. The library or schools may serve as a trusted entry-point for program development in this area.

Further embed digital equity into social service provision

Entities across Bourne have noted that many essential services require online engagement and that they often lack the capacity to support community members who need assistance with these activities. For example, staff at the library note that residents may visit the library to access computers for basic needs, such as immigration or RMV paperwork, and may require support at some level with navigating these services.

The Town of Bourne should consider opportunities to incorporate support with essential services into workshops or programs that also advance digital equity. For example, the library or Council on Aging could host sessions on completing online immigration forms in partnership with immigration attorneys or legal service providers. These entities could also host workshops on using MyChart in partnership with a healthcare agency such as Cape Cod Healthcare or local community health centers.

Entities across the Town of Bourne with access to digital resources, such as the library and schools, may intentionally build partnerships with entities supporting covered populations to create needs-responsive programming. For example, Upper Cape Cod Regional Technical High School shared an interest in supporting the community by offering or hosting a night-time or after-school computer skills program, which could be a component of a job-skills or educational offering for a local human services agency. This example is particularly advantageous because the school offers a comfortable space for learning with strong technical infrastructure. Considerations when developing partnerships may also include developing outreach and feedback mechanisms

that are responsive to the unique needs of the target audience.

Provide offerings to address internet safety, privacy, and security concerns

Community concerns around safety, privacy, and security arose as a dominant theme throughout the community engagement process. 1-to-1 tech offerings and other digital programs throughout town should always touch on security and safety as a core value of service provision. For example, if teaching a resident how to use a financial banking app, instruction should also include components of safe online banking and scam identification.

Regular workshops about online safety may be expanded or developed through the library, Council on Aging, or social services providers. Other communities within Barnstable County have had success in involving public safety officers and other technical experts in the provision of this type of course. Workshops may target specific digital threats – such as how to identify a fraudulent email – and should also provide broad opportunity for residents to receive support with individual concerns. As these internet safety concerns may be of a personal or sensitive nature, workshops should foster a comfortable, safe space and should be accompanied by opportunities for 1-on-1 conversations.

Generally, residents would benefit from increased communal education around digital safety and security that is practical, grounded in access to essential services, and unintimidating for new learners. Often, residents identified safety concerns as a primary reason for not using the internet or technology. Pursuing the above recommendations will be key to ensuring that community members trust themselves to use the internet and technology to achieve their everyday needs.

Explore digital navigation models and offerings

To further skills-based recommendations, the Town of Bourne may need to build greater capacity to support digital equity initiatives. This could include the identification of a volunteer, contractor, or staff member to specifically further digital equity efforts. Identification of an individual (or individuals) to support the operationalization of these recommendations, to provide direct technical support to individuals within the community, and to build a stronger digital equity network (see Community below) will increase the likelihood of success and sustainability for these efforts.

Positions such as this are frequently referred to as *digital navigators*. The Town of Bourne should explore opportunities to introduce digital navigators into service provision, which could include augmenting current staff with appropriate training. The Town of Bourne can play a leadership role in initiating a regional digital navigation program, which would yield increased benefits and efficiencies.

COMMUNITY

Overcome geographic challenges for effective service delivery

As described in *The Current State of Digital Equity*, Bourne's unique geography can often pose a barrier for community access to key services. To address this, the Jonathan Bourne Public Library has piloted a mobile pop-up model to offer resources and programs to residents on both sides of the canal, particularly in anticipation of future construction. Introducing digital resources into this mobile model and ensuring that these offerings are well advertised would be advantageous to furthering digital equity for residents in Bourne. For example, the library may consider purchasing easily transportable devices that could be stationed at community pop-ups, such as laptops with the same level of functionality as library-based desktops. Library staff may consider using these resources to offer mobile digital skills tutorials, appointments, or workshops.

This recommendation requires reciprocity and coordination between municipal entities, such as the Council on Aging, library, town administration, and schools. Collaboration between these entities will ensure that digital equity offerings are available on both sides of the canal in a coordinated fashion to avoid duplication of efforts. In cases where it is not reasonable for services to be offered on both sides of the bridge, partnering organizations may consider accessible and well-advertised public transportation options to ensure that residents can avail of resources.

Foster communal language on the internet and technology

Increasing digital literacy will require building a shared digital language that will help residents to better understand existing services and resources, identify where they must build their own skills and literacy, and will support their communication with internet service and technology providers. Helping residents better understand the language around the internet and technology will generally empower communities who currently feel isolated and frustrated by what appears to be complex or specialized terminology.

This can be achieved by offering welcoming language-specific workshops, courses, or tutorials; by ensuring that town staff and volunteers use simple language and provide explanations when discussing technology and the internet; and through a community education campaign.

Center digital equity in municipal and community-based communications

Community outreach and information sharing for digital equity programs should be diversely offered and should meet the target audience "where they are at" in the technical sense.

For example, aging residents noted that QR codes and embedded links may be a barrier to accessing essential

information. It is understandable that municipal entities will want to take advantage of these tools in public communications. A potential solution may be offering literature, workshops, or other tutorials on using QR codes or navigating the town website. This could also take the form of a video, which could be distributed through Council on Aging newsletters or broadcast on Bourne Community TV.

Other barriers may exist when attempting to communicate with covered populations across town. Municipal entities should be aware of potential barriers to accessing information that residents may have and ensure these are addressed when developing outreach strategies. Town of Bourne staff widely expressed enthusiasm for communication strategies utilized during the library strategic planning process, as there were multiple opportunities for residents to engage. Similar outreach strategies that incorporate diverse platforms for communication and feedback will help to bridge barriers that may exist for certain populations and will ensure broad engagement.

Center digital equity in municipal and community-based services

Broadly, in order to advance digital equity across Bourne, digital equity must be baked into all levels of municipal planning, programming, and policy as a core value. Municipal services will better meet diverse community member needs if staff have opportunities to increase their understanding of challenges that community members may face with the internet and technology and adopt best practices to address these challenges. This digital equity plan can serve as a catalyst and educational platform for the Town of Bourne and partnering agencies to strengthen existing services, to train staff and volunteers, and to develop best practices and universal policies for the future.

For example, entities offering digital equity (or non-digital equity) programs should also ensure that sign-ups for these programs can happen either online or with support from staff over the phone or in-person. This acknowledges barriers faced by members of the community in completing online sign-ups due to connectivity or skill-based barriers.

When digital equity issues arise, community members often lean on municipal and community-based staff and volunteers for informal tech support. However, it is important to remember that not all staff and volunteers are equally equipped to provide this level of service.

Challenges to effective services can also be exacerbated by an organization's own tech issues. The Town of Bourne should supplement current IT services to support staff with technical assistance needs, which may include increased training and easily accessible IT support to troubleshoot issues. Municipal and community-based entities should prioritize technical education for staff and volunteers, so they are empowered to best support residents.

Develop methods and structure to measure progress

As further described below in *Measuring Success*, the Town of Bourne should consider what constitutes success within the implementation of specific recommendations above as well as the future execution of this digital equity plan. Entities assigned with implementation actions should identify immediate and long-term goals to guide the development of any given offering. Progress and results within individual activities could be monitored through the development of a digital equity network, as described above. The Town of Bourne may look to successful community or municipal efforts as a foundation for building out appropriate methods and structures to measure progress in advancing digital equity.

Support regional collaboration

There is tremendous opportunity for increased regional collaboration to further digital equity services and resources for communities across Cape Cod. However, making space for new, effective partnerships is often "easier said than done."

While this recommendation is not specific to the Town of Bourne alone, the Bourne community can play a role in initiating greater regionalization of programs seeking to further digital equity, such as those described below:

- Regional or statewide opportunities to develop a more formal digital equity coalition to support education on best practices within the field, peer-to-peer information sharing, and the creation of more streamlined programming.
- A strategic digital navigator program to address challenges shared by community members within the Town of Bourne and across the region. While digital navigation was not a significant focus of this digital equity planning process, this need has also arisen in other municipal digital equity plans in development by Commission staff. Opportunities to introduce digital navigation into communities should be considered by municipal, regional, state, and nongovernmental entities.
- Increasing public understanding and resource sharing on existing regional or subregional services that advance digital equity, such as those available through community health centers, as this will be key to building new models into the future.
- Leveraging existing partnerships such as those through the COAST and CLAMS networks (described in *Key Findings*) and the public schools. Intentionally baking digital equity conversations into these existing platforms may provide a starting place for increased peer-learning and service building discussions.

Table of Recommendations and Actions						
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Table of Recommendations

Funding Opportunities

Digital equity initiatives across the country are supported by a combination of government (federal, state, and municipal), philanthropic, and private sector funding streams. The Town of Bourne can leverage a number of currently existing funding opportunities to advance the above recommendations and should continue to learn about funding streams as they are developed.

STATEWIDE DIGITAL EQUITY FUNDING

Through the Digital Equity Act, Massachusetts has received $2.75 billion in federal funding to develop and support digital equity programs across the state. The Massachusetts Broadband Institute (MBI) will utilize the statewide digital equity plan as a framework for future planning efforts, including the below:

- State Digital Equity Capacity Grant Program: as a participant within MBI's Municipal Digital Equity Planning Program, the Town of Bourne is eligible to apply for up to $100,000 of funding to operationalize strategies identified in this digital equity plan through the Municipal Digital Equity Implementation Program. The Cape Cod Commission is available to continue supporting the Town of Bourne within this funding process.
- Future funding streams: MBI anticipates the release of additional implementation funding streams.

DIGITAL EQUITY PARTNERSHIPS PROGRAM

Following the passage of An Act Relative to Immediate COVID-19 Recovery Needs, also known as Massachusetts

"ARPA 1.0" legislation, a $50 million Broadband Innovation Fund was established to bridge the digital divide as a component of the Commonwealth's COVID recovery and response efforts.[7]

The following programs have already been established by MBI within this funding stream and are relevant to potential projects within the Town of Bourne:

- Metropolitan Area Planning Council Apartment Wi-Fi Program: this program provides funding, project management, and procurement support to fund the construction of Wi-Fi networks which provide residents with equal or superior service than what is available from commercial ISPs, at no cost to residents. Funding covers all capital costs associated with network design, construction, and equipment, and the first year of ongoing operating expenses.[8]
- Massachusetts League of Community Health Centers: Federally Qualified Health Centers (FQHCs) Telehealth Consortium to help 35 health centers across the state support telehealth services. The FQHCs Telehealth Consortium will provide the required staff capacity, training and coaching resources, oversight, and evaluation to screen patients at FQHCs for digital access needs.[9] The Town of Bourne should learn about how local qualifying health centers are operationalizing this funding to support residents of Bourne and consider opportunities for partnership.

As additional Partnerships Programs are announced, the Town of Bourne should consider opportunities to leverage developed programs to further local strategies.

BROADBAND EQUITY ACCESS DEPLOYMENT (BEAD) PROGRAM

Massachusetts was awarded $47 million in BEAD funding to close remaining gaps in unservered and underserved locations. The draft proposal for awarding grants from these funds is heavily weighted toward existing services providers, whether private or public. The opportunity for municipalities not presently providing Internet services will be in the challenge process, which provides an opportunity to dispute coverage availability, as characterized for funding eligibility.

Bourne should consider participating in the challenge program as a conduit for citizen-based challenges. While individual test results meeting published requirements will be allowed during the challenge process, only units of local

[7] Massachusetts Broadband Institute, Digital Equity Partnerships Program: https://broadband.masstech.org/partnerships
[8] Metropolitan Area Planning Council, Apartment Wi-Fi: https://www.mapc.org/our-work/expertise/digital-equity/apartment-wi-fi/
[9] Healey-Driscoll Administration Awards $20 Million to Boost Digital Equity: https://broadband.masstech.org/news/healey-driscoll-administration-awards-20-million-boost-digital-equity

government or non-profit organizations are allowed to collect and submit them to MBI. Performing this role may help facilitate provider-funded upgrades to improperly categorized underserved locations throughout town.

MUNICIPAL FIBER GRANT PROGRAM

The Municipal Fiber Grant program is a competitive grant program that supports the closing of critical gaps that exist in municipal networks. Focused on connecting municipality-owned facilities, it assists municipalities in achieving many critical goals associated with municipal fiber networks. Grants to a single town can be up to $250,000, and up to $500,000 for joint applications.

While not directly related to digital equity work, improvements to the town's network infrastructure will ensure that connectivity for town staff does not become a barrier on its own.

Bourne and other Cape towns have been competitive for this funding, with three grants over the 2022 and 2023 funding cycles. Bourne should continue to look at the opportunities presented through this program, including development of public wireless networks in walkable downtowns and recreational areas.

LEAD FOR AMERICA'S AMERICAN CONNECTION CORPS

MBI has partnered with the Lead for America American Connection Corps program to establish a digital equity fellowship opportunity in Massachusetts, with funding available to place fellows at organizations across the Commonwealth. Digital equity fellows will support the development of digital inclusion programs by providing strategy, organization, and administration to hosting entities.

Commission staff recommend a regional, interagency, or intermunicipal approach for pursuit of this program. The program requires a lead agency to host the digital equity fellow, and entities within the Town of Bourne may be well-positioned to support this effort given the completion of this digital equity plan.

RESIDENTIAL AFFORDABILITY PROGRAMS

As described in *Current State of Digital Equity*, the future of the Affordability Connectivity Program is uncertain, pending federal legislation. Should the program sunset, the Town of Bourne should identify entities to support eligible residents in accessing both the Lifeline and Comcast Internet Essentials programs. Social workers, case managers, guidance counselors, and other professionals

who work 1-on-1 with individuals and families to access subsidy programs are particularly well positioned to support enrollment in this type of program.

LEVERAGING OTHER FUNDING STREAMS TO FURTHER DIGITAL EQUITY EFFORTS

There are a number of public and philanthropic funding streams that are not specific to digital equity, but that could be accessed to further digital equity goals. For example, community-based organizations have accessed Community Development Block Grants (CDBG), a federal Housing and Urban Development funding stream that is administered locally, to provide digital literacy classes.[10]

Workforce development funding streams are another good avenue to pursue, given the connection between digital adoption and participation in the workforce. Similarly, educational funding streams and programs, particularly including those that benefit covered populations, may be aligned with digital equity goals.

Entities across the Town of Bourne or that benefit Bourne's community may be eligible for diverse funding streams that ultimately further digital equity. By developing a stronger digital equity network across town assets, the Town can learn of and strategically approach funding and programmatic opportunities that are beneficial to the Bourne community.

Measuring Success

Measuring the successful implementation of this digital equity plan will require tracking existing individual programs, services, or strategies as well as those that may be initiated as a result of this plan. Coordination and information-sharing between involved entities will be critical in order to ensure that these activities are successful on a community-wide level. The Town of Bourne may identify a lead staff member or entity to identify and coordinate methods for the Town to employ in measuring the progress of this plan's implementation.

Understanding the success of individual digital equity activities will vary dependent upon the nature of that initiative or offering. Generally, identification of goals and measurement tools should guide the development of each activity. Targets should be set related to immediate outcomes that are tied to community need (for example, intended number of community members to benefit from any given program). Long-term goals for each activity should also tie in with an overarching, town-wide vision as identified through this digital equity plan.

[10]Massachusetts Executive Office of Housing and Livable Communities, Community Development, Planning, and Funding: https://www.mass.gov/info-details/community-development-block-grant-cdbg#how-to-apply-

Successful implementation of this plan will be continuous and evolving work, as residents move into and out of the community, as community members move along the continuum of digital equity, and as the digital world continues to progress.

Continued Learning

Ongoing learning is key to addressing the digital divide, particularly as the digital world will continue to advance. Commission staff have identified particular areas that were not addressed through this planning process, listed below:

- Emergency communications: the Town of Bourne should continue to consider how emergency communications must evolve to better reach residents who are impacted by the digital divide. Digital equity should not be assumed when planning emergency communications.
- Opportunities to increase digital equity in public housing: the Bourne Housing Authority and the Town of Bourne should consider opportunities to further digital equity needs of their residents, building on available statewide funding streams as outlined above.
- Data collection: as detailed in *Current State of Digital Equity* section, the Town of Bourne should continue to track connectivity and demographic data as it relates to digital equity. The Town of Bourne should also consider opportunities for targeted data collection that advances that which is already known or to fill information gaps.
- Incarcerated individuals: as outlined in the *Current State of Digital* Equity, while the Barnstable County Correctional Facility is located in Bourne, much of its jurisdiction falls under the state. New programs and services are available to support digital equity for incarcerated individuals, such as those developed by Ameelio. Introducing new programs and policies will be critical to advancing digital equity for incarcerated individuals. As formerly incarcerated individuals transition out of the facility, local communities should consider targeted opportunities to support their ability to access internet and technology and build needed skills.
- Bringing all key entities and populations into the fold of digital equity planning and implementation: the Town of Bourne has a number of assets that could be further leveraged in digital equity planning and implementation. There are a number of assets and populations who were likely underrepresented within this planning process, but who have a critical part to play in digital inclusion.

Advancing Digital Equity in Bourne

Community members across the Town of Bourne have demonstrated a commitment to ensuring that all have equitable access and opportunities to the connectivity and information technology needed for full participation in society, democracy, and the economy. Advancing digital equity in Bourne will require continued commitment and collaboration from actors at all levels, including municipal, regional, and state entities, community-based, nonprofit, and private sector organizations, and individual advocates.

Through this planning process, the Town has identified challenges and barriers that both comprise and exacerbate the digital divide at a local level, as well as strengths and assets that can be leveraged to support digital inclusion for all Bourne community members into the future. Equipped with qualitative and quantitative data and an analysis of subsequent findings and recommendations, the Town of Bourne can convene stakeholders and engage the public to prioritize implementation strategies and near- and long-term solutions.

CW-24-4

Car Wash on Town Property

Status: Active

Submitted On: 4/26/2024

Applicant

Lindsay Morrill

[redacted]

Bourne, ma 02532

Organizer Information

Event Manager Name*

Lindsay Morrill

Event Manager E-mail*

[redacted]

Event Manager Phone Number

[redacted]

Organization Name

SISU Volleyball

Total Number of Participants*

10

Will there be participants under the age of 18?*

Yes

Juvenile/Youth events must have at minimum 2 adults over the age of 21 be present during the event, and an additional 1 adult per 10 children after 20 children associated with said event.

Number of Participants under 18

8

Number of Chaperones over 21

2

Have you previously held a car wash in the town?*

No

Reason for Event

Fundraising for trip to Orlando. The team is going to the Nationals!

Car Wash Information

Location of Car Wash	Date of Car Wash
Fire Station 4 (Pocasset)	06/02/2024
Start/End Time	**Rain Date**
9:00-12:00	–

Rules and Regulations

I agree to the above conditions

Lindsay Morrill
Apr 26, 2024

Liability

Signature

Lindsay Morrill
Apr 26, 2024

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
✔ Intake Review	4/26/2024, 10:48:34 AM	4/26/2024, 4:24:02 PM	Maria Simone	-	Completed
✔ Fire Department	4/26/2024, 4:24:02 PM	4/26/2024, 4:26:02 PM	David Pelonzi	4/30/2024	Completed
✔ Police Department	4/26/2024, 4:24:02 PM	4/26/2024, 5:31:04 PM	Theodore Economides	4/30/2024	Completed
✔ Public Works	4/26/2024, 4:24:02 PM	4/29/2024, 7:57:46 AM	Matthew Quinn	4/30/2024	Completed
✔ Schedule Hearing	4/29/2024, 7:57:47 AM	-	Maria Simone	-	Active
✔ Hearing Results	-	-	-	-	Inactive

GPEV-24-19

General Use of Town Property Application

Status: Active

Submitted On: 4/10/2024

Applicant

Tim Munetsi

[redacted]

Colleyville, TX 76034

Applicant Information

Applicant Name*

Samantha Boland

Organization Name (if applicable)

National Multiple Sclerosis Society

Mailing Address

PO Box 289

City

Canton

State

MA

Zip Code

02021

Primary Contact Person*

Samantha Boland

Primary Email*

[redacted]

Primary Phone

[redacted]

Additional Contact Person

Tim Munetsi

Additional Email

[redacted]

Additional Phone

[redacted]

Applicant Affiliation (check all that apply)

Residential or Non-Profit in the Town of Bourne

☐

Resident or Non/For-Profit outside of the Town of Bourne

☑

Veteran Affiliation

☐

Town of Bourne

☐

For-Profit Business in the Town of Bourne

☐

Educational Institution in the Town of Bourne

☐

Event Information

Event Name/Title*

Bike MS: Cape Cod Getaway

Location*

Mass Maritime Academy and town roads

Is this a new event or a renewal?*

Renewal Event

Expected Event Staff

20

Expected Attendance*

897

Public or Private Event?*

Public

Admission Fee

Fundraising Minimum: $500

Type of Event (check all that apply)

Festival/Fair

☐

Charity Benefit/Fundraiser

☑

Ceremony

☐

Farmers Market

☐

Parade/Procession

☐

Run and/or Bike Race

☑

Block Party

☐

Filming

☐

Family Event

☐

Other

☐

Purpose of Event

Fundraiser for National Multiple Sclerosis Society

Is this a multi-day event?*

Yes

Event Start Date*

06/29/2024

Event End Date*

06/30/2024

Event Start Time*

12:00 pm- 7:00 pm

Event End Time*

7:00 am to 10:00 am

List all additional dates and times

Will you need time to set up/break down your event?

Yes

Set Up Date

06/28/2024

Set up Time

12:00 pm- 5:00 pm

Clean Up Date

06/30/2024

Clean Up Time

Rain Date

–

Will you be participating in the Town's Green Events initiative?

–

Public Safety

Private Security?

No

On-Site Medical Services

Yes

Company Name

TBD

Will propane be used at event?

No

Will portable heaters be provided at event?

No

Will the event be filmed?

No

Will media/press be present at your event?

No

Public Works

Will this event require road closures?

Yes

List roads to be closed

Bourne Bridge

Will town owned cones/barrier be needed?

No

Are town comfort stations being requested (if available)?

No

Will portable toilets be on site?

Yes

Number of portable toilets

TBD

Private Waste Removal?

No

Will a dumpster be used on site?

Yes

# of General Waste Bins

–

# of Recyclable Bins

–

Will a Portable Generator be on site?

Yes

Is Town Electricity being requested?

No

Will vehicles need to be on the property?

Yes

Please describe need:

Event staff vehicles, shuttle buses, luggage trucks

Inspectional Services

Tents

Yes

# of tents

29

Company Name and Contact Info

American Tent

Tent Dimensions

10x10, 10x20, 20x20, 20x40, 30x30, 40x40, 40x60

Will chairs/tables be provided by event?

Yes

Company Name

Peak Event Services

Will a temporary stage be erected?

Yes

Will temporary fencing be installed?

No

Signs/Banners

Yes

Types of signs/banners

Feather flags and banners at MMA, and route arrows on the road

Number of Signs/Banners

TBD

Main Street Banner?

No

Will inflatables be on site?

No

Health

Will food be offered at the event?

Yes

Will food be prepared off site?

No

Will food be prepared on site?

Yes

Prepackaged food?

No

Will raw shellfish be offered?

No

Will food trucks be at event?

No

How many hand washing stations?

TBD

Are animals part of the event (petting zoo, pony rides)?

No

Licensing and Town Clerk

Will your event have beer/wine?

Yes

Will your event have entertainment?

Yes

Will your event have amplification?

Yes

Will a raffle/live auction be included in event?

No

Will vendors be at event?

No

Indemnification

Signature

Timothy Munetsi
Apr 10, 2024

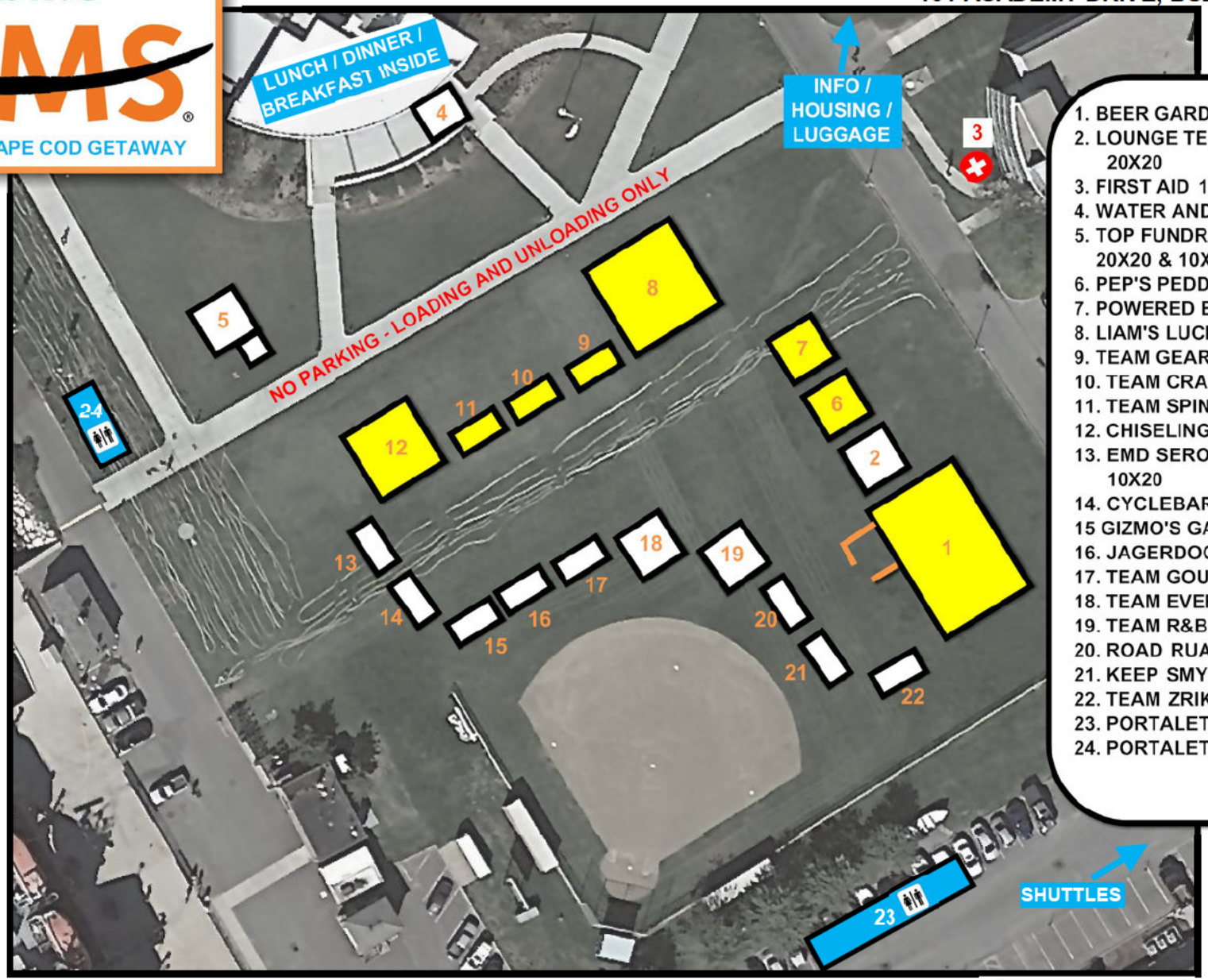
Timeline

Label	Activated	Completed	Assignee	Due Date	Status
Intake Review	4/10/2024, 1:40:54 PM	4/11/2024, 9:46:41 AM	Maria Simone	-	Completed
Police Department	4/11/2024, 9:46:42 AM	4/11/2024, 9:54:10 AM	Theodore Economides	-	Completed
Fire Department	4/11/2024, 9:46:42 AM	4/11/2024, 10:17:43 AM	David Pelonzi	-	Completed
Public Works	4/11/2024, 9:46:42 AM	4/17/2024, 11:56:44 AM	Matthew Quinn	-	Completed
Inspectional Services/Building Department	4/11/2024, 9:46:42 AM	4/11/2024, 10:47:00 AM	Cassie Hammond	-	Completed
Health Department	4/11/2024, 9:46:42 AM	4/18/2024, 9:01:38 AM	Kaitlyn Shea	-	Completed
Licensing	4/11/2024, 9:46:42 AM	5/9/2024, 9:28:56 AM	Maria Simone	-	Completed
Select Board Hearing Date	5/9/2024, 9:28:56 AM	-	Maria Simone	-	Active
Select Board Decision	-	-	-	-	Inactive

bike MS CAPE COD GETAWAY

MASS MARITIME ACADEMY FESTIVAL AREA

101 ACADEMY DRIVE, BUZZARDS BAY, MA 02532

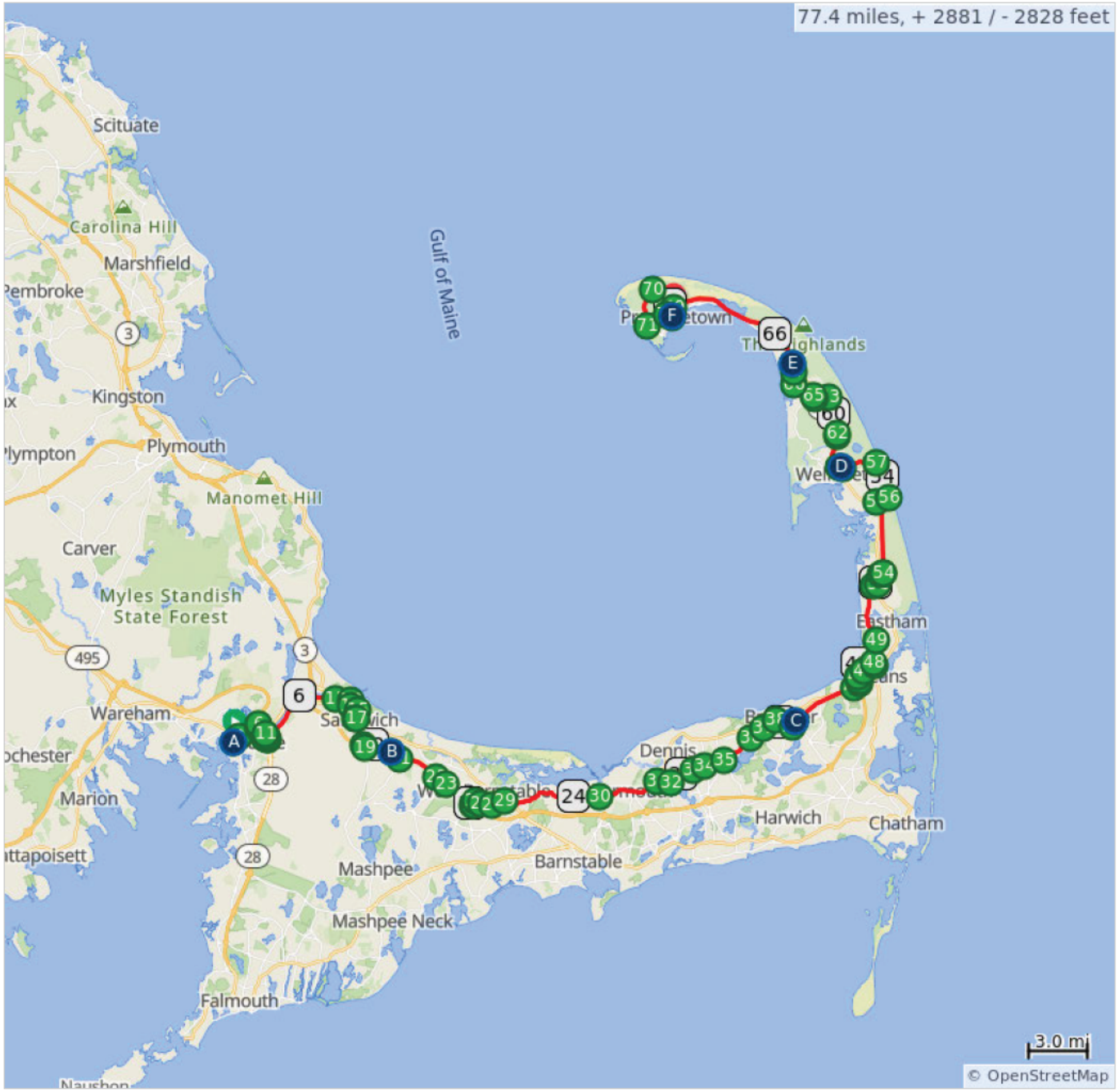


1. BEER GARDEN 40X60
2. LOUNGE TENT FOR ALL RIDERS 20X20
3. FIRST AID 10X10
4. WATER AND SODA
5. TOP FUNDRAISER MASSAGE 20X20 & 10X10
6. PEP'S PEDDLERS 20X20
7. POWERED BY BUILDIUM 20X20
8. LIAM'S LUCKY CHARMS 40X40
9. TEAM GEARY 10X20
10. TEAM CRANK IT UP! 10X20
11. TEAM SPINAL TAP 10X20
12. CHISELING LOU'S 30X30
13. EMD SERONO-REASON TO RIDE 10X20
14. CYCLEBAR 10X20
15 GIZMO'S GANG 10X20
16. JAGERDOGS 10X20
17. TEAM GOURMET GARDEN 10x20
18. TEAM EVEREST 20X20
19. TEAM R&B 20X20
20. ROAD RUACH 10X20
21. KEEP SMYELIN 10X20
22. TEAM ZRIKE 10X20
23. PORTALETS
24. PORTALETS

LAST EDITED 5-24-23

PROMOTER LINE INCORPORATED

75M D2 Cape Cod Getaway 2024



A.	Start- Mass Maritime Academy
B.	Rest Stop 1- Cape Cod Rehab Hospital
C.	Rest Stop 3- Stony Brook Elementary (Lunch)
D.	Rest Stop 5- Wellfleet Elementary
E.	Rest Stop-6 Truro Central School (Water only)
F.	Finish

Town of Bourne, MA

May 9, 2024

GPEV-24-19

Police Department

General Use of Town Property Application

Status: Complete

Assignee: Theodore Economides

Became Active: Apr 11, 2024

Completed: Apr 11, 2024

Applicant

Tim Munetsi
[redacted]
Colleyville, TX 76034
[redacted]

Comments

Theodore Economides, Apr 11, 2024

Organizer to reach out to PD 1 month prior to event to discuss number of detail officers required. No staff or volunteers allowed in roadway and cannot direct traffic.

Town of Bourne, MA

May 9, 2024

GPEV-24-19

Health Department

General Use of Town Property Application

Status: Complete

Assignee: Kaitlyn Shea

Became Active: Apr 11, 2024

Completed: Apr 18, 2024

Applicant

Tim Munetsi
[redacted]
Colleyville, TX 76034
[redacted]

Comments

Kaitlyn Shea, Apr 11, 2024

Good morning -- your application lists that food will be prepared on site. Could you please provide more information on this?

Kaitlyn Shea, Apr 17, 2024

Hello -- is the food provided being made in the MMA Chartwells kitchen? Or is there a Food Vendor coming to the event?

Tim Munetsi, Apr 17, 2024

Yes, food for the event will be prepared in the MMA Chartwells kitchen.

Kaitlyn Shea, Apr 18, 2024

Great, thank you!

MMA Chartwells kitchen permitted with the Bourne Health Department, no further concerns with the Health Department.

Town of Bourne, MA

May 9, 2024

GPEV-24-19

Fire Department

General Use of Town Property Application

Status: Complete

Assignee: David Pelonzi

Became Active: Apr 11, 2024

Completed: Apr 11, 2024

Applicant

Tim Munetsi
[redacted]
Colleyville, TX 76034
[redacted]

Comments

David Pelonzi, Apr 11, 2024

Please coordinate with state building inspector for tents. Also coordinate with me for an EMS detail if you will need one again this year.

Tim Munetsi, Apr 15, 2024

Hi David, I will coordinate with state building inspector for tents. Yes, we are going to need EMS detail again this year.

From:	Marlene McCollem
To:	Irja Finn
Cc:	Kathleen Thut
Subject:	RE: Surplus - Old Broken Folding Tables
Date:	Thursday, May 2, 2024 9:56:26 AM

From: Irja Finn [mailto:ifinn@bournelibrary.org]
Sent: Thursday, May 2, 2024 9:53 AM
To: Marlene McCollem <mmccollem@townofbourne.com>
Subject: Surplus - Old Broken Folding Tables

Hi Marlene,

With your permission I would like to dispose of 6 folding tables that are currently in the Friends of the Library shed. They have been there for quite some time.

These tables are 20+ years old and either have gouges or wood splinters on the edges, legs that don't stay in a fixed position, etc. The Friends of the Library do not feel comfortable using them for the book sale.

Thanks,
Irja

[redacted]

Irja S. Finn, MSLIS

Library Director
Jonathan Bourne Public Library
19 Sandwich Road
Bourne, MA 02532
508-759-0600 x 6103

GPEV-24-10

General Use of Town Property Application

Status: Active

Submitted On: 3/18/2024

Applicant

Harold Skelton

[redacted]

Buzzards bay , Ma 02532

Applicant Information

Applicant Name*

Harold Skelton

Organization Name (if applicable)

Fishing for the mission 22 inc

Mailing Address

47 main st

City

Buzzards bay

State

Ma

Zip Code

02532

Primary Contact Person*

Harold Skelton

Primary Email*

Info@fishingforthemission22.org

Primary Phone

[redacted]

Additional Contact Person

maria

Additional Email

Additional Phone

[redacted]

Applicant Affiliation (check all that apply)

Residential or Non-Profit in the Town of Bourne

☑

Resident or Non/For-Profit outside of the Town of Bourne

☐

Veteran Affiliation

☑

Town of Bourne

☑

For-Profit Business in the Town of Bourne

☐

Educational Institution in the Town of Bourne

☑

Event Information

Event Name/Title*

2nd annual spring fling Black Sea bass tournament

Location*

Railroad bridge park

Is this a new event or a renewal?*

New Event

Expected Event Staff

15-20

Expected Attendance*

350-400 or less. this is just an estimate. We will have an idea up to event how many people signup

Public or Private Event?*

Public

Admission Fee

0

Type of Event (check all that apply)

Festival/Fair

☑

Charity Benefit/Fundraiser

☑

Ceremony

☐

Farmers Market

☐

Parade/Procession

☐

Run and/or Bike Race

☐

Block Party

☐

Filming

☐

Family Event

☐

Other

☐

Purpose of Event

Awards party for buzzards bay fishing tournament and public event to advocate for veteran suicide across from our new resource center located at 47 main st.

Is this a multi-day event?*

No

Event Start Date*

06/02/2024

Event End Date*

06/02/2024

Event Start Time*

12-5 pm

Event End Time*

12-5

Will you need time to set up/break down your event?

–

Set Up Date

06/02/2024

Set up Time

8 am to 11 am

Clean Up Date

06/02/2024

Clean Up Time

5-7 pm

Rain Date

–

Will you be participating in the Town's Green Events initiative?

No

Public Safety

Private Security?

No

On-Site Medical Services

No

Will propane be used at event?

No

Will portable heaters be provided at event?

No

Will the event be filmed?

No

Will media/press be present at your event?

No

Public Works

Will this event require road closures?

No

Will town owned cones/barrier be needed?

No

Are town comfort stations being requested (if available)?

No

Will portable toilets be on site?

Yes

Number of portable toilets

3

Private Waste Removal?

Yes

Will a dumpster be used on site?

No

# of General Waste Bins

10

# of Recyclable Bins

5

Will a Portable Generator be on site?

No

Is Town Electricity being requested?

Yes

Will vehicles need to be on the property?

No

Inspectional Services

Tents

No

Will chairs/tables be provided by event?

No

Will a temporary stage be erected?

No

Will temporary fencing be installed?

No

Signs/Banners

Yes

Types of signs/banners

Average size event banner from staples

Number of Signs/Banners

2

Main Street Banner?

Yes

Will inflatables be on site?

No

Health

Will food be offered at the event?

Yes

Will food be prepared off site?

Yes

Will food be prepared on site?

Yes

Prepackaged food?

Yes

Will raw shellfish be offered?

No

Will food trucks be at event?

Yes

How many hand washing stations?

2

Are animals part of the event (petting zoo, pony rides)?

No

Licensing and Town Clerk

Will your event have beer/wine?

Yes

Will your event have entertainment?

Yes

Will your event have amplification?

Yes

Will a raffle/live auction be included in event?

Yes

Will vendors be at event?

Yes

Indemnification

Signature

Harold Skelton
Mar 12, 2024

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
✔ Intake Review	3/18/2024, 1:57:03 PM	3/20/2024, 8:57:09 AM	Maria Simone	-	Completed
✔ Police Department	3/20/2024, 8:57:09 AM	3/25/2024, 11:08:42 AM	Theodore Economides	-	Completed
✔ Fire Department	3/20/2024, 8:57:09 AM	3/20/2024, 1:00:01 PM	David Pelonzi	-	Completed
✔ Public Works	3/20/2024, 8:57:09 AM	3/21/2024, 8:39:05 AM	Matthew Quinn	-	Completed
✔ Inspectional Services/Building Department	3/20/2024, 8:57:09 AM	3/20/2024, 10:07:19 AM	Ann Gutterson	-	Completed
✔ Health Department	3/20/2024, 8:57:09 AM	3/20/2024, 12:11:01 PM	Kaitlyn Shea	-	Completed
✔ Clerk's Office	3/20/2024, 8:57:09 AM	3/28/2024, 2:38:29 PM	Clerks Office	-	Completed
✔ Licensing	3/20/2024, 8:57:09 AM	4/19/2024, 11:30:33 AM	Maria Simone	-	Completed
✔ Select Board Hearing Date	4/19/2024, 11:30:33 AM	-	Maria Simone	-	Active
✔ Select Board Decision	-	-	-	-	Inactive

BUZZARDS BAY PARK
SITE PLANNING MAP

Legend

PavementMarkingLine

LandscapeArea

- Other

Surface Type

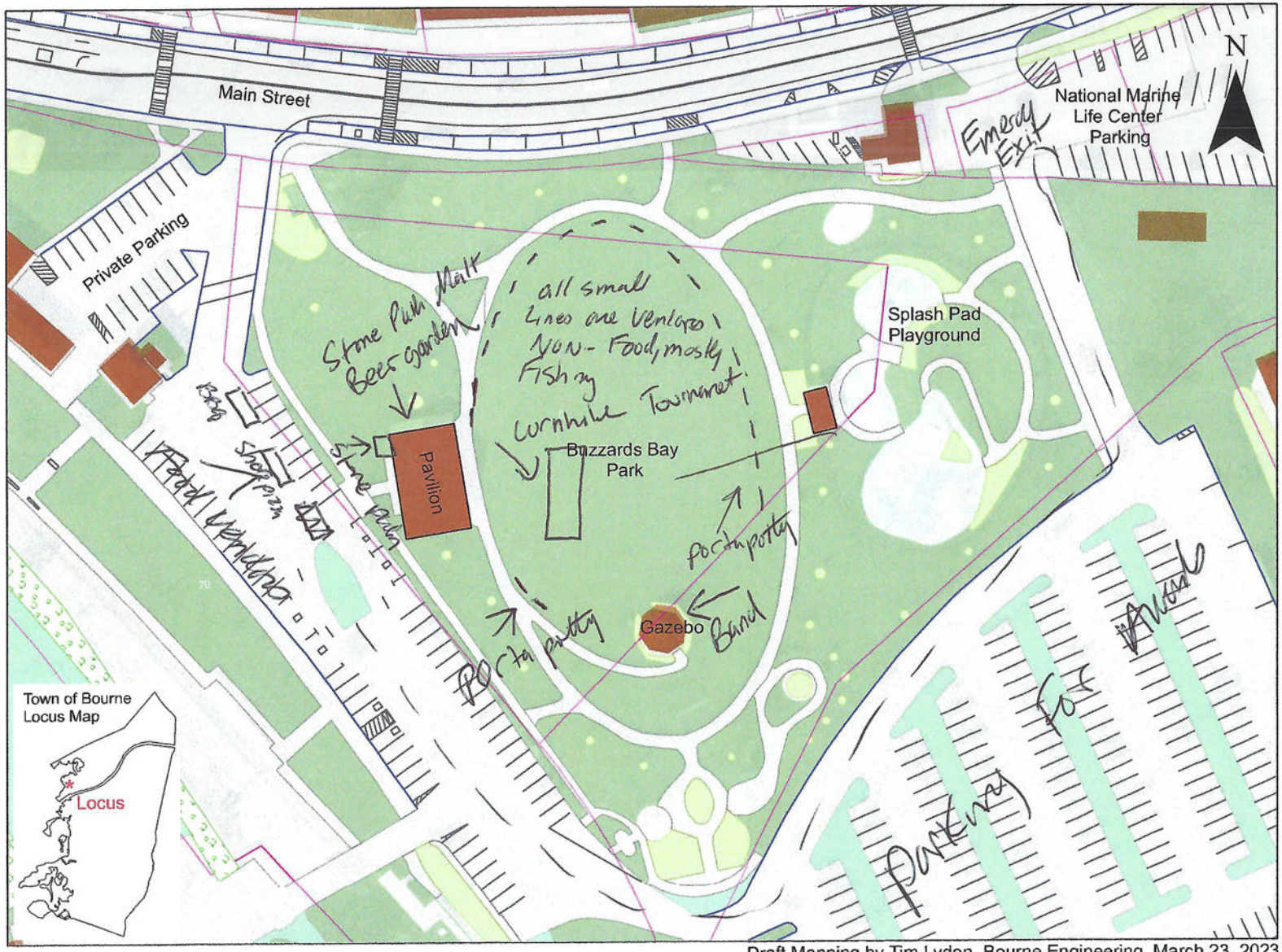
- Garden/Shrub
- Mowed Lawn
- Sports Turf

StreetPavement

Surface Type

- Asphalt
- Athletic Track
- Brickpaver
- Chip and Seal
- Cobblestone
- Concrete
- Dirt
- Gravel
- Hardcourt
- Other
- Shell
- Unknown
- SidewalkPoly

0 25 50 100 Feet



Draft Mapping by Tim Lydon, Bourne Engineering, March 23, 2023

Event Name: Second Annual Fishing for the Mission 22 Spring Fling Black Sea Bass Tournament Awards Party and Public Gathering in support of Veteran Suicide.

Location: Buzzards Bay Railroad Park Area

Date and Time: June 2, 2024, from 12 PM to 5 PM

Safety Plan:

1. Event Layout and Signage:
   - Designated areas for the cornhole tournament (hosted by professional league usual baggers). food vendors, tackle/craft vendors, beer garden, parking, and emergency exits will be clearly marked. See site plan.
   - Directional guidance of parking and other information on awards day gathering will be provided to participants and attendees at our check-in and registration kickoff party on May 30.

2. Beer Garden at Pavilion Hosted by Stone Path Malt:
   - The beer garden will be roped off, utilizing the patio area to control access and ensure that only individuals of legal drinking age enter (similar to canal day). ALL IDs will be checked no mater the projected age.
   - If necessary, we will hire police officers for security to monitor the area.
   - Stone Path Malt staff are all trained and will enforce responsible drinking practices on park property. All staff are SAFE certified, TIP certified, and hold liability insurance.
   - Stone Path Malt, through their affiliate company Mickle Brothers, will also serve food to help prevent overconsumption.

Other food vendors include: Waypoint BBQ and Shore fire Pizza. All have necessary documents, insurance, certifications, etc.

3. First Aid and Medical Services:
   - A first aid station will be set up at the Fishing for the Mission 22 info tent centered in the middle of park and at our resource center located across the street at 47 main st, equipped with basic medical supplies such as bandages, antiseptics, and ice packs.
   - Trained medical personnel, such as EMTs or paramedics, will be on-site to respond to any medical emergencies, at the discretion of officials.

4. Security and Crowd Control:
   - Volunteer personnel will be present to monitor the event, manage crowds, and address any disturbances. We do not expect any, as this is a family-oriented event.

5. Emergency Preparedness:
   - An emergency response plan will be developed, detailing evacuation procedures, sheltering, and communication strategies, if necessary.
   - A safety briefing for staff and volunteers will be conducted before the event to ensure readiness in case of an emergency.

6. Sanitation and Hygiene:
- Hand sanitizing stations will be available throughout the event area, and attendees will be encouraged to practice good hygiene.
- A sufficient number of portable bathrooms in guidance with regulations will be provided across the event space.

7. Compliance with Town Regulations:
- All necessary permits and approvals will be obtained from local authorities for hosting the event on public property.
- The event will comply with the town's regulations regarding public safety, noise levels, parking, and waste management.
- All procedures set forth in agreements will be followed.

8. **Communication Plan:**
- Clear communication channels will be established to convey important information to participants, attendees, and staff.
- Emergency contact numbers will be displayed prominently, ensuring that all attendees are aware of how to seek assistance if necessary.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 08/11/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HART INSURANCE AGENCY, INC. 243 MAIN STREET PO BOX 700 BUZZARDS BAY, MA 025320700	**CONTACT NAME:** Erica H. O'Connor	
	PHONE (A/C, No, Ext): / **FAX (A/C, No):**	
	E-MAIL ADDRESS: eoconnor@hartinsuranceagency.com	
	INSURER(S) AFFORDING COVERAGE	**NAIC #**
	INSURER A : SCOTTSDALE INSURANCE CO	41297
INSURED Fishing for the Mission 22 97 Maple Street Buzzards Bay, MA 02532	**INSURER B :**	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	✓ **COMMERCIAL GENERAL LIABILITY**			CPS7845492	08/09/2023	08/09/2024	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE ✓ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ Excluded
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	✓ POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						PER STATUTE OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?	N / A					E.L. EACH ACCIDENT	$
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Proof of Insurance

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Cape Cod Canal Special Use Permit Application

1. Name of Group or Organization:

Fishing For the Mission 22

2. Type of Event/ Proposed Activity: (walk, run, bicycle ride):

Awards Party For Black Sea Bass / Really only using park, not Canal

3. Group Representative:
Name: Harold Sketton
Address: 47 main st
Buzzards Bay, Ma 02532
Best contact number: [redacted]
Alt. contact number: [redacted]
Fax: N/A
Email: Info@Fishing For the mission22.org

4. Alt. Group Representative (if applicable):
Name: Jeff Hopewood
[redacted]
Best contact number:
Alt. contact number:
Fax:
Email:

5. Proposed Date of Event: June 2, 2024
6. Estimated Number of Participants: 350
7. Event starting time: 12 pm
8. Event closing time: 5 pm

9. Is the group a certified 501(c)3 non-profit: YES / NO

12. Which Recreation Area or portion of the Canal is this for:
pavillion area, park area, grass area, Not Doing anything on main Canal

13. Description of Event:
We are hosting our 2nd Annual Black Sea Bass Tournament. Most of the area will be situated around pavillion and park area. We will have banks and such. We are expecting around 300-350 people. We are going to get additional porta potties.

14. Signature/ Title of Group Representative:	15. Date:
[signature]	March 18 2024
Mail, Fax or Email application to: ATTN: Special Use Permit Coordinator USACE - Cape Cod Canal Field Office P.O Box 1555 40 Academy Drive Buzzards Bay, MA 02532 Fax - 508-759-1345 Email - Elisa.D.Carey@USACE.ARMY.MIL	For Official Use: Date Received:

Cape Cod Canal Special Use Permit Application

16. Do you plan to provide additional sanitary facilities for event participants? (2 portable toilet facilities per every 100 participants, at least 1 must be ADA certified) **Yes / No**

How many? 3-4

17. Additional safety measures may be required for crowd or traffic control (For events over 350 participants).

Explain how public safety measures will be utilized:
IF we are required to hire police detail we will, as well as conform to all safety measures that are requires

18. Will temporary course markers, signs, or other items be placed on the Canal service road? Yes / No

Explain/ list items:

19. Do you plan to set up water tables along route? Yes / No **How many?**_____

Location? _____

20. Do you plan to use a vehicle on service road to setup/ breakdown tables, put up signs, etc... Yes / No

N/A

Use this space to provide any Additional Details:
like stated, we only really plan to use Canal park and pavilion area. IF you have any questions feel free to reach out.

[redacted]

Town of Bourne, MA

May 9, 2024

GPEV-24-10

Inspectional Services/Building Department

General Use of Town Property Application

Status: Complete

Assignee: Ann Gutterson

Became Active: Mar 20, 2024

Completed: Mar 20, 2024

Applicant

Harold Skelton
info@fishingforthemission22.org
47 main st
Buzzards bay , Ma 02532
[redacted]

Comments

Ann Gutterson, Mar 20, 2024

Will there be any tents used?

Harold Skelton , Mar 20, 2024

Ann, At this time, we have decided not to get tents as it's only a five hour event focusing on outdoor activities. We do plan to invite vendors, so many of them may have personal 10 x 10 tents for their tables

Ann Gutterson, Mar 20, 2024

Thank you.

Town of Bourne, MA

May 9, 2024

GPEV-24-10

Clerk's Office

General Use of Town Property Application

Status: Complete

Assignee: Clerks Office

Became Active: Mar 20, 2024

Completed: Mar 28, 2024

Applicant

Harold Skelton
info@fishingforthemission22.org
47 main st
Buzzards bay , Ma 02532
[redacted]

Comments

Mary Fernandes, Mar 28, 2024

Organizers will have to file for a raffle permit with the Town Clerk's office.

Harold Skelton , Mar 29, 2024

Ok. We can file that no issue. Thank you.

Town of Bourne, MA

May 9, 2024

GPEV-24-10

Fire Department

General Use of Town Property Application

Status: Complete

Assignee: David Pelonzi

Became Active: Mar 20, 2024

Completed: Mar 20, 2024

Applicant

Harold Skelton
info@fishingforthemission22.org
47 main st
Buzzards bay , Ma 02532
[redacted]

Comments

David Pelonzi, Mar 20, 2024

Will need an inspection by the fire department. If there will be >42 lbs. of propane stored on-site for the event, that are not attached to food trucks, a propane storage permit will be required.

Town of Bourne, MA

May 9, 2024

GPEV-24-10

Health Department

General Use of Town Property Application

Status: Complete

Assignee: Kaitlyn Shea

Became Active: Mar 20, 2024

Completed: Mar 20, 2024

Applicant

Harold Skelton
info@fishingforthemission22.org
47 main st
Buzzards bay , Ma 02532
[redacted]

Comments

Kaitlyn Shea, Mar 20, 2024

Good morning -- could you provide me with a little more information on the food for the event? You mention that there will be food prep off site and pre-packaged food, please elaborate. And do you know which food trucks will be participating in the event?

Harold Skelton , Mar 20, 2024

The three food vendors we have committed for event are Mickle Brothers Catering, Waypoint BBQ, and Shore Fire Pizza. Both Mickle Brothers and Waypoint will prepare food before the event and serve in a catering capacity, so they will not be cooking on-site. Shore Fire would like to bring their food truck and cook pizza on-site. They will be the only food vendor cooking on-site. All restaurants are Safe certified, reputable, and have all the necessary proofs of insurance and certifications, and will apply for any permits you may require. Thank you, and if you have any more questions, please feel free to reach out anytime, and I'll get right back to you as soon as possible. Harold

Kaitlyn Shea, Mar 20, 2024

Great, thank you. Shore Fire is annually licensed with us, so they are set to go. The other two establishments: if they have a catering license in their town, they will need to fill out a catering notification form for our office (I will attach that to this record). If they are not caterers in another town, they will need to fill out a temporary food establishment permit, they link to that is here: Health Dept - Temporary Food Permit - ViewPoint Cloud (opengov.com) (https://bournema.portal.opengov.com/categories/1073/record-types/1006474) .

Town of Bourne, MA

May 9, 2024

GPEV-24-10

Police Department

General Use of Town Property Application

Status: Complete

Assignee: Theodore Economides

Became Active: Mar 20, 2024

Completed: Mar 25, 2024

Applicant

Harold Skelton
info@fishingforthemission22.org
47 main st
Buzzards bay , Ma 02532
[redacted]

Comments

Theodore Economides, Mar 25, 2024

Must follow all liquor laws including separate town application for One Day Liquor License. Organizer to reach out to police department 3 weeks prior to discuss potential need for detail officers.

ODEL-24-2

One Day Entertainment License

Status: Active

Submitted On: 4/4/2024

Applicant

Harold Skelton

[redacted]

info@fishingforthemission22.org

47 main st

Buzzards bay , Ma 02532

Applicant Information

Primary Contact Person*

Harold Skelton

Phone Number

[redacted]

Email Address

info@fishingforthemission22.org

Organization

Fishing for the Mission 22 inc

Type of Event/Purpose

awards party and public event for veteran suicdde prevention hosted by nonprofit fishing for the mission 22

Is this application related to an event on town property?

Yes

Related Event Name

2nd annual fishing for the mission black sea bass tournament

Location Information

Name of venue

railraod bridge park

Venue Address

33 service canal road

Venue Contact Person

Harold Skelton

Venue Phone Number

[redacted]

Will the entertainment be indoors, outdoors, or both?*

Outdoor

Does the venue currently hold any licenses?

No

Please list current licenses held by venue

appiled for all

Event Information

Event Date*

06/02/2024

Start Time*

12pm

End Time*

5pm

Will you designate a rain date?*

No

Estimated Overall Attendance*

400

Will you be serving alcohol?*

Yes

You must apply for a one-day liquor license unless the specific event location is already within the bounds of an officially licensed premises (as opposed to merely on the same property)

Entertainment Information

Dancing by patrons

☑

Live Music

☑

Amplified

☐

Acoustic

☐

Karaoke

☐

Dancing by entertainers or performers

☐

Cabaret

☐

Floor Show

☐

Live Theater/Comedy

☐

Adult Nude Entertainment (MGL140 s183A)

☐

DJ

☐

Cinema

☐

Light Show

☐

Jukebox

☐

Recorded Music/CD player/Radio

☐

Other

☐

In the description of entertainment specify all forms of entertainment on premises indoors and/or outdoors. Example: live music amplified with a maximum of 3 performers outdoors.

Description of entertainment

the band, that 80s band will be performing as we host our awards and public event to support out nonprofit fishing for the misison 22

Additional Applications Submitted

One Day Liquor License

☑

Permit Number

Temporary Food Permit

☑

Permit Number

Tent, Awning, & Canopy Permit

☐

Use of Town Property

☑

Permit Number

Other

☐

I plan on applying for additional permits

☐

Rules & Regulations

I have read and understand the above

harold skelton
Apr 4, 2024

Indemnification

Signature

harold skelton
Apr 4, 2024

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
✔ Intake Review	4/4/2024, 10:20:27 AM	4/5/2024, 9:26:42 AM	Maria Simone	-	Completed
✔ Building Department	4/5/2024, 9:26:43 AM	4/5/2024, 12:35:12 PM	Cassie Hammond	-	Completed
✔ Planning Department	4/5/2024, 9:26:43 AM	4/5/2024, 10:47:55 AM	Julia Gillis	-	Completed
✔ Police Department	4/5/2024, 9:26:43 AM	4/8/2024, 12:49:11 PM	Theodore Economides	-	Completed
✔ Fire Department	4/5/2024, 9:26:43 AM	4/5/2024, 10:08:41 AM	David Pelonzi	-	Completed
✔ Public Works	4/5/2024, 9:26:43 AM	4/17/2024, 11:53:28 AM	Matthew Quinn	-	Completed
✔ Schedule Hearing	4/17/2024, 11:53:29 AM	-	Maria Simone	-	Active
✔ Hearing Results	-	-	-	-	Inactive

SITE PLAN for entertainment

June 2, 2024

2nd annual black sea bass tournament hosted by fishing for the mission 22

1. Event Location: Buzzards Bay Railroad Bridge, 33 Service Canal Rd.
2. Event Type: Outdoor concert featuring "That 80s Band."
3. Performance Area: Utilize the gazebo as the stage for the band, similar to the setup for summer series concerts.
4. Audience Area: Open grassy area surrounding the gazebo for seating and standing room for attendees.
5. Stage Setup: Position the gazebo as the central focal point for the band performance.
6. Sound and Lighting: Band will install appropriate sound systems and lighting equipment for the outdoor performance.
7. Vendor Area: Allocate space for food and drink vendors around the perimeter of the audience area.
8. Parking: Organize a designated parking area for event attendees to ensure convenient access to the concert site.
9. Security and Safety: Employ adequate security personnel and emergency services on-site to maintain a safe environment for all participants.
10. Promotion: Advertise the event via social media, local listings, and community outreach to maximize attendance and engagement.

Town of Bourne, MA

May 9, 2024

ODEL-24-2

Police Department

One Day Entertainment License

Status: Complete

Assignee: Theodore Economides

Became Active: Apr 5, 2024

Completed: Apr 8, 2024

Applicant

Harold Skelton
info@fishingforthemission22.org
47 main st
Buzzards bay, Ma 02532
[redacted]

Primary Location

70 MAIN ST
Bourne, MA 02532

Owner:

it wont let me select the railroad bridge offical address. but this is for railraod bridge park.
47 Maple Street SUITE 3170 bourne, MA 02532

Comments

Theodore Economides, Apr 8, 2024

Must follow all town by-laws.

ODLQ-24-3

One Day Liquor License (new)

Status: Active

Submitted On: 4/30/2024

Applicant

Ernest Boucher

[redacted]

sacristy1@comcast.net

141 Main St.
Buzzards Bay, MA 02532

Applicant Information

Business/Affiliation/Group Name*

St Margaret's Church

Business Address*

141 Main Street

Organizational Status

Non-Profit

Type of Non-Profit

Church

Contact/Manager Name*

Fr. Marek Chmurski

Contact/Manager Phone*

[redacted]

Contact/Manager Email*

[redacted]

Type of License

All Alcoholic -$50

Date of Event*

05/18/2024

Type of Application being sought*

New

Is this application in relation to an event on town property?*

No

Premises to be Licensed

Venue Name*

St. Margaret's Church Hall

Venue Contact Person

Ernest Boucher

Venue Phone Number

[redacted]

Is this event indoors, outdoors or both?*

Indoors

Event Information

Event Name*

Parish Fundraising Dinner

Type of event*

Dinner/Dance

Provide a brief description of event*

3rd Annual dinner and fundraising event for the parish

Event Start Time*

5:00PM

Event End Time*

9:00PM

Will alcohol be served the entire event?

Yes

Estimated Hourly Attendance

4

Will this event be catered?*

Yes

Will a fee of any kind be charged?*

Yes

Are you partnering with a currently licensed Alcohol License holder for your event?

No

Liability Disclaimer

Signature*

Rev Marek Chmurski
Apr 30, 2024

Signature

Signature*

Rev Marek Chmurski
Apr 30, 2024

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
✔ Intake Review	4/30/2024, 4:17:11 PM	5/2/2024, 4:24:15 PM	Maria Simone	-	Completed
✔ Police Department	5/2/2024, 4:24:15 PM	5/3/2024, 10:59:44 AM	James Czyryca	5/8/2024	Completed
✔ Department of Public Works	5/2/2024, 4:24:15 PM	5/3/2024, 7:47:12 AM	Matthew Quinn	-	Completed
✔ Building	5/2/2024, 4:24:15 PM	5/3/2024, 9:56:55 AM	Ann Gutterson	-	Completed
✔ Fire Department	5/2/2024, 4:24:15 PM	5/2/2024, 4:34:52 PM	David Pelonzi	-	Completed

Label	Activated	Completed	Assignee	Due Date	Status
✔ Health Department	5/2/2024, 4:24:15 PM	5/6/2024, 9:25:54 AM	Kaitlyn Shea	-	Completed
✔ Schedule Hearing	5/6/2024, 9:25:54 AM	-	Maria Simone	-	Active
✔ License Commission Board Vote	-	-	-	-	Inactive

Town of Bourne, MA

May 9, 2024

ODLQ-24-3

Police Department

One Day Liquor License (new)

Status: Complete

Assignee: James Czyryca

Became Active: May 2, 2024

Completed: May 3, 2024

Applicant

Ernest Boucher
sacristy1@comcast.net
141 Main St.
Buzzards Bay, MA 02532
[redacted]

Primary Location

143 Main Street
Bourne, MA 02532

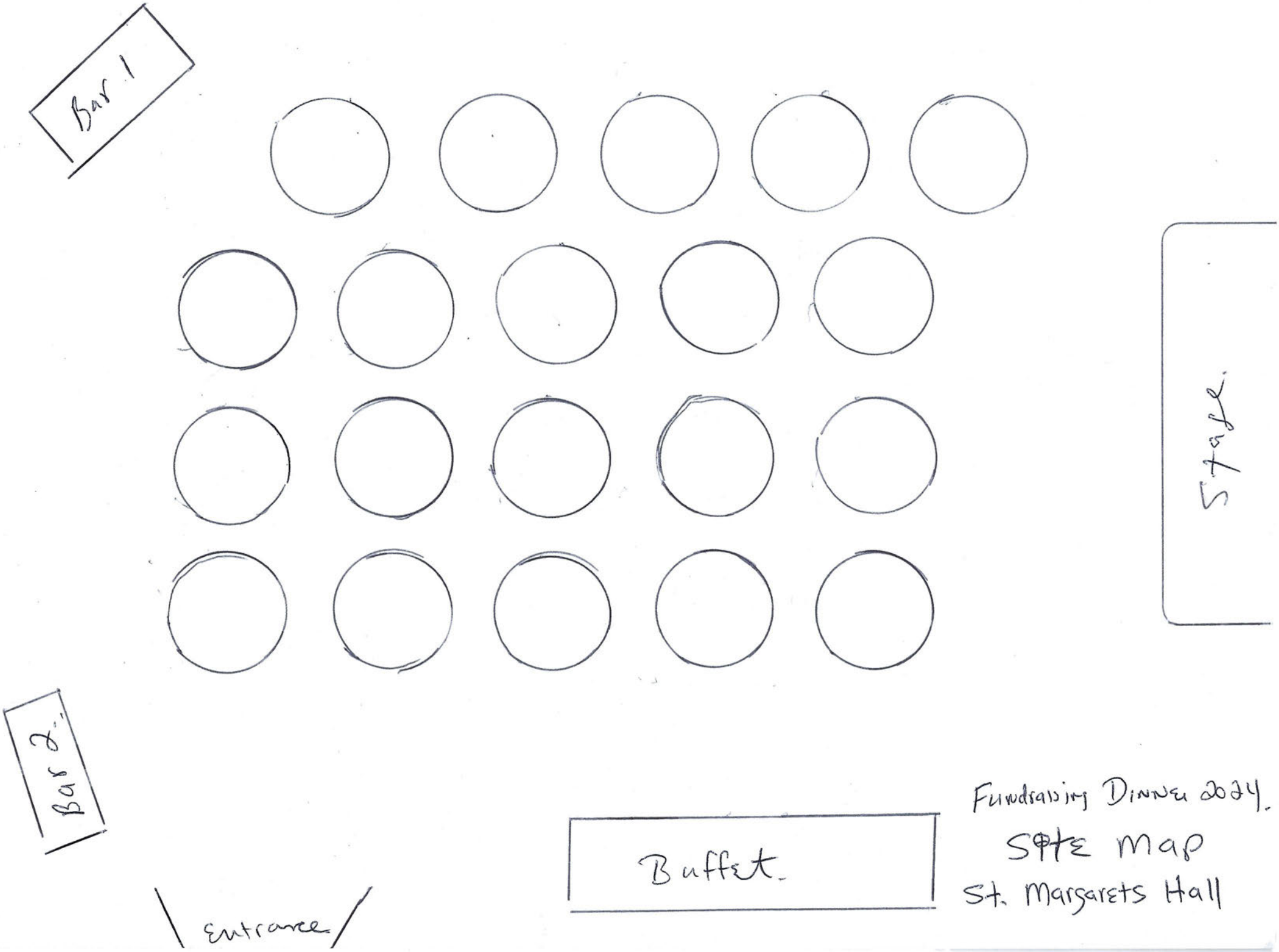
Owner:

St. Margaret's Church
141 Main Street Buzzards Bay, MA 02532

Comments

James Czyryca, May 3, 2024

No Police concerns. Must follow all liquor laws. All Liquor must remain inside venue.



Fundraising Dinner 2024.

Site map

St. Margarets Hall

Certificate of Coverage

Date: 4/30/2024

Certificate Holder
The Roman Catholic Bishop of Fall River, Corp Sole
Chancery Office
450 Highland Avenue
Fall River, MA 02720

This Certificate is issued as a matter of information only and confers no rights upon the holder of this certificate. This certificate does not amend, extend or alter the coverage afforded below.

Company Affording Coverage
THE CATHOLIC MUTUAL RELIEF
SOCIETY OF AMERICA
10843 OLD MILL RD
OMAHA, NE 68154

Covered Location
ST. MARGARET CHURCH
141 MAIN STREET
BUZZARDS BAY, MA 02532-0000

Coverages

This is to certify that the coverages listed below have been issued to the certificate holder named above for the certificate indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded described herein is subject to all the terms, exclusions and conditions of such coverage. Limits shown may have been reduced by paid claims.

	Type of Coverage	Certificate Number	Coverage Effective Date	Coverage Expiration Date	Limits	
	Property				Real & Personal Property	
	D. General Liability				Each Occurrence	
					General Aggregate	
	☐ Occurrence				Products-Comp/OP Agg	
	☐ Claims Made				Personal & Adv Injury	
					Fire Damage (Any one fire)	
					Med Exp (Any one person)	
	Excess Liability	8781	7/1/2023	7/1/2024	Each Occurrence	500,000
					Annual Aggregrate	
	Other Liquor Liability	8781	7/1/2023	7/1/2024	Each Occurrence	500,000
					Claims Made	
					Annual Aggregrate	
					Limit/Coverage	

Description of Operations/Locations/Vehicles/Special Items **(the following language supersedes any other language in this endorsement or the Certificate in conflict with this language)**
Proof of Liquor Liability coverage for fundraising dinner to be held at St. Margaret Parish Hall on May 18, 2024.

Holder of Certificate

Additional Protected Person(s)

Town of Bourne
24 Perry Avenue
Buzzards Bay, MA 02534

Cancellation

Should any of the above described coverages be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 **days written notice to the holder of certificate named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.**

Authorized Representative

0294002570

ENDORSEMENT

(TO BE ATTACHED TO CERTIFICATE)

Effective Date of Endorsement 5/18/2024 Charge Credit

Cancellation Date of Endorsement 5/19/2024

Certificate Holder The Roman Catholic Bishop of Fall River, Corp Sole Chancery Office 450 Highland Avenue Fall River, MA 02720

Location ST. MARGARET CHURCH 141 MAIN STREET BUZZARDS BAY, MA 02532-0000

Certificate No. 8781 of The Catholic Mutual Relief Society of America is amended as follows:

SECTION II - ADDITIONAL PROTECTED PERSON(S)

It is understood and agreed that Section II - Liability (only with respect to Coverage D - General Liability), is amended to include as an ***Additional Protected Person(s)*** the organization(s) shown in the schedule below.

Schedule - ADDITIONAL PROTECTED PERSON(S)

Town of Bourne
24 Perry Avenue
Buzzards Bay, MA 02534

Remarks:
Proof of Liquor Liability coverage for fundraising dinner to be held at St. Margaret Parish Hall on May 18, 2024.

However, the following limitations apply to coverage:

1. The maximum limits of coverage provided by Catholic Mutual Relief Society of America to the ***Additional Protected Person(s)*** named in this endorsement shall not exceed the coverage dollar amount specifically required by contract or agreement and agreed to by the ***Protected Person(s)***. In the absence of specific coverage limits within a referenced contract or agreement, the limits of liability afforded to the ***Additional Protected Person(s)*** must be listed on a separate Certificate of Coverage form attached to this endorsement. All limits of liability extended by this endorsement are inclusive of both Section II Coverage D and Section VII coverages (if applicable).
2. Unless specifically agreed to by contract or agreement, the coverage extended to the ***Additional Protected Person(s)*** by this endorsement is excess and non-contributory over any other available coverage or insurance.
3. This endorsement does not apply to any ***Occurrence*** outside the specific date(s) of a facility use agreement or terms of a lease.
4. This endorsement does not extend coverage to the ***Additional Protected Person(s)*** for ***Occurrences*** which cannot be attributed to primary acts or omissions of the ***Protected Person(s)***.
5. Provided that a premises is utilized by the ***Protected Person(s)*** in a manner consistent with its intended purpose and in accordance with the applicable contract, agreement, or lease, this endorsement does not extend coverage to the ***Additional Protected Person(s)*** for premises defects or other ***Occurrences*** which could not be discovered by the ***Protected Person(s)*** with reasonable diligence.
6. The limited coverage afforded to the ***Additional Protected Person(s)*** by this endorsement only applies to the extent permissible by law and shall not apply to non-delegable duties unless specifically agreed to by contract or agreement.

This extension of coverage shall not enlarge the scope of coverage provided to the ***Certificate Holder*** under this Certificate nor increase the limit of liability thereunder. Unless otherwise agreed by contract or agreement, coverage extended under this endorsement to the ***Additional Protected Person(s)*** will not precede the effective date of this endorsement or extend beyond the cancellation date.

Bourne Board of Health
Catering Notification Form
Fax 508-759-0679

In accordance with the provisions of the State Food Code, 105 CMR 590.009(A), the following form must be submitted to the Bourne Health Department prior to or no later than 72 hours after serving a meal in the Town of Bourne.

Name of Caterer Clambakes, Etc

Mailing Address 10 Jan Sebastian Dr UNIT 3, Sandwich, MA 02563

Facility Address for Base of Operations 10 Jan Sebastian Dr UNIT 3, Sandwich, MA 02563

Telephone Number [redacted] E-mail sales@clambakesetc.net

Person In Charge for Caterer

Location where meal(s) will be served 14 Pequot Ave Pocasset, MA 02559

Date and Time of Function 9/7/24 @ 4PM Estimated # of Meals 90

Event Sponsor No Sponsor

Menu (please describe) Lobster and Clambake served with potatoes, corn and coleslaw

Please submit to Bourne Health Department with

- ☐ Copy of Caterer's License and
- ☐ Letter of Agreement for Commissary *(if applicable)*

Signature of Applicant Title Ms.

Print Name Chelsea Coe Date 4/5/24

7:12

TIPS 360 TRAINING

CERTIFICATE OF COMPLETION

This certifies that

Jessica Allen

TIPS Off Premise Alcohol Seller Training

TRAINING

CERTIFIED

[redacted]

TIPS 360

TiPS® CERTIFIED

eTIPS On Premise 3.1

Issued: 6/2/2021 Expires: 6/2/2024

ID#: 5481723

Nancy R Demmer

[redacted]

Rochester, MA 02770-1836

For service visit us online at www.gettips.com

ENTR-1

Annual Entertainment License

Status: Active

Submitted On: 3/22/2024

Primary Location

123 Main St Unit 125 Main St

Buzzards Bay, MA 02532

Owner

Noreen Michienzi

Applicant

Lauren DeGregorio

[redacted]

Bourne, MA 02532

Applicant/Business Information

Individual/Corporate Name*

O'playsis LLC

Doing Business As (D/B/A)

Mailing Address (if different from business address)

125 Main Street Buzzards Bay MA 02532

Business Phone Number

[redacted]

Business Email Address

[redacted]

Manager Name*

Lauren DeGregorio

Do you own or lease the property?

Lease

License Information

Type of Entertainment License*

Both

Will you have entertainment on Sundays?

No

In accordance with MGL, Ch. 136 Sec. 4, a separate license is required for Sunday Entertainment. Selecting "Yes" in this application will only give you local approval. There is a separate Sunday entertainment fee of $100.

Once approved at the local level, town staff will apply for a State Sunday License on your behalf. A separate state fee of $100 is required and can be made payable to the Commonwealth of Massachusetts.

Are you currently licensed for or applying for serving food and/or alcohol?*

No

Where on the premises will entertainment take place?*

Indoors

Please upload a site plan detailing the locations of all forms of entertainment occurring on premises, inside and/or outside. This can be done later in the application.

In reference to the Town Bylaw 3.1.23, describe what efforts will be taken to reduce the impact of noise on neighboring residents and businesses*

Neigboring Businesses are generally closed during those hours, and noise level will not be excessive.

Does/will the premises occupancy go over 100 persons (employees and patrons)

No

Live Entertainment

Dancing by Patrons

☑

Live Music

☑

Amplified

☑

Acoustic

☑

Karaoke

☑

Dancing by Entertainers or Performers

☑

Cabaret

☐

Floor Show

☐

Adult Nude Entertainment (MGL140 s183A)

☐

Live Theater/Comedy

☑

DJ

☑

Other

☐

In the description of entertainment specify all forms of entertainment on premises indoors and/or outdoors. Example: dancing by patrons on a designated 4x4 dance floor outdoors. Live music with a maximum of 3 performers, acoustic only indoors.

Description of Entertainment*

Local Musicians playing together, local children exploring instruments, karaoke, dancing by patrons on a designnated 15x15 dance floor indoors

Sunday Live Entertainment Hours*

N/A

Monday Live Entertainment Hours*

N/A

Tuesday Live Entertainment Hours*

N/A

Wednesday Live Entertainment Hours*

N/A

Thursday Live Entertainment Hours*

5-9pm potentially

Friday Live Entertainment Hours*

5-9pm potentially

Saturday Live Entertainment Hours*

9am-9pm potentially

Non-Live Entertainment

Cinema

☐

Light Show

☑

Jukebox

☐

Recorded Music/CD Player/Radio

☑

TVs

☑

Other

☐

In the description of entertainment specify all forms of entertainment on premises indoors and/or outdoors. Example: three 19in TVs, jukebox played at conversation level indoors, two 20in TVs outdoors.

Description of Non-Live Entertainment*

1 50" TV, 1 JBL Speaker, 1 Karaoke PA

Sunday Non-Live Entertainment Hours*

N/A

Monday Non-Live Entertainment Hours*

9am-9pm

Tuesday Non-Live Entertainment Hours*

9am-9pm

Wednesday Non-Live Entertainment Hours*

9am-9pm

Thursday Non-Live Entertainment Hours*

9am-9pm

Friday Non-Live Entertainment Hours*

9am-9pm

Saturday Non-Live Entertainment Hours*

9am-9pm

Signature

I hereby certify that I (we) do not allow games of chance, poker games, video poker, or other gaming devices on the licensed premises.

Applicant Signature*

Lauren DeGregorio
Mar 22, 2024

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
Intake Review	3/22/2024, 10:27:10 AM	3/25/2024, 3:11:56 PM	Maria Simone	-	Completed
Application Fee	3/25/2024, 3:11:59 PM	3/26/2024, 3:50:57 PM	Lauren DeGregorio	-	Completed
Planning Department	3/26/2024, 3:50:58 PM	4/10/2024, 10:51:25 AM	Julia Gillis	-	Completed
Building Department	3/26/2024, 3:50:58 PM	3/27/2024, 9:40:26 AM	Cassie Hammond	-	Completed
Police Department	3/26/2024, 3:50:58 PM	4/11/2024, 9:45:39 AM	Theodore Economides	-	Completed

Label	Activated	Completed	Assignee	Due Date	Status
✔ Fire Department	3/26/2024, 3:50:58 PM	3/26/2024, 5:26:34 PM	David Pelonzi	-	Completed
✔ Town Collector	3/26/2024, 3:50:58 PM	4/2/2024, 4:05:19 PM	Town Collector	-	Completed
✔ Schedule Hearing	4/11/2024, 9:45:43 AM	5/8/2024, 8:55:49 AM	Maria Simone	-	Completed
✔ Hearing Results	5/8/2024, 8:55:49 AM	-	-	-	Active
$ Final Payment	-	-	Lauren DeGregorio	-	Inactive
Entertainment License	-	-	-	-	Inactive

Town of Bourne, MA

May 9, 2024

ENTR-1

Planning Department

Annual Entertainment License

Status: Complete

Assignee: Julia Gillis

Became Active: Mar 26, 2024

Completed: Apr 10, 2024

Applicant

Lauren DeGregorio
[redacted]

Bourne, MA 02532
[redacted]

Primary Location

123 Main St Unit 125 Main St
Unit 125 Main St
Buzzards Bay, MA 02532

Owner:

Noreen Michienzi

Comments

Jennifer Copeland, Apr 5, 2024

The use requires a special permit from the Planning Board. It is classified in the Zoning Bylaw section 2821 as consumer services for indoor commercial amusement or assembly use. The special permit application can be found on the website at https://www.townofbourne.com/planning/pages/applications-forms (https://www.townofbourne.com/planning/pages/applications-forms).

Julia Gillis, Apr 10, 2024

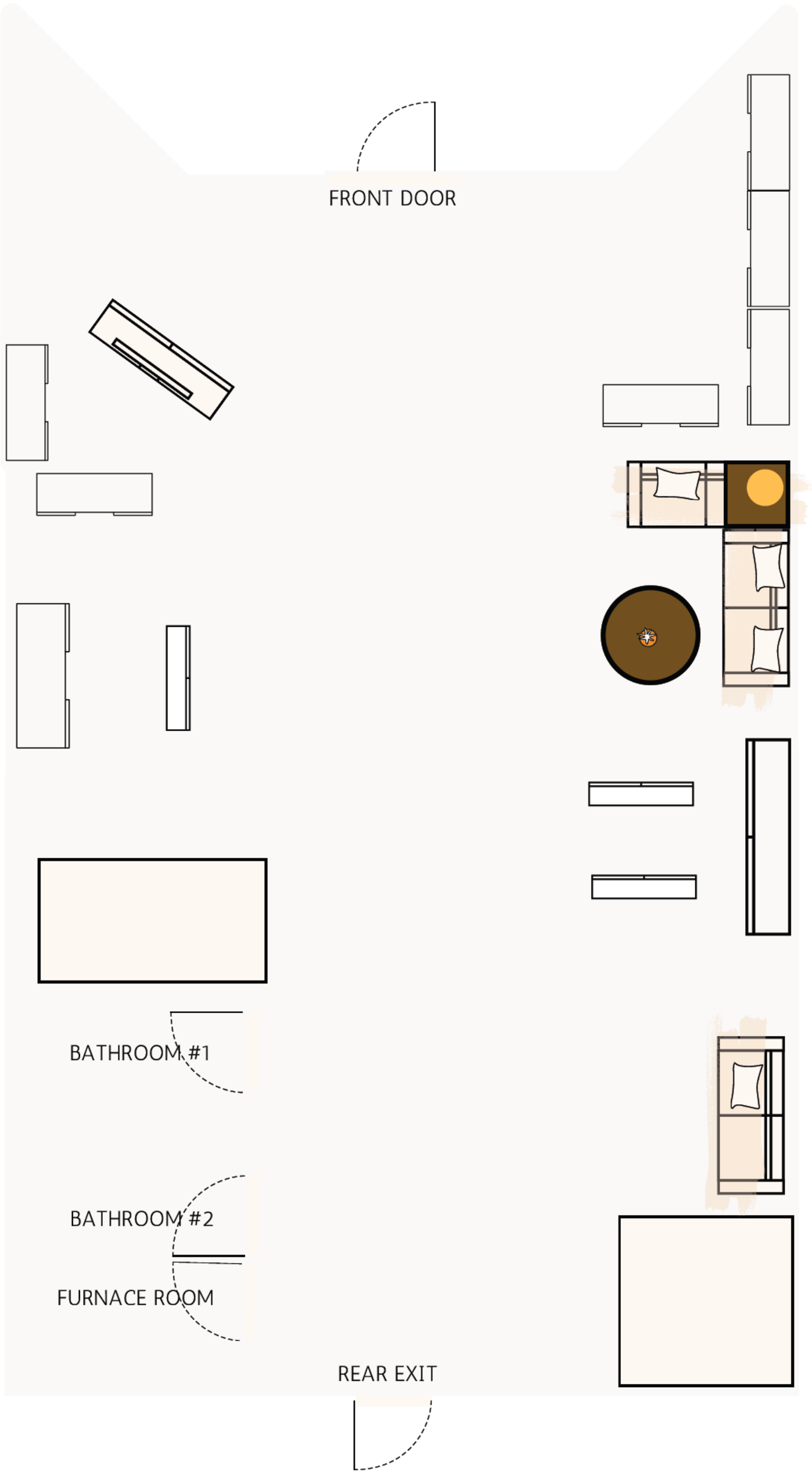
Signing off on behalf of Jennifer Copeland, Town Planner. Following confirmation and approval from the Town Planner, this proposed business does not require a Special Permit due to the status that this will be a non-profit organization and would then fall under the use of "Performing Arts Facility" which is permitted by right. The applicant came in on 04/10/24 to inform the Planning Department that this is a non-profit establishment. See attached materials provided.

Lauren DeGregorio, Apr 10, 2024

Hi Jennifer, I just got back to the studio, thank-you for your assistance. I did noticed that the Kitchen & Bath store next door to me is number 127, and CNN before me is 123. Not sure if that helps with any of the confusion.

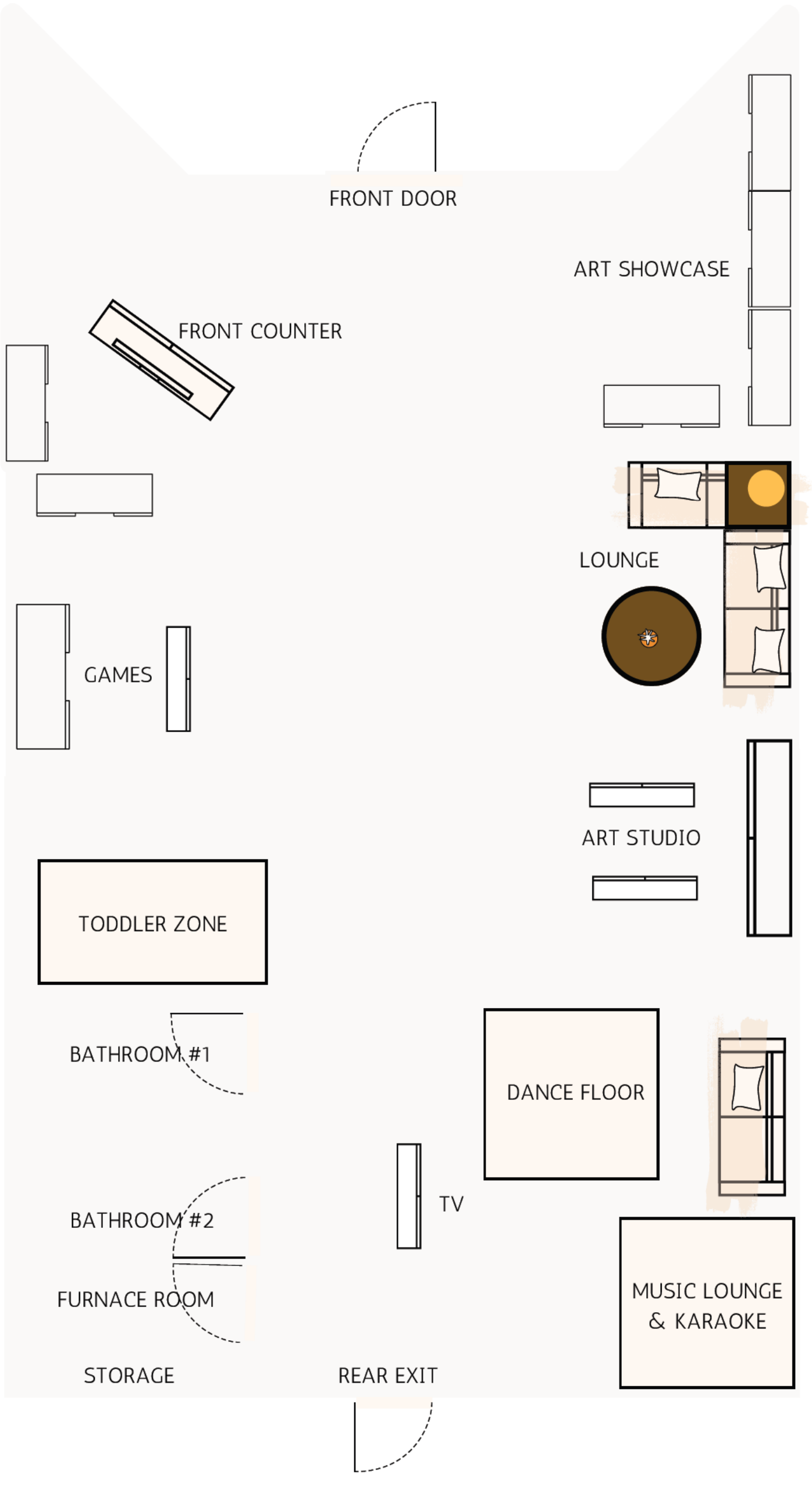
O'PLAYSIS
125 MAIN STREET, BUZZARDS BAY

BASIC LAYOUT



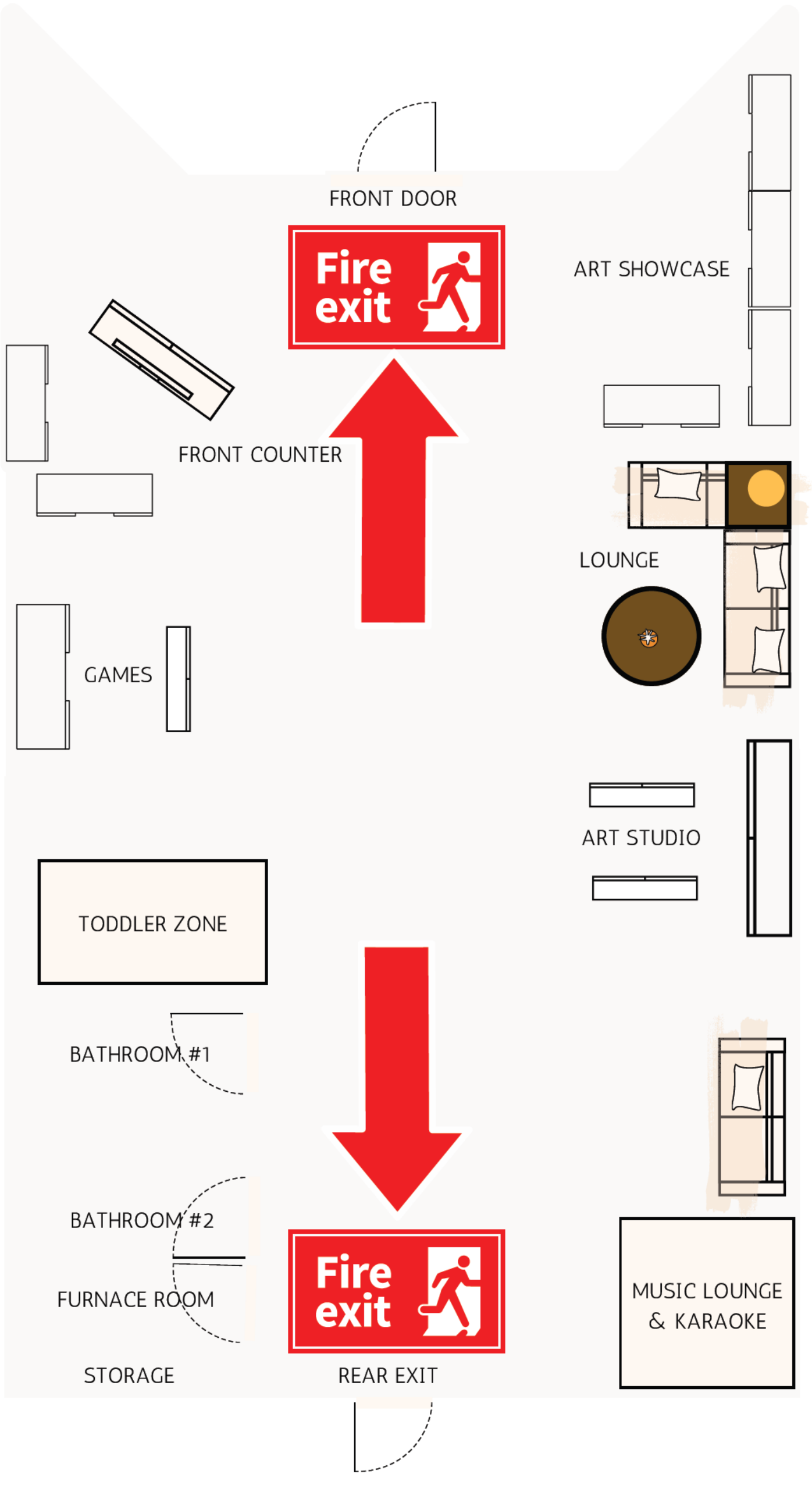
O'PLAYSIS
125 MAIN STREET, BUZZARDS BAY

BUSINESS MODEL



O'PLAYSIS
125 MAIN STREET, BUZZARDS BAY

FIRE ESCAPE PLAN



Rotary
Club of Bourne-Sandwich

Dear Members of the Select Board:

Per our previous discussion with Town administrators, the Rotary Club of Bourne-Sandwich respectfully submits this letter of intent to establish peace poles in the towns of Bourne and Sandwich.

The Rotary International Peace Pole Project is a symbol of unity, a call to action, and a quiet place to contemplate global and personal issues. It's a space to remember, to celebrate, and most importantly, to initiate meaningful conversations about peace.

Peace Poles serve as silent visuals, reminding us to embody peace and harmony. "Planting" a Peace Pole brings people together, awakening a shared human consciousness, and uplifted spirit. Our goal is to install three Peace Poles total. One at the Center for Active Living in Sandwich and two in the town of Bourne; at the Bourne Library and at Buzzards Bay Park.

The Peace Pole is a universal symbol, bearing the message "May Peace Prevail on Earth" in multiple languages, including English, Portuguese, Spanish, Wôpanâak, and Braille. The project includes an eight-foot etched aluminum peace pole inserted into a concrete base in the ground, a ground level solar light, and the base will be surrounded by seasonal plantings. We intend to include a 12 X 16-inch plaque at the foot of the pole inscription “Donated by the Rotary Club of Bourne-Sandwich 2024” (see illustration on page 2).

Our sincere hope is that we may partner with the towns in this project. We also plan to work with town officials and school and community peace and justice organizations to plan and coordinate a dedication ceremony in late summer or early fall.

The Rotary Club of Bourne Sandwich will cover the following costs, as shown in the budget table below. Please let us know if there are additional costs and town departments we need to include regarding the installation of the peace pole in the respective towns.

Pole 1- Bourne MA @ Library	Pole 2 - Bourne MA @ Buzzards Bay Park	Pole 3 - Sandwich MA	ITEM and COST
$670	$670	$670	POLE
$40	$40	$40	Solar Light
8 foot	4 sided	4 languages Portuguese Spanish, English, Wôpanôak	Landscaping (3 'x 3' areas of stone)
TBD	TBD	TBD	Plaque
$15	$15	$15	Braille Plaque Stainless steel
			QR Code for Rotary Peace Pole Project Information

Description of Engraved Granite Stone

Donated by

Rotary Club of

Bourne- Sandwich

2024

My fellow Rotarians and I look forward to presenting the Peace Pole Project at a public meeting of town leaders to obtain permission to install the peace pole as described in this document.

Respectfully,

Elizabeth Griffin, Member and Chair of DEI Committee, Rotary Club of Bourne-Sandwich

Stacey Wiessbock, President, Rotary Club of Bourne-Sandwich

Susan Miller, Member of DEI Committee and Secretary of the Rotary Club of Bourne-Sandwich

From: Erica Flemming
To: Marlene McCollem
Subject: FW: TOB - 11 Main Street (Gas Station)
Date: Wednesday, March 20, 2024 9:47:13 AM

FYI

Erica Flemming, CPA, CMMT, CMMC
Finance Director/Treasurer/Collector
Town of Bourne
24 Perry Avenue
Buzzards Bay, MA 02532
Tel. 508-759-0600 Ext. 1320 | Fax. 508-743-3025

From: David Coppola [mailto:David@coppolalaw.us]
Sent: Tuesday, March 19, 2024 3:11 PM
To: Erica Flemming <eflemming@townofbourne.com>
Subject: Re: TOB - 11 Main Street (Gas Station)

Hi Erica:

Thanks for the email.

The status of the foreclosure case (docket no. 20 TL 000289) is as follows: recently on Jan. 16, 2024 the court issued the first round of notice to the parties with a legal interest in the property. The two record owners of the property, Carl J. Tarczynski and Thomas B. Branson are both deceased. Through our research we identified the following parties to be their legal heirs: Sarah Candela, Joshua Thomas Branson, J. (Jay) Borden Branson, Andrea S. Tarczynski, Amanda J. Gogno, and Linda K. Branson. The court issued notice to these parties giving them a deadline to respond to the court of Mar. 11, 2024.

J. (Jay) Borden Branson, Joshua Thomas Branson, Sarah Candela, Linda K. Branson and Amanda J. Gogno did not receive the Jan. 16th notice. As a result the court issued another notice to these five parties at updated addresses on Mar. 13th giving them a deadline to respond to the court of May 6, 2024. If all parties receive notice by May 6th, then the Town can proceed with the case by filing a motion for general default and requesting the court issue the foreclosure judgment. If any of the parties respond to the notice by filing an answer in the case, then in order for the Town to move the case forward a hearing will need to be scheduled.

Regarding the Town's potential liability in acquiring contaminated property through foreclosure, M.G.L. c. 21E, s. 2 gives some relief to a municipality if the Town becomes the owner of a contaminated property by virtue of a tax title foreclosure. The Town will not be

held liable for the clean-up with some exceptions.

The Town cannot contribute to the release of contamination or cause the release to become worse.

The Town must notify the DEP immediately upon obtaining knowledge of a release or threat of release.

The Town provides reasonable access to the site to the DEP.

The Town takes steps to prevent exposure to the site to the public and contains any further release while it owns the property.

The Town takes immediate action to protect the public if there is significant threat of an imminent hazard to the public.

Lastly, the Town must act diligently to sell or divest itself of ownership of the property. This means that the Town would not be able to use the property for a public purpose.

Please let know if you have any further questions.

Dave

David J. Coppola, Esq.
Coppola & Coppola, P.C.
40 South Street, Suite 204
Marblehead, MA 01945
Tel: (781) 639-0140
Fax: (781) 639-4416
Email: david@coppolalaw.us

From: Erica Flemming <eflemming@townofbourne.com>
Sent: Tuesday, March 19, 2024 11:19 AM
To: David Coppola <David@coppolalaw.us>
Subject: TOB - 11 Main Street (Gas Station)

Hi David,

There have been some recent inquiries regarding the property referenced above.

This property has a long history…

Back in 2020, the town chose to move forward with a foreclosure on this property. This decision was made under the direction of a prior town administrator.
I would like to provide the current Town Administrator with a brief history and status update. Can you assist with this and advise on the Town's position/liability if we take ownership since there is potential contamination?
At the time of moving forward, we were hoping to work with MA Development to obtain a brownfields grant to determine if there is any contamination. Unfortunately, with the change in administration (and covid) this never came to fruition.
I have in my notes that in accordance with 21E we will be required to try and sell the property continually.

If a conversation is easier please feel free to give me a call.

Erica Flemming, CPA, CMMT, CMMC
Finance Director/Treasurer/Collector
Town of Bourne
24 Perry Avenue
Buzzards Bay, MA 02532
Tel. 508-759-0600 Ext. 1320 | Fax. 508-743-3025

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

2013 APR 17 PM 2 41
TOWN CLERK'S OFFICE
BOURNE, MASS

CERTIFICATE OF VOTE

At a public hearing of the Board of Selectmen of the Town of Bourne, held on April 16, 2013 at 7:00 P.M., a quorum being present and voting throughout, upon a motion duly made and seconded, it was

VOTED: To vacate Decree No. 95 TL 104548 – Carl J. Tarczynski and Thomas B. Branson , Map 11, Parcel 23.1, 11 Main Street, Buzzards Bay, MA

Respectfully,

BOARD OF SELECTMEN

John A. Ford, Jr.

Donald J. Pickard

Peter J. Meier

Earl V. Baldwin

Linda M. Zuern

Attested:

Barry H. Johnson
Bourne Town Clerk

BOAR

[SEAL]

Doc:1,221,591 05-20-2013 1:32
BARNSTABLE LAND COURT REGISTRY

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

Case No.: 95 TL 104548

Case Name: Town of Bourne v. Carl J. Tarczynski, Thomas B. Branson

WITHDRAWAL IN TAX LIEN CASE

This is to certify that the complaint in the above captioned case to foreclose tax lien(s) under certain deed(s) for non-payment of taxes given by and/or certain tax taking(s) made by the Collector of Taxes for the Town of Bourne in Barnstable County and said Commonwealth, was filed in this court on February 22, 1995, for the following instrument(s):

Land Type	Tax Taking Date	Book No.	Page No.	Document No.	Certificate of Title No.
Registered	03/24/1993			578173	108965

Thereafter, due proceedings under said complaint were instituted according to law, and now, upon motion of the plaintiff, allowed by the court, said complaint has been withdrawn and this notice of final disposition is directed to be recorded and/or registered in the Barnstable County Registry of Deeds pursuant to G. L. c. 60, section 75.

By the Court: Deborah J. Patterson

Attest:
A TRUE COPY
ATTEST:
Deborah J. Patterson
RECORDER

Deborah J. Patterson
Recorder

Entered: May 7, 2013

BARNSTABLE REGISTRY OF DEEDS

[SEAL]

Doc:1.221.590 05-20-2013 1:32
BARNSTABLE LAND COURT REGISTRY

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

VACATION OF JUDGMENT

Case No.: 95 TL 104548

Case Name: Town of Bourne v. Carl J. Tarczynski, Thomas B. Branson

This is to certify that the complaint to foreclose tax lien(s) in the above captioned case under certain deed(s) for non-payment of taxes given by and/or certain tax taking(s) made by the Collector of Taxes for the Town of Bourne in Barnstable County, and said Commonwealth, was filed in this Court on February 22, 1995 for the following instrument(s):

Land Type	Tax Taking Date	Book No.	Page No.	Document No.	Certificate of Title No.
Registered	03/24/1993			578173	108965

Thereafter due proceedings under said complaint were instituted according to law, and finally on January 2, 2013 a Judgment forever foreclosing and barring all rights of redemption of said lien(s) was entered and thereafter, on May 2, 2013, a Motion to Vacate said Judgment was filed, and the same was allowed on May 2, 2013 and this notice of the vacating of said Judgment is directed to be recorded and/or registered in the Barnstable County Registry of Deeds, pursuant to G. L. c. 60, section 75.

By the Court: Deborah J. Patterson

Attest:

A TRUE COPY
ATTEST:
Deborah J. Patterson
RECORDER

Deborah J. Patterson
Recorder

Entered: May 2, 2013

BARNSTABLE REGISTRY OF DEEDS

Select Board
Minutes of Tuesday, April 16, 2024
Bourne Veterans' Community Center
Buzzards Bay, MA
Or Virtually

TA Marlene McCollem
ATA Liz Hartsgrove

Select Board

Mary Jane Mastrangelo, Chair
Melissa Ferretti, Vice Chair (remote)
Anne-Marie Siroonian, Clerk
Jared MacDonald
Peter Meier

Others: Erica Flemming, Finance Director (remote), and Michael Ellis, Town Accountant (remote), Danny Wing, Amanda Bilodeau, Thomas Bilodeau, Jack MacDonald (remote), John York (remote), Jon Frank (remote), Attorney Bryan Bertram (remote), Peter Lindberg, Bill Travers, Bob Dwyer, Wendie Howland, Donna McCormack, and Jim McCormack.

Note this meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099.**

Zoom Meeting ID: 869 5775 5505 Password: BOURNE

The Zoom Chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute.

All items within the meeting agenda are subject to deliberation and vote(s).

7:00 PM Call Public Session to Order in Open Session

1. **Moment of Silence to recognize our Troops and our public safety personnel.**

2. **Salute to the Flag.**

3. **Reading of the Vision and Mission Statements:**

   Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

   Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and

visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

4. **Community Shout Out & Recognition.**

   - Shout out to the nameless people who make the effort to pick up litter around town. Chair Mastrangelo said that these efforts to beautify the community are much appreciated.
   - Shout out to the awesome 4th grade at Bourne Intermediate School who raised $116.14 with their coin drive for the Food Pantry.
   - Bourne Youth Baseball's opening day is April 28th. Town staff members, Katie, Matt, and Josh will throw out the first pitch.
   - Chair Mastrangelo said that if anyone has any community shouts outs for recognition to email them to the Select Board.
   - Shout out for the military families in the community.

5. **Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).

6. **Public Hearing: Petition to change the name of Perry Ave. (Cape side only) to Stone's Throw Way.**

   Chair Mastrangelo opened the public hearing at 7:05 PM. She said that the process at this hearing is that she will invite the petitioners to the podium to present their request, followed by questions and comments from the Select Board, and then from the audience. After that there will be discussion amongst the Select Board, then either a decision or continuance will be made.

   Danny Wing, of Monument Beach, said that his family bought the property on Perry Ave. from the Jackson family, and they had the property decades prior. He said that he was one of the builders of a log home on part of the property. He said that deliveries drivers cannot find the property and they had a lot of their construction supplies delivered to the wrong address due to Perry Ave. being on both sides of the canal. He feels that without a name change, that this will continue. He said that the address also needs to be changed due to emergency vehicles being able to find the house. He said that they are not stuck on the new name of Stones Throw, and they have received another suggestion that the address be a continuance of Aptucxet Road.

   Amanda Bilodeau, Danny Wing's daughter, and a member of the Planning Board introduced herself and her husband Thomas. She said that she is about to move to the house that is currently on Perry Ave. She explained the reason behind naming the road Stone's Throw Way, and she also explained that the name is not that important, just that it would be different from Perry Ave, which is on the other side of the bridge. She said that they want the distinction of what side of the bridge they are on so if 911 needs to be called, they could find their house.

   Thomas Bilodeau said that there was a delivery expected last week and the driver went to the Town Hall and called them to see where they were.

Chair Mastrangelo said that there were some comments on the routing slip from public safety. She said that Chief Esip, Bourne Police, said that he wanted to make sure that any change would not affect Nstar because they have property on Perry Ave. She said that Chief Esip is on vacation this week, and she said that a conversation with him is needed to make sure that public safety knows where the house would be.

Jared MacDonald said that there are several roads in the town that are split, and he has seen that it has been a bit of an issue. Anne-Marie Siroonian said that public safety should be first and foremost and she thinks a bit more feedback from the Chief is needed for this situation. Ms. Siroonian also suggested to name the section of the road to Perry Ave South. Melissa Ferretti said that she is not opposed to the new suggested names, and said she wanted to hear from the public.

Chair Mastrangelo said that the Select Board has received 5 emails opposing the name change. She said that some of them were in support of South Perry Ave., or Perry Ave. extension. John York thanked Ms. Bilodeau for bringing this forward. Mr. York said that he has submitted two alternative names for the road, one was South Perry Ave., and Aptucxet Road, and he said that he does not like "extension" added to Aptucxet. He said that in the future this road will have a lot more use than it currently has.

Jack MacDonald, Pocasset, said that when he first saw the ad about changing the name, his first reaction was to keep it the same. He said that he is open to some sort of compromise, and he thinks that the Bourne Police and Fire Chiefs and the Historic Commission should all be consulted with.

Chair Mastrangelo said that she prefers the name change to South Perry Ave. Ms. McCollem said that road name changes require a public hearing, and notice was sent out and it was specific to what the name was being changed to. She said that if the Board wants to change it to something else, the petition should be denied, then a re-notice needs to be sent out for whatever name that the Board thinks that they might want.

Voted: Peter Meier moved, and Jared MacDonald seconded to continue this hearing to the meeting of April 30th.

There was some more discussion about postponing the hearing and about the next steps.

Roll Call Vote: Melissa Ferretti – yes, Anne-Marie Siroonian – yes, Peter Meier – yes, Jared MacDonald – yes, and Chair Mastrangelo – yes. 5-0-0.

Chair Mastrangelo moved agenda item 13 up to discuss next.

Discussion and possible vote to waive rental fees for the Veterans Community Building gym and cafeteria for the Friends of Bourne Council on Aging/Food Pantry event on 4/27.

Peter Lindberg of Monument Beach said that he is President of the Bourne Friends of the COA and Food Pantry. He said that they are going to have a Psychic/Craft Fair on April 27th and they are asking for a waiver of the fees for the gym and café. Mr. Lindberg talked about what the food pantry provides for the community.

Voted: Peter Meier moved, and Jared MacDonald seconded to approve the fee waiver request.
Roll Call Vote: Melissa Ferretti – not available, Anne-Marie Siroonian – yes, Peter Meier – yes, Jared MacDonald – yes, and Chair Mastrangelo – yes. 4-0-0.

7. Discussion with Town Counsel regarding a shared parking agreement at 2 Kendall Rae Place.

Attorney Bryan Bertram gave a little background on this agenda item. He said that the issue is that in approving the development at 2 Kendall Rae, the Planning Board placed a condition on the applicant because of the necessary parking under the bylaw, they needed to create 30 parking spaces across the street, on land that is owned by the town. He said that are a few issues with this, and the one issue that cannot be fixed, is that this parcel of land was acquired years ago with open space funds. He said that legally they can open a parking lot, and what can't be done is to give the applicant some interest in the parking area so that they can use the spaces to satisfy the parking requirements for their development.

Chair Mastrangelo talked about some background involving the Planning Board and the Open Space Committee about a desire to build a parking lot for the playground that would include parking for people with disabilities, and that the playground parking would be for the daytime, and the parking for the apartments would be at night.

Atty. Bertram said that the part that would not be permissible is using the lot at night for the apartments because of the open space agreement. He said that this is not necessarily a Select Board problem, and it is more of a problem for the developer.

The Select Board all decided that the Town Administrator should tell the developer that the town cannot give them an interest in this property because of how it was acquired.

8. <u>Public Hearing:</u> Reorganization proposal for Bourne's Information Technology department.

Ms. McCollem said that the Select Board all received a brief memo this evening. She said that she had alluded to a reorganization of IT as part of her budget message in January. She said that they have been working with Barnstable County IT for more than a year now, and she recommends to the Select Board to formalize that agreement in a long-term IMA and re-allocate the staff salary and wages lines to fund the IMA. She said that it is difficult to obtain and staff at a redundant and reliable level for IT, without drawing on the resources of the County.

Ms. McCollem said that right now, Barnstable County IT provides 24/7 help desk support as well as 3 days on site. She recommends increasing it to 5 days on site, and she said that this will not increase the budget. She added that the town's infrastructure is very outdated, and Barnstable County IT has been able to keep it functioning reliably.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to support the reorganization of the IT Department.
Roll Call Vote: Melissa Ferretti – yes, Anne-Marie Siroonian – yes, Peter Meier – yes, Jared MacDonald – yes, and Chair Mastrangelo – yes. 5-0-0.

9. Update by the Cable, Internet, and Telecommunications Advisory Committee re: Digital Equity.

Ms. McCollem said that in the middle of last month, MBI wrote to her, and she read aloud the email that she received. The email stated that Bourne is eligible to enter into a Reservation of Funds agreement with Mass. Tech to reserve funding under the Municipal Digital Equity Implementation Program. The email also said that upon execution of a Reservation of Funds Agreement, Mass Tech. will reserve $70,000. in digital equity implementation for Bourne, and the amount is subject to increase, or decrease.

She said that they gave her a few things that she must provide to them, and she responded the same day with that information, and she heard that they have received the items, and the application is under review. She said that they have reserved the funds under the Digital Equity Implementation grant and the next step is to have the town finalize and adopt the Digital Equity Plan.

Bob Dwyer, Chair of the Cable, Internet, and Telecommunications Advisory Committee (CITAC) asked Ms. McCollem if they had specified a date that the proposal needs to be submitted, and she said that they did not. Mr. Dwyer said that this offer is independent of the RFP that was put out generally for digital equity that has a May 31st deadline. He said that clarification is needed from MBI on how the RFP compares with the offer that they just made to reserve $70,000. Ms. McCollem said that her understanding is that MBI knows where CITAC is in their process and that this is the same grant program, and not an additional source of funds.

10. Discussion and possible vote on the re-conveyance of 90 Adams Street, Sagamore.

Ms. McCollem said that they received information from the Sagamore Booster Club, and they want to give the property back to the town. Ms. McCollem said that there will be a closing, and a new deed will be filed, and the property will come back to the town. She said that there is a deed restriction on the property and that when the town gave this property to the Booster Club, there was a reverter clause. There was some discussion about doing due diligence regarding the property. Ms. McCollem suggested that the town pay for an inspection to be done on the building. Chair Mastrangelo said that they should get some direction from Town Counsel on the way to handle the disposition.

11. Consent Agenda:

a. Appointment of John Grullon as Bourne's Veteran's Grave Officer.
b. Transfer of ownership of the 2005 Chevy Silverado truck from Town of Bourne to ISWM.

Voted: Anne-Marie Siroonian moved, and Peter Meier seconded to approve the consent agenda as presented.
Roll Call Vote: Melissa Ferretti – yes, Anne-Marie Siroonian – yes, Peter Meier – yes, Jared MacDonald – yes, and Chair Mastrangelo – yes. 5-0-0.

12. Discussion and possible vote to allow the Buzzards Bay Eagles to hold their annual Canal Walk event (renewal) at Buzzards Bay Park on 5/18 as conditioned by departments along with a banner placed across Main St. (new) 3 weeks prior to event.

Donna McCormack, Event Coordinator for the Buzzards Bay Eagles Annual Walk, introduced herself and Jim McCormack who is the President of the Buzzards Bay Eagles. She said that this is the 3rd

year for the walk, and they are requesting the same exact set up as the previous 2 years. She said that the walk is to raise money for Toka's Friends, out of Westport, MA, which is a non-profit that trains service dogs for military veteran's with TBI, PTSD, and other difficulties. She said that they would like to hang a banner this year on Main Street, and they did not hang one in the previous years.

There was some conversation regarding the placement of port-a-potties. There also was some discussion about the DPW putting up cones, or temporary no parking signs, to separate the food truck area. Ms. McCormack said that they appreciate the efforts put forth by the town every year, and that each year they have raised approximately $18,000. for the charities that they choose to raise funds for every year.

Voted: Peter Meier moved, and Jared MacDonald seconded to approve the request of the Buzzards Bay Eagles for their Annual Canal Walk at Buzzards Bay Park on 5/18, as presented with conditions.
Roll Call Vote: Melissa Ferretti – yes, Anne-Marie Siroonian – yes, Jared MacDonald – yes, Peter Meier – yes, and Chair Mastrangelo – yes. 5-0-0.

13. Discussion and possible vote to waive rental fees for the Veterans Community Building gym and cafeteria for the Friends of Bourne Council on Aging/Food Pantry event on 4/27.

Previously discussed.

14. Review of voter handbook for Town Meeting.

15. Assign Town Meeting articles to Select Board members.

Chair Mastrangelo said that they would discuss agenda items 14 and 15 together. She also said that she made a request to the Town Moderator for instructions on how to divide a question added to the handbook. She said that there are a few items in the handbook that may need some more explanation. There was discussion on who would present what articles.

Voted: Peter Meier moved, and Jared MacDonald seconded to indefinitely postpone Article 26 of the Annual Town Meeting.
Roll Call Vote: Melissa Ferretti – yes, Anne-Marie Siroonian – yes, Peter Meier – yes, Jared MacDonald – yes, and Chair Mastrangelo – yes. 5-0-0.

There was some more discussion about the process of Town Meeting, and about how the process is written in the handbook. There was also discussion about the ISWM article and motion. Chair Mastrangelo said that she would like the table of contents to have the itemized list in it.

16. Town Administrator's Report

Ms. McCollem said that the milling of the Bourne Rotary began on April 15th and will conclude after work on the evening of the 16th. She said that paving is expected to be started on the evening of April 22nd, and last 2 nights. She said the permanent pavement markings are scheduled to be installed the week of April 29th, along with both permanent and a few temporary signs to communicate the new traffic pattern. Some of the larger permanent signs are still in fabrication and will be installed later, but MassDOT intends to provide information on temporary signs. She said that rumble strips and flashing beacons will follow. All work will be done at night.

Ms. McCollem said that MassDOT will be holding a virtual public meeting on April 25th, for the new area canal bridge replacement project. More information is available on the town's website. MassDOT will also be hosting an in-person open house on May 13th at the Community Building with sessions in the afternoon and evening. MassDOT's promotional materials will be shared once received.

Ms. McCollem also said that Mass. Development in partnership with Joint Base Cape Cod will be hosting 2 open houses on May 8th, regarding potential re-development of some land on Joint Base Cape Cod. The first is from 2:30 to 4 PM at the Community Building, and the second is from 5:30 to 7 PM. at the JBCC Welcome Center. Mass Development has also created a website for the project: jointbaseCC.com. People can use the website to sign up for updates and to leave feedback on any proposals.

Ms. McCollem said that the contracts are still being signed for the Main Street and Academy Road intersection project. She said that they are anticipating groundbreaking during the first week of May. Prior to starting work, the DPW will conduct public outreach regarding the schedule.

17. Minutes

None.

18. Committee reports

Ms. Siroonian said that the Bourne Community Engagement Committee met for the first time, and they are still working through some of the changes with respect to language and for requirements for applying for reimbursable grants. She asked if the changes need to be reviewed by Town Counsel, and Ms. McCollem said that she would be happy to take the draft when they are ready.

Mr. Meier said that he met with the Affordable Housing Trust, and they will be presenting a handout at Town Meeting for the Accessory Use Bylaws.

19. Correspondence

Anne-Marie Siroonian read aloud the correspondence for April 16th, 2024:

- JBCC public meeting calendar – April 2024
- DEP letter – J-3 Range
- P. Parker – talent bank form – Education & Scholarship Committee
- Intent to sell notice for 40B home – 44 High Ridge Drive

These are all on the Town's website.

20. Future Agenda Items.

21. Next meeting dates:

April 17 (moderator's meeting) & 30; April 23 – Sewer Commissioners; May 6 – prior to Town Meeting.

22. Adjourn

Voted: Anne-Marie Siroonian moved, and Jared MacDonald seconded to adjourn.
Roll Call Vote: Melissa Ferretti – yes, Anne-Marie Siroonian – yes, Chair Mastrangelo – yes, Peter Meier – yes, and Jared MacDonald – yes. 5-0-0.

This meeting of the Bourne Select Board was adjourned at 9:13 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator's Office at 508-759-0600 x1503.

DRAFT

Select Board
Minutes of Tuesday, April 30, 2024
Bourne Veterans' Community Center
Buzzards Bay, MA
Or Virtually

TA Marlene McCollem (remote)

Select Board

Mary Jane Mastrangelo, Chair
Melissa Ferretti, Vice Chair
Anne-Marie Siroonian, Clerk
Jared MacDonald
Peter Meier (7:17)

Others: Lily Adams, Jim Cantwell, State Director for Senator Ed Markey, Ben Thomas, Regional Director for Senator Ed Markey, State Senator Sue Moran, State Representatives Steve Xiarhos and David Vieira, Former State Representative Tom Cahir, Caleb White, Regional Director for the Southcoast, Cape and Islands for Senator Elizabeth Warren, Michael Jackman, District Director for Congressman William Keating, Sheila Lyons, Vice Chair of the Barnstable Board of Regional Commissioners, Hannah Buntich, Government and community Affairs Director, Barnstable County Sheriff's Office, George Slade, James Underdah, Mary McNair (remote), John York (remote), Neil Langille (remote), Diane Speers (remote), Suzanne Bilodeau (remote), Amanda Bilodeau, Tom Bilodeau, Danny Wing, Harold Skelton (remote), Chief Esip, Bourne Police Department, and Chief Cody, Bourne Fire Department.

Note this meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.

Michael Rausch, Bourne Enterprise, acknowledged that he is recording the meeting.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099.**

Zoom Meeting ID: 869 5775 5505 Password: BOURNE

The Zoom Chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute.

All items within the meeting agenda are subject to deliberation and vote(s).

7:00 PM Call Public Session to Order in Open Session

1. **Moment of Silence to recognize our Troops and our public safety personnel.**
2. **Salute to the Flag.**

   Lily, from the Girl Scouts, led the group in saluting the Flag.

3. **Reading of the Vision and Mission Statements:**

Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

4. **Report out on Executive Session.**

Chair Mastrangelo reported that the Select Board had two items to discuss in executive session. She said that they did vote to accept an agreement of judgement on the Thomas F. Swartz vs. the Town's Fire Department case, which should complete all litigation with this case.

The second item was to discuss the Barnstable County land in Pocasset, and they are pleased to note that the Board has voted unanimously to accept the counteroffer to sell the property at 0 County Road and 100 Julius Kelley Lane in Bourne containing a total of approximately 65 acres to the Town of Bourne for $730,000., subject to the parties entering into a final purchase and sales agreement acceptable to each party.

5. **Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).

6. **Community Shout Out & Recognition.**

   - Chair Mastrangelo said that she wanted to recognize Philip Hehir who was a consultant for Planning in the Town of Bourne, and he passed away recently. She said that he was a Planning Consultant for the Town of Bourne before having a Town Planner.
   - Shout out for the Girl Scout Troop 67942. for their gold award project.

7. **Girl Scout Troop 67942 Gold Award Project.**

Lily Adams of Girl Scout Troop 67942 said that for the past 9 years she has been a Girl Scout. She said that for the past year, she has been working toward her gold award, which is the highest award the Girl Scouts has to offer. She said that while thinking of what to do for her project, tragedy struck a family in Orleans. She said that a young autistic boy died in a house fire, after being frightened by the fire trucks and running back into the burning house. She said that a few days later, her brother was diagnosed with autism, and she realized that the boy who passed away could have been her brother and that something needed to be done.

She met with first responders in March of 2023, to discuss the possibility of a joint communication system. She said that the outcome of the meeting was that the Police Chief would produce a form for disbursement that is for people of all ages and backgrounds that may require non-typical assistance

in a dangerous or high stressed situation. She said that after a lot of work and communication with the Police Chief, in April of 2024, this form became available. People with the possible needs in these situations can fill out the form and submit it to the Police Station.

Chair Mastrangelo said that Lily did a great job on this project, and the form is available at this meeting for anyone that would like to fill it out. Chair Mastrangelo congratulated Lily on a job well done, and she received applause from the board and the audience. Melissa Ferretti said that it is amazing seeing someone Lily's age doing this type of work, with such meaning behind it. Jared MacDonald said it was a great initiative, great project, and well thought out and well done.

8. Legislative update and discussion with Federal, State and Conty delegation members.

Jim Cantwell, State Director for Senator Ed Markey, introduced Ben Thomas, Regional Director for Senator Ed Markey, who grew up in Wareham, and wanted all to know that he never participated in the senior year ritual of graffitiing the rock in front of Bourne High School, allegedly.

Mr. Cantwell said that they are pleased to be at this meeting to represent Senator Markey, and that Senator Markey asked them to recognize a few people that include the Select Board. The others are Senator Sue Moran, Representatives Steve Xiarhos and David Vieira, Former State Representative Tom Cahir, County Commissioners, Mark Forest, Sheila Lyons, and Ron Bergstrom, Sheriff Buckley, D.A. Rob Galibois, Kristy Senatori form the Cape Cod Commission, and Paul Niedzwiecki of the Cape Cod Chamber of Commerce.

Mr. Cantwell then read a statement from Senator Markey which talked about grant and funding opportunities for the Town of Bourne, local dredging programs, and the de-commissioning of the Pilgrim Nuclear Power Plant.

Caleb White, Regional Director for the Southcoast, Cape and Islands for Senator Warren, introduced himself and said he lives in Sandwich. Mr. White gave an update of what Senator Warren has been working on. He said that nationally she has continued to put pressure on corporations that have repeatedly put profits over the safety and production of working people. He said that for years, she has pushed for free and accessible services for taxpayers to file directly with the IRS. He said she has fought for better access to hearing aids, and for prescription medication availability. She has also pushed for student loan forgiveness. He said that in Massachusetts, Senator Warren has worked with municipalities to increase and improve infrastructure. Mr. White reported more of what Senator Warren is working on and has done for Massachusetts, including her work on the bridge replacement funding.

Michael Jackman, District Director for Congressman William Keating, said that Congressman Keating's biggest priority for Massachusetts is bridge replacement funding, as well as it being a huge priority for the entire house delegation. Mr. Jackman stalked about the Service Academy Nomination Program, which members of Congress have the responsibility of nominating candidates to the Military Academy at Westpoint, the US Naval Academy, the US Air Force Academy, and the US Merchant Marine Academy at Kings Point. He talked about the competitive process for nominating candidates.

Mr. Jackman said that Congressman Keating has been working on the housing crisis and on substance abuse issues. He said he is also enthusiastic about the progress of the Rail Trail. He also let the Board know that they are available as a resource when federal issues arise.

State Senator Sue Moran talked about the issues on the other side of the bridges and about the communication with DOT at this time. She gave credit to the Select Board for leading policy. She also talked about Holtec and what she and others have done to make sure not one drop has gone into Cape Cod Bay. Senator Moran touched on topics such as the Rail Trail, ADU's, local taxes, and wastewater.

Chair Mastrangelo thanked Senator Moran for her leadership around communication involving the bridges.

State Representative David Vieira gave a shout out to Melissa Ferretti for consistently attending the Joint Oversight Group at Joint Base Cape Cod. He said that not every town on the Cape is represented as consistently as Bourne is. Mr. Vieira also talked about the Rail Trail and how progress has been made, and about the Housing Bond Bill, which is in House Ways and Means and will be worked on soon, now that the budget is done. Mr. Vieira said that the high school students that do the internship program partnered up with second graders at Bournedale and held a career fair. He said that he attended the fair and that it was incredible that these students were thinking about their futures.

State Representative Steven Xiarhos started by thanking the Select Board for always starting meetings with the Pledge of Allegiance. He also recognized the four police officers that were killed the previous day in the line of duty. He added that he is proud of the Town of Bourne. Mr. Xiarhos talked about the bridges and about the proposed drawings of the new bridges. He also talked about the four committees that he serves on: Veterans and Federal Affairs, Public Safety, Ways and Means, Mental Health and Substance Use.

Sheila Lyons, Vice Chair of the Barnstable Board of Regional Commissioners, talked about a PFAS clean up that they are in the middle of currently. She said that a municipal fire training site in Hyannis was closed in 2009 due to PFAS contamination which got into the soils and the Flint Rock Pond on the west side of the site. She said they are currently under phase 2 of the cleanup. The estimates of the costs to complete the project will exceed 60 million dollars. She talked about the services that they provide to the communities. She said that there is an aqua fund which provides proficient and effective means of financing for system upgrades.

Tom Cahir, Cape Cod Commission and Cape Cod Regional Transit Authority, said that they have developed an app-based service to summon one of their vehicles for a short haul. He said it is like Uber and Lyft, although it is only $3.00 per transportation trip. He said that there will be trained and professional drivers for these vehicles. He said that this will be unveiled in all 15 towns on the Cape on June 22nd.

Hannah Buntich, Government and community Affairs Director, Barnstable County Sheriff's Office (BSO), provided an update from the office while representing Sheriff Buckley. She said that the Barnstable County Sheriff's Office Regional Emergency Communications Center dispatches for the Bourne Fire Department, and other departments on the Cape, and it has reached operational capacity. They would have to substantially expand the size of its dispatch center and increase the number of telecommunicators that work in the center, to meet additional needs. She said that they have 4 options

on what to do to increase their operational capacity. Ms. Buntich also expressed gratitude to the Town of Bourne for their collaboration with the BSO.

George Slade talked about the PFAS elimination that Ms. Lyons spoke of earlier. Chair Mastrangelo thanked everyone for coming to speak at this meeting and for all their work.

Jared MacDonald said that he will not be running again for Select Board, and since he will not be on the Select Board for future meetings about the bridge replacements, he wants everyone to notice that the drawings for the new bridges do not depict anything regarding the roads that run between the bridges. He said that he thinks it is important that MassDOT use Bourne's representatives to get information about these roadways. He said that signage is important also. He reiterated that he really wants to make sure that what he has mentioned is covered in future talks about the bridge project.

Peter Meier added that he has heard from many residents about their concerns, and one is preventive maintenance going forward once the Commonwealth assumes the ownership and maintenance of the four bridges. He said that he would like a dedicated source in there to make sure that the bridges have the funding in place to maintain them. Another concern is tolls to go over the bridges, and Mr. Meier said that he wants nothing to do with them.

9. <u>Public Hearing:</u> Annual All Alcohol on Premises Common Victualler License – Alteration of Premises for Pocasset Golf Club Inc., 24 Club House Drive.

Chair Mastrangelo opened the public hearing at 8:30 PM and read aloud the public hearing notice. As the first order of business, she entered into the record of this hearing a copy of the legal notice provided by the Town of Bourne for this hearing. As the second order of business, she entered into the record of this hearing a copy of the application and supporting materials provided to the Town of Bourne dated April 1st, 2024. She then opened the hearing for the applicant to speak about the application.

James Underdah, Manager of Pocasset Golf club, talked briefly about his background. He explained the reason for the application, and he said that they would like members to have the ability to purchase an alcoholic beverage to bring onto the course. They are requesting to have the main clubhouse act as a kiosk for beverage service.

Anne-Marie Siroonian asked if players had to be in person at the clubhouse to purchase the alcohol, and Mr. Underdah said yes.

Chair Mastrangelo asked Mr. Underdah if the alcohol would be more controlled with this request, and he replied that it would be more controlled.

Chair Mastrangelo then opened the meeting for public comment or questions and said that each speaker is limited to 2 minutes and must state their name and street address. She said that they must address questions to the Chair, and she will address the applicant.

Roy Higgins asked what is the size of the alcohol that they will be able to buy prior to going out onto the course, and he asked if they will be able to drive and drink a golf cart at the same time. Mr.

Underdah said that they do have access to the golf cart, and they will be able to drive the golf cart. He said that the all the guidelines of alcohol distribution will be handled by a TIPS trained bartender, and that way when alcohol is served it is under the guidance of the ABCC. He said the size of the drinks are usually 12 ounces.

Mary Fisher said that her property abuts the 11th fairway. She said that her concern is what they are going to do with the plastic cups, and litter. She wants to know what they will be doing with all the litter. Mr. Underdah said that the respect of the members of the club is very good. He said that the space is spotless.

Ms. Siroonian asked if there was a mechanism for any abutters to communicate issues. Mr. Underdah said that they can call or visit him, and he will address all issues.

Chair Mastrangelo said the Select Board received 5 letters of support for this request and 2 letters that opposed.

Chair Mastrangelo said that the licensing authority will deliberate on the application and there were no additional questions or concerns from the Select Board.

Voted: Peter Meier moved, and Jared MacDonald seconded to close the public hearing.
Vote: 5-0-0.

The public hearing was closed at 8:44 PM.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to approve the application for the alteration of license premises of the Annual All Alcohol License held by Pocasset Golf Course for the reasons stated by the Select Board during this hearing and further to authorize to direct the Town Staff and Town Counsel to prepare the correspondence memorializing the same for transmission to the applicant, and to the Alcoholic Beverages Control Commission.
Vote: 5-0-0.

10. <u>Public Hearing:</u> Annual All Alcohol on Premises Common Victualler License – Alteration of Premises and Change of DBA for KKP Inc., d/b/a The Sagamore Inn at 1131 Sandwich Road.

Chair Mastrangelo opened this public hearing at 8:45 PM and read aloud the public hearing notice. As the first order of business, she entered into the record of this hearing a copy of the legal notice provided by the Town of Bourne for this hearing. As the second order of business, she entered into the record of this hearing a copy of the application and supporting materials provided to the Town of Bourne dated April 1st, 2024. She then opened the hearing for the applicant to speak about the application.

Suzanne Bilodeau said that they are looking to rebrand the Sagamore Inn. She said they would like to change the name from "The Sagamore Inn" to "The Sagamore".

Town Administrator Marlene McCollem said that she understood that the current license premises include rooms up above and that they are being removed. Ms. Bilodeau said that there had never

been rooms above, and that they are apartments. There was discussion about the current license premises including those apartments. Chair Mastrangelo read the alteration of premises, and it removed the apartments.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to close the public hearing.
Vote: 5-0-0.

The public hearing was closed at 8:51 PM.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to approve the application for the alteration of license premises and change of ZBA of the Annual All Alcohol License held by KKP Inc. for the reasons stated by the Select Board during this hearing and further to authorize to direct the Town Staff and Town Counsel to prepare the correspondence memorializing the same for transmission to the applicant and to the Alcoholic Beverages Control Commission, and this will include deletion of the 2 housing units upstairs.
Vote: 5-0-0.

11. <u>Public Hearing:</u> Annual All Alcohol on Premises Common Victualler License – Alteration of Premises for Bopha Angkor's Stir Crazy LLC, d/b/d Stir Crazy at 570 MacArthur Blvd.

Chair Mastrangelo said that the application is not complete.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to continue the hearing until May 14th, 2024.
Vote: 5-0-0.

12. Continued Public Hearing (from 4/16/24) Requested Road name change for Perry Ave, (Cape side only).

Chair Mastrangelo re-opened this public hearing at 8:54 PM.

Amanda Bilodeau explained that she and her husband, Tom Bilodeau, are building a house on Perry Ave. She said that they are on Perry Ave. on the other side of the bridge from Perry Ave. that the Town Hall is on. She said that delivery drivers are constantly going to Perry Ave. on the other side of the bridge. She said this made them think that a name change should happen, especially for emergency situations. They thought of the name Stone's Throw Way due to many historic reasons. She said that they have received some great feedback from the name, although they would be fine with a different name change also.

Chief Esip, Bourne Police Department, talked about how the Bourne Police dispatch. He said that all calls come into their department, and all dispatchers are aware of all addresses in the town, and they are aware of how to dispatch out to that property. He said that Eversource has an address in this section of Perry Ave., and he would like to know how they would feel about a street name change.

Chief Cody, Bourne Fire Department, explained the dispatch process for the Bourne Fire Department. He said that if there were a name change, it would not affect their operations. He said that the

Engineering Department would need to contact Mass GIS to give the new name, and it would eventually be forwarded back to the Sheriff's Department for dispatch. He also said that he does not feel that a name change is necessary for their dispatch.

Chair Mastrangelo said that they received a letter from the Bourne Historical Commission dated April 28th, 2024. She said that the letter referenced an article in the Bourne Enterprise regarding the name change request, and that they requested a continuance until after their May Meeting. There was more discussion about continuing the discussion for more research by the Historical Commission, and about the name. Ms. Bilodeau said that she and her family are not so attached to Stone's Throw Way, but they just really do not want Perry to be in the street name at all, due to possible future confusion.

Voted: Anne-Marie Siroonian moved, and Peter Meier seconded to continue the hearing until May 28th, 2024.
Vote: 5-0-0.

13. Consent Agenda:

a. BHS Spike Club Car Wash at Fire Station 4 (Pocasset) and Community Building on 8/25 with a rain date of 9/1.
b. Annual Monument Beach Civic Associates Ice Cream Social at Fire Station 4 (Pocasset) on 7/16.
c. Appointment of Community Special Officers – Olivia Barry and Brady Fitzpatrick.
d. Appointment of Patti Parker to the Education/Scholarship Committee with a term date ending June 30, 2026.
e. Authorize the expenditure of Ch. 90 and WRAP funds under the jurisdiction of the DPW Director for pavement markings, traffic signs, guardrail repair and partial depth pavement patching.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to approve the consent agenda as presented.
Vote: 5-0-0.

14. Discussion and possible vote to allow a brief closure of a section of Main St. to allow for a ribbon cutting ceremony for the opening of a new veteran's resource center on 5/7 as conditioned by departments.

Harold Skelton said that there will be about 125 people for a ribbon cutting ceremony, so people can look at a flyover during the national anthem. Chief Esip said that they could do it by having a detour and police details on both ends. He also said that this could be different due to it being a private event, and a short amount of time. He said that if approved, he will communicate with them about the closing of the road.

Voted: Peter Meier moved, and Jared MacDonald seconded to approve the brief closure of a section of Main St. to allow for a ribbon cutting ceremony from 11:45 AM to 12:00 Noon, on May 7th.
Vote: 5-0-0.

15. Discussion and possible vote to allow High Point Prevention Services to host a Mental Health Awareness Event at Buzzards Bay Park on 5/11 as conditioned by departments.

Voted: Peter Meier moved, and Jared MacDonald seconded to allow High Point Prevention Services to host a Mental Health Awareness Event at Buzzards Bay Park on 5/11 as conditioned by departments.
Vote: 5-0-0.

16. Discussion and possible vote to allow Boston Church of Christ to host a church service and walk at Buzzards Bay Park on 5/19 as conditioned by departments.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to allow Boston Church of Christ to host a church service and walk at Buzzards Bay Park on 5/19 as conditioned by departments.
Vote: 5-0-0.

17. Town Administrator's Report

Ms. McCollem thanked Chief Cody for serving 30 years of exemplary service to the town and the Fire Department. She said that he has announced his intent to retire as of July 5th, 2024.

Ms. McCollem also said that they said farewell to Chris Southwood today, and they wish him the best in his future endeavors. She said that Emily Bacciocchi has stepped up to serve and act as Director of Natural Resources while they continue the process of making the permanent appointment. She said the posting will close very shortly and they have received strong interest in the position.

Ms. McCollem said that they have received many candidates for the vacant Facilities Manager position and will start interviews soon.

Ms. McCollem also said that the Police and Fire Departments, along with Substance Free Coalition staged a car crash for the School Department, which will stay on the school grounds for a week to stimulate conversation regarding the risks of drunk and distractive driving.

Ms. McCollem said that Mass Development and Joint Base Cape Cod will be hosting 2 open houses on Wednesday, May 8th, regarding potential redevelopment of some of the land at JBCC. There is also a website for the project: jointbasecc.com, where people can sign up to receive updates. She also said that MassDOT is holding an in-person open house on May 13th at the Community Building.

Ms. McCollem reported that Tim Lydon and Stevie Fitch have been working hard to improve stormwater and wetlands functions in the town. The Puritan Bog Coastal Wetlands Restoration Project was recently awarded $338,000. in federal grant funding for modeling, design, and permitting to restore 15 acres of cranberry bogs and re-establish title exchange at the site.

18. Minutes: 4/2/24 and 4/9/24

Voted: Anne-Marie Siroonian moved, and Melissa Ferretti seconded to approve the minutes of April 2nd, 2024, and April 9th, 2024.
Vote: 5-0-0.

19. Committee reports

Melissa Ferretti reported on the Human Right Committee. She said that are working at trying to find better ways to promote what the committee does. The conversations are just starting on how they can better serve human rights in each of the towns.

20. Correspondence

Anne-Marie Siroonian read aloud the correspondence for April 30th, 2024:

- DEP letter – Proposed plan DoD property – MRS old grenade courts
- DEP letter – J-2 range – eastern EMR 2022-23
- DEP letter – Uniform Federal policy Quality Assurance Project Plan 2024 Update
- Upper Cape Tech School Board minutes – 03.14.24
- Upper Cape Tech budget meeting minutes – 03.14.24

These are all on the Town's website.

21. Future Agenda Items.

22. Next meeting dates:

May 6 – prior to Town Meeting.
May 14
May 21 – no meeting – Town Election

23. Adjourn

Voted: Anne-Marie Siroonian moved, and Jared MacDonald seconded to adjourn.
Vote: 5-0-0.

This meeting of the Bourne Select Board was adjourned at 9:39 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator's Office at 508-759-0600 x1503.

DRAFT

Select Board's Correspondence

May 14, 2024

A. DEP letter – PFAS at Tanker Truck Rollover Sites

B. DEP letter – Central Impact Area Environmental Monitoring

C. DEP letter – J-3 Range Environmental Monitoring

D. Eversource – 45 Day Yearly Operational Plan

E. Letter re JBCC gun range

F. Public meeting hear details - JOG

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

May 6, 2024

Air Force Civil Engineer Center/JBCC
Attn: Ms. Kimberly J. Gill
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
Draft Remedial Investigation Report for Per- and Polyfluoroalkyl Substances at Tanker Truck Rollover Sites – MOR,
Comments

Dear Ms. Gill:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Air Force Civil Engineer Center (AFCEC) Memorandum of Resolution (MOR) letter dated November 30, 2023, in response to MassDEP comments dated March 17, 2023, and August 24, 2023, for the document **"Draft Remedial Investigation Report for Per- and Polyfluoroalkyl Substances at Tanker Truck Rollover Sites"** dated March 2022 (TTRS RI). TTRS RI presents the findings of the Remedial Investigation for per- and polyfluoroalkyl substances (PFAS) at the Tanker Truck Rollover Sites (TTRS) at JBCC. MassDEP offers the following comments on the MOR, noting some concerns which the agencies should continue to work to resolve.

1. The soil cleanup concentration for perfluorooctanesulfonic acid (PFOS) should be set at background concentrations. On April 10, 2024, the U.S. Environmental protection Agency (EPA) finalized a National Primary Drinking Water Regulation establishing Maximum Contaminant Levels (MCLs) for six per- and polyfluorinated Substances (PFAS) in drinking water. The EPA MCL is set at 4.0 parts per trillion (ppt) (also expressed as ng/L) for PFOS and perfluorooctanoic acid (PFOA) (the Massachusetts Maximum Contaminant Level for the sum of six per- and polyfluoroalkyl substances (PFAS6) is 20 ng/L) and is based on the EPA Practical Quantitation Limit. Therefore, the target soil cleanup value of 4 ug/kg, which was derived based on 20 ng/L, should be lowered by at least factor of 5 (i.e., 20 ppt /4 ppt).

   Using the AFCEC proposed model, which MassDEP has previously stated disagreement with, that would result in a target soil PFOS value of 4 ug/kg /5 = 0.8 ug/kg or 800 ng/kg (ppt). This PFOS soil concentration is approximately the background soil concentration for PFOS. For example, the mean soil PFOS concentration from 100 surface (0-6 inches) soil samples from 25 locations in Massachusetts is 1.3 ug/kg. The state of Vermont's background soil PFOS concentrations are lower still, with a mean concentration of approximately 700 ng/kg. The New Hampshire Department of Environmental Services and the US Geological Survey are collecting background surface soils for PFAS in the 0–6-inch

soil horizon. Early information from this study suggests PFOS surface soil average concentrations are approaching 1 ug/kg (>0.9 ug/kg).

2. The AFCEC proposes to remediate PFOS contaminated soils at the TTRS to protect groundwater. However, there is no mention of the need to remediate soils to address the potential human health risk posed by exposure to PFOS contaminated soil. The EPA has finalized new, more stringent toxicity values for PFAS and PFOA and has issued draft reference doses (RfDs) for perfluorohexane sulfonic acid (PFHxS) and perfluorodecanoic acid (PFDA). Potential risks attributable to direct contact to contaminated soil should address these new values. Alternatively, the AFCEC could propose to remove PFOS contaminated soils from the TTRS to 2 ug/kg, the current Massachusetts Contingency Plan (MCP) S-1 soil standard, established based on background.

3. The AFCEC states in the MOR that the proposed soil cleanup goal of 4 ug/kg is conservative based on the results using a new model, *Revising the EPA Dilution-Attenuation Soil Screening Model for PFAS* (Brusseau and Guo 2023), which suggests a cleanup goal of 75.6 ug/kg (see below). There is considerable uncertainty in the Brusseau and Guo (2023) model, which has not been sufficiently developed and validated for applications that will determine the concentrations at which PFAS may be left in the environment.

   Brusseau and Guo incorporate two additional parameters into the existing soil screening model. They incorporate an air-water interfacial adsorption coefficient (k_{aw}) and the air-water interfacial area (a_{aw}) to account for the adsorption of PFAS chemicals at the air-water interface. Theoretically, this approach appears to have some merit because certain PFAS are known to have surfactant like properties and can adsorb to the air-water interfaces in soils resulting in increased retention in the vadose zone which could slow their movement through the vadose zone and towards groundwater.

   However, Brusseau and Guo point out several limitations of this approach that bring into question the use of these parameters currently, pending considerable additional model verification. The a_{aw} is affected by moisture content in the vadose zone. Moisture content in the vadose zone is transient in nature due to rainfall and infiltration and therefore the water saturation content (Sr) varies. Water saturation content is defined as the ratio of moisture content (θ_w)/porosity (n). Sr in the vadose zone can vary between values of 0.2-1 and a Sr value of 1 means that the pore spaces in the vadose zone are saturated. The a_{aw} varies with Sr. For example, a_{aw} was reported to vary between 400/cm to 100/cm when the Sr varied from 0.2 to 0.65 (Brousseau and Guo, 2021). To compound the problem, the estimation methods of a_{aw} including x-ray microtomography, interfacial tracer test methods and thermodynamic based estimation methods generate a range of values of a_{aw} for the same porous media. For example, a_{aw} was reported to vary between 18-100/cm for a quartz sand sample with a water saturation of 0.65 (Araujo and Brusseau, 2020). In simple terms, this means that rain events will likely alter the air-water interfacial conditions and, resultingly, the movement of PFAS in the vadose.

   Brusseau and Guo (2023) provide an example to calculate soil screening value for a site incorporating the proposed changes. They use a water content of 0.2, a porosity of 0.4 resulting in a Sr of 0.2/0.4 = 0.5. The air-water interfacial area of 446 /cm corresponding to a Sr of 0.5 and a PFOS k_{aw} = 0.12 cm was used in the example. Using these parameters, the distribution term Rd was calculated to be 283.6, resulting in a soil screening level of 75.6 ug/Kg that is more than 10 times the value when air phase partitioning was not considered. As discussed earlier, it is important to note that this calculation is at a lower moisture level than what is present at TTRS, and the effect would not be

prominent at a higher moisture content. Additionally, this effect is much lower (i.e., ~3) for PFOA that has a lower k_{aw}.

In addition, Brusseau and Guo indicate that *"The presence of PFAS mixtures or other constituents such as hydrocarbon surfactants and co-contaminants may impact the air-water interfacial adsorption of PFAS in some cases, thereby affecting magnitudes of the k_{aw}"*. The presence of co-contaminants, such as petroleum constituents found at the TTRS, may affect the magnitudes of the k_{aw}.

Given the uncertainty around these parameters and their use for estimating the migration of PFAS in the vadose zone, it appears that the Brusseau and Guo model has not been sufficiently developed and validated for applications that will determine the concentrations at which PFAS may be left in the environment.

Please incorporate this letter into the Administrative Record for the Tanker Truck Rollover Sites groundwater operable unit. If you have any questions regarding this matter, please contact me at (617) 694-2644.

Sincerely,

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

April 29, 2024

Impact Area Groundwater Study Program
ATTN: Mr. Shawn Cody, Program Manager
1807 West Outer Road
Camp Edwards, MA 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0015031
Joint Base Cape Cod (JBCC)
Draft Central Impact Area Environmental Monitoring Report for July 2022 through June 2023 - RCL, Comments

Dear Mr. Cody:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Impact Area Groundwater Study Program (IAGWSP) response to comments letter (RCL) dated April 24, 2024, in response to MassDEP comments dated January 26, 2024, for the document "**Draft Central Impact Area Environmental Monitoring Report for July 2022 through June 2023"** dated January 2024 (EMR). The EMR provides an assessment of the Central Impact Area groundwater extraction, treatment, and re-infiltration systems operations, and groundwater monitoring performed by the IAGWSP from July 2022 through June 2023 at JBCC.

MassDEP has no comments on the RCL.

Please incorporate this letter into the Impact Area Groundwater Study Program Administrative Record for the Central Impact Area groundwater. If you have any questions regarding this matter, please contact me at (617) 694-2644 or Elliott Jacobs at (857) 207-0815.

Sincerely,

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

P/ej
Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

May 3, 2024

Impact Area Groundwater Study Program
ATTN: Mr. Shawn Cody, Program Manager
1807 West Outer Road
Camp Edwards, MA 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0015031
Joint Base Cape Cod (JBCC)
Draft J-3 Range Environmental Monitoring Report for September 2021 through August 2022 - RCL, Comments

Dear Mr. Cody:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Impact Area Groundwater Study Program response to comments letter (RCL) dated April 26, 2024, in response to MassDEP comments dated December 19, 2023, for the document "**Draft J-3 Range Environmental Monitoring Report for September 2021 through August 2022"** dated November 2023 (EMR). The EMR describes groundwater and system performance monitoring activities performed at the J-3 Range groundwater plume between September 1, 2021, and August 31, 2022.

MassDEP has no comments on the RCL.

Please incorporate this letter into the Impact Area Groundwater Study Program Administrative Record for the J-3 Range groundwater. If you have any questions regarding this matter, please contact me at (617) 694-2644 or Elliott Jacobs at (857) 207-0815.

Sincerely,

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

P/ej
Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region

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MassDEP Website: www.mass.gov/dep

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EVERSOURCE ENERGY

247 Station Drive, SW-1038
Westwood, MA 02090

Michael Babineau
Supervisor
Electric Transmission
Vegetation Management

BOURNE BD OF SELECTMEN
RCVD 2024 MAY 6 AM 11:51

April 24, 2024

45 Day Yearly Operational Plan
Public Notice, Review and Comment Period

Dear Municipal Officials:

In compliance with 333 CMR 11.06, *45 Day Yearly Operational Plan Public Notice, Review and Comment*, please review Eversource Energy, Eastern MA's 2024 Yearly Operational Plan for Cape Cod and Martha's Vineyard (Barnstable and Dukes Counties)

Posted at the listed websites, Eversource Energy, Eastern MA's *Yearly Operational Plan* (YOP) *for Cape Cod and Martha's Vineyard* details specific information pertaining to the intended 2024 program:

https://www.mass.gov/service-details/rights-of-way-vegetation-management-vmps-yops-and-notices

https://www.eversource.com/content/residential/about/reliability/vegetation-management/transmission-system-vegetation-management/transmission-vegetation-management-projects

Please review the enclosed maps that locate the rights-of-way and the location of known *sensitive areas*. If there are any additional *sensitive areas* located on or near the right-of-way, please advise us as soon as possible, so we may establish permanent records and implement appropriate field protective actions. We particularly rely on this process to collect corrections to the public wells and to record the locations of private wells. The enclosed maps will be updated with any new information that is received by Eversource Energy, Eastern MA and posted at the above website. If you would like a hard copy of the YOP, please contact us with this request.

Also please review the enclosed copy of the Environmental Monitor Notice, published under the Massachusetts Environmental Policy Act (MEPA) also located at:

https://www.mass.gov/service-details/the-environmental-monitor

Enclosures: 21 Day Letter
Environmental Monitor Notice
2024 Yearly Operational Plan Maps

Notice Sent to: Chief Elected Municipal Official
Board of Health
Conservation Commission
Municipal Water Supplier
Massachusetts Pesticide Bureau

247 Station Drive, SW-1038
Westwood, MA 02090

Michael Babineau
Supervisor
Electric Transmission
Vegetation Management

Certified mail-return receipt requested

April 24, 2024

Dear Municipal Official:

This letter is to inform you that Eversource Energy, Eastern MA intends to selectively apply herbicides in 2024 along the power line rights-of-way that pass through your municipality. This treatment is conducted as a component of an integrated vegetation management program that uses the appropriate mechanical and/or herbicides treatments to control vegetation in order to encourage the growth of healthy early successional ecological communities that benefit wildlife while allowing for the safe delivery of electricity to our customers.

Eversource Energy, Eastern MA's 2023-2027 *Five-year Vegetation Management Plan* (VMP) *for Cape Cod and Martha's Vineyard (Barnstable and Dukes counties)* is posted at the following websites:

https://www.mass.gov/service-details/rights-of-way-vegetation-management-vmps-yops-and-notices

https://www.eversource.com/content/residential/about/reliability/vegetation-management/transmission-system-vegetation-management/transmission-vegetation-management-projects

If you would like a hard copy please contact us with this request.

Eversource Energy, Eastern MA's *2024 Yearly Operational Plan* (YOP) for *Cape Cod and Martha's Vineyard* is also posted at the above websites. If you would like a hard copy, please contact us with this request.

Please review the YOP map(s) that locate the ROW corridors and the plotted location of known sensitive areas including public and private drinking water supplies. **If there are any additional sensitive areas located on or near the ROWs, please advise us as soon as possible so a permanent record can be established, and appropriate field protective actions implemented. We particularly rely on this process to collect corrections to the public wells and to record the location of private wells**. The enclosed maps will be updated with any new information that is received by Eversource Energy, Eastern MA and posted at the above website.

The herbicides are listed in Section VII of the YOP and will be selectively applied to target vegetation by experienced, Massachusetts' licensed/certified applicators that walk along the ROWs using backpack equipment.

The foliage treatments will take place between June 1st and October 18th along with cut surface treatments (CST). Fall CST, basal treatments or sensitive foliar treatments may be necessary and are scheduled between October 1st and December 31st in areas along the ROWs that might not have received a foliage treatment or to trees over 12 feet tall. The exact time is dependent upon weather conditions and field crew progress.

In compliance with 333 CMR 11.06-11.07, No herbicide applications will occur before the conclusion of the 45-day YOP review period, the 21-day treatment notice and the 48-hour newspaper notice. At the end of these review periods, which can run concurrently, no application shall commence more than ten days before nor conclude more than ten days after the treatment periods listed above.

All the herbicides selected for this program are registered by the Federal Environmental Protection Agency, the Massachusetts Pesticide Board, and are recommended for use in and around sensitive areas jointly by the Massachusetts Pesticide Bureau and Massachusetts Department of Environmental Protection (please refer to the YOP for specifics).

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Agricultural Resources
225 Turnpike Road, 3rd Floor, Southborough, MA 01772
617-626-1700 fax: 617-626-1850 www.mass.gov/agr

MDAR
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

Maura T. Healey
GOVERNOR

Kimberley Driscoll
LIEUTENANT GOVERNOR

Rebecca L. Tepper
SECRETARY

Ashley E. Randle
COMMISSIONER

NOTICE: PUBLIC COMMENT PERIOD EXTENSION

Pursuant to the provisions of the Rights-of-Way Management Regulations, 333 CMR 11.00, to apply herbicides to control vegetation along rights-of-way (ROW), a five-year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Department of Agricultural Resources (MDAR). Eversource Energy, Eastern MA (Cape Cod and Martha's Vineyard) holds a current VMP, therefore, notice of receipt of a YOP and procedures for public review is hereby given as required by Section 11.06 (3).

Eversource Energy, Eastern Ma has submitted a YOP to MDAR in February 2024.

In 2024 Eversource Energy, Eastern MA will conduct an Integrated Vegetation Management (IVM) program on their transmission and distribution lines. The intended vegetation control program will be consistent with Eversource Energy, Eastern MA's VMP (approved by MDAR June 5, 2023). In accordance with the guidelines set forth in Eversource Energy, Eastern MA's VMP for Cape Cod and Martha's Vineyard and YOP, herbicides will be selectively applied to target vegetation by licensed/certified applicators carrying backpack or handheld application equipment for the IVM program.

Eversource Energy, Eastern MA's YOP identifies the following municipality where they intend to use herbicides to treat their electric Rights-of-Way in 2024:

Eastern MA (EMA) Cape municipalities:				
Bourne	Chatham	Dennis	Falmouth	Harwich
Sandwich	Truro	Wellfleet	Yarmouth	

Eversource Energy, Eastern MA will only use herbicides recommended by MDAR for use in regulated sensitive areas for their IVM program. Pursuant to 333 CMR 11.04, no herbicides will be sprayed within any designated "no spray sensitive area" instead mechanical only methods will be used to control vegetation.

Public notification, by certified mail, will be provided to each "affected" municipality at least twenty-one days prior to any herbicide application.

In accordance with 333 CMR 11.06 (2), Eversource Energy, Eastern MA's YOP for Cape Cod and Martha's Vineyard includes the identification of target vegetation; methods of identifying, marking and protecting regulated sensitive areas; application techniques; the herbicides, application rates, carriers and adjuvants proposed for use; alternative control measures, a list of the application companies and YOP supervisor; procedures for handling, mixing and loading herbicides; emergency resources including local, state and federal emergency telephone numbers; maps of the ROWs which included regulated sensitive areas, and herbicide fact sheets and labels.

Clayton Edwards
Rights of Way Program
Massachusetts Department of Agriculture Resources
Pesticide Bureau
225 Turnpike Rd., 3rd Floor
Southborough, MA 01772

Any questions or comments regarding the YOP should be addressed to:

Michael Babineau, Supervisor
Eversource Energy
Vegetation Management
247 Station Drive, SW-1038
Westwood, MA 02090-9230
781-441-3798 (office)

COMMENT PEROID ENDS AT THE CLOSE OF BUSINESS (5pm), June 21, 2024

Note: Notice was initially published in the April 24, 2024 Environmental Monitor, Comment period has been extended to close of business, (5pm), June 21, 2024.

Eversource Energy
Eastern, MA
2024 Yearly Operational Plan
BOURNE
Rights of Way
EMA-145

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- 2024 Eversource Rights of Way
- Emergency Surface Water Well
- Ground Water Well
- Non-Transient, Non-Community Well
- Proposed Well
- Surface Water Well
- Transient, Non-Community Well
- Private Well
- NHESP Certified Vernal Pools
- Perennial Rivers and Streams
- Intermittent Rivers and Streams
- Mass Town Lines
- Mass Zone A (identifies surface waterbodies, tributaries and associated waterbodies, follow Sensitive Area treament methods per 333 CMR 11.04)

Key to Public Well ID Numbers

ID#	Public Well Site Name	Approx. Distance to ROW (ft.)
221	Pump Station #4	180
784	Well #5	789
3055	Pump Station #3	705
1472	Pump Station #1	2164

Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".
Public Water Supply data provided by MA DEP Drinking Water Program, October 2023 DEP Public Water Supplies

January 16, 2024

Eversource Energy
Eastern, MA
2024 Yearly Operational Plan
BOURNE
Rights of Way
EMA-313 and EMA-340

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- 2024 Eversource Rights of Way
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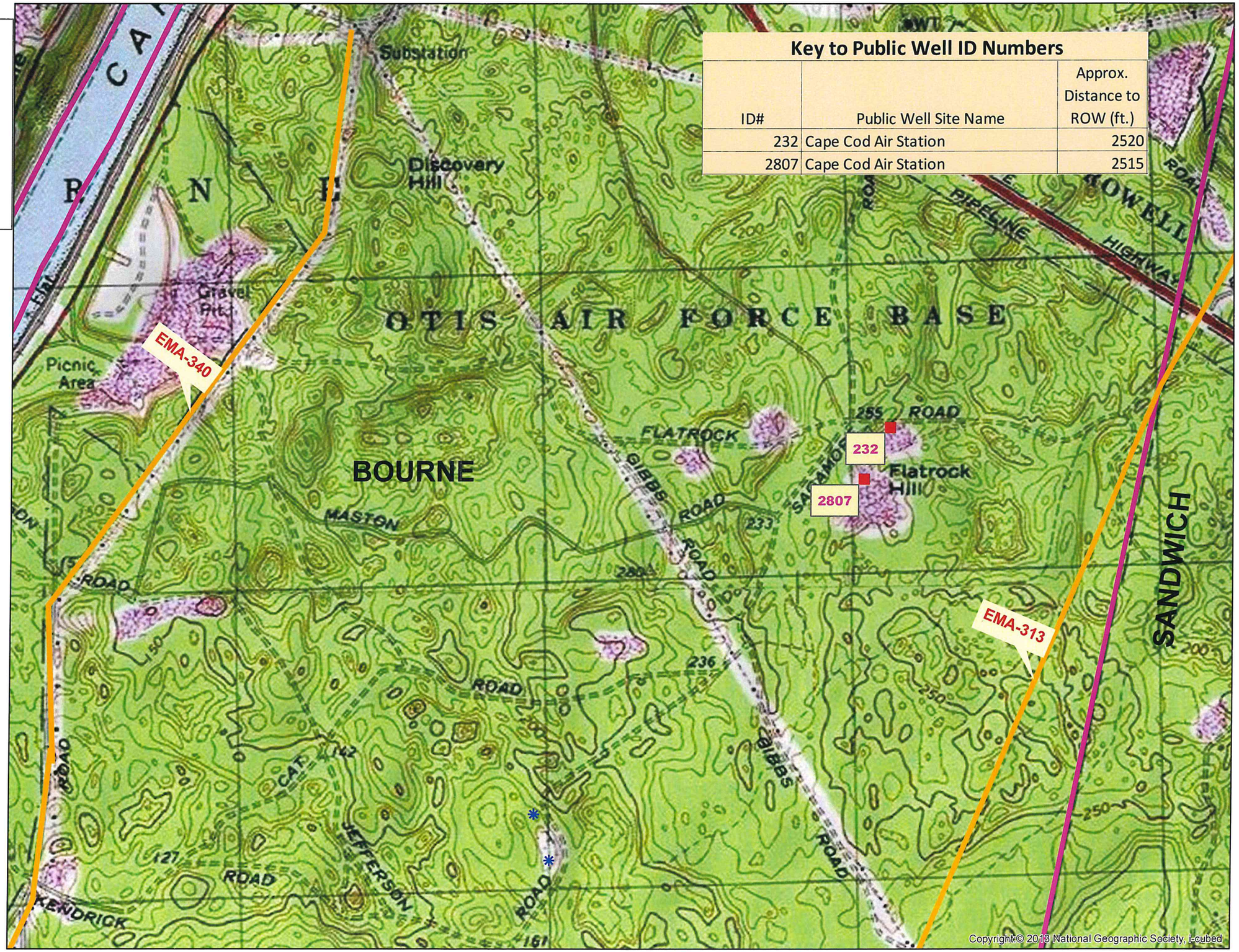

Key to Public Well ID Numbers

ID#	Public Well Site Name	Approx. Distance to ROW (ft.)
232	Cape Cod Air Station	2520
2807	Cape Cod Air Station	2515

Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".
Public Water Supply data provided by MA DEP Drinking Water Program, October 2023 DEP Public Water Supplies

January 16, 2024

Eversource Energy
Eastern, MA
2024 Yearly Operational Plan
BOURNE

Rights of Way
EMA-307, EMA-313
and EMA-340

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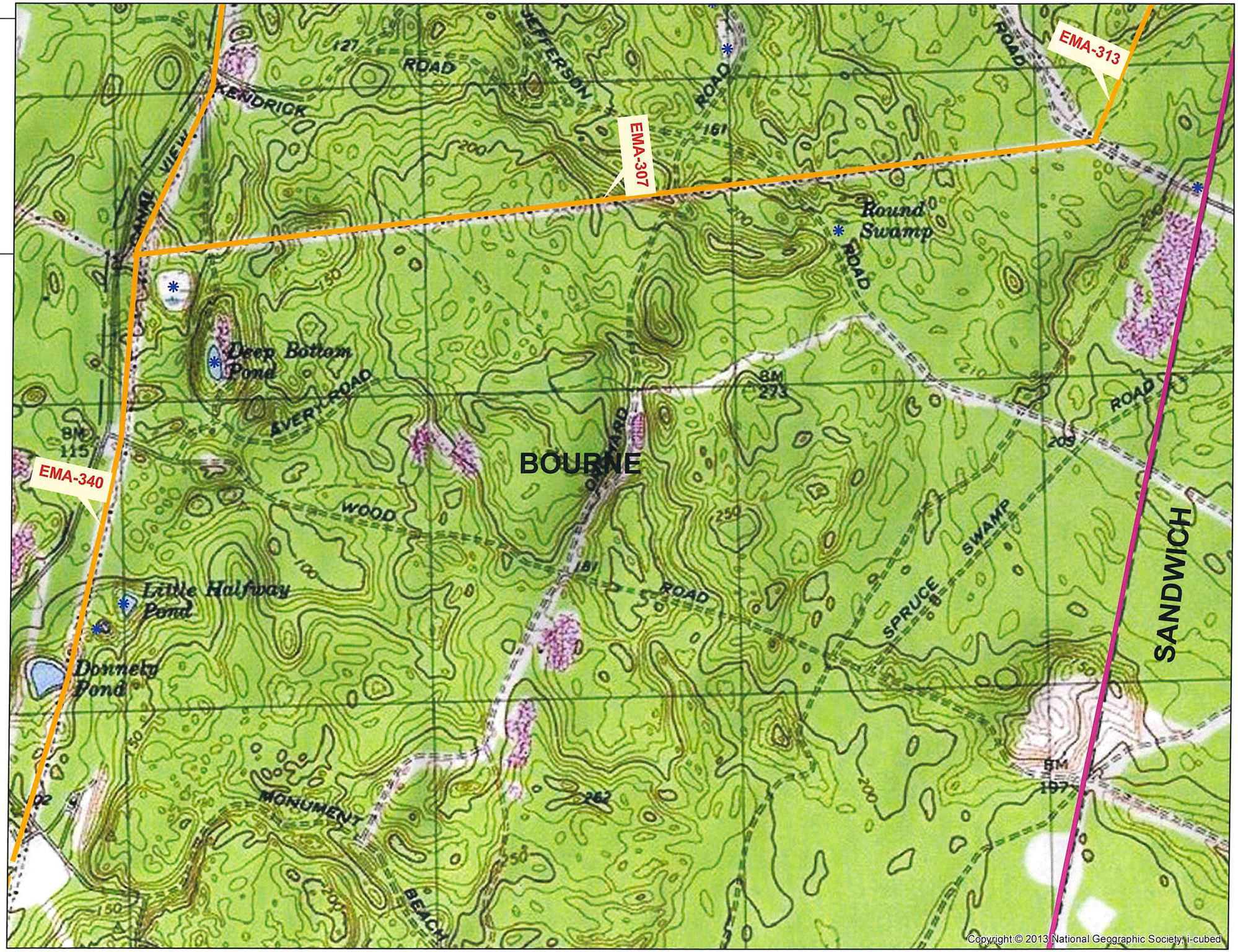

- 2024 Eversource Rights of Way
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Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".
Public Water Supply data provided by MA DEP Drinking Water Program, October 2023 DEP Public Water Supplies

January 16, 2024

Eversource Energy
Eastern, MA
2024 Yearly Operational Plan
BOURNE
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- Mass Zone A (identifies surface waterbodies, tributaries and associated waterbodies, follow Sensitive Area treament methods per 333 CMR 11.04)

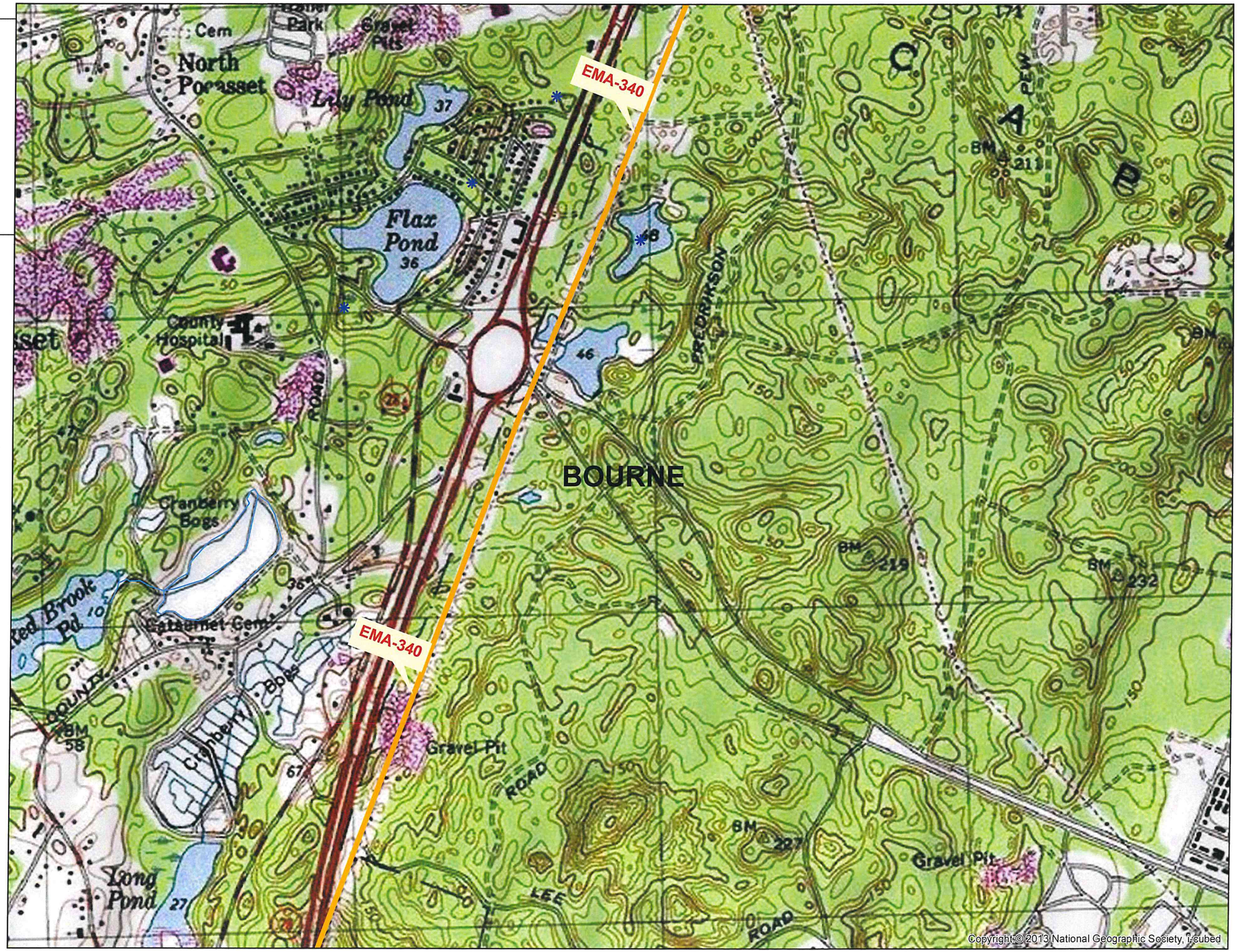
Key to Public Well ID Numbers

ID#	Public Well Site Name	Approx. Distance to ROW (ft.)
568	Well #3	4035
1500	Well #4	4515
288	Well #6	5030
1537	Well #8	545

Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".
Public Water Supply data provided by MA DEP Drinking Water Program, October 2023 DEP Public Water Supplies

January 16, 2024

Eversource Energy
Eastern, MA
2024 Yearly
Operational Plan
BOURNE
Rights of Way
EMA-340



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Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".
Public Water Supply data provided by MA DEP Drinking Water Program, October 2023 DEP Public Water Supplies

January 16, 2024

Eversource Energy
Eastern, MA
2024 Yearly Operational Plan
BOURNE
Rights of Way
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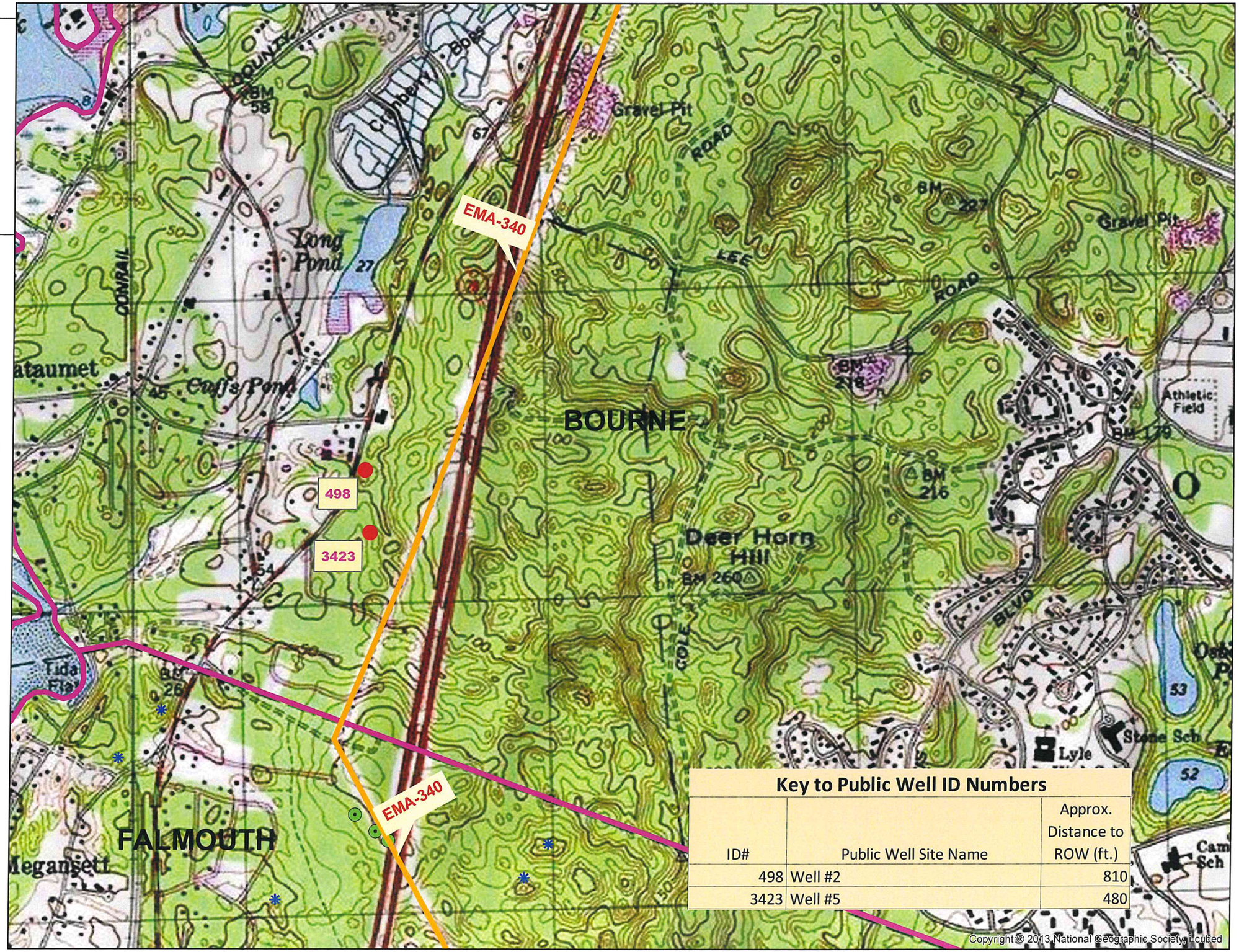

Key to Public Well ID Numbers		
ID#	Public Well Site Name	Approx. Distance to ROW (ft.)
498	Well #2	810
3423	Well #5	480

Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".
Public Water Supply data provided by MA DEP Drinking Water Program, October 2023 DEP Public Water Supplies

January 16, 2024

Eversource Energy
Eastern, MA
2024 Yearly Operational Plan
BOURNE
Rights of Way
EMA-212

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- 2024 Eversource Rights of Way
- Emergency Surface Water Well
- Ground Water Well
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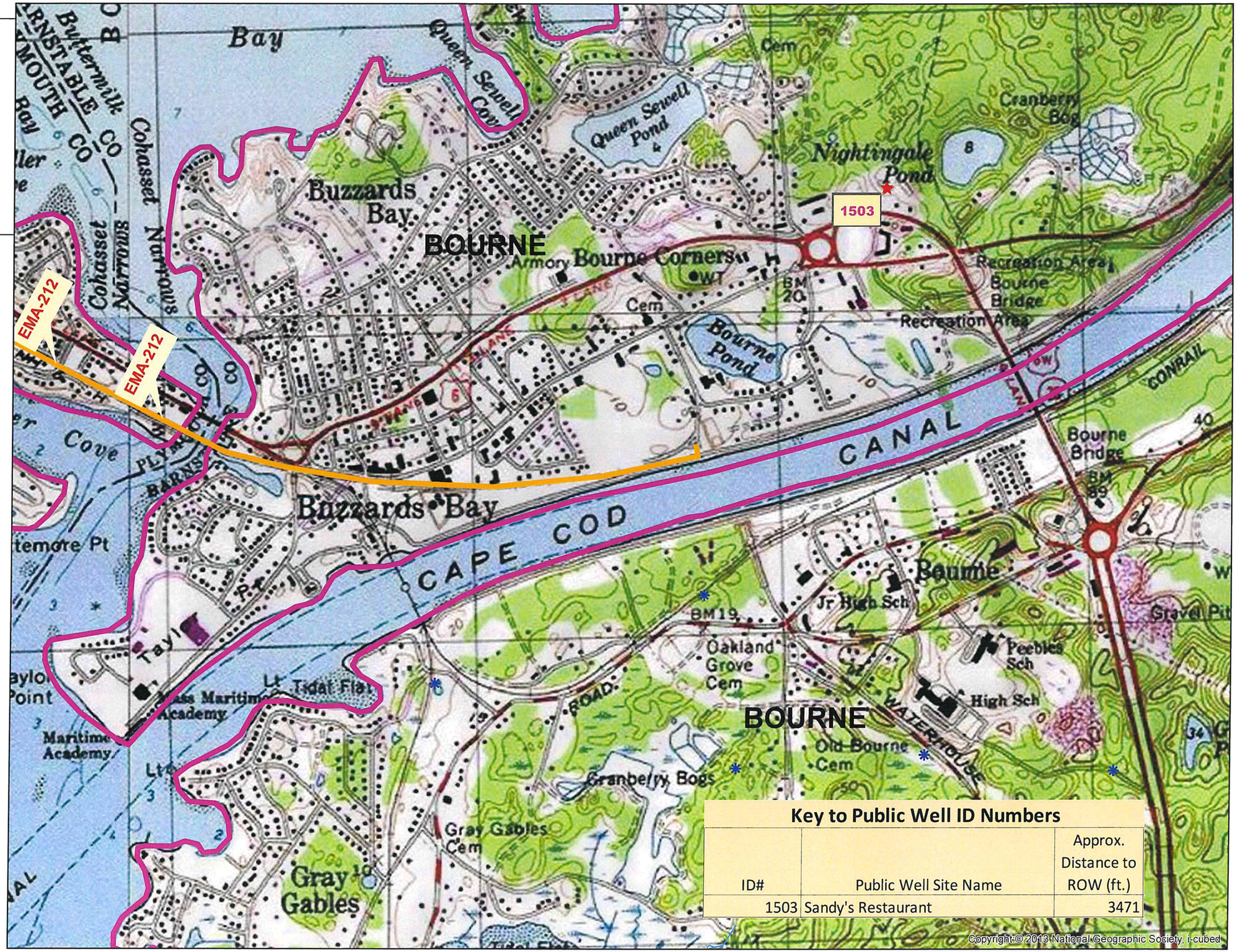

Key to Public Well ID Numbers

ID#	Public Well Site Name	Approx. Distance to ROW (ft.)
1503	Sandy's Restaurant	3471

Copyright:© 2013 National Geographic Society, i-cubed

Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".
Public Water Supply data provided by MA DEP Drinking Water Program, October 2023 DEP Public Water Supplies

January 16, 2024

FITCH

LISA C. GOODHEART
lcg@fitchlp.com

ALESSANDRA W. WINGERTER
aww@fitchlp.com

FITCH LAW PARTNERS LLP
84 STATE STREET
BOSTON, MA 02109

May 7, 2024

Via E-mail

Chairman Tom O'Shea
Environmental Management Commission
Massachusetts Department of Fish and Game
100 Cambridge Street, Floor 6
Boston, MA 02114

Commissioner Bonnie Heiple
Environmental Management Commission
Massachusetts Department of Environmental Protection
100 Cambridge Street, Suite 900
Boston, MA 02114

Commissioner Brian Arrigo
Environmental Management Commission
Massachusetts Department of Conservation and Recreation
10 Park Plaza, Suite 6620
Boston, MA 02116

Re: Joint Base Cape Cod's Proposed Multipurpose Machine Gun Range

Dear Members of the Environmental Management Commission ("EMC"):

We serve as counsel to the Association to Preserve Cape Cod ("APCC"), and on APCC's behalf, we respectfully ask you take immediate action to avoid irreparable harm to an essential and irreplaceable drinking water supply on the Upper Cape Water Supply Reserve (the "Reserve") at Camp Edwards on Joint Base Cape Cod. The threatened water supply, known as the Sagamore Lens, is the most productive portion of the Cape Cod Sole Source Aquifer, and provides the public drinking water supply for the towns of Sandwich, Bourne, Falmouth, and Mashpee, and the Mashpee Wampanoag Tribe.

PHONE 617-542-5542
FAX 617-542-1542
FITCHLP.COM

Summary

Your swift and decisive action is needed to avoid an unlawful environmental catastrophe resulting from an ill-conceived project of the Massachusetts Army National Guard (the "Guard"), which threatens this precious water supply. That project is a huge proposed new training facility known as the Multipurpose Machine Gun Range ("MPMGR"), within the Upper Cape Water Supply Reserve.

The military is currently poised to commit millions of dollars of federal funds to the imminent commencement of construction of the MPMGR. Public records indicate that the military intends to proceed *in spite of* the U.S. Environmental Protection Agency's preliminary determination that the MPMGR poses a significant threat to the public health. The military also apparently intends to proceed with the MPMGR *without* EMC's definitive determination of whether or not the project is compatible with the permanent protection of the Reserve's drinking water supply.

APCC is concerned, based on documents obtained through a public records request, that the military is pursuing contract arrangements for the imminent commencement of construction that could render the MPMGR a "done deal" before the EMC has fulfilled its fundamental responsibility to evaluate the project's anticipated impacts on this critical natural resource. Action by the military, in advance of the EMC's definitive "compatibility determination," risks making the EMC's evaluation and judgment nothing more than a hollow afterthought – ineffective as a result of untimeliness. APCC urges the EMC to take immediate steps to prevent the Guard from undercutting the EMC's authority.

Background and Discussion

1. **Drinking Water Protection Trumps Military Training at the Upper Cape Water Supply Reserve.**

The permanent protection of the drinking water supply and wildlife habitat of the Upper Cape Water Supply Reserve is expressly assured by the "Act Relative to the Environmental Protection of the Massachusetts Military Reservation," Chapter 47 of the Massachusetts Acts of 2002 ("Chapter 47"). The Reserve is state-owned public conservation land and, as such, it is subject to protection under Article 97 of the Amendments to the Massachusetts Constitution, as well as statutory protection under Chapter 47.

Chapter 47 specifies that the Upper Cape Water Supply Reserve

> shall be dedicated to: (*a*) the natural resource purposes of water supply and wildlife habitat protection and the development and construction of public water supply systems, and (*b*) the use and training of the military forces of the commonwealth; provided that, such military use and training is compatible with the natural resource purposes of water supply and wildlife habitat protection.

Id., § 2. In other words, the primary purpose to which the Upper Cape Water Supply Reserve is dedicated is natural resource conservation, with a particular focus on the protection of the drinking water supply. Military use and training on the Reserve is allowed only if, when, and to the extent that it is compatible with the primary purpose of protecting the water supply.

2. The EMC Is Mandated to Prohibit Any Military Training Activity at Camp Edwards That Is Incompatible With the Permanent Protection of the Reserve's Drinking Water Supply.

EMC's purpose and responsibilities are set forth in § 5 of Chapter 47, as follows:

> The purpose of the commission shall be to ensure the permanent protection of the drinking water supply and wildlife habitat of the reserve. The commission shall ensure, by oversight, monitoring and evaluation, that all military and other activities on the reserve are consistent with this purpose. The commission shall oversee compliance with and enforcement of the environmental performance standards, coordinate the actions of the environmental agencies of the commonwealth in the enforcement of environmental laws and regulations at the reserve, as appropriate and facilitate an open and public review of all activities on the reserve.

See also § 4 of the 2001 Memorandum of Agreement ("MOA") between the Commonwealth of Massachusetts and the United States Army and National Guard Bureau.

Under this clear mandate, ***it is EMC's core duty to identify any military training use of Camp Edwards that is incompatible with the permanent protection of the Upper Cape Water Supply Reserve's drinking water supply, and then to forbid any such use***.

3. The U.S. Army and the National Guard Bureau Are Contractually Bound to Respect and Abide by the EMC's Compatibility Determinations, Under the 2001 Memorandum of Agreement.

Chapter 47 provides a statutory codification of arrangements to which the U.S. Army and the National Guard Bureau, as well the Adjutant General of the Massachusetts Guard and the Military Division of the Commonwealth, have voluntarily submitted and bound themselves by agreement. Specifically, by the 2001 MOA, the Army and the NGB, as well as the Massachusetts Guard, agreed to honor and abide by the EMC's determinations about the compatibility or incompatibility of a particular military project with the protection of the Reserve's drinking water supply.

The 2001 MOA provides, in pertinent part, as follows:

> The purpose of this Agreement is to establish a long-term management structure for the northern 15,000 acres of the

> Massachusetts Military Reservation ("MMR") in order to ensure the permanent protection of the drinking water supply and the wildlife habitat, and to ensure that military and other activities are compatible with protection of the drinking water supply and the wildlife habitat.

Section 15 of the MOA addresses the EMC's authority, as follows:

> If the EMC determines, based upon sound and accepted scientific analysis and evidence, that an activity that is otherwise compliant with law, regulation, or [Environmental Performance Standards] is causing or threatens to cause imminent and substantial damage to the drinking water supply or wildlife habitat of the northern 15,000 acres of MMR, the EMC may: (1) order such activity to cease immediately; or (2) require adjustments in the activity to eliminate the imminent and substantial damage or threat of damage.

Section 16 adds teeth to Section 15, as follows:

> The Massachusetts National Guard, the Army, and any other user of MMR shall immediately cease or adjust any activity that, in the determination of the Massachusetts National Guard or the EMC, causes or threatens to cause imminent and substantial damage to the drinking water supply or the wildlife habitat of the northern 15,000 acres of the MMR.

The EMC is also empowered to adjust the Environmental Performance Standards, if and as it may deem appropriate. Section 17 of the MOA provides, in relevant part:

> …[T]he EMC may adjust EPS based upon sound and accepted scientific analysis, monitoring data, and other relevant information. The proponent of any adjustment shall bear the burden of justifying the proposed adjustment and demonstrating that the proposed adjustment is protective of the drinking water supply and wildlife habitat.…

Importantly, Section 18 of the MOA confirms the obligation of all pertinent military authorities – *federal and state* – to respect and abide by the EMC's determinations concerning the compatibility or incompatibility of any military training or other uses of the Reserve with protection of the drinking water supply, using the following broad and simple language:

> The military agrees to comply with all decisions and orders of the EMC, provided such decisions or orders do not conflict with federal or state law.

Chapter 47 codifies the EMC's mandate and authority in language that is drawn directly from,

and closely tracks, the 2001 MOA. As a result, ***the EMC's required judgment on the MPMGR's compatibility with the protection of the drinking water supply is legally binding on federal military authorities, as well as the Massachusetts Guard, under the 2001 MOA.***

4. The MPMGR's Threat to the Reserve's Drinking Water Supply.

The military's proposed construction of the MPMGR within the Upper Cape Water Supply Reserve would disturb a large portion of the Commonwealth's conservation land. In addition to clearcutting nearly 200 acres of globally significant pine barren forest without mitigation, the project would create a Surface Danger Zone area that would span thousands of acres, where projectiles fired on the range would land. Although several small arms range trainings grounds currently exist at Joint Base Cape Cod, the scale of the MPMGR would dramatically increase the number of bullets fired each year, and create an unacceptable level of burden and risk.

An alarming factual record of the threat which the MPMGR poses to the drinking water supply has already been developed. In April 2023, the United States Environmental Protection Agency Region 1 issued a draft determination on the MPMGR, pursuant to its authority under the Safe Water Drinking Act. EPA concluded that "the proposed project may contaminate the [sole source] aquifer so as to create a significant public health hazard." This determination is presented in a report entitled "*Sole Source Aquifer Project Review of the Multi-Purpose Machine Gun Range Proposed by the Massachusetts Army National Guard to Be Constructed at Joint Base Cape Cod,*" a copy of which is attached as Exhibit A.[1]

The report on EPA Region 1's provisional determination suggests that it may well be impossible to design the project or implement management that would minimize the risk of contamination to the aquifer, and that the very real risk of such impossibility is intolerably high.[2] According to the report, "neither the aquifer nor the public should bear the risk and uncertainty of a large-scale expansion to pollutant loading, the effects of which cannot be predicted with a degree of certainty sufficient to meet the precautionary standards of the SDWA."[3]

In December 2023, the Guard quietly resubmitted a revised MPMGR proposal for EPA's consideration.[4] In an April 4, 2024 letter from EPA Region 1 Administrator David Cash to

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[1] This report is also available on-line at https://www3.epa.gov/region1/eco/drinkwater/capecod/adminrecord/ssa-report-eport-final-april-2023.pdf.

[2] For example, *see* § 6.3, page 20: "[I]t is uncertain that all components of an appropriate [Operations, Maintenance, and Monitoring Plan] for this proposed machine gun range can be developed to meet the standard of minimizing the release of contaminants to the maximum extent feasible and to ensure compliance with environmental performance standards over the very long term." S*ee also* § 6.1.1, page 16, second and third bullet points; § 6.2, page 19; and § 6.2, page 20.

[3] *Id.* at page 3. EPA found that much smaller ranges at JBCC release contaminants at levels not currently posing an imminent threat but high enough to raise concerns about a large increase in contaminant loading. For this reason, EPA concluded that "the fact that [contaminants from small training ranges] are found at all under the circumstances indicates an even greater concern when considering a proposal that will entail vast expansion in both the amount of munitions being fired and their associated contaminants of concern. *Id.* at page 11.

[4] We are uncertain whether the Guard considers its revised proposal to be final, or has made its own public release of it, but EPA has now shared it, with the Guard's approval, in response to a Congressional inquiry. The document is

Senators Edward J. Markey and Elizabeth A. Warren and Representative William R. Keating, EPA attached the Guard's revised proposal and expressed numerous continuing concerns about it. A copy of EPA's April 4, 2024 correspondence, including the Guard's revised proposal, is attached to this letter as Exhibit B.

Tellingly, the Guard provided no additional scientific analyses to address the risk and uncertainty of what is still proposed to be a large-scale expansion of pollutant loading to the Cape Cod Sole Source Aquifer.[5] The project is currently anticipated to entail the firing of approximately 800,000 bullets per year, which is approximately *triple* the number of bullets currently fired per year. As a result, the bottom line remains the same: with or without the Guard's recently-proposed refinements, the MPMGR presents an unacceptable threat to the Upper Cape Water Supply Reserve.

The threat presented by the MPMGR is only heightened by the military's abysmal track record of conducting its operations in a manner that adequately protects the natural resources and public health at Camp Edwards. EPA currently oversees efforts to clean up significant portions of Camp Edwards which have been degraded by the use of small arms, artillery and mortar, and detonation training for unexploded ordnance in prior decades. So far, EPA reports, about ***$1.2 billion*** has been spent cleaning up prior contamination.[6] And this is *before* necessary action has been taken – at as-yet unknown costs – to address the risks of emerging contaminants including Per- and Polyfluoroalkyl Substances ("PFAS").

5. The Military's Disregard for EPA's Determination of the MPMGR's Impacts on the Cape Cod Sole Source Aquifer.

APCC has closely watched the military's aggressive pursuit of the MPMGR, and is alarmed that military authorities are pressing forward to begin construction of the MPMGR as soon as possible. Remarkably, the military has indicated its intention to proceed with the MPMGR *despite* EPA's draft determination that the project will create a significant risk to public health, *and without* EPA's final determination on this critical point, as explained below.

In 2020, the MPMGR received a $9.7 million Congressional appropriation, which we understand is set to expire on or about October 1, 2024. The funds must be committed to the project before the expiration date. To that end, in June of 2023, the Guard put out a request for construction bids for the MPMGR utilizing DCAMM procurement procedures. Two responsive proposals were submitted, each of which exceeded $15 million. Thereafter, however, the bid information disappeared from the public view on COMMBUYS, the official procurement system for the Commonwealth's Executive Departments. The reason has now been made clear – a strategic decision has been made to recharacterize the MPMGR construction as a purely federal project,

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entitled "Multi-Purpose Machine Gun Range - Best Management Practices and Regulatory and Resource Compliance Measures (Updated with Construction, Operations, Maintenance and Monitoring Protocol)," and marked "*Confidential until Public Release – For Agency Discussion Purposes Only*." A copy is included as an appendix to Exhibit B, attached hereto.

[5] *See id.*

[6] *See* Exhibit B at page 1.

which will now be contracted and funded directly by the *National* Guard Bureau instead of by the *Massachusetts* Guard, as contemplated by the earlier bid request.

This reframing of the MPMGR construction as a purely federal project was conceived and executed for the improper purpose of circumventing EPA's authority. This is clearly evidenced by public records that the Guard was recently ordered to produce, including the attached undated copy of a letter from Army National Guard Director Jon A. Jensen to EPA Region 1 Administrator David Cash. *See* Exhibit C.[7]

The military's maneuver can be summarized as follows: Under the Safe Drinking Water Act, an adverse final EPA determination on a project that may contaminate a sole source aquifer *prohibits* the commitment of any "Federal financial assistance" (a term of art defined by 40 CFR § 149.101(g)) to the project. 42 U.S.C. § 300h-3(e). Therefore, the *Massachusetts* Guard would be barred from entering into a construction contract for the MPMGR on the strength of federal funding, in the event of a final EPA determination that the MPMGR poses a significant public health risk. If the construction is contracted by and through *federal* military authorities, however, then use of the appropriated funds to pay for that construction no longer constitutes federal financial "assistance," even though the very same federal appropriation will fund the very same construction, for the benefit of the *Massachusetts* Guard.

In sum, based on a deliberate structuring of the construction contracting to avoid federal financial "assistance," the military now considers itself free to ignore EPA's Sole Source Aquifer review of the MPMGR under the Safe Drinking Water Act. It is now clear that the military has no intention of waiting for – or abiding by – EPA's final determination of whether the MPMGR's anticipated impacts on the Cape Cod Sole Source Aquifer present an unacceptable public health risk. Chillingly, the military seems to consider that question to be irrelevant.

6. There Is an Urgent Need for the EMC's Immediate Intervention and Definitive Compatibility Determination.

The EMC's legal authority now stands as a critical bulwark. The EMC provides the essential backstop against the military's unacceptable threat to a vital natural resource and the public health. The military cannot side-step the EMC's compatibility determination, as it believes it can do with the EPA's Safe Drinking Water Act determination.[8] Principles of federal preemption

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[7] The APCC received this letter, and other documents, on May 3, 2024, only after the Public Records Supervisor of the Secretary of the Commonwealth's Public Records Division ordered the Guard to respond to the APCC's March 20, 2024 public records request, which the Guard had previously ignored. See Secretary of State Public Records Division Appeal, SPR24/1068. Further, because the public records request was made on March 20, 2024, APCC only has responsive documents through that date. Accordingly, circumstances may have changed or evolved in the time since March 20th.

[8] In fact, the military itself has recently acknowledged the EMC's authority and oversight of its activities. In an undated attachment to a September 5, 2023 internal email (obtained through APCC's recent public records request), subject line "MAARNG MPMG Position Paper (9-5-23).pdf," the military states that the "construction and operation of the MPMGR will be under the strict oversight" of the EMC, which "will ensure that the MPMGR meets

offer no escape hatch for the military, vis-à-vis the EMC. This is because federal as well as state military authorities have expressly bound themselves, by the 2001 MOA, to honor and abide by the EMC's determinations about the compatibility or incompatibility of any military project with the protection of the Reserve's drinking water supply. The EMC's judgment on the MPMGR is legally enforceable by the Commonwealth against the military as a matter of contract law. In short, the EMC is uniquely empowered. And with that power comes a great responsibility.

At this time, the EMC has not evaluated all of the relevant information and data about the anticipated impacts of the MPMGR on the Reserve's drinking water supply. It has not made all of the required determinations of those impacts. And it has not issued such decisions and orders as those determinations may warrant.[9] The minutes of the EMC's July 19, 2022 meeting reflect the EMC's then-stated intention to continue its review process with respect to the MPMGR after the EPA completes its Sole Source Aquifer determination of the project. But now that the military is proceeding without awaiting EPA's final determination, the EMC cannot wait for that final determination either. Certainly, the military will not be waiting for the EMC's judgment, if the EMC is waiting on EPA's judgment, which the military now considers to be irrelevant.

The EMC must take the initiative and exercise its own independent authority now. Unless it does so, the military's construction work will overtake the EMC's review process, the MPMGR will become a *fait accompli*, and the EMC will have lost the practical ability to fulfill its core purpose and clear legislative mandate. This moment, and these circumstances, are precisely

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strict Environmental Performance Standards (EPS), which are a set of standards specifically created thrugh the Massachusetts Environmental Policy Act to protect Cape Cod's drinking water supply."

[9] If and to the extent that the military may assert that it already has the EMC's blessing to build the MPMGR, it is wrong. Any EMC assessments of the MPMGR up to this point necessarily remains preliminary and subject to further consideration, since the shape, scope, and specifics of the project have repeatedly morphed and continue to do so. Moreover, EPA's April 2023 report on the MPMGR clearly warrants serious study and substantial further inquiry by the EMC.

On June 3, 2021, the Science Advisory Council ("SAC") – with grave hesistation and without the benefit of EPA's Sole Source Aquifer report or any other scientific studies, bases, or opinions besides that of the military's – voted "that the proposed MPMG[R] meets the current EPS. During the review process, however, the SAC identified the need for review and potential revision of these standards." Significantly, a SAC member noted "The MPMG[R] doesn't seem to hang up on any of the EPS, it seems to hang up on the intent of Chapter 47. When Chapter 47 was established, did anyone think that we were going to increase the range areas by 144 percent? If we do it for this project, does it mean that type of alteration can continue as needed by the MAARG?" The minutes further note that this member called upon the EMC to weigh in on the original intent of Chapter 47, and whether it was written to allow "the ability to clear again and again."

In any event, under Chapter 47, the SAC's vote is purely advisory, as Section 10 makes clear what the EMC *must* consider and what the EMC *can* consider:

> (a) The commission *shall* evaluate all information and data regarding the activities and uses of the reserve and the environmental impact upon the drinking water supply and wildlife habitat of the reserve and may take action….The commission *may* consult with with science advisory council, the community advisory council, or other entities in evaluating such information and in taking such action.

(Emphasis added.)

what the EMC was created to address. The protection of the precious and vulnerable Sagamore Lens of the Cape Cod Sole Source Aquifer lies in your hands.

APCC's Requests for Action By the EMC

APCC respectfully asks the EMC to take the following actions, on an expedited basis:

1. Notice and commence a fresh evaluation of the MPMGR's anticipated environmental impacts, with a particular emphasis on the impacts to the Upper Cape Water Supply Reserve's drinking water supply. Given the stakes at issue:

    - EMC's evaluation must be a robust and rigorous scientific inquiry, with the benefit of all appropriate current data and information;

    - As part of its evaluation, EMC must direct the SAC to conduct a new assessment in light of EPA's April 2023 Report and supplement its analysis;

    - As part of its evaluation, EMC must consider the April 2023 U.S. Environmental Protection Agency Region 1 report entitled "*Sole Source Aquifer Project Review of the Multi-Purpose Machine Gun Range Proposed by the Massachusetts Army National Guard to Be Constructed at Joint Base Cape Cod*," and consult with EPA Region 1 staff concerning the same; and

    - The evaluation must include an opportunity for public comment and written submissions to the EMC.

2. Based on the above-referenced evaluation, issue a reasoned written determination of whether the Guard's proposed construction and use of the MPMGR is – or is not – compatible with the natural resource purposes of water supply and wildlife habitat protection and the development and construction of public water supply systems.[10]

3. Based on the above-referenced determination, issue such decisions and orders concerning the MPMGR as the EMC deems necessary and appropriate for purposes of ensuring the permanent protection of the Reserve's drinking water supply, in light of the EMC's evaluation and determination.

4. In the meantime, and on an interim basis, immediately notify and order the Massachusetts Guard to refrain from doing anything to commence construction of the MPMGR unless and until the EMC has completed all of the above-referenced oversight actions.

[10] In the unlikely event of a determination of compatibility, the EMC should go on to issue a reasoned written determination of whether the Guard's proposed construction and use of the MPMGR is – or is not – consistent with all of the applicable Environmental Performance Standards. In addition, if and as necessary, the EMC should consider whether the Environmental Performance Standards should be modified and/or expanded in light of the MPMGR, to ensure their sufficiency to protect the drinking water supply, and proceed accordingly.

Thank you for your consideration of these requests, and for your commitment to protecting an irreplaceable drinking water supply on the Commonwealth's conservation land, which is dedicated to the provision of clean drinking water for a large portion of Cape Cod.

Please let us know how the EMC intends to proceed.

Sincerely,

/s/ Lisa C. Goodheart

Lisa C. Goodheart

/s/ Alessandra W. Wingerter

Alessandra W. Wingerter

Attachments:
Exhibit A – April 2023 Report of EPA Region 1
Exhibit B – April 4, 2024 letter from EPA Region 1 Administrator David Cash, with attachments
Exhibit C – Undated copy of letter from Army National Guard Director Jon A. Jensen

cc: The Honorable Maura Healey, Governor of Massachusetts (by email)
The Honorable Kim Driscoll, Lieutenant Governor of Massachusetts (by email)
Senator Edward J. Markey (by email)
Senator Elizabeth Warren (by email)
Representative William Richard Keating (by email)
Michael S. Regan, U.S. EPA Administrator (by email)
David W. Cash, U.S. EPA Region 1 Administrator (by email)
Carl S. Dierker, Regional Counsel, U.S. EPA Region 1 (by email)
Kenneth Moraff, Director of Water Division, U.S. EPA Region 1 (by email)
Leonard Pinaud, Environmental Officer, EMC (by email)
Barnstable County Commissioners (by email)
Barnstable County Assembly of Delegates (by email)
Seth Schofield, Senior Appellate Counsel, Energy and Environmental Bureau, Office of the Attorney General (by email)
Senator Susan L. Moran (Plymouth and Barnstable) (by email)
Senator Julian Cyr (Cape and Islands) (by email)
Representative Dylan A. Fernandes (Barnstable, Dukes and Nantucket) (by email)
Representative Christopher R. Flanagan (1st Barnstable District) (by email)
Representative David T. Vieira (3rd Barnstable District) (by email)
Representative Sarah K. Peake (4th Barnstable District) (by email)
Representative Steven G. Xiaharos (5th Barnstable District) (by email)

EXHIBIT A

Sole Source Aquifer Project Review of the Multi-Purpose Machine Gun Range Proposed by the Massachusetts Army National Guard to be Constructed at Joint Base Cape Cod

United States Environmental Protection Agency

Region 1

April 2023

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List of Acronyms

CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act
COCs – Contaminants of Concern
EA – Environmental Assessment
EEA – Executive Office of Energy and Environmental Affairs
EMC – Environmental Management Commission
EPA – United States Environmental Protection Agency
EPS – Environmental Performance Standards
JBCC – Joint Base Cape Cod
KD – Known Distance Range
MAARNG – Massachusetts Army National Guard
MassDEP – Massachusetts Department of Environmental Protection
MCL-Maximum Contaminant Level
MCP – Massachusetts Contingency Plan
MEPA – Massachusetts Environmental Policy Act
MILCON – Military Construction
MPMGR – Multi-Purpose Machine Gun Range
NEPA – National Environmental Policy Act
OMMP – Operations, Maintenance and Monitoring Plan
OUs – Operable Units
ROCA – Range Operations and Control Areas
SDWA – Safe Drinking Water Act
SARs – Small Arms Ranges
SSA – Sole Source Aquifer
SDZ – Surface Danger Zone

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 1'S SOLE SOURCE AQUIFER PROJECT REVIEW DRAFT DETERMINATION UNDER THE SAFE DRINKING WATER ACT: THE MULTI-PURPOSE MACHINE GUN RANGE PROPOSED BY MASSACHUSETTS ARMY NATIONAL GUARD TO BE CONSTRUCTED AT JOINT BASE CAPE COD (JBCC) MAY CONTAMINATE THE AQUIFER SO AS TO CREATE A SIGNFICANT PUBLIC HEALTH HAZARD

1.0 EXECUTIVE SUMMARY

This document presents the United States Environmental Protection Agency (EPA) Region 1's Sole Source Aquifer (SSA) project review draft determination for the Massachusetts Army National Guard's (MAARNG's) proposal to construct a Multi-Purpose Machine Gun Range (MPMGR) at Joint Base Cape Cod (JBCC). This provisional determination, which was made under the Safe Drinking Water Act's (SDWA's) authority governing the protection of sole source aquifers, is based on information gathered and documented through an administrative record. The Administrative Record is available for review at:
https://www3.epa.gov/region1/eco/drinkwater/capecod/adminrecord/

Considering the protective orientation of provisions addressing sole source aquifers under Section 1424(e) of the SDWA, the Region has provisionally determined that the proposed project may contaminate the aquifer so as to create a significant public health hazard. The Region arrived at this conclusion after evaluating factors outlined by EPA guidance and including the following categories of information: sensitivity of the aquifer; existing environmental conditions (including cumulative impacts); scope of the proposed construction and operations; and projected long-term use and associated contaminant loading. Should this determination become final, no commitment of federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be allowed for this project, unless the funding is for plans or designs for the project that will assure that it will not contaminate the aquifer.

Release of this draft SSA determination will be followed by a 60-day public comment period. During this time, the public may submit written comments for EPA's consideration. In addition, EPA will hold a public hearing to receive oral comments. Information on registration procedures and mechanisms to submit formal comments is at:
https://www3.epa.gov/region1/eco/drinkwater/capecod.html

All comments timely received will be reviewed and considered by the Region, along with other available information. If, after evaluating this material, the Regional Administrator (RA) continues to believe that the proposed project may create a significant public health hazard, then he will forward the information to the EPA Administrator with a recommended conclusion that the project may contaminate the aquifer through the recharge zone so as to create a significant hazard to public health. The Administrator will then make a final determination.

EPA honors and respects the critical role of the Massachusetts Army National Guard in their mission to protect the Commonwealth against threats to citizens and their livelihood. The MAARNG is one of a number of Department of Defense (DOD) military units at Joint Base Cape Cod (the Base) that have diligently worked, over decades, to train soldiers, while, at the same time, partnered with state and federal agencies to investigate environmental conditions, assess data, and conduct clean ups, where necessary, to protect and sustain the Cape Cod Aquifer.

The Environmental Management Commission (EMC) is comprised of the commissioners of the Department of Fish and Game, the Department of Environmental Protection (MassDEP) and the Department of Conservation and Recreation. Its authority comes from Massachusetts Chapter 47 of the Acts of 2002 and a Memorandum of Agreement signed in 2001. Since 2002, the Environmental Management Commission (EMC) has effectively taken on the important dual role in permanently protecting the drinking water supply and wildlife habitat of the Upper Cape Water Supply Reserve (the Reserve), and ensuring that all military and other activities are compatible with the purpose of resource protection. The EMC accomplishes that dual role through effective oversight, monitoring, and evaluation of all military and other activities on the Reserve.

The Massachusetts Department of Environmental Protection and EPA work side by side to implement regulatory, financial, and assistance programs throughout Cape Cod, which provide overall protection of the environment and public health. Collectively, the EMC, EPA, MassDEP, MAARNG and other military units at JBCC, continue to work under Superfund and existing Safe Drinking Water Act Orders, to address existing contamination from past training and military activities at the Base, and support the legacy of investments to JBCC.

In addition to a key role in the productive partnerships of the agencies and military in conducting cleanup resulting from past activities, EPA has a very unique obligation, under the Safe Drinking Water Act, to protect sole source aquifers, like the Cape Cod Sole Source Aquifer, thus avoiding expensive and consequential environmental cleanups. The prospective and protective nature of the Sole Source Aquifer Program, along with the results of a comprehensive evaluation of the design and operations of the proposed machine gun range at JBCC, has led EPA, in this case, to provisionally determine that the proposed MPMGR has the potential to contaminate the aquifer so as to create a significant public health hazard.

Throughout the SSA project review, EPA has coordinated closely with and received input from the MAARNG, MassDEP, and the EMC.

2.0 OVERVIEW

As stated in the Environmental Assessment prepared by the MAARNG under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq*., and the Massachusetts Environmental Policy Act, MG.L. C.30, Ss.61-62H, "The purpose of the proposed MPMGR is to provide the requisite range and training facilities at Camp Edwards to allow the MAARNG to efficiently

attain small arms training and weapons qualifications requirements within Massachusetts." The Environmental Assessment listed possible short-term and long-term adverse impacts to groundwater from potential contaminant spills during construction and from inadvertent releases during site operations and maintenance of the MPMGR. MAARNG considers these adverse impacts as insignificant. The Region, however, has provisionally concluded, pending consideration of public comment and final recommendation by the Regional Administrator, that such accidental releases and other expected contaminant releases that will occur in the ordinary course during frequent machine gun use at the proposed MPMGR have the potential to contaminate the aquifer so as to create a significant public health hazard.

With respect to the Cape Cod Sole Source Aquifer, the Region is acting proactively to prevent risks to this aquifer consistent with Section 1424(e) of SDWA. *See Miami-Dade County v. EPA*, 529 F.3d 1049, 1069–70 (11th Cir. 2008) (upholding EPA choice of the most conservative, protective assumptions when modeling the risks because of the limited data available and crediting EPA's rationale that "it is much easier and more efficient to prevent groundwater contamination than to try to decontaminate it later."). "[I]t is within EPA's discretion to decide that in the wake of uncertainty, it would be better to give the values a conservative bent rather than err on the other side."). *See Am. Iron & Steel Inst. V. EPA,* 115 F.3d 979, 993 (D.C.Cir.1997) (per curiam). And, in exercising his judgment, the Region balances the likelihood and severity of effects. Under this balance, EPA is permitted to find that the resource may be endangered. *Southeastern Legal Foundation, Inc. v. E.P.A.*, 2013 WL 2280943 (U.S.), *citing* 74 Fed. Reg. at 66,505. Finally, in *Ethyl Corp. v. EPA*, 541 F.2d 1 (D.C. Cir. 1976), the D.C. Circuit Court of Appeals aptly noted that "a determination of endangerment to public health is necessarily a question of policy that is to be based on an assessment of risks and that should not be bound by either the procedural or the substantive rigor proper for questions of fact." *Ethyl*, 541 F.2d at 24. In view of the SDWA's protection of sole source aquifers, EPA is entitled to act in its discretion based on "available facts, projections from those facts, and probative preliminary data not yet certifiable as 'fact.'" *Ethyl*, 541 F.2d. at 28. Given the protective nature of Section 1424(e), the Region has provisionally determined, based on the administrative record, that neither the aquifer nor the public should bear the risk and uncertainty of a large-scale expansion of pollutant loading, the effects of which cannot be predicted with a degree of confidence sufficient to meet the precautionary standards of the SDWA.

A preventative approach is not only reasonable and appropriate given the purposes of the SDWA but is also warranted by the fact that the Cape Cod Aquifer has been significantly damaged through environmental impacts that have accrued over many decades and have not yet been fully remediated. It, in addition, continues to be threatened by new and emerging contaminants. EPA currently oversees the cleanup of numerous areas of contamination caused by training at Camp Edwards, including the area proposed for the MPMGR location. This accumulation of impacts warrants a reasonable but heightened degree of caution to avoid the possibility of further compromising a stressed resource.

Finally, EPA is mindful that it, along with the Department of Defense and other taxpayer funded entities, have expended more than one billion dollars and directed substantial technical resources towards cleaning up *past* contamination of the aquifer. One environmental policy imperative for the Region is to protect this investment and ensure that reasonable further progress is made toward cleaning up the aquifer. Adding an additional set of unknown or poorly understood risks could undercut or reverse progress that has been made to date. Again, the proposed MPMGR would be located over a sole source aquifer, and the SDWA takes a strong precautionary approach in such circumstances to prevent the contamination of Cape Cod's only source of drinking water.

Based on all the foregoing, and for reasons explained in more detail below, EPA has provisionally concluded, subject to public review and comment, that the construction and operation of the MPMGR would have the potential to contaminate the aquifer so as to create a significant public health hazard.

3.0 STATUTORY AND REGULATORY FRAMEWORK

Section 1424(e) of the SDWA grants EPA the authority to designate an aquifer as a sole source aquifer (SSA). After publication in the Federal Register of the EPA's designation of an SSA, Section 1424(e) also provides EPA authority to determine whether "any project . . . may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health." EPA has interpreted "significant hazard to public health" to mean any level of a contaminant which:

1) causes or may cause the aquifer to exceed any maximum contaminant level provided in any national primary drinking water standard at any point where the water may be used for drinking water purposes;
2) may otherwise adversely affect the health of persons; or
3) may require a public water system to install additional treatment to prevent such adverse effect.

40 C.F.R. § 149.101. If the EPA determines that a project has the potential to contaminate an SSA in such a manner as described above, "no commitment for federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into." EPA defines an SSA as an aquifer supplying "at least 50 percent of the drinking water for its service area" and for which "there are no reasonably available alternative drinking water sources should the aquifer become contaminated." EPA defines an SSA's recharge area or zone as "the surface expression of the area where the bulk of precipitation or surface water replenishes the aquifer." EPA designated the Cape Cod Aquifer as an SSA in 1982. 47 FR 30282 (July 13, 1982).

The regulation guiding EPA's process to determine whether a proposed project may contaminate an SSA as to cause a significant hazard to public health is 40 C.F.R. § 149.109. This regulation was originally promulgated for the Edwards Aquifer in Texas. EPA uses § 149.109 as

guidance for SSA determinations. Following public comments and receipt of information requested by the EPA, § 149.109(a) requires the Regional Administrator to, "review the project taking all relevant factors into account . . ." The regulation lists five factors as relevant but this list is non-exhaustive, as the word "including" precedes the list. The five factors are:

> (1) [t]he extent of possible public health hazard presented by the project;
> (2) [p]lanning, design, construction, operation, maintenance and monitoring measures included in the project which would prevent or mitigate the possible health hazard;
> (3) [t]he extent and effectiveness of State or local control over possible contaminant releases to the aquifer;
> (4) [t]he cumulative and secondary impacts of the proposed project; and
> (5) [t]he expected environmental benefits of the proposed project.

§ 149.109(b) next requires the RA, after reviewing the information to either:

> (1) [d]etermine that the risk of contamination of the aquifer through the recharge zone so as to create a significant hazard to public health is not sufficiently great so as to prevent commitment of Federal funding to the project; or (2) [f]orward the information to the Administrator with his recommendation that the project may contaminate the aquifer through the recharge zone so as to create a significant hazard to public health.

Congress intended the SDWA to have an essentially preventive purpose, recognizing that prevention of contamination is far less costly than remediation after the fact. *Miami-Dade County* at 1069–70. The SDWA included authority to prevent the use of federal funds for projects that might contaminate an aquifer that is designated as the sole or principal source of drinking water for an area. Attachment 1 summarizes the statutory and legislative background for this provision and the preventative approach Congress intended for evaluating projects with the potential to cause contamination of sole source drinking water aquifers.

4.0 BACKGROUND

4.1 Introduction

In 2015, the Massachusetts National Guard was authorized a MILCON (Military Construction) project to construct a MPMGR at Camp Edwards within the JBCC military base. An MPMGR is used to train and qualify soldiers in use of automatic machine guns, primarily the M249 and M240. The proposed MPMGR consists of eight firing lanes, each at 800 meters long with automated targets. Copper ammunition will be used (5.56 mm and 7.62 mm ball enhanced performance rounds with tracers); no lead ammunition will be fired. Sixty-four berms at various distances along the firing lanes will serve as the primary technology to capture bullets.

Approximately 1.3 million bullets will be fired per year. The proposed location starts with the existing Known Distance (KD) Range which was in use for many years as a small arms range and now primarily supports unmanned aerial vehicle training. The KD Range was chosen due to its flat topography and because the surface danger zone (the area that any fired bullet could possibly travel) is completely within the boundary of JBCC.

4.2 SSA Project Review Process and Timeline

EPA Region 1 has a long history of overseeing remedial clean-up actions and environmental management activities at JBCC under both the SDWA and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §§ 9601 *et seq.* (commonly referred to as "Superfund").

In 2021, in response to significant public concerns, including inquiries from the Massachusetts congressional delegation and a written petition from a Cape Cod resident, Region 1 considered whether to use its discretionary authority to conduct a Sole Source Aquifer project review of the proposed MPMGR. In summer 2021, given the scope of this project, public interest, and direct inquiries to EPA regarding the applicability of the review, EPA exercised its discretion under the SDWA to conduct this review.

EPA Region 1 initiated a Sole Source Aquifer project review in August 2021. The comprehensive review included evaluation of ammunition structure and composition, and all proposed range operations and maintenance procedures. The review focused primarily on the project's potential impacts to the aquifer and is not a comprehensive review of all other potential environmental or public health impacts, such as those evaluated by other agencies through their environmental reviews and their public involvement mechanisms.

Key dates associated with EPA efforts and the SSA review are:

1989 - Present	Cleanup efforts at 45 operable units under Superfund and SDWA Administrative Orders.
August 2021	EPA informed MAARNG of plans to conduct a SSA project review.
2021 - Present	EPA and MAARNG exchanged information and documentation in response to multiple EPA inquires, including more than 60 comments to the MAARNG on draft operational and planning documents.
July 2022	EPA observed a test firing of the M249 and M240 at the Sierra Range to simulate firing at the proposed KD Range.
September 2022	R1 committed to a public hearing and comment period.
October 2022	EPA, EMC, and MAARNG met in Boston to review EPA-proposed best management practices.
April 2023	Draft determination released and start of the public comment period.

Since notifying the MAARNG and the Department of Defense of its intent to conduct an SSA review of the MPMGR, EPA has been working with both organizations to gather data and information on the project and other base environmental monitoring data. During the review, EPA utilized information available through the many military cleanup investigations and efforts overseen by EPA and other agencies and commissions, and responses from MAARNG to hundreds of EPA technical questions and comments. The materials reviewed included:

- SDWA and CERCLA decision documents for remedial actions related to the ranges as well as other cleanup decision documents overseen by EPA's Superfund program;
- Notice of Project Change and Environmental Assessment (EA) developed under the National Environmental Policy Act/Massachusetts Environmental Policy Act (NEPA)/ (MEPA);
- Responses from MAARNG to EPA information requests concerning proposed operations, maintenance, and monitoring of the proposed MPMGR;
- Draft Operations, Maintenance and Monitoring Plan for the MPMGR;
- Operations, Maintenance and Monitoring Plans for other SARs at JBCC;
- State of the Reservation Reports issued by MAARNG through 2022;
- Design and draft final report of a MAARNG Copper Fate and Transport Study; and
- Documents pertaining to environmental conditions at other active and inactive SARs.

Following review of numerous documents, Region 1 created and completed:

- An administrative record with more than 60 documents;
- Tables and a summary of sampling data for contaminants at existing small arms ranges;
- Detailed calculations for contaminant mass balances of various components of the proposed bullets; and
- Research on best management/pollution prevention practices relating to small arms ranges.

4.3 Project & Site Description

4.3.1 Project

JBCC is a 22,000-acre military facility on Cape Cod. The Massachusetts Air National Guard and MAARNG – agencies of the Commonwealth of Massachusetts – conduct operations at JBCC. The on-base area of concern is controlled and operated by the Massachusetts National Guard in conjunction with the Army. The Army leases the land from the Commonwealth of Massachusetts.

The MAARNG component of JBCC is a 14,000-acre area known as "Camp Edwards." Over the past 70 years, use of small arms, artillery and mortar, and detonation training for unexploded ordnance have taken place here. The area is governed primarily by four EPA administrative orders under the SDWA (SDWA 1-97-1019 (1997) (AO1), SDWA 1-97-1030 (1997) (AO2) and SDWA 1-2000-0014 (2000) (AO3) and the Resource Conservation and Recovery Act (RCRA 1-

2001-0014 (2001) (AO4). EPA oversees cleanup of 16 cleanup SDWA and CERCLA operable units (OU) within the Camp Edwards area of JBCC. Operable units are parts of an overall Superfund site and areas designated under the SDWA Orders which are selected to address certain geographic areas, specific site problems, or needed remedial action. The proposed area of the MPMGR is within two of the SDWA operable units, the SDWA Training Area and SAR OUs. Decision document for the SDWA Training Area OU specified target and munitions debris removal and follow up soil sampling for KD West, an area within the proposed footprint of the MPMGR

The MAARNG is proposing to build a MPMGR, in part, on the current KD Range due to its flat topography. The KD Range was in use for many years as a small arms and sub-caliber rocket range. It now primarily supports unmanned aerial vehicle training. The KD Range encompasses 38.5 acres, currently cleared of vegetation.

The purpose of the proposed MPMGR is to provide the requisite range and training facilities at Camp Edwards to allow the MAARNG to efficiently attain small arms training and weapons qualifications requirements within Massachusetts. A MPMGR is where soldiers train and qualify with automatic weapons, primarily the M249, M240, and M2. In the opinion of the Massachusetts National Guard, there is no current location in the Commonwealth available to meet the training policy set forth by the Department of Defense, which expresses a preference for utilizing existing bases. In the view of MAARNG, soldiers must travel to either Camp Ethan Allen in Vermont (270 miles away) or Ft. Drum in New York (385 miles away) to complete necessary training. The environmental impact analyses provided by the MAARNG limited its consideration of alternatives to locations within JBCC. In terms of greenhouse gas (GHG) emissions savings, the MAARNG noted, if constructed, the proposed MPMGR at Camp Edwards would reduce soldier travel time while maximizing the time available for conducting higher quality, mission-essential training activities at Camp Edwards. However, while not a focus of the SSA project review, there are other significant GHG impacts and potential environmental and public health impacts that have been noted by MAARNG and other interested parties and do not relate to potential aquifer impacts, but may be addressed in any decision to construct the proposed MPMGR.

Phase 1 of the 138 acre project consists of eight firing lanes, which are 800 meters (m) long with automated targets. Each firing lane is 25 m wide at the firing line and extends to 100 m wide at the end. Ammunition used on this range would be limited to copper ammunition (5.56 mm and 7.62 mm ball enhanced performance rounds with tracers); no lead ammunition will be fired. The range has been designed and will be designated as a copper ammunition-only range. Sixty-four berms at various distances along the firing lanes will serve as the primary means to capture bullets. Approximately 1.3 million bullets will be fired per year at the MPMGR. The MPMGR's site usage would show an increase of approximately 19% of soldier training days, and result in an almost 400% increase in the total number of bullets to be used annually across all ranges, compared to the number of bullets currently used in all of the active small arms ranges at JBCC.

The project also includes construction of a series of structures collectively referred to as Range Operations and Control Areas (ROCA); including a range control tower (657 sf), range operations and storage facility (800 sf), ammunition breakdown building (185 sf), bleacher enclosure (726 sf), range classroom building (800 sf), and covered mess shelter (800 sf).

This SSA project review only addresses impacts of the currently proposed Phase 1 of the MPMGR, but an adverse determination on the first phase would logically question the feasibility of Phase 2, which would also entail the risk of additional impacts. For Phase 1, in addition to the 38-acre KD range, MAARNG is proposing to clear 100 more acres of vegetation and trees to accommodate the MPMGR range footprint. Phase 2 would extend the middle two fire lanes an additional 700 meters to a total length of 1,500 meters to accommodate 0.50 caliber rifles. If both Phase 1 and 2 of the project are constructed, it will alter 209 total acres of land (38.5 of which are at the current KD range). Approximately 5,197 acres would be required for the MPMGR Phase 1 and 2 to accommodate the Surface Danger Zone associated with the proposed weapons and ammunition. The Surface Danger Zone (the area that any fired bullet could possibly travel, either by direct fire or ricochet) of the proposed MPMGR is entirely within the boundary of JBCC.

If future federal funding is pursued by MAARNG for Phase 2, a separate review and approval (both SSA and NEPA/MEPA) may be required prior to construction.

4.3.2 History of Small Arms Ranges

Small arms ranges (SARs) at JBCC were historically used for a variety of small arms training, including pistols, rifles, shotguns, sub-machine guns, and machine guns. The SARs are located around the Camp Edwards Impact Area (the central area within Camp Edwards where the primary contaminants released from munitions firing occurred), with firing generally aimed towards the Impact Area. Typical components of most SARs include one or more firing lines, a range floor, target arrays, and an earthen impact berm. The impact berms usually include the berm face frequently containing bullet pockets and a trough at the base of the berm. The types of small arms ammunition historically used at the ranges included 5.56-millimeter (mm) ball, 9 mm, .30 caliber, .45 caliber, .50 caliber, 7.62 mm ball and tracer rounds. Several of the older SARs at Camp Edwards do not include the typical range features or a formal impact berm. For these ranges, natural terrain hillsides were used as backstops in conjunction with or in place of man-made berms.

The types of SARs at JBCC are divided into three categories: operational and active, operational but inactive and non-operational ranges. There are 4 active SARs at JBCC. These are in relatively flat areas with cleared vegetation to accommodate easy acquisition of downrange targets. Potential sources of SARs contaminants include compounds related to: 1) propellants deposited on the soil surface in the vicinity of firing lines; and 2) projectiles and penetrators

deposited on the soil surface in the vicinity of range floors and backstops, and embedded in berms. Monitoring results from multi-media sampling are discussed later in this document.

Separate and distinct from this Sole Source Aquifer review, EPA has concurrently been reviewing a 2017 decision under the SDWA AO2 regarding specific small arms range activities unrelated to the multipurpose machine gun range proposal. As background, in 1997, EPA had issued AO2 to require suspension of military training activities at Camp Edwards, determining that the contamination of the Cape Cod Aquifer caused by training activities may present an imminent and substantial endangerment to public health. EPA also required, in AO3, comprehensive investigation and cleanup of conditions at Camp Edwards posing unacceptable risks to public health. During the implementation of the cleanup activities, EPA had approved, on a conditional basis, individual requests by MAARNG to conduct small arms training activities at Camp Edwards. In 2017, the Region modified AO 2's suspension of training activities to have the EMC provide primary oversight of training activities subject to AO2 ("2017 Decision"). In the 2017 Decision, the Region also allowed for limited use of small arms ranges and made the modification subject to periodic evaluations as to whether the MAARNG's small arms range activities, under the oversight of the EMC, were still providing adequate protection of public health.

This year, the Region is completing the first periodic evaluation of the 2017 Decision ("2023 First Five Year Review Report"). The periodic review is limited to the time period between 2017-2022 and to four ranges in which the MAARNG trained with lead bullets during the review period, one range where MAARNG practiced non-explosive grenades during the review period, and the use of pyrotechnic devices at other base locations during the review period. The periodic review does not evaluate the KD range proposed for the multipurpose machine gun range. The periodic review also is not looking at prospective future impacts, but only at range activities during the five-year period since the 2017 Decision. In contrast to the specific ranges evaluated in the 2023 First Five Year Review Report, the judgment the Region is undertaking under the Sole Source Aquifer Program on the MPMGR is *prospective* in nature, and as a forward-looking analysis, accordingly, carries with it a far greater degree of inherent and irreducible uncertainty over the nature and extent of future impacts, even if those impacts may take decades to fully appreciate.

In addition, the proposed activity is on a much larger scale than the activity evaluated in the First Five Year 2023 Report, rendering a one-to-one comparison unreasonable. This difference in degree—an estimated 1.3 million bullets per year to be used at the MPMGR resulting in a nearly four-fold increase in total annual bullet loads deposited on the land above the aquifer—is so great as a constitute a difference in kind, and amplifies the potential detrimental consequences associated with the proposed activity.

For the purposes of this Sole Source Aquifer review, EPA is concerned that contaminants have found their way into the soils and porewater underlying the small arms firing ranges, even with effective management of those activities. These contaminants appear at levels that currently do

not pose an imminent and substantial endangerment, but the fact that they are found at all under the circumstances indicates an even greater concern when considering a proposal that will entail vast expansion in both the amount of munitions being fired and their associated contaminants of concern.

4.3.3 Administrative Orders and Role of EMC

EPA, in conjunction with MassDEP and the EMC, continues work at JBCC under Superfund and existing Safe Drinking Water Act Orders to address existing contamination from past training and military activities at JBCC.

Under both programs, EPA oversees cleanup of 16 cleanup operable units to date caused by past training and military activities within the Camp Edwards area of JBCC, with a total of 45 cleanup operable units across all of JBCC. This includes contamination at the KD Range, the area proposed for the MPMGR location. While the Sole Source Aquifer project review is an independent review, data from Superfund and SDWA cleanup work were considered as part of the review.

The EMC serves as the oversight body for operations of active small arms ranges and approves use of additional munitions and other training devices at the Camp Edwards Training Area/Upper Cape Water Supply Reserve. The EMC is housed within the Massachusetts Executive Office of Energy and Environmental Affairs (EEA). The EMC was created to ensure the permanent protection of the drinking water supply and wildlife habitat of the Upper Cape Water Supply Reserve (the Reserve) through oversight, monitoring, and evaluation of all military and other activities on the Reserve.

Operational and active ranges are ranges where firing is currently permitted and an Operations, Maintenance and Monitoring Plan (OMMP) is in place, as required by the EMC's own statutory authority, and EPA's SDWA AO 2. The SARs are subject to state environmental performance standards overseen by the EMC under state authority and the terms of the 2017 EPA modification of the administrative order Scope of Work. The OMMPs act as the primary mechanisms by which MAARNG can demonstrate compliance with state environmental performance standards, including minimizing the release of contaminants to the maximum extent feasible.

4.3.4 The Cape Cod Aquifer and Site Hydrogeology

The Cape Cod aquifer covers 339 square miles of Cape Cod and provides drinking water to nearly all of the 220,000 year-round residents and numerous others during the peak summer tourist season. There are approximately 132 public water supply systems, using more than 333 water sources. Groundwater in the area of JBCC provides approximately 3 million gallons of drinking water per day to the 12 community public water supply systems in the towns of Sandwich, Bourne, Falmouth, and Mashpee, and the Mashpee Wampanoag Tribe. The groundwater at Camp Edwards (the northern part of JBCC) has been designated as the Upper

Cape Water Supply Reserve, the protection of which is governed under Chapter 47 of the Massachusetts Acts of 2002. The Cape Cod Sole Source Aquifer has a past history of significant groundwater pollution of public and private wells. Sand and gravel soil make the aquifer highly vulnerable. If constructed, the proposed machine gun range would be located over the Upper Cape Water Supply Reserve and the Sagamore Lens, the most productive part of the Cape Cod Aquifer.

The Sagamore Lens is underlain by low permeability crystalline bedrock, which is not a productive source of water. The source of freshwater recharge to this groundwater system is rainfall and snowmelt only. Approximately 27 inches of the average annual rainfall infiltrates the soil within JBCC, and recharges groundwater on an annual basis. The height of the water table in and around JBCC can fluctuate up to seven feet annually due to seasonal variations in groundwater recharge. Groundwater levels are highest in the spring when recharge rates are high; levels are lowest in the late summer/early autumn when rainfall is minimal.

Surface water resources on JBCC are scarce. Surface water is not usually retained due to the well-drained, sandy soils of JBCC. No surface water bodies, or wetlands are present within the boundaries of the proposed MPMGR footprint.

4.3.5 Source Water Protection

There are seven state-designated Zone II Wellhead Protection Areas (i.e. recharge areas) within 1000 feet of the proposed MPMGR boundary, associated with 21 public water supply wells in the towns of Bourne, Falmouth and Sandwich. These 21 public water supply wells range in distance between 0.7 and 6.2 miles from the center of the proposed MPMGR.

The proposed MPMGR is near the top of the groundwater lens, so flow from the area of the range may be in multiple directions. All wells protected by those Zone IIs are potentially downgradient of the range. The MassDEP Drinking Water Program defines the Zone IIs as protection areas of an aquifer that contribute water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation).

5.0 Technical Findings

5.1 Quantity, Type, and Components of Ammunition

A total of 1,312,500 copper bullets of four types is expected to be used annually in the proposed MPMGR including 5.56 MM M855A1 (770,000 bullets); 5.56 MM Tracer, M856A1 (192,500 bullets); 7.62 MM M80A1 (280,000 bullets); and 7.62 MM Tracer M62A1 (70,000 bullets). There are also alternate copper ammunitions which are slightly different in their make-up. In the ammunition, copper, manganese, lead, and chromium are present as the metallic

forms. Lead exists in the lead styphnate compound. Strontium exists as strontium peroxide, and antimony as antimony sulfide. Additional components include semi-volatile organic compounds such as nitroglycerin. In the environment, nitroglycerin may degrade into nitrates/nitrites which are therefore additional contaminants of concern (COCs).

5.2 Mass Balance of Ammunition

Table 5.1 shows the planned annual total mass (kg) of key contaminants of concern in ammunition components to be used at the proposed machine gun range. For metals, copper (4590 kg) input is the largest, followed by manganese (15.1 kg), strontium (15.0 kg), lead (6.78 kg), antimony (4.32 kg), and chromium (1.13 kg). For alternate ammunitions, chromium input is higher at 8.91 kg per year. From the annual mass loading calculation to the proposed MPMGR, both types of ammunition contain a total of about 400 kg of nitroglycerin.

Table 5.1. Proposed annual total mass (kg) of COCs input to the proposed MPMGR from regular ammunitions

	5.56 MM M855A1, 770,000 bullets	5.56 MM Tracer, M856A1, 192,500 bullets	7.62 MM M80A1, 280,000 bullets	7.62 MM Tracer M62A1, 70,000 bullets	Total Mass, 1,312,500 bullets
Antimony	2.25	0.56	1.29	0.21	4.32
Chromium	1.13	0	0	0	1.13
Copper	2140	375	1552	524	4590
Lead	3.78	0.84	1.85	0.31	6.78
Manganese	4.22	0.70	5.92	4.25	15.1
Strontium	0	3.86	0	11.1	15.0
Nitroglycerin	195	50.5	104	30.8	380

5.3 Analysis of Baseline Contaminant Conditions at the KD Range

The current KD range is the central location for the proposed machine gun range. While the KD range has been inactive for many years, in order to assess baseline contaminant conditions in media, EPA requested and received the latest monitoring data about soil, porewater, and groundwater related to the KD Range. Since the sampling was conducted at various times in the two main portions of the KD Range, the results are presented separately: the KD Range East and the KD Range West.

5.3.1 Baseline Analysis of Contaminants of Concern in Media at the KD Range East

Surface soil data were presented in the 2014 Final Small Arms Ranges Investigation Report. The latest soil investigation of 2013 in the KD Range East shows the range of concentrations of

metals in soil (mg/kg): antimony (0.75-1.6), copper (10.7-13.4), lead (41.7-49.5), and tungsten (0.54-1.1).

Porewater was not collected in sufficient amounts for analysis. One monitoring well sample was collected and analyzed in 2012. Groundwater monitoring well MW-109S sampled in 2012 showed 3 µg/L for total dissolved copper, 0.96 µg/L for total dissolved lead, and non-detect for antimony, tungsten, 2,4-dinitrotoluene, RDX, nitroglycerin, N-nitrosodiphenylamine, and perchlorate.

5.3.2 Baseline Analysis of Contaminants of Concern in Media at the KD Range West

The latest soil investigation on explosives of June 2020 in the KD Range West shows the range of concentrations of explosives in soil (µg/kg): 2-Amino-DNT (32.1-37.9), 4-Amino-DNT (26.2-31.3), RDX (60-160), and HMX (225-328). The soil investigation on explosives of February 2020 shows the range of concentrations of explosives in soil (µg/kg): 4-Amino-DNT (ND-18.7), RDX (43.3-246), and HMX (451-3690). These contaminants are not associated with the ammunitions to be used at the proposed site.

The latest soil investigation on metals of 2015 shows the range of concentrations of metals in soil (mg/kg): antimony (0.51-0.79), copper (6.8-9.1), lead (38.4-45), and tungsten (4.3-5.3).

There is no information on porewater sampling. There is no information about groundwater quality after 2014. Maximum groundwater dissolved metal concentrations at KD Range West (1999–2014) are shown in Table 5.2. They are all lower than the Maximum Contaminant Levels (MCLs) or Action Levels (ALs). Maximum groundwater concentration of manganese is higher than EPA's secondary drinking water standard of 50 ug/l.

Table 5.2. Maximum groundwater dissolved metal concentrations at the KD Range West (1999–2014) as compared to EPA national primary drinking water regulations maximum contaminant level (MCL). Data from Table4-2X_TAIR_KDMaxDetectsGW.pdf (Table 4-2X, Training Area KD West Representative Groundwater Data Maximum Detections)

COC	GW Metals Conc (µg/L)	MCL or AL (µg/L)	Secondary Standard (ug/L)
Antimony	2.3	6	
Chromium	2.5	100	
Copper	8.3	1300*	
Lead	1.5	15*	
Manganese	87.4	NA	50
Strontium	No info	NA	
Vanadium	No Info	NA	
Tungsten	No info	NA	

Zinc	129	NA	5000

* These are Action Levels established under the EPA Lead and Copper Rule

5.4 Study of Fate and Transport of Copper

EPA reviewed the document titled "Draft Final Fate and Transport of Copper at Camp Edwards Small Arms Ranges" (dated February 2023) provided by MAARNG. The objective of this study was to assess the potential for copper transport at Camp Edwards Small Arms Range (SAR) as a result of using copper projectiles. Specifically, the soil adsorption and desorption behavior of copper was investigated to better understand the potential for copper transport in soils and surface water runoff at Camp Edwards SARs. A series of technical tasks were executed in this study including: 1) literature search on copper fate-and-transport, 2) soil profiling and lysimeter sampling, 3) batch experiments, and 4) column experiments. Laboratory-based column studies were planned to be conducted to investigate the potential for copper mobilization under Camp Edwards geochemical conditions. The column study approach was designed to investigate the extent to which copper can be transported in soil and surface water runoff under various solid-phase copper matrices by monitoring copper migration as a function of soil profile depth. The document funded by the MAARNG concludes that in view of "……the limited fate-and-transport behavior of copper …. groundwater contamination of the aquifer is not expected."

EPA's review indicates uncertainty about the MAARNG's main conclusion of their study that copper groundwater contamination of the aquifer is not expected. We acknowledge that copper has a propensity to adsorb to soil and does not easily dissolve and migrate to groundwater. However, this short-term study is inconclusive. Study uncertainties identified by EPA include short reaction times used in the batch and column experiments, missing samples, inappropriate composition of the experimental solutions, lack of a discussion on differences between laboratory and field conditions, and incomplete analyses of contaminants of concern. For example, it is unclear what electrolyte solution composition was utilized in the batch experiments to simulate representative soil pore water from the Camp Edwards site. Carbonate addition caused the test solution pH to increase to 9, which is a deviation from the overall objective of matching the experimental conditions with the geochemical conditions at Camp Edwards. Camp Edwards soils have a pH typically in the range of 5.5 to 6.0. All of these changes to the original scope of the study influence the results of the copper transport and fate analysis, thus leading to EPA's uncertainties of the study's conclusions.

6.0 FACTORS CONSIDERED IN THE DRAFT DETERMINATION

The SDWA was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supplies and establishing Federal-State programs to protect

underground sources of drinking water. The Act was viewed by the legislature as having an "essentially preventative purpose." In the case of a sole source aquifer, by definition, there are no reasonably alternative sources of drinking water, so preventing any potential contamination is of paramount concern. The precautionary, protective approach called for by Congress when enacting the SDWA, and by EPA when enacting and implementing regulations and guidance, informs Region 1's review of the MPMGR proposal.

To guide the SSA project review, EPA considered the following factors identified in the Sole Source Aquifer regulations:

6.1 The Extent of Possible Public Health Hazard

<u>6.1.1 Contaminants</u>

~ Over the last 10 years, contaminants have been documented in multi-media in numerous SARs at Camp Edwards using either lead or copper bullets, showing that the berm technology does not prevent contaminant releases. Instead, the SARs OMMPs require contaminants to be monitored and managed. While in the past, soils at many SARs needed remediation due to various munitions training uses, there is no present imminent and substantial endangerment to public health from the currently active small arms ranges. All active SARs are operated by MAARNG, under the oversight of the EMC, in accordance with approved OMMPs.

~ Lead bullets do not have the same component structure as copper bullets, which are proposed to be used at the MPMGR. Nevertheless, by evaluating the multi-media sampling results of SARs utilizing lead bullets, some inferences can be reached about the threat of potential contaminant releases presented by the operation of the proposed MPMGR. While the contaminants generated by the lead bullets currently used at the SARs do not present an imminent and substantial endangerment to public health, the detections of contaminants in various media illustrate that contaminants will be released into the environment from ammunition firing at small arms ranges. Such contaminant releases at the active SARs at JBCC are adequately managed by the EMC. However, management of such releases at the proposed MPMGR will be greatly challenged by the scope of the 138-acre range, the utilization of 1.3 million bullets per year, and the associated and greatly increased mass loading of contaminants of concern.

~ Based on 2018 through 2021 sampling results, contaminants have been detected at active Small Arms Ranges (*e.g.,* Sierra and India Ranges) that only utilize copper bullets, like the bullets proposed to be used at the MPMGR. For example, lead in soils, and copper and antimony in pore water have consistently been detected at these ranges. As stated above, such contaminant releases at the active SARs at JBCC do not present an imminent and substantial endangerment to public health, as they are adequately managed by the EMC. However, management of such releases at the proposed MPMGR will be greatly challenged by the scope of the proposed 138-acre range, the utilization of

1.3 million bullets per year, and the associated and greatly increased mass loading of contaminants of concern.

~ Due to past ammunition usage, baseline contaminant conditions of the currently inactive KD Range, the central site of the proposed MPMGR, show residual contamination, including:

- Maximum dissolved antimony in groundwater (1999-2014) at one third of the EPA Drinking Water standard;
- Maximum dissolved manganese in groundwater (1999-2014) over EPA's secondary Drinking Water standard;
- Maximum lead in soil (2014) more than one half, and (2015) approaching one quarter of the Massachusetts Contingency Plan (MCP) soil cleanup level;
- Maximum chromium level in soil one half the MCP soil cleanup level.

These levels do not present a current imminent and substantial endangerment to public health. Nonetheless, any baseline contamination of media at the site of the proposed MPMGR adds to the potential for the aquifer to be contaminated once firing of the machine guns commences and associated bullet components are released.

~ Potential public health risks associated with exposure to drinking water with the above contaminants at levels above health-based benchmarks include: antimony (increased cholesterol); chromium (allergic dermatitis); copper (gastrointestinal distress); lead (physical and neurological developmental delays in children); and manganese (neurological effects).

~ As described above, EPA reviewed the draft final copy of the Copper Fate and Transport Study of Copper, funded and provided by MAARNG. EPA's technical review indicates uncertainty about the main conclusion of the MAARNG study that "Copper (Cu) groundwater contamination of the aquifer is not expected." While EPA acknowledges that copper has a propensity to adsorb to soil and does not easily dissolve and migrate to groundwater, this short-term study is inconclusive. Study uncertainties identified by EPA include short reaction times used in the batch and column experiments, missing samples, inappropriate composition of the experimental solutions, lack of a discussion on differences between laboratory and field conditions, and incomplete analyses for contaminants of concern. Furthermore, during the course of the study, copper was detected in pore water at an active SAR utilizing copper bullets, at 364 parts per billion, more than one quarter of EPA's Copper Action Level. Copper has been detected at active SARs in all media, including at low levels in groundwater. EPA remains concerned about the fate and transport of copper in the various environmental media over many decades and as a result of the proposed operations of MPMGR, including the annual use of 1.3 million bullets.

~ EPA identified and is investigating currently unregulated contaminants in media at JBCC. Some of these unregulated contaminants have been identified as bullet components (see below). Since this proposed machine gun range may be in operation for many decades, new drinking water or soil standards for emerging contaminants, including manganese, strontium, and Per-and Polyfluoroalkyl Substances (PFAS), may be published during that period. Additional regulations or health advisories could further define the potential risk to public health through direct or indirect exposure to these currently unregulated contaminants in media at the MPMGR and the additional burden on an already threatened aquifer.

6.1.2 Bullets

~ The estimated 1.3 million bullets per year at the proposed MPMGR would result in a nearly four-fold increase in the total annual bullet load currently being deposited into the berms and range floors of the active small arms training ranges.

- In 2022, the average total annual bullet usage for all current small arms ranges was reported at around 442,000 bullets. The proposed MPMGR's annual bullet loading to the environment is almost three times higher than all active ranges combined on an annual basis.
- From 2018 through 2022, the total number of bullets used across active copper bullet-only ranges was 1.27 million. The proposed total bullet use at the proposed MPMGR would eclipse that number in one year.

~ Mass balance calculations show that bullet components at the MPMGR will be annually released to the proposed gun range berms and range floor: copper- 4590 kilograms; lead- 6.8 kilograms; antimony- 4.3 kilograms; manganese- 15 – 19 kilograms; nitroglycerin- 380 – 399 kilograms; strontium- 15 kilograms; and chromium- 1 – 9 kilograms. These components total more than 5,000 kilograms (5.5 tons) per year.

~ There is no anticipated closing date for the proposed MPMGR. Like the other ranges, it will likely operate for many decades. Assuming a 50-year time frame, under the proposed annual loading and assuming limited range mitigation, there could be more than 252,000 kilograms (275 tons) of bullet components released to the environment.

6.1.3 Public Water Supplies

~ There are seven Zones IIs (recharge areas) within 1000 feet of the proposed MPMGR boundary, associated with 21 public water supply wells in the towns of Bourne, Falmouth and Sandwich, serving a population of approximately 125,000.

~ These 21 public water supply wells range in distance between 0.7 and 6.2 miles from the center of the proposed MPMGR.

~ Of the five main community public water systems in the vicinity of JBCC, two systems have some advanced treatment beyond pH adjustment (*e.g*. PFAS removal).

~ Groundwater underlying JBCC is classified by the Massachusetts Department of Environmental Protection (MassDEP) as GW-1 – suitable for drinking water, either currently or in the foreseeable future.

~ Based on studies conducted by the USGS, some groundwater from the site may flow to one of several public water supply wells downgradient. Travel times for groundwater moving from the site to these downgradient wells may be tens of years, with some estimates exceeding 100 years. It is anticipated that if constructed, the MPMGR—like other SARs at JBCC —will be operated for many decades, possible 50 to 100 years.

6.2 Planning, Design, Operations, Maintenance and Monitoring Measures

All ranges, including the proposed MPMGR, must operate under a final OMMP approved by the EMC. At the request of EPA, MAARNG developed and submitted a draft OMMP.

To better understand the proposed long-term management of the MPMGR, EPA reviewed the draft OMMP to see if it addressed EPA concerns about potential future contaminant releases from the proposed MPMGR. As part of this Sole Source Aquifer review, EPA provided more than 60 comments to the MAARNG on its proposed operation of the MPMGR as described in the draft OMMP. EPA's unresolved major concerns include: 1) no commitment for regular bullet retrieval; 2) inadequate media monitoring; and 3) insufficient Best Management Practices to minimize the release of contaminants to the maximum extent feasible.

While it is expected that some of these concerns could be addressed during the review and approval process of the OMMP by the state EMC, they currently remain unresolved. Furthermore, EPA believes, based on its own research and current information provided by MAARNG, that it is uncertain that any combination of operations, maintenance, and monitoring can be developed in such a way as to minimize the release of contaminants to the maximum extent feasible (i.e., environmental performance standard #19) and to adequately reduce the potential to contaminate the aquifer so as to create a significant public health hazard.

The management of the small arms ranges points to one way in which existing contamination might be exacerbated by a new, expanded range. The history of the smaller arms ranges on the Cape has demonstrated the need for EMC to work with the MAARNG to adjust, fine-tune or sometimes wholesale abandon certain Best Management Practices or technologies that proved ineffective in the first instance resulting in unanticipated pollutant loading into portions of the aquifer that would otherwise not be present. Here, the proposed activity at the proposed MPMGR is on a scale far greater than the current activity level at the small arms ranges, even when evaluated collectively, so the ramifications of trial and error over BMP selection, implementation and refinement would present more risk of damage. MAARNG is required by

the EMC to implement an operations, maintenance, and monitoring plan to minimize the release of contaminants to the maximum extent feasible. However, as discussed above, the Region believes, based on its own research and current information provided by the MAARNG, that it is uncertain that any combination of operations, maintenance, and monitoring practices can adequately reduce the potential to contaminate the aquifer so as to create a significant public health hazard.

6.3 Extent and Effectiveness of State and Local Control over Possible Releases to the Aquifer

The Commonwealth of Massachusetts owns JBCC, including the area of the proposed MPMGR, and leases it to the federal government. Therefore, the Commonwealth does have an approval and oversight role over the project. EPA has a separate authority under the SDWA to protect the Sole Source Aquifer. EPA issued a number of SDWA Administrative Orders requiring the MAARNG to address historic releases of contamination from military ordnance into the groundwater. The SDWA Orders also address operation of existing ranges on the Base. One requirement under the SDWA Orders is that MAARNG adhere to the oversight authorities of the EMC regarding the operation of existing ranges. MAARNG is required to meet Environmental Performance Standards (EPS) including to conduct training at SARs which "…minimizes the release of contaminants to the maximum extent feasible."

While the active SARs are effectively managed by the EMC, under the direct oversight of the JBCC Environmental Officer, it is important to note that the proposed expanded KD range, if constructed, will provide far greater challenges in terms of the scope of long-term operations, the amount of contaminants of concern released to the environment, and associated uncertainty of minimizing contaminant releases. The EMC has the authority to approve the final design and operations of the MPMGR and, if constructed, to shut down operations if any EPS is not met.

As described above, under Section 6.2, EPA believes, based on its own research and MAARNG's current information, that it is uncertain that all components of an appropriate OMMP for this proposed machine gun range can be developed to meet the standard of minimizing the release of contaminants to the maximum extent feasible and to ensure compliance with environmental performance standards over the very long term. As shown in the past, operations at other active and inactive SARs utilizing berms as the primary means of capturing bullets and associated contaminants do not ensure that contaminants will not be released.

6.4 The Cumulative and Secondary Impacts of the Project

The Cape Cod aquifer is glacial in origin and is composed of unconsolidated sand, gravel, silt, and clay deposits. As a result of its highly permeable soil characteristics, the aquifer is susceptible to contamination through its recharge zone from a number of sources, including but not limited to, chemical spills, highway runoff, septic tanks, leaking storage tanks, and leaching

from open dumps. There is present evidence of localized contamination of the aquifer from chemical spills, individual disposal systems, leaking fuel tanks, and wastewater treatment systems. Since ground water contamination can be difficult or impossible to reverse, and since this aquifer is relied on for drinking water purposes by the general population [of Cape Cod], contamination of the aquifer would pose a significant hazard to public health (Federal Register July 13, 1982. 47 FR 30282).

6.4.1 Cleanup of Contaminated Groundwater at JBCC

EPA, in conjunction with the MassDEP, continues to oversee the work of the military at JBCC under the Massachusetts Contingency Plan, Superfund and existing SDWA Orders to address existing contamination from past training and military activities at JBCC that have contaminated the soils or groundwater both on Base and in the surrounding communities.

These cleanup activities conducted at small arms ranges at Camp Edwards include:

- In 1998, MAARNG implemented a berm maintenance program to remove lead munitions from SAR berm soils and minimize the potential for lead fines to migrate to groundwater. Approximately 17,888 cubic yards of berm soils, including at E, J and K ranges, were removed and taken for chemical fixation of the lead. Over 6,500 cubic yards of fragments or soils were recycled or processed in situ.

- In 2006, MAARNG performed a berm maintenance project related to tungsten-containing bullets fired at SARs, including J, K and T Ranges. Approximately 4,615 cubic yards of soil were excavated and disposed of off-site.

- In 2007 and 2008, MAARNG excavated soil at the J, K and T Ranges to remove soils with elevated nitroglycerin levels and dispose of the contaminated soils off-site.

- Between 2009 and 2011, MAARNG removed soil at several ranges, including J and K Ranges, to remove lead projectiles and elevated levels of lead in soil. Over 4,000 cubic yards of soil were excavated and disposed off-site.

- In 2010, EPA required MAARNG to perform a long-term remedy at L Range, concluding that the soil contamination and most of the UXO had been adequately removed between 2008-2010, and requiring monitored natural attenuation and land use controls.

- In 2015, EPA required MAARNG to perform a long-term remedy at small arms ranges including J, K and T, and KD Range (East) of long-term monitoring of groundwater with land use controls to protect monitoring wells and additional action to address residual soil contamination. For E Range, no further action was required.

- In 2019, EPA required MAARNG to perform a long-term remedy at the "Training Areas" which includes KD Range (West), requiring data review and/or confirmatory sampling, as well as geophysical screening at that range. Also in 2019, soil removal was proposed for KD Range (West).

- Additionally at JBCC, since 1996, the Air National Guard has conducted several dozen cleanup actions at Otis Air Force Base, which represents the southern portion of JBCC. According to MAARNG, DOD has incurred costs greater than $1.2 billion in responding to contamination at JBCC.

With this very significant amount of resources being spent for groundwater remediation at the Base, the cumulative impact of adding an additional contaminant source into the aquifer raises concerns regarding the ongoing groundwater restoration work being conducted.

6.4.2 Other Contaminant Threats

Source water assessments conducted by MassDEP for the drinking water districts on Cape Cod in 2002 – 2004 assigned susceptibility rankings of high to the water districts of Bourne, Falmouth, Mashpee, and Sandwich, as well as the Otis Air Force Base on JBCC, due to the potential contamination from land uses in the recharge areas (Zone IIs) of wells. Drinking water wells located in the Cape Cod aquifer are also vulnerable to contamination due to the absence of hydrogeologic barriers (*e.g.,* clay) that can prevent contaminant migration. There are significant threats to the aquifer which are already evident.

Presently, most of the public groundwater wells in Bourne, Falmouth, Mashpee and Sandwich are free from contamination and do not require advanced drinking water treatment to meet safe drinking water regulations. Notable exceptions occur, as there is a history of contaminated groundwater at the southern portion of JBCC caused by training and military activities that have required advanced drinking water treatment at public water supply systems. In 2019 and 2020, the Mashpee Water District identified elevated levels of PFAS (greater than the MA regulatory limit) in two of their drinking water wells. These wells were removed from service in Feb 2019 and July 2020, and the district is working with the Air Force to install treatment, scheduled for completion in Feb 2023. Additionally, the Mashpee Village Public Water Supply Well (PWSW) was shut down in Feb 2017 due to elevated PFAS levels above the federal health advisory. Air Force Civil Engineer Center (AFCEC)/United States Army Corps of Engineers (USACE) installed a wellhead treatment system to remove PFOS/PFOA which began operation in February 2020. The Falmouth Fresh Pond well was found to show elevated PFAS concentrations greater than the MA regulatory limit in May 2019; the well had been previously taken offline in April of 2017 for perchlorate. AFCEC completed installation of wellhead treatment on the Falmouth well and it was restarted in June of 2022.

Moreover, it is expected that new drinking water sources in these towns may not be easily found if current sources become contaminated. A study completed in 1999 to identify new drinking water sources to satisfy future demand expected for the six Upper Cape public water

systems was challenged to find suitable (i.e., reliable and uncontaminated) sources. Ten potential wells were originally considered, with nine of the ten eliminated due to proximity to: possible unexploded ordnance, known or newly identified sources of groundwater contamination (including contamination from the use, detonation, and disposal of explosive compounds), expected impacts on ongoing remediation efforts, potential impacts on nearby ponds or wetlands, and low water supply well yields. Three sites were added for consideration, with those also eliminated due to water quality concerns. It is critical to note that there are no reasonable available alternatives for drinking water for these municipalities. Installation of advanced treatment for contamination can be expensive, as evidenced by the current work done to mitigate PFAS contamination in the wells. While the 1999 study is more than 20 years old, it is expected that the search for additional water supply sources in this area would only be more challenging due to additional and emerging threats.

An additional concern, due to increased development, a growing year-round population and lack of centralized wastewater treatment systems, is the continuing increase in niitrate levels in public water system wells observed over the last two decades. Higher nitrogen loadings are attributed to septic systems, stormwater, and other sources.

While more information is known about public water supplies, about 15% of Cape Cod residents rely on private wells. Non-community and private wells are generally shallower and often are located in close proximity to on-site waste disposal and are more susceptible than deeper, public wells. Individual residences adjacent to JBCC with private wells contaminated with PFAS have been connected to municipal water supplies as part of Superfund removal actions by the military. Furthermore, the military has coordinated with the municipalities surrounding JBCC to institute restrictions on private well use over areas of the aquifer where the military is conducting ongoing Superfund groundwater cleanups.

It is expected that the population of Cape Cod will significantly grow in the future. As water quality continues to degrade, current and future populations served by the public and private wells in Cape Cod will become more dependent on the construction of new and expanded public water systems which amplify the need to protect the sole source aquifer. These examples highlight the vulnerability of the aquifer and cumulative threats that exist and may arise in the future. If the Cape Cod aquifer were to be further contaminated, residents would be impacted, and many public systems would need to pay for expensive advanced drinking water treatment.

6.4.3 Environmental Justice Considerations

The MPMGR project poses potential threats to the health and safety of several communities with environmental justice concerns that rely on the Cape Cod Sole Source Aquifer for safe drinking water. Environmental justice (EJ) considerations are at the forefront of EPA decision making and were prioritized by R1 in its review of this project. EPA is guided by Executive Order

12989, which directs the agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States." EPA has incorporated this directive into the core of its mission, defining "environmental justice" as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." EPA, EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples 1-2 (2014).

EPA first identified communities with EJ concerns that may be affected by the potential contamination of the Cape Cod Sole Source Aquifer, finding that several of such communities in the towns that border the JBCC rely on this resource and would be affected by its contamination. Twenty-five percent of the neighborhoods (U.S. Census block groups) in Bourne, Falmouth, and Mashpee, as well as seven percent of the neighborhoods in Sandwich, meet one or more EJ criteria according to the Massachusetts Department of Public Health. This represents approximately 16,500 people across these four towns alone who may be disproportionately impacted by a threat to the drinking water. Specifically, the communities neighboring the JBCC trigger the income criteria for environmental justice designation. Therefore, a threat to drinking water, which could conceivably require the construction and operation of expensive advanced drinking water systems would overburden communities that already face economic hardships.

In addition to the communities with EJ concerns already identified, the health and environment of the federally recognized Mashpee Wampanoag Tribe is also threatened by the potential contamination of the aquifer. Recognizing the potential detrimental effect on the Tribe, EPA prioritized their early and meaningful involvement on this issue. The Tribe considered the effect of the MPMGR on their community and voted to unanimously oppose the project at their Tribal Council meeting on June 9, 2022. The Tribe communicated this opposition to EPA during a consultation meeting held on November 4, 2022. At the consultation meeting, the Tribe expressed concerns for the health of their community, noting that many tribal members have already suffered from cancers and other illnesses due to exposures to environmental contamination. The MPMGR project would pose an additional contamination threat to their already burdened community. The Tribe has also publicly expressed their opposition to the project in a statement that raised concerns such as the preservation of natural habitats and the protection of the watershed for drinking water purposes.

The proposed MPMGR project poses identifiable environmental justice concerns for the communities and the Tribe that neighbor the JBCC. Region 1 afforded significant weight to these concerns in arriving at its draft determination.

6.4.4 Climate Change Impacts

Impending and uncertain climate change impacts pose a threat to the future viability of the Cape Cod SSA. The nation is guided by the Biden Administration's prioritization of climate change and its consequences to environmental resources and to the communities that rely on them. Executive Order 14008 demonstrates a commitment to a proactive and protective approach to climate change, directing the government to "organize and deploy the full capacity of its agencies to combat the climate crisis to implement a government-wide approach that … increases resilience to the impacts of climate change; protects public health; [and] conserves our lands [and] waters." With these priorities in mind, Region 1 considered the impact of the MPMGR project to the Cape Cod SSA within the context of a changing climate.

At least three consequences of climate change—rising temperature, increased frequency of extreme precipitation events, and sea level rise—have the potential to threaten the long-term viability of the Cape Cod SSA as a source of clean drinking water. Rising temperatures cause discrete impacts that can affect the rechargeability of the aquifer. The aquifer is largely recharged through precipitation. As temperatures rise, the rates of evaporation and evapotranspiration increase, decreasing the precipitation available to enter the aquifer as a source of drinking water. Recharge is also slowed by drought, decreasing as the duration of drought periods increases. Increasing occurrence of extreme precipitation events, regardless of the presence or absence of drought, affect the resilience of the aquifer, and in turn groundwater rebound. Drought impacts coupled with operation of the firing range may also significantly increase the risk of larger and more severe fires that have the potential to negatively impact the underlying aquifer.

Rechargeability is of particular concern in the region, as the Cape Cod SSA supplies 96% of the peninsula's fresh drinking water. Compounding the issue, water supply demand is expected to increase by approximately 43.6% over the next few decades, especially as people migrate to New England from other areas of the country that are experiencing more severe climate change impacts. If groundwater supply decreases, yet demand remains the same and/or increases, the aquifer becomes more vulnerable, and protection of water supplies more critical.

Temperature and precipitation changes expected on Cape Cod will impact both the land surfaces of the MPMGR and the water quality of the aquifer. If climate impacts increase transmissivity of already highly permeable soils, there may be an increased likelihood of pollutants in soils and pore water migrating more rapidly to groundwater. Rising temperatures can also potentially affect the water quality of the aquifer. Organic matter, measured as dissolved organic compounds, may fluctuate depending upon the conditions of the soil layers. Some organic pollutants may persist in warmer temperatures. The amount of organic matter in soils affect the levels at which many contaminants adsorb to soils, or dissolve and migrate to groundwater. Aquifers recharged during a drought period can also show a higher concentration of salts, which, like changes in organic matter, may impact the chemistry and transport of contaminants in various media and ultimately the usability of a water supply.

Sea level rise is another climate change impact that has the potential to affect the Cape Cod SSA. As temperatures increase, coastal regions experience sea level rise, which can result in an

increased water table altitude as denser saltwater pushes the fresh groundwater up from below. According to a USGS report, the water table below the proposed MPMGR project is expected to rise around 0.5 feet by 2100, based on a projected sea level rise along the coast of Cape Cod of 6 feet above 2011 levels. Furthermore, the model predicts that the water table of the Sagamore Lens, as a whole, is expected to rise 1.72 feet. Sea level rise can also increase the likelihood of saltwater intrusion into groundwater, making costly treatment a potential need to ensure the usability of groundwater resources.

Future climate change impacts may also exacerbate conditions created by the proposed MPMGR project. Temperature and precipitation can affect the stability of the berms and accelerate the weathering rate of materials that accumulate in the berms at the MPMGR, as the metal components are exposed to the soil environment. There is also the concern that the copper bullets from the project may pulverize over time. Both the weathered and pulverized metals can become more soluble in precipitation and may migrate from the berms. The effects of weathering and pulverization on bullets have been demonstrated to cause the migration of contaminants to the soil and porewater at other ranges on these training facilities at Camp Edwards.

While climate change modelling must rely on assumptions used to predict the future, in general, many climate change impact predictions have already come true. The Cape Cod aquifer is a natural resource that is vital to the communities that depend on it for clean drinking water. Climate change poses potential threats to the aquifer, putting into question the long-term viability of this resource. The Cape Cod sole source aquifer is already vulnerable and will become more so as the effects of climate change continue to manifest. Within the context of an uncertain future climate, EPA concludes that the MPMGR may contaminate the aquifer so as to create a significant public health hazard.

6.5 The Expected Environmental Benefits of the Proposed Project

6.5.1 Expected Benefits to the Aquifer

EPA and MAARNG have identified no environmental benefits to the sole source aquifer from the development and operation of the MPMGR. According to the Environmental Impact Report (EIR) prepared by MAARNG as part of the Massachusetts Environmental Policy Act (MEPA) review, the purpose of the project is to "…provide the MAARNG with a mission required MPMGR to allow MAARNG to efficiently attain training and weapons qualifications within Massachusetts."

The EIR and Environmental Assessment (EA) reports developed by MAARNG briefly state that, due to the average depth of 100 feet below ground surface, "…no impacts to groundwater are anticipated during construction and operation phases of this Project." However, the MAARNG has not provided sufficient information to EPA to support this claim, nor have they proposed any effective mitigation measures to address any potential releases of contaminants to groundwater from the operation of the MPMGR. EPA concludes that given the existing

environmental conditions, the scope of the proposed construction and operations, and the projected long term-use and associated contaminant loading, the proposed project has the potential to contaminate the aquifer such as to pose a significant public health hazard.

EPA acknowledges the major set of improvements made by the MAARNG over time under the directions of the Region, MassDEP, and the EMC, in the operations of the Small Arms Ranges, including use of copper bullets over lead bullets. However, given the scope of the proposed KD range; the significant volume of potential contaminants that may be released to the environment; the lack of any proposed effective mitigation measures to address the potential contaminant releases from the range; and the fact that no environmental benefits to the aquifer have been identified by the MAARNG or EPA, EPA concludes that the proposed project may present a significant public health hazard.

6.5.2 Other Environmental Benefits or Impacts

Furthermore, as described in the MAARNG's EIR and EA, the proposed project will result in significant environmental impacts, such as impacts to rare species, noise, greenhouse gas emissions, degraded air quality, and land alteration, including the clearing of 100 acres of vegetation and trees. In response to all these impacts, MAARNG proposed a Conservation and Management Permit, and a number of best management practices and mitigative measures including preservation of 310 acres of land which were accepted under MEPA.

The Alternatives Analysis provided in the EA screened out any option that would not be placed over the Sole Source Aquifer. This was explained by MAARNG by referencing DOD policy that requires consolidation of existing bases. However, DOD policy has no bearing on whether other alternatives should have been considered that are more protective of the Sole Source Aquifer. The alternatives analysis also showed that, while there are projected to be a limited amount of greenhouse gas emissions savings by reducing out-of-state travel, other activities, including construction and biomass removal, will result in significant short- and long-term carbon dioxide emissions.

EPA concludes that information in the existing documents provided by MAARNG does not fully balance the expected benefits versus impacts of the proposed project. The most effective way to mitigate significant future impacts and maximize environmental benefits is the No Action Alternative identified in the EA, (e.g., not to construct the MPMRG).

7.0 Conclusion

This action to protect the vulnerable sole source aquifer of Cape Code is consistent with the protective approach indicated by Section 1424(e) of SDWA in light of the considerable technical and scientific uncertainty confronting EPA, relating not only to the impact this proposed project will have on the aquifer, but also to the fate of preexisting contamination that occurred over a period of many decades. EPA and other federal agencies have spent billions of dollars in

remedial actions to address this pollution problem for the Cape Cod aquifer. One environmental policy goal is to protect this investment and ensure that reasonable further progress is made to clean up the aquifer. The aquifer continues to be at risk based on emerging threats, such as PFOS/PFOA. Additionally, factors such as climate change inject further irreducible uncertainty regarding the productivity of the aquifer over the longer term. In exercising his judgment, the R1 Regional Administrator has balanced the likelihood and severity of effects. Under this balance, if the MPMGR were to be constructed, the RA has provisionally identified the potential for a public health hazard.

The Region has provisionally determined under SDWA Section 1424(e) that the proposed project may contaminate the sole source aquifer so as to create a significant public health hazard. The Region arrived at this conclusion after evaluating the following categories of information: sensitivity of the aquifer, existing environmental conditions (including cumulative impacts), scope of the proposed construction and operations, and projected long-term use and associated contaminant loading. Should this determination become final, following public review and comment on this provisional determination, no commitment of federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be allowed, except where such assistance is for the plan or design of the project to assure it will not contaminate the aquifer.

ATTACHMENT 1

RELEVANT STATUTORY AND LEGISLATIVE HISTORY

In making its determination, the EPA is guided by the purpose of the SDWA, apparent from the statute's name and the legislative intent behind it. "The Safe Drinking Water Act (SDWA) was established to protect the quality of drinking water in the U.S. [and] focuses on all waters actually or potentially designed for drinking use, whether from above ground or *underground sources*."[1] Alongside the States, "the Federal government also has a responsibility to ensure the safety of the water its citizens drink."[2]

The "SDWA was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions *to protect drinking water and its sources* [including] *. . . ground water wells*."[3] It was clear to members of Congress that legislative action in this area was necessary.[4] The SDWA was intended to require the EPA to produce regulations applicable to public water systems "to protect health to the maximum extent feasible."[5] It was also intended to "establish Federal-State programs to protect underground sources of drinking water."[6]

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[1] U.S. ENVTL. PROT. AGENCY, *Summary of the Safe Drinking Water Act*, https://www.epa.gov/laws-regulations/summary-safe-drinking-water-act (last updated Sept. 12, 2022) (emphasis added).
[2] H.R. REP. NO. 93-1185, (1974), *as reprinted in* 1974 U.S.C.C.A.N. 6454, 6461 [hereinafter HOUSE REPORT].
[3] U.S. ENVTL. PROT. AGENCY, *Overview of the Safe Drinking Water Act*, https://www.epa.gov/sdwa/overview-safe-drinking-water-act (last updated Feb. 15, 2022) (emphasis added); *see also* 120 CONG. REC. H10803 (daily ed. Nov. 19, 1974) (statement of Rep. Fraser) ("The purpose of the Safe Drinking Water Act is to protect the public health by insuring the safety of the water we drink.") [hereinafter HOUSE DEBATE]; HOUSE DEBATE at H10803 (statement of Rep. Fraser) ("let us . . . make certain that public health objectives are paramount in the Safe Drinking Water Act.")
[4] *See* 120 CONG. REC. S20220, 20241 (daily ed. Nov. 26, 1974) (statement of Sen. Hart); *see also* 120 CONG. REC. E6744 (daily ed. Nov. 20, 1974) (statement of Rep. Boland) (declaring that "[s]afe drinking water is a goal so basic and essential to the public health that it should be accorded the highest priority."); HOUSE DEBATE at H10799 (statement of Rep. Biaggi) (stating that he viewed passage of the SDWA as "vital if the Federal Government is to make its long overdue commitment to insuring that the drinking water from the tap will continue to be safe for our consumption."); HOUSE DEBATE at H10802 (statement of Rep. Blatnik) ("The need for more water and the increasing demand which will be put upon our present water supply must certainly cause us to ask some searching questions about further requirements and how they will be met.").
[5] HOUSE REPORT at 6455; *see also* 120 CONG. REC. E6744 (daily ed. Nov. 20, 1974) (statement of Rep. Boland) (stating that "contaminant levels that will be established must *protect the public health to the maximum extent possible*.") (emphasis added); HOUSE DEBATE at H10789 (statement of Rep. Harley Orrin Staggers) ("In general H.R. 13002 would authorize the EPA to prescribe nationwide drinking water regulations to *protect the public health to the maximum extent feasible*.") (emphasis added); HOUSE DEBATE at H10802 (statement of Rep. Lehman) ("The Safe Drinking Water Act will require the Administrator of the [EPA] to set standards for maximum contaminant levels for substances which may cause harmful health effects, or if such monitoring is not feasible, to require certain kinds of treatment for the contaminant which will meet the requirements of *providing maximum feasible protection of the public health*.") (emphasis added); HOUSE DEBATE at H10821 (statement of Rep. Ruppe) (declaring that the SDWA "will insure our public drinking water systems meet the highest health standards[]" and that "the paramount emphasis of the bill [is] on the protection of public health.").
[6] HOUSE REPORT at 6455; *see also* HOUSE DEBATE at H10799 (statement of Rep. Biaggi) (stating that following passage of the SDWA, "the EPA would undertake an immediate and comprehensive program to insure that all underground sources of drinking' water are free of real or potentially hazardous materials.").

The legislature viewed the SDWA as having an "essentially preventive purpose."[7] In line with this preventive purpose, members of Congress recognized that science and hard evidence of harm to human health may lag behind the need to protect the public from potential contamination of sources of drinking water.[8] Prevention of potential contamination versus remediation or repair also serves the nation's financial interests as prevention is far less costly.[9]

In its report of the passage of the Safe Drinking Water Act, the House of Representatives mentioned explicitly the inclusion of "[a]n amendment that permits the Administrator to cut off Federal funds for any area that has a contaminated aquifer which is the sole or principal drinking water source[.]"[10] The specific section of the SDWA containing the EPA's SSA authority—Section 1424—was "intended to establish a Federal-State system of regulation to assure that drinking water sources, actual and potential, are not rendered unfit for such use by underground injection of contaminants."[11]

EPA regulations for State underground drinking water were intended "to prohibit underground injection if such injection may result in the presence in underground water of any contaminant which may result in any drinking water system not complying with any national primary drinking water regulation."[12] Congress realized that "[w]here health risks are great, higher costs may be incurred, perhaps even to the point of requiring alternative sources of

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[7] HOUSE REPORT at 6463; *see also* HOUSE DEBATE at H10799 (statement of Rep. Matsunaga) ("[I]t it is our goal as Representatives—and in this case, as protectors—of the American people to insure that . . . our water is *prevented* from becoming a general and universal health hazard.") (emphasis added).

[8] *See* HOUSE DEBATE at H10799 (statement of Rep. Biaggi) (declaring that "[a] commodity such as drinking water which every American must come in contact with on a daily basis *must be made safe from possible contaminants*.") (emphasis added); *id.* at H10802 (statement of Rep. Blatnik) (admitting that "even our trained scientists know little about the environmental and health impacts of these chemicals, including the body's overall ability to tolerate an accumulation of the chemicals."); *id.* at H10802 (statement of Rep. Lehman) ("The Safe Drinking Water Act will require the Administrator of the [EPA] to set standards for maximum contaminant levels for substances which *may cause* harmful health effects . . . .") (emphasis added). Though discussing a different section of the SDWA (Section 1412) than that on SSAs, Florida Representative Paul Rogers remarks are illustrative of the preventive and cautious nature of the SDWA: "Section 1412 of the Safe Drinking Water Act does not require preponderant proof of a demonstrable health hazard as a precondition for standard setting; all it requires is a reasoned judgment by the Administrator that a contaminant *may* pose a threat to the public health." *Id.* at H10793 (statement of Rep. Rogers) (emphasis added). Representative Rogers also said that "in my view, we cannot afford to wait 20 years for health effects research to be completed to begin controlling contaminants which there is some basis to believe endanger public health. If there are uncertainties, they must be resolved on the side of protection of health." *Id.*

[9] *See* HOUSE DEBATE at H10799 (statement of Rep. Matsunaga) ("[C]ommonsense also tells us that this is the most effective way to protect our financial resources since it obviously is much less costly to protect and upgrade our current supply than to try to rush in and repair a degraded water supply.").

[10] *Id.* at H10787.

[11] HOUSE REPORT at 6480; *see also* HOUSE DEBATE at H10793 (statement of Rep. Rogers) (identifying the "establish[ment] [of] Federal-State programs to protect underground sources of drinking water from contamination[]" as the fourth goal of the SDWA).

[12] 120 CONG. REC. S20220, 20242 (statement of Sen. Hart).

drinking water."[13] However, in the case of SSAs, by definition there are no alternative sources of drinking water so preventing any potential contamination is of paramount concern.[14]

Of particular relevance to EPA's SSA project determination for the Cape Cod Aquifer are the comments in the congressional record made by representatives from districts reliant on aquifers since designated as SSAs.[15] Representative Henry B. Gonzalez of Texas introduced the SSA determination amendment during the House's debate and vote on the SDWA.[16] In his remarks, he stated that he could not see "anything but the highest consonance" between the SSA determination provision and the main purpose of the SDWA, "which is the protection of communities in their sources and right to good, healthy, potable, acceptable drinking water."[17] Representative Gonzalez went on to summarize his proposed amendment, to which the House agreed,[18] by saying that

> "where you have a community that is dependent for its water source, its principle source or exclusive source of drinking water in an aquifer—and this is true in the case of my own hometown of San Antonio—then if the [A]dministrator discovers that Federal funds are going into any particular purposes which would endanger that source of water, that he shall determine, and so does by publication in the Register, and after publication no commitment for Federal financial assistance would be entered into *unless and until it is determined that no such dangerous impact exists*."[19]

Representative Gonzalez added that protecting the aquifer's recharge zone is "essential in order to prevent possible contamination of the water."[20] A year later, EPA designated the aquifer in Representative Gonzalez' district—the Edwards Aquifer—as an SSA.[21] Representative William M. Lehman of Florida explained the process and dangers of saltwater intrusion as a result of construction and demand on the aquifer in south Florida.[22] He also identified the dangers of contaminants entering an aquifer through the process of leaching.[23] Five years after

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[13] *Id.* at S20241 (statement of Sen. Hart).
[14] *See* HOUSE DEBATE at H10789 (statement of Rep. Harley Orrin Staggers) (clarifying that under the SDWA, a "court may only order a [public water] system to close down if adequate, safe alternative water supplies are available."); *see generally id.* at H10796–10797 (statement of Rep. William Dawson Gunter Jr.) (singling out for particular focus the importance of protecting the Floridian Aquifer from contamination as an underground source of drinking water supplying most of the drinking water to the state).
[15] *See generally id.* at H10786–10797 (statement of Rep. Gunter).
[16] *Id.* at H10814 (statement of Rep. Henry B. Gonzalez)
[17] *Id.*
[18] *Id.* at H10815.
[19] *Id.* at H10814 (statement of Rep. Gonzalez) (emphasis added).
[20] *Id.*
[21] Edwards Underground Reservoir, 44 Fed. Reg. 58344 (Dec. 16, 1975).
[22] *See* HOUSE DEBATE at H10802 (statement of Rep. Lehman) (FL) ("With [the draining of the Everglades and construction of canal dams] came what is known as saltwater intrusion, and as the freshwater level was lowered, so was the freshwater pressure pushing against the sea. In the 1950's, permanent salinity dams on all major canals were built, and now the saltwater front remains relatively stationary. But saltwater intrusion is still a major threat. During periods of drought and/or high demand for water, the aquifer is lowered, which lowers the freshwater pressure against the sea and thus increases the danger of intrusion of saltwater.").
[23] *Id.* ("Contaminants also enter our water supply from dumpsites in Dade County through what is known as a leaching process.").

the passage of the SDWA, the EPA also designated the aquifer to which Representative Lehman referred, the Biscayne Aquifer, as an SSA.[24] Though not representing a district reliant on an SSA, Representative Harley Orrin Staggers of West Virginia added that "the amendment is worthwhile because I can understand *where there is only one source of supply*[] . . . for several counties, that *it would not be wise for any federally aided building to be allowed to come in*."[25]

[24] Biscayne Aquifer; Notice of Determination, 44 Fed. Reg. 58797 (Oct. 11, 1979)
[25] HOUSE DEBATE at H10815 (statement of Rep. Staggers) (emphasis added).

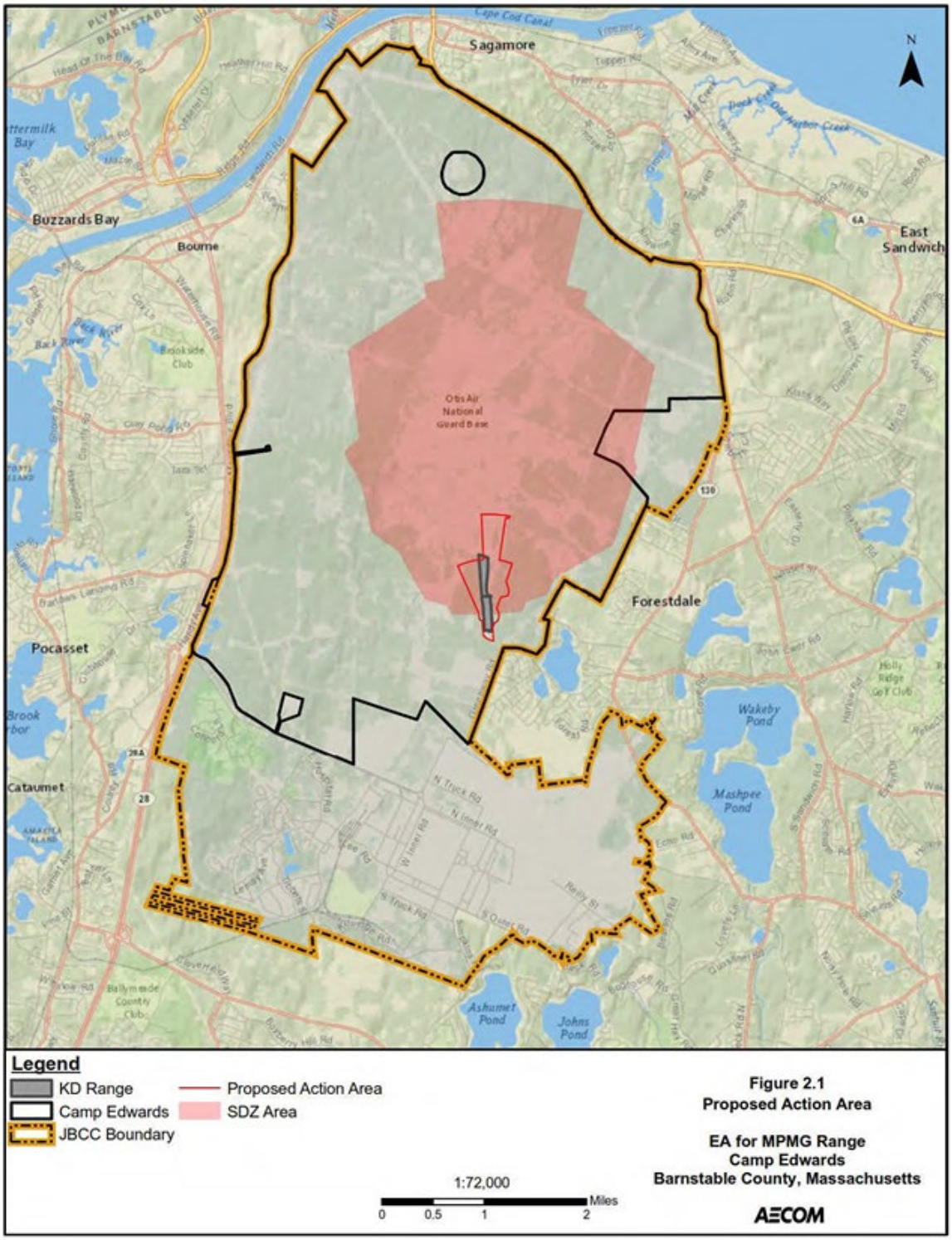
ATTACHMENT 2 – MAPS

Map 1 shows the location of the proposed MPMGR within the JBCC boundary. The proposed range would include two primary components: (1) the physical range footprint of 199 acres (including Phase I and II), represented by the red outline that is roughly five times the size of the existing KD range shown in gray and; (2) the Surface Danger Zone (SDZ), represented by shaded pink area extending approximately 5,197 acres from the MPMGR to the upper half of JBCC. *(map source: Figure 2.1 from the EA for MPMG Range - AECOM)*

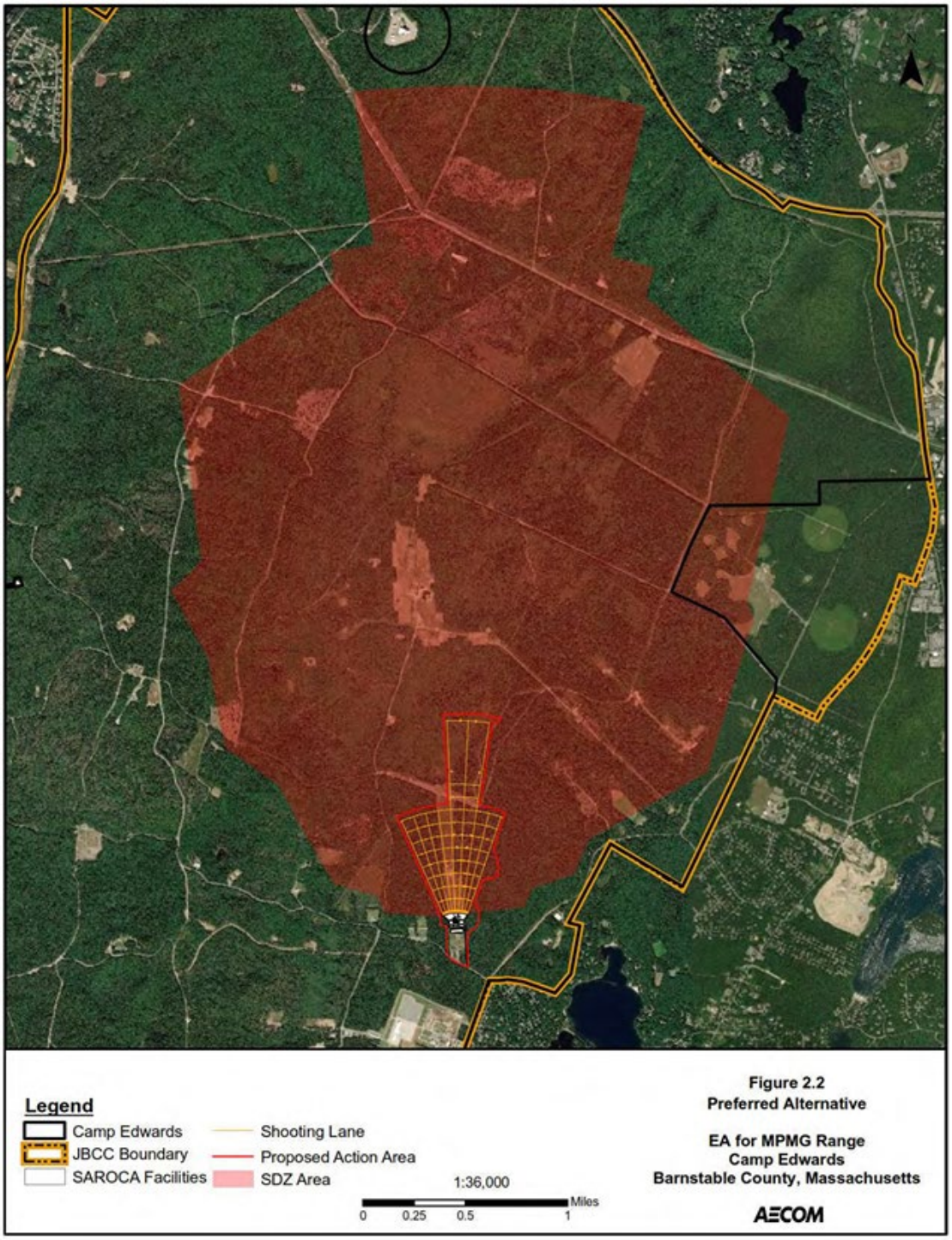
Map 2 shows a closer look at the proposed MPMGR, which consists of eight firing lanes, six of which are 800 meters long by 25 meters wide at the firing line and by 100 meters wide at a distance of 800 meters. The two middle lanes, which are part of Phase II of the project, would extend an additional 700 meters to a distance of 1,500 meters long to accommodate the use of .50 caliber rifles. Construction activities for Phase I would include up to 138 acres of disturbance and would require up to 100 acres of tree clearance to accommodate the range footprint, small arms range operations and control area (SAROCA) facilities, utility extensions, access and maintenance road development, and firebreaks. *(map source: Figure 2.2 from the EA for MPMG Range - AECOM)*

Map 3 shows the proposed MPMGR in relation to Zone II Wellhead Protection Areas, defined as the area of an aquifer that contributes water to a well under severe pumping and recharge conditions, as approved by MassDEP's Drinking Water Program pursuant to 310 CMR 22.00. The purple, green, and blue shapes represent seven Zone II's located within 1,000 feet of the proposed MPMGR. There are 21 public wells supplying drinking water to Bourne, Falmouth, and Sandwich represented by these Zone IIs. *(map source: EPA produced using MassDEP Zone II information)*

MAP 1


Sagamore
Buzzards Bay
Bourne
East Sandwich
Forestdale
Pocasset
Cataumet
Wakeby Pond
Mashpee Pond
Ashumet Pond
Johns Pond
Otis Air National Guard Base
N
Legend
KD Range
Camp Edwards
JBCC Boundary
Proposed Action Area
SDZ Area
1:72,000
0 0.5 1 2 Miles
Figure 2.1
Proposed Action Area
EA for MPMG Range
Camp Edwards
Barnstable County, Massachusetts
AECOM

MAP 2


Legend
Camp Edwards
JBCC Boundary
SAROCA Facilities
Shooting Lane
Proposed Action Area
SDZ Area
1:36,000
0 0.25 0.5 1 Miles
Figure 2.2
Preferred Alternative
EA for MPMG Range
Camp Edwards
Barnstable County, Massachusetts
AECOM

MAP 3

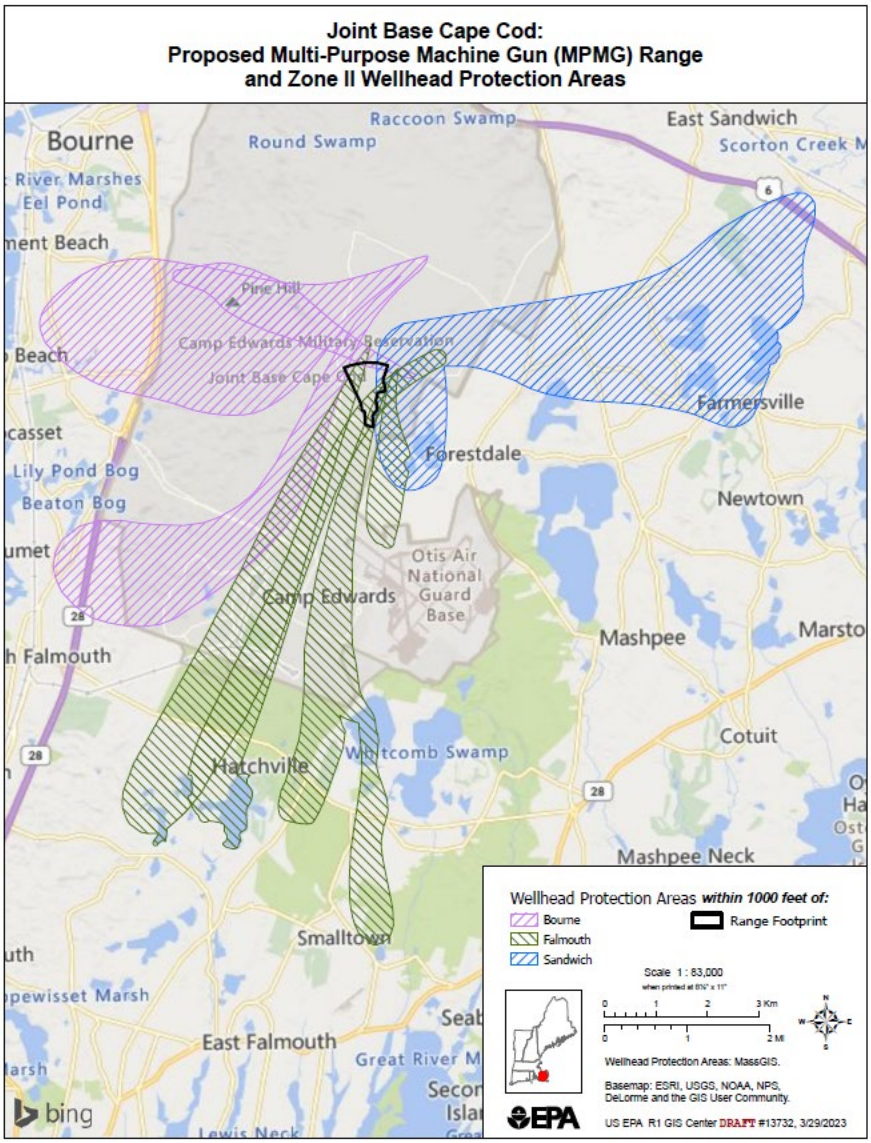

Joint Base Cape Cod:
Proposed Multi-Purpose Machine Gun (MPMG) Range
and Zone II Wellhead Protection Areas
Bourne
Raccoon Swamp
Round Swamp
East Sandwich
Scorton Creek
River Marshes
Eel Pond
Pine Hill
Camp Edwards Military Reservation
Joint Base Cape Cod
Beach
Fatmersville
Forestdale
Lily Pond Bog
Beaton Bog
Newtown
Otis Air National Guard Base
Camp Edwards
Mashpee
Falmouth
Cotuit
Hatchville
Waquoit Swamp
Mashpee Neck
Smalltown
East Falmouth
Great River
Wellhead Protection Areas within 1000 feet of:
Bourne
Falmouth
Sandwich
Range Footprint
Scale 1 : 83,000
when printed at 8½" x 11"
0 1 2 3 Km
0 1 2 Mi
Wellhead Protection Areas: MassGIS.
Basemap: ESRI, USGS, NOAA, NPS, DeLorme and the GIS User Community.
US EPA R1 GIS Center DRAFT #13732, 3/29/2023
bing

EXHIBIT B

REGION 1 ADMINISTRATOR
BOSTON, MA 02109

April 4, 2024

BY ELECTRONIC MAIL

The Honorable Edward J. Markey
United States Senate
225 Dirksen Senate Office Building
Washington, DC 02510

The Honorable Elizabeth A. Warren
United States Senate
309 Hart Senate Office Building
Washington, DC 02510

The Honorable William R. Keating
United States House of Representatives
2351 Rayburn House Office Building
Washington, DC 02510

Dear Senators Warren and Markey and Representative Keating:

Thank you for your letter of March 14, 2024, to Administrator Michael Regan of the U.S. Environmental Protection Agency (EPA), requesting an update on EPA Region 1's (Region 1) review of the Massachusetts Army National Guard's (MAARNG) proposed Multi-Purpose Machine Gun Range (MPMGR) at Joint Base Cape Cod (JBCC) under the Safe Drinking Water Act's (SDWA) Sole Source Aquifer (SSA) provisions. Administrator Regan asked me to respond to your letter. I appreciate your interest in EPA's SSA review.

EPA respects the important role of MAARNG in their mission to protect against threats to residents and to their livelihoods. MAARNG is one of several entities at JBCC that have worked to conduct their mission, while also partnering with EPA and others to investigate environmental conditions, evaluate data, and perform cleanups. The MAARNG component of JBCC is a 14,000-acre area known as Camp Edwards. Over the past 70 years, use of small arms, artillery and mortar, and detonation training for unexploded ordnance have taken place here. EPA's Region 1 office oversees cleanup of significant portions of the Camp Edwards area of JBCC. So far, about $1.2 billion has been spent cleaning up prior contamination.

In 1982, EPA determined that the Cape Cod Aquifer is the sole, or principal, source of drinking water for Cape Cod, which now serves about 229,000 year-round residents and about 6 million annual visitors. SDWA outlines a program to protect SSAs, including the Cape Cod Aquifer. EPA has the discretion under the statute to review proposed projects seeking federal financial assistance that would impact the recharge zone of a sole source aquifer to determine whether the project "may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health." No commitment for federal financial assistance may be entered into for any project which the Administrator of the EPA determines may cause such contamination.

Responding to your request for "as much detail as possible on the status of this review," below is a timeline of activity with additional details regarding EPA's on-going review. This letter also includes several appendices with additional information.

- June 2021: A citizen of Falmouth, MA sent a letter to Acting Regional Administrator Deborah Szaro, requesting that Region 1 conduct an SSA review of the proposed MPMGR at JBCC.
- August/September 2021: Region 1 informed MAARNG that it would conduct an SSA project review of MAARNG's proposed MPMGR project and potential impacts. Subsequently, MAARNG sent a letter to Region 1 that requested EPA's review.
- August 2021 to March 2023: Region 1 undertook an extensive evaluation of the proposed project. Region 1 also held discussions with MAARNG and the Massachusetts Environmental Management Commission (EMC), including extensive review and comments on draft operational plans and discussion of potential best management practices (BMPs), summarized below. Region 1 also conducted a formal consultation process with the Mashpee Wampanoag Tribe.
    - In discussions with MAARNG, Region 1 outlined a portfolio of BMPs that MAARNG should consider to help mitigate risks posed by the MPMGR to the Cape Cod Aquifer.
    - Over a series of meetings, after ten months of reviewing and evaluating national and site-specific BMP guidance for small arms ranges, Region 1 provided 65 comments on MAARNG's draft monitoring plan for the MPMGR and outlined a menu of 50 possible BMPs for MAARNG's consideration.
    - At these meetings, Region 1 discussed with MAARNG the factors that Region 1 considers for determining impacts, as well as the need to develop plans and designs to reduce the potential for the release of contaminants to the maximum extent feasible.
    - In response to EPA's feedback, MAARNG provided a November 4, 2022 response in which it agreed to upgrade their stormwater management plan and deemed other key BMPs infeasible and/or unsustainable.
    - The proposed project relied on earthen berms for primary bullet containment – and did not integrate other key BMPs that Region 1 outlined for MAARNG's consideration.
- April 2023: Region 1 released a draft determination, which provisionally determined that the project as proposed "may contaminate a sole source aquifer so as to create a significant hazard to public health," under section 1424(e) of SDWA. Key findings included:
    - Data from much smaller firing ranges at JBCC already shows that these activities release contaminants – not at levels that cause an imminent threat to public health at those

smaller ranges, but at levels high enough to raise concerns about a large increase in contaminant loading. (See Appendix C.)

  - The proposed MPMGR would represent a large increase in contaminant loading. It would have nearly quadrupled the total number of bullets fired at JBCC.
  - The proposal relied on monitoring and a set of "action levels" which might indicate a need for remedial steps. However, the "action levels" were set at levels representing high soil concentrations of contaminants that Region 1 cautioned would pose a significant risk to public health.
  - Region 1's technical and scientific judgment documented in its draft determination is that MAARNG did not produce comprehensive analyses, studies, or other information that adequately responds to Region 1's questions and concerns.

- April to June 2023: Region 1 engaged the public, asking for input on its draft determination, and held a public hearing.
- August to October 2023: Following the draft determination, EPA corresponded with MAARNG over a series of letters and agreed to meet to discuss MAARNG's interest in revising its proposed project.
- November 2023: Region 1 met with MAARNG on November 16, 2023 and agreed to review a revised proposal. Both at the meeting and in written follow-up, EPA stressed the need for any revised proposal to address the detailed concerns Region 1 had identified in the draft determination.
  - In a November 21, 2023 memorandum to MAARNG, Region 1 stated that we "strongly encourage the Guard to submit the most protective possible proposal, one that fully meets SDWA and regulatory requirements and addresses the suite of concerns detailed in our draft determination" and reiterated that EPA's ability to accommodate "the Guard's timing needs […] depends on receiving a high-quality revised project proposal."
- December 2023: Region 1 received a revised proposal from MAARNG on December 1, 2023.
  - The revised proposal is attached to this letter. It proposes to reduce the size of the project from around 1.3 million bullets per year to around 800,000 bullets per year. With this reduction, the revised proposal would approximately triple the number of bullets currently fired per year.
  - The revised proposal would add a 10-year bullet retrieval program. In earlier discussions with MAARNG, EPA had suggested retrieval twice per year.
  - As was the case with the original proposal, the revised proposal allows the possibility of more frequent retrieval based on inspections or monitoring results exceeding action levels. As noted above, Region 1 has expressed concern, both in the draft determination and in earlier discussions with MAARNG, that these action levels are set at levels where there could already be significant contamination.
  - The revised proposal continues to rely on earthen berms for primary bullet containment – and does not integrate additional key BMPs that Region 1 outlined for MAARNG's consideration in earlier discussions.

- No additional scientific analyses were provided to address the risk and uncertainty of a large-scale expansion of pollutant loading.

- January 2024: Region 1 and MAARNG met for EPA to ask technical questions and receive clarifications about the proposed revisions.
- February to April 2024: On March 28, 2024, EPA met with MAARNG to notify them of this Congressional inquiry. At that meeting, MAARNG requested that their revised proposal be included as an attachment to EPA's response letter. EPA continues to evaluate the revised proposal and conduct internal discussions.

Your letter centers on EPA's work on the SSA review and engagement with MAARNG. But as you know, the Commonwealth of Massachusetts has a role in projects through the EMC. The EMC has its own independent environmental performance standards and authorities to approve, deny, or condition projects that staff there are better positioned to address.

Protecting Cape Cod's source of drinking water continues to be a high priority for EPA and the many parties involved in the cleanup and management of JBCC. EPA appreciates the long-standing work of MAARNG. The EMC and the Massachusetts Department of Environmental Protection (MADEP) are also key partners in ensuring environmental and public health protection throughout Cape Cod. Throughout the SSA review process, EPA has coordinated closely with and received input from MAARNG, MADEP, and the EMC.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kate Melanson at melanson.kate@epa.gov or at (617) 918-1491.

Sincerely,

David W. Cash

cc:
The Honorable Rachel Jacobson, United States Department of Defense
Secretary Rebecca Tepper, Massachusetts Executive Office of Energy and Environmental Affairs
Major General Gary Keefe, MAARNG

Appendices

Appendix A: Authority & Statutory Language

Safe Drinking Water Act (SDWA): The SSA program is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974, which states:

"If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register.

After the publication of any such notice, no commitment for federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for federal assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer."

Appendix B: Description of Small Arms Ranges

Name	Active	Description	Estimated Size
Sierra Range	Active since 2012	fully automated 300-meter Modified Record Fire Range	15 acres
India Range	Active since 2012	25/10meter zero range designed to support zeroing of the M4/M16 rifle, and M249/M240B machine gun	2.5 acres
Tango Range	Initially active from 2007-2017; Reactivated in 2021	25 meter range designed to support zeroing of the M4/M16 rifle, and M249/M240B machine gun	5.6 acres
Echo Range	Active since 2017	fully automated 25-meter Combat Pistol Qualification Course (CPQC) designed to support qualification for the M17 Pistol [Authorized for LEAD rounds]	3 acres
Lima Range	Active since 2012	grenade launcher range designed to support qualification of the M203 and M320 grenade launchers	10 acres
Current KD Range			45 acres

Appendix C: Summary of Multi-Media Sampling Results at Small Arms Ranges

MAXIMUM MEDIA SAMPLING RESULTS OF COPPER-ONLY SMALL ARMS RANGES (INDIA, SIERRA, TANGO) 2018-2022*

Media/ Contaminant	**2018**	**2019**	**2020**	**2021**	**2022**	*Joint Base Action Level*	*MA Standard S-1 Soil & GW-1*
Soil (mg/kg)							
Copper	11 *(J, TR)* [S]	27.9 [I]	26 [I]	35 [I]	9.1 [T]	*10,000*	
Lead	27 [S]	70.3 [I]	62 [I]	90 [I]	48 [I]	*3,000*	*200*
Antimony	<4.8 *(ND)* [S]	0.45 *(J, TR)* [I]	1.5 *(J, TR)* [I]	<1.9 *(ND)*	<2.3 *(ND)*	*300*	*20*
Porewater (ug/L)							
Copper	620 [I]	262 [I]	420 [I]	270 [I]	330 [I]	*1,300*	
Lead	2.8 *(J, TR)* [I]	2.79 [I]	3 *(J, TR)* [I]	<9 *(ND)*	3.2 [I]	*15*	*15*
Antimony	**14** [I]	**8.04** [I]	**8** [I]	<12 *(ND)*	**7.8** [I]	*6*	*6*
Groundwater (ug/L)							
Copper	10 [S]	1.4 *(J, TR)* [S]	8.6 [S]	7.1 *(J)* [S]	0.67 *(J)* [S]	*650*	
Lead	<3 *(ND)*	0.47 *(J, TR)* [S]	<2 *(ND)*	<9 *(ND)*	0.14 *(J)* [S]	*7.5*	*15*
Antimony	**4.4** *(J)* [S]	<0.5 *(ND)*	<4 *(ND)*	<12 *(ND)*	<0.21 *(ND)*	*3*	*6*

J = estimated value
TR = trace result (<LOQ and >DL)
LOQ = limit of quantitation
DL = detection limit
ND = not detected (<DL)
[*x*] – range at which result was found

**Tango range was initially active from 2007-2017. While the range was decommissioned, its STAPP system (for trapping lead bullets) was dismantled in November 2017. Tango range was then reactivated in 2021 as a copper-only range.*

Note: some results (<...) are at reporting limits and denoted in State of Reservation Report as non-detect. ***Yellow*** *– results above the MCL and/or OMMP Action Level*

MAXIMUM MEDIA SAMPLING RESULTS OF SMALL ARMS RANGES 2018-2022

Media/ Contaminant	**2018**	**2019**	**2020**	**2021**	**2022**	*Joint Base Action Level*	*MA Standard S-1 Soil & GW-1*
Soil (mg/kg)							
Copper	27 [J]	174 [T]	110 [T]	35 [E]	9.1 [T]	*10,000*	
Lead	68 [J]	178 [T]	180 [T]	90 [I]	48 [I]	*3,000*	*200*
Antimony	1.1 [J]	0.7 [K]	1.8 *(J, TR)* [K]	26.7 *(J)* [E]	<2.3 *(ND)*	*300*	*20*
Porewater (ug/L)							
Copper	620 [I]	262 [I]	420 [I]	270 [I]	330 [I]	*1,300*	
Lead	2.8 [I]	2.8 [I]	3 *(J, TR)* [I]	3.8 [K]	6.2 [K]	*15*	*15*
Antimony	**75** [T]	**98.1** [T]	**52** [T]	**25** [J]	**11** [K]	*6*	*6*
Groundwater (ug/L)							
Copper	53 [T]	1.4 *(J, TR)* [S]	8.6 [S]	7.1 *(J)* [S]	7.1 [E]	*650*	
Lead	3.3 [T]	0.47 *(J, TR)* [S]	<2 *(ND)*	<9 *(ND)*	4.6 [E]	*7.5*	*15*
Antimony	**4.4** *(J)* [S]	0.096 *(J, TR)* [T]	<4 *(ND)*	<12 *(ND)*	<2.1 *(ND)*	*3*	*6*

J = estimated value
TR = trace result (<LOQ and >DL)
LOQ = limit of quantitation
DL = detection limit
ND = not detected (<DL)
[*x*] – range at which result was found

Note: some results (<...) are at reporting limits and denoted in State of Reservation Report as non-detect. ***Yellow*** *– results above the MCL and/or OMMP Action Level*

Appendix D: MAARNG Revised Proposal of December 1, 2023: "Multi-Purpose Machine Gun Range: Best Management Practices and Regulatory and Resource Compliance Measures (Updated with Construction, Operations, Maintenance, and Monitoring Protocol)"

Note: This document is shared with the consent of MAARNG. It is appended to this letter below.

MULTI-PURPOSE MACHINE GUN RANGE

BEST MANAGEMENT PRACTICES AND REGULATORY AND RESOURCE COMPLIANCE MEASURES

(UPDATED WITH CONSTRUCTION, OPERATIONS, MAINTENANCE AND MONITORING PROTOCOL)

December 1, 2023

The Multi-Purpose Machine Gun Range (Range) to be constructed at Camp Edwards to train National Guard and U.S. Army Soldiers for combat readiness will be designed, constructed, operated, and maintained utilizing Best Management Practices (BMPs) and Regulatory and Resource Compliance Measures to avoid and minimize impacts to the environment, including the Cape Cod Sole Source Aquifer (SSA). These BMPs and Regulatory and Resource Compliance Measures have been identified, analyzed, and approved pursuant to the National Environmental Policy Act (NEPA) and Massachusetts Environmental Policy Act (MEPA).

Set forth below are the Range's BMPs and Regulatory and Resource Compliance Measures updated with additional and enhanced Construction, Operations, Maintenance and Monitoring Protocol. Measures, requirements, oversight, and commitments that govern the Range and will provide further environmental protections, as well as a summary of the significant public reviews and outreach associated with the Range, are included in Attachments hereto, as follows:

- **Range-Wide Environmental Regulatory Compliance and Oversight (Attachment A)**. All facets of the Range (*i.e.,* its design, construction, operation, inspections, monitoring, maintenance, *etc.*) are subject to a wide range of federal and state laws, regulations, and binding procedures, as well as significant oversight, to ensure that the environment (including groundwater and the SSA) remains protected. Attachment A includes a summary of the Environmental Regulatory Compliance and Oversight protections governing the Range.

- **Additional Construction and Operational Resource Conservation Measures (Attachment B).** In addition to the BMPs and Regulatory and Resource Compliance Measures that are focused on avoiding adverse impacts to groundwater and the SSA, the Range will be subject to numerous additional measures and requirements that will protect other environmental resources, including endangered, threatened, and rare species; land alteration; air quality; greenhouse gases; noise; biological resources; hazardous materials; and solid waste. Attachment B documents these Additional Construction and Operational Resource Conservation Measures.

- **Environmental Protection Agency Proposed Measures (Attachment C)**. During its Safe Drinking Water Act (SDWA) SSA review, the U.S. Environmental Protection Agency (EPA) proposed a number of measures to reduce the potential for the release of

contaminants in connection with the Range. Attachment C documents these EPA-proposed measures and identifies those that were accepted and those that were not relevant or suitable for the Range (with corresponding explanations).

- **Public Outreach and Input (Attachment D).** Community engagement, public outreach, solicitation of public input, and dissemination of information to the public and stakeholders has been (and will continue to be) a key component of the Range. Attachment D summarizes these public outreach and input opportunities.

The Massachusetts Army National Guard (MAARNG) has committed to undertaking BMPs and Regulatory and Resource Compliance Measures, as updated with additional and enhanced Construction, Operations, Maintenance and Monitoring Protocol, as follows.

A. DESIGN AND CONSTRUCTION

1. Reduced Size and Scope of the Range. To minimize potential impacts to the environment (including groundwater), the size and scope of the Range has been reduced, as follows: (i) reduction of the Range footprint from ten (10) 800-meter 240B / M249 lanes to eight (8) 240B/M249 lanes; and (ii) elimination of all 1500-meter M2 .50 caliber machine gun lanes.

2. Backstop Berms. The Range design will include sixty-four (64) individual target backstop berms to capture the rounds and prevent projectiles from hitting/ricocheting off of the Range floor. (Individual target backstop berms are not required by Army standards but were designed specifically for Camp Edwards to maximize metal recovery and recycling, prevent fragmentation and ricochets, and prevent sub-surface percolation of residue associated with the Range operations.) Each firing lane will include eight (8) berms at the target areas within each lane. Berms will be constructed beginning at the ground surface and extending up past each target to contain projectiles rather than allowing projectiles to be dispersed on the Range floor. Backstop berms will be constructed of sand and gravel sub-base, silty-sand base, and vegetated topsoil material. A layer of select fill sand and/or silty sand will be placed on the sand and gravel with vegetated topsoil covering the entire berm to maintain slope stability and longevity.

3. Stormwater Collection and Treatment. To prevent ponding on the Range floor, the Range will include extended detention basins and sediment forebays to collect and pretreat stormwater to promote onsite infiltration (ensuring that stormwater does not flow off the Range to other areas at the installation). The Range's stormwater collection and treatment infrastructure will be designed in accordance with the Massachusetts Stormwater Management Handbook (Volume 2, Chapter 2) and in compliance with the Massachusetts Department of Environmental Protection (MDEP) Stormwater Management Standards.

4. Erosion Control. MAARNG will plant the berms and the floor of the Range with a seed mix to provide healthy vegetative cover that will prevent erosion (*i.e.*, the displacement of soil by wind or water or any movement of soil in response to gravity or human activity) and provide organic material that can aid in reducing metals mobility.

B. RANGE OPERATIONS

1. Usage Limitations. No more than 800,000 rounds will be fired on the Range per training year, in order to limit the number projectiles that could affect the environment. As noted below, projectiles will be removed as part of the Metals Retrieval and Removal Program.

2. Ammunition Type. The Range will utilize Copper Enhanced Performance Round (EPR) ammunition, which the Environmental Management Commission's (EMC) Environmental Officer (EO) has approved for use within the Upper Cape Water Supply Reserve.[1]

C. METALS RETRIEVAL AND REMOVAL PROGRAM

MAARNG has developed and implements an aggressive projectile metals retrieval and removal program for all of Camp Edwards' active firing ranges (5 total, including the Range). A set program is required to ensure metal retrieval and removal occurs at each range, that range training can be scheduled to avoid times when ranges are offline for retrieval and removal work, and for budgeting purposes. Thus, MAARNG will remove projectile metals at a minimum frequency of one range every two years, with the potential for more frequent retrievals based upon increased use of a range, change in training use, concerns identified during monitoring, and/or as needs are identified by Camp Edwards Range staff and/or the EMC EO.

1. Regular Projectile Removal. In addition to the removal and retrieval events described below, MAARNG will excavate and remove projectiles from berms and/or projectile impact areas as described above (one range every two years). MAARNG will utilizing equipment to minimize environmental impacts to the surrounding areas.

2. Supplemental Projectile Removal. In addition to regularly scheduled removal, MAARNG will conduct additional targeted removal events, as follows:

    - Visual Inspections. MAARNG will conduct targeted removals if visual inspections of projectile impact areas identify loss of berm integrity or ricochet and/or fragmentation issues.

    - Projectile Pocket Inspections. Projectile pockets will be inspected twice annually during the joint detailed inspection of the Range with the EMC EO to confirm that capture and containment are occurring as designed and fragmentation is not becoming excessive. These inspections will include excavating select projectile

[1] A Copper Fate and Transport Study at Camp Edwards Small Arms Ranges (SAR) was initiated in February 2023. Soil profile data indicates that copper above background levels was present in (but limited to) the upper two feet of the soil profile. The study concluded that due to the "limited fate-and-transport behavior of copper, groundwater contamination of the aquifer is not expected." *See* https://www3.epa.gov/region1/eco/drinkwater/capecod/adminrecord/Cu-FT-TR-Draft-Final-7-February-2023.pdf

pockets using a hand shovel to determine if fragmentation is occurring. MAARNG will conduct targeted removal in areas where fragmentation is occurring.

3. Dunnage Removal. The Range firing line will be cleared of all dunnage (brass casings, metal links, etc.) at the conclusion of every training event.

4. Bulk Metal Debris Removal. MAARNG will seek funding to institute removal of legacy bulk metal debris from the training area (Upper Cape Water Supply Reserve).[2] Bulk metals include prior residual target debris such as parts of tracked and wheeled vehicles in addition to other miscellaneous metal debris.

5. Retrieval and Removal Program Protocol.

   - Metal Detectors. Metal detectors will be used to locate projectiles in berms and determine the limits of bullet pocket clean up at the base of the berms and on the Range floor in front of the berms.

   - Excavated Material Handling. Material excavated from the Range will be stockpiled in an agreed upon area, on or off site, for removal of projectile metals. After all stockpiled material has been screened for metals, the recovered metal will be recycled appropriately. The screened soil will then be used to reshape/reconstruct the existing berms and/or projectile impact areas as needed.

D. COMPREHENSIVE SAMPLING AND MONITORING PROGRAM

MAARNG will conduct a comprehensive sampling and monitoring program at the Range. Media to be sampled will include (i) surface soils; (ii) sub-surface soils; (iii) pore water; (iv) groundwater; and (iv) stormwater. Sampling will allow MAARNG to identify the presence and levels of munitions constituents so that MAARNG can proactively address the presence of metals and pollutants in soil and groundwater before the aquifer can be adversely affected. Monitoring will also ensure that Range maintenance has been adequate to protect the environment. Samples will be analyzed for antimony, copper, lead, nitroglycerin, chloride, sulfate, calcium, magnesium, phosphate, potassium, sodium, pH, alkalinity, specific conductance, dissolved organic carbon, and oxygen, as appropriate for the media being sampled.

Sampling will utilize action levels established and approved through the EMC process, which will then be documented in the Range's Operations, Maintenance and Monitoring Plan (OMMP). Established Action Levels will be conservative, in order to be protective of soils and groundwater, and to provide early indication that these resources may be impacted. As discussed in further detail below, in certain circumstances where a sampling event identifies contaminants or metals above Action Levels, MAARNG will re-sample, and if such confirmatory sampling again shows contaminants or metals above Action Levels, MAARNG will cease activities in the sampled area

[2] Funding can be sought from multiple sources, including potentially the Defense Environmental Restoration Program and NGB Solid Waste Disposal funds.

and provide notice to, and seek direction from, the EMC. Significantly, Action Levels for purposes of Range Groundwater samples are set at 50% of EPA Action Levels and are therefore more protective. An increase in constituents towards the Action Level(s) will be considered a trend and be presented to the EMC to determine a way forward with the detection trend in question.

1. Surface Soil.

    - Action Levels and Protocol. The soil Action Levels for lead, copper, and antimony are set using selected concentrations from the Massachusetts Contingency Plan (310 CMR 40.00). Soil monitoring results will be compared to the Action Levels. If a result exceeding an Action Level was not expected or appears to be anomalous, the sample area can be re-sampled in duplicate, with both samples analyzed to determine if the original result is representative of actual site conditions. If Action Level exceedances are confirmed, MAARNG will coordinate with the EMC to identify appropriate soil removal or other maintenance actions.

    - MAARNG will sample surface soil on the Range between the firing line and the toe of the first row of individual target berms. Baseline sampling will occur after the Range is initially constructed to determine baseline soil conditions and will occur annually with samples collected in September/October. Samples will be analyzed for antimony, copper, lead, nitroglycerin, chloride, sulfate, calcium, magnesium, phosphate, potassium, sodium, pH, and alkalinity. Necessary or advisable changes in sampling protocol will be coordinated with the EMC EO.

    - A 100-point incremental sampling methodology (ISM) will be collected from a depth of 0-3 inches from sample areas (according to Cold Regions Research & Engineering Laboratory (CRREL) recommendations) using a systematic random sampling method. The results will be used to identify and track the accumulation of lead, antimony, and nitroglycerin from the propellant primer formulation used in the bullets, as well as those constituents that may make these metals more mobile in soil.

    - If soils samples show an increasing trend or an exceedance of the OMMP Action Levels for soils, MAARNG will conduct subsurface soil sampling (see below) and Range maintenance, including soil removal (see below), to reduce or eliminate metal concentrations.

2. Subsurface Soil

    - Action Levels and Protocol. The soil Action Levels for lead, copper, and antimony are set using selected concentrations from the Massachusetts Contingency Plan (310 CMR 40.00). Soil monitoring results will be compared to the Action Levels. If a result exceeding an Action Level was not expected or appears to be anomalous, the sample area can be re-sampled in duplicate with both samples analyzed to determine if the original result is representative of actual site conditions. If Action

Level exceedances are confirmed, MAARNG will coordinate with the EMC to identify appropriate soil removal or other maintenance actions.

- MAARNG will conduct subsurface sampling prior to the Range becoming operational to establish baseline conditions. Going forward, subsurface split core soils sampling will occur in areas where (i) surface soil sampling shows an increasing trend or an exceedance of the OMMP action levels for soils (as determined in coordination with EMC EO); and (ii) metals are anticipated to accumulate, including from selected areas on the backstop berm and at representative Range floor locations. Samples will be analyzed for antimony, copper, lead, nitroglycerin chloride, sulfate, calcium, magnesium, phosphate, potassium, sodium, pH, and alkalinity.

3. Pore Water

- Action Levels and Protocol. Pore water Action Level numbers are based on drinking water standards because the pore water is monitored as an early warning of potential groundwater impacts, providing a framework for comparison to concentrations that are potentially hazardous if they were to migrate all the way to the aquifer. Pore water monitoring results will be compared to the Action Levels. If a result exceeding an Action Level was not expected or appears to be anomalous, the lysimeter can be re-sampled in duplicate with both samples analyzed to determine if the original result is representative of actual site conditions. If Action Level exceedances are confirmed, MAARNG will coordinate with the EMC to identify appropriate soil removal or other maintenance actions.

- MAARNG will sample pore water by installing lysimeters (buried approximately two feet below the ground surface) to identify the concentrations of potential Range-related metals in pore water at the most heavily used areas. Lysimeters will be installed (i) within the soil sampling area in front of the firing line, where propellants from the muzzle blast could potentially accumulate; and (ii) directly beneath select backstop berms bullet pockets, where there is the potential for high copper bullet accumulation and run off from the individual back stop berms.

- MAARNG will sample unfiltered pore water annually in the fall (September/October).

4. Groundwater

- Action Levels and Protocol. Groundwater Action Levels are set to 50% of the EPA drinking water standard and are, therefore, more protective. Groundwater concentrations at or above the Action Levels that have been confirmed by re-sampling require significant actions that may include a suspension of Range use and reassessment of the pollution prevention program. Response actions and further Range use will be coordinated with the EMC. To reduce contaminant

sources and prevent further impact to the groundwater, the surface soil at the Range may be removed and replaced. The extent of soil removal would be determined in conjunction with soil and pore water sampling results. Additional investigation to determine the extent of soil removal may be appropriate. Soil excavation, if needed, would occur prior to the next training session. Response actions and further Range use would be coordinated with the regulatory agencies.

- MAARNG will install groundwater sampling wells proximate to the firing line, mid-Range, and down Range targets in coordination with the EMC EO.

- To establish baseline data, MAARNG will sample groundwater prior to the Range becoming operational and on an annual basis. Based upon the baseline data, and in coordination with the EMC EO, an alternate sampling schedule can be established if appropriate.

- The groundwater samples will be unfiltered and analyzed for antimony, copper, lead, chloride, sulfate, calcium, magnesium, phosphate, nitroglycerin, potassium, sodium, pH, alkalinity, specific conductance, dissolved organic carbon, and oxygen.

5. Stormwater

- MAARNG will sample stormwater infrastructure for a period of three (3) years to have comparative data as part of the OMMP. All data will be included in the State of the Reservation Report and available for public review.

- Stormwater will be monitored in accordance with the Post Construction Stormwater Management Plan and under the OMMP for the Range.

E. RANGE MAINTENANCE AND MANAGEMENT

MAARNG will conduct comprehensive Range maintenance and monitoring protocol, which will be documented in the MPMGR's OMMP, which is subject to approval from the EMC.

1. Regular Maintenance. Regular maintenance on the Range will be conducted on an ongoing and continuous basis to ensure system features *(e.g.*, berms, bullet impact areas, stormwater maintenance measures, vegetation, etc.) and pollution prevention measures *(e.g.,* erosion control measures, berm faces, etc.) remain in adequate condition to support training requirements, protect the environment, and ensure that BMPs function as intended.

2. Preventative Maintenance. Preventative maintenance, which includes mowing, re-seeding of vegetated areas, topsoil testing, etc., will be conducted as needed, regardless of, and in addition to, other maintenance schedules.

3. Erosion Control. Integrity of the berms will be maintained to prevent erosion. Eroded areas will be repaired as soon as practicable. Measures will also be taken to stabilize the soil if necessary to prevent reoccurrence.

F. RANGE MONITORING AND INSPECTION

The Range will be subject to a comprehensive monitoring and inspection program (with inspections and monitoring occurring at multiple frequencies, as identified below) that will allow MAARNG to identify (and then proactively address) circumstances that could have lead to metals corroding and dissolving into subsurface soil or groundwater. Areas to be inspected include earthen berms, firing lines, the Range floor, lysimeter locations, and target lines. MAARNG will inspect and monitor for projectile fragmentation, disturbed vegetative cover, lack of berm integrity, and soil conditions. If areas of concern are identified, MAARNG will cease training in the area of concern *(i.e.*, take the affected firing lane out of service), notify the EMC EO, and repair or take other action as directed by the EMC EO to address the affected areas. Monitoring and inspections will occur as follows:

1. Monthly. MAARNG will conduct monthly Range-wide inspections and monitoring to ensure that conditions remain in place that will limit metals mobility.

2. Pre- and Post- Firing Events. MAARNG will inspect the full Range (firing line, Range floor, target line, and other important features) before and after training events to ensure that pollution prevention and environmental protection measures, including berm integrity, remain in place and are in good working order.

    - Pre-Firing Inspection. The pre inspection will acquaint the Range users with the facilities and the expectations associated with Range use.

    - Post-Firing Inspection. The post inspection will ensure any change in Range condition during unit use is documented for awareness. If a change in condition is identified, such as berm integrity, MAARNG will take actions to make corrections (in coordination with the EMC EO, as necessary).

3. Bi-Annual. MAARNG personnel and the EMC EO will conduct a joint detailed inspection of the Range twice annually.

4. Extreme Weather Events. MAARNG will conduct additional monitoring and inspections following extreme weather events to ensure that such events did not disturb the integrity of the Range's protective features (*e.g.*, erosion control, stormwater infrastructure, berm integrity, sampling equipment, etc.).

5. Regulatory Direction. MAARNG will conduct additional inspection and monitoring at the request or direction of the EMC or other environmental regulators with jurisdiction over the Range.

G. FIRE MANAGEMENT

The Range will be managed to reduce the potential for wildfire. Measures that can be taken include keeping the Range floor and berms mowed, managing vegetation at Range boundaries (*i.e.*, thinning trees and understory), and keeping clear access for Range maintenance and emergency vehicles.

ATTACHMENT A

RANGE-WIDE ENVIRONMENTAL REGULATORY COMPLIANCE AND OVERSIGHT

All facets of the Range (*i.e.*, its design, construction, operation, inspections, monitoring, maintenance, etc.) are subject to a wide range of federal and state laws, regulations, and binding procedures, as well as significant federal and state oversight, to ensure that the environment (including groundwater and the sole source aquifer) remains protected. Set forth below is a summary of the Environmental Regulatory Requirements, Standards, Policies, Plans, Agreements, Programs, and Oversight protections governing the Range.

REGULATORY REQUIREMENTS, STANDARDS AND POLICIES

1. **National Environmental Policy Act (NEPA)**. NEPA requires federal agencies to assess the environmental impacts of their proposed actions. Federal agencies are required to produce either an Environmental Impact Statement (EIS) or Environmental Assessment (EA) depending on the scope of environmental impacts. In each document, the federal agency must assess alternatives to the proposed action and mitigation measures for impacts to the environment. The Range was subject to a comprehensive NEPA review and approval.[3]

2. **Massachusetts Environmental Policy Act (MEPA)**. MEPA requires state agencies to study the environmental consequences of their actions, including permitting and financial assistance. MEPA review also requires that, in making permitting decisions and granting financial assistance, state agencies take all feasible measures to avoid, minimize, and mitigate damage to the environment. The Range was subject to a comprehensive MEPA review and approval.[4]

3. **Environmental Performance Standards (EPS).** EPSs are performance standards that guide military and civilian users in the protection of Camp Edwards' natural and cultural resources. The EPSs that apply to the Range are largely based on standards and requirements in federal, state, and U.S. Department of Defense specific regulations; in some instances, the EPSs for the Range are more stringent than applicable regulatory standards.[5]

4. **MGL Chapter 47 of the Acts of 2002.** This law governs the environmental protection of the northern 15,000 acres of JBCC and the Upper Cape Water Supply Reserve (Reserve), including ensuring that military use and training is compatible with the Reserve's water supply purposes. This also provides for creation of the Environmental Management Commission (EMC), detailed below.[6]

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[3] 42 U.S.C. §§ 4321 et seq.
[4] M.G.L.A. ch. 30 § 61.
[5] https://www.massnationalguard.org/ERC/publications/environ-performance-standards-April%202017.pdf
[6] https://malegislature.gov/Laws/SessionLaws/Acts/2002/Chapter47

5. **JBCC Groundwater Protection Policy.** This policy (i) imposes protections for the existing and future water supplies at JBCC; (ii) preserves and improves the ecological integrity of the freshwater and marine resources interconnected to the groundwater of JBCC and the towns of the Upper Cape; and (iii) prevents temporary and permanent contamination of the subsurface environment.[7]

6. **Wellhead Protection Regulations (310 CMR 22).** These Massachusetts Department of Environmental Protection (MDEP) Drinking Water Regulations mandate certain wellhead protections and limit land uses that are potentially detrimental to water quality.[8]

7. **Massachusetts Department of Environmental Protection Stormwater Management Standards.** These MDEP standards (along with the Wetlands Protection Act and MDEP's related Water Quality Certification Regulations) promote increased stormwater recharge, pollution prevention, and improved operation and maintenance of stormwater best management practices (BMPs).[9]

PLANS, AGREEMENTS, AND PROGRAMS

1. **MPMGR Operations, Maintenance, and Monitoring Plan (OMMP).** The OMMP identifies the operations and management practices (including BMPs) that MAARNG must implement at the Range. The OMMP requires that MAARNG employ the maximum feasible use of pollution prevention strategies in order to protect the Reserve.[10]

2. **2019 Memorandum of Agreement (MOA) to implement the JBCC Groundwater Protection Policy.** The four military agencies at JBCC (Massachusetts Air National Guard, Massachusetts Army National Guard, United States Air Force, and United States Coast Guard) signed an MOA in 2019 to implement the JBCC Groundwater Protection Policy.[11]

3. **Massachusetts Contingency Plan** .[12] This plan establishes procedures for the notification, assessment, and cleanup of oil and/or hazardous material releases to the environment.

4. **Environmental and Readiness Center (E&RC).** The E&RC provides expertise and resources necessary to integrate protection of the environment with compatible military training within the Reserve and the Camp Edwards Training Area.[13]

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[7] https://massnationalguard.org/ERC/publications/2019_07_10_JBCC_GWPP_MOA.pdf
[8] https://www.mass.gov/doc/310-cmr-22-drinking-water/download
[9] https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards
[10] https://www3.epa.gov/region1/eco/drinkwater/capecod/adminrecord/Draft-Operations-Maintenance-Monitoring-Plan-for-MPMGR-Jan-2021.pdf
[11] https://www massnationalguard.org/ERC/publications/JBCC-GW-PRO-POL.pdf
[12] 310 CMR 40.00.
[13] https://www massnationalguard.org/ERC/

5. **The Sikes Act: Integrated Training Area Management Program (INRMP).** The Sikes Act[14] requires the development and implementation of an INRMP, which is an adaptive plan to ensure that the military mission at Camp Edwards is compatible with protecting and enhancing natural communities and resources for multiple use, sustainable yield, and biological integrity.[15]

6. **Massachusetts Stormwater Management Handbook (Volume 2, Chapter 2).** Volume 2, Chapter 2 of the Stormwater Management Handbook details the stormwater management BMPs to be utilized in carrying out MDEP's Stormwater Management Standards.[16]

7. **Impact Area Groundwater Study Program (IAGWSP).** The Army (in cooperation with EPA and MDEP, carry out the IAGWSP to investigate and remediate groundwater contamination and its sources in the northern 15,000 acres of Camp Edwards, as well as areas off-base.[17]

8. **Integrated Cultural Resource Management Plan (ICRMP)**. The ICRMP is a five-year planning document used to implement the installation's cultural resources management program. The Camp Edwards Commander uses the ICRMP to assist in making decisions about cultural resources management activities and compliance procedures.

OVERSIGHT AUTHORITY AND GUIDANCE

1. **Environmental Management Commission (EMC).** The EMC, comprised of Commissioners of the Department of Fish and Game (DFG), the Department of Conservation and Recreation (DCR), and MDEP, is required by statute to ensure the "permanent protection of the drinking water supply" of the Reserve.[18] MAARNG is required to "adhere to the oversight authorities of the EMC regarding the operation of existing ranges."[19]

2. **Community Advisory Council (CAC).** The CAC consists of representatives from each of the surrounding towns, base housing, the military, the Cape Cod Commission, the Upper Cape Regional Water Supply Cooperative, and the Wampanoag Tribe, as well as other members appointed by the Governor. The CAC holds meetings at least twice a year to discuss issues ranging from environmental cleanup programs to issues of mutual interest that affect both the military and the surrounding Upper Cape towns.[20]

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[14] 16 U.S.C. § 670a et seq, as amended.
[15] https://www massnationalguard.org/ERC/ITAM htm
[16] https://www.mass.gov/doc/massachusetts-stormwater-handbook-vol-2-ch-2-stormwater-best-management-practices/download
[17] https://jbcc-iagwsp.org/. Currently, there are five sites with active groundwater treatment systems and long-term monitoring, seven sites with a requirement for long-term monitoring only, and two completed sites under the IAGWSP.
[18] 193rd General Court of the Commonwealth of Massachusetts, Chapter 47, Section 5, 2002.
[19] https://www mass.gov/info-details/environmental-management-commission-emc
[20] https://www.mass.gov/info-details/environmental-management-commission-emc#the-community-advisory-council-(cac)-

3. **Science Advisory Council.** The SAC consists of Governor-appointed scientists and engineers (with public health, water protection, wildlife habitat management, and land use management expertise) that provide the EMC with scientific and technical assistance related to protection of natural resources of the Reserve. The SAC holds meetings at least twice a year that are open to the public.[21]

4. **EMC Environmental Officer (EMC EO).** The EMC EO (in coordination with DFG, DCR and MDEP) monitors and evaluates the impact of activities within the northern 15,000 acres of Camp Edwards on the drinking water supply and wildlife habitat.[22]

5. **Environmental and Readiness Center (E&RC)**. The E&RC provide expertise and resources to support the necessary realistic training for soldiers while protecting the environment of the Reserve and the Camp Edwards Training Area.

6. **Range Control.** Camp Edwards' Range Operations has a Range Control component that is staffed from 0700 to 1700 hours daily, and anytime live fire ranges are active.[23]

[21] https://www mass.gov/info-details/environmental-management-commission-emc#science-advisory-council-(sac)-
[22] https://www mass.gov/info-details/environmental-management-commission-emc#oversight-activities-
[23] https://campedwards ng.mil/Training/

ATTACHMENT B

ADDITIONAL CONSTRUCTION AND OPERATIONAL RESOURCE CONSERVATION MEASURES

In addition to the Best Management Practices and Regulatory and Resource Compliance Measures focused on avoiding adverse impacts to the groundwater and Cape Cod Sole Source Aquifer, the Range will be subject to numerous additional measures that will protect other environmental resources. These Additional Construction and Operational Resource Conservation Measures are summarized below.

Resource Conservation Measure	Implementing Party
Endangered, Threatened, and Rare Species	
Management and restoration of existing habitat within Pine Barrens Mitigation Focal Areas in accordance with the Conservation and Management Plan (CMP) Application and the five management standards developed by MAARNG for net benefit of rare species and habitat.	Operations
Land transfer of 133 acres to be preserved in perpetuity as open space through the transfer to MassWildlife (Tract 5).	Operations
Land protection of 177 acres to be preserved with management of vegetation for rare species (Forest Canopy Reserve Area).	Operations
Management of Forest Canopy Reserve Area.	Operations
Land transfer of 150 acres to be preserved and managed for grassland habitat (Grassland Mitigation Focal Area, Parcel H – Unit K).	Operations
Management of the Grassland Mitigation Focal Area to optimize conditions for grassland species.	Operations
Implement Natural Heritage Endangered Species Program (NHESP) - approved Turtle Protection Plan during the construction phase of the Range.	Construction
Provide construction staff with information and materials about presence of State-listed species and appropriate responses to any sightings.	Construction
Monitor Eastern Box Turtles and other species for a period (to be determined) after Range construction to assess effectiveness of mitigation measures.	Operations
Implement long term monitoring and management plan to maintain habitat quality within the pine barrens using the Integrated Natural Resources Management Plan (INRMP) for guidance.	Operations
Development and implementation of Range Complex Master Plan.	Operations
Development and implementation of site wide INRMP.	Operations
Implement conditions of the CMP to be issued by NHESP.	Construction Operations
Land Alteration	
Implement methods to prevent soil from leaving the Range site either by wind, rainfall, or vehicles and equipment (*e.g.,* construction entrance controls).	Construction

Prepare detailed, site-specific Erosion and Sedimentation Control Plan to address all earth-disturbance aspects of the Project.	Construction
Install and monitor erosion-prevention measures such as silt fences and water breaks, sedimentation basins, filter fences, sediment berms, interceptor ditches, straw bales, riprap, and/or other sediment control structures, re-spreading of stockpiled topsoil.	Construction
Conduct periodic visual inspections to verify that the Erosion and Sedimentation Control Plan is being followed and is working.	Construction
Plant and maintain native soil-stabilizing vegetation on the Range where soils have been disturbed.	Construction
Maintain native soil-stabilizing vegetation on the Range.	Operations
Water Resources (Groundwater)	
Implement stormwater Best Management Practices (BMPs) per design plans.	Operations
Maintain stormwater BMPs and vegetative cover.	Operations
Coordinate with the Impact Area Groundwater Study Program (IAGWSP) to ensure remediation programs will continue without interruption during construction.	Construction
Finalize MPMG Range Operations, Maintenance and Monitoring Plan (OMMP) and obtain approval from the Environmental Management Commission (EMC).	Operations
Sample for baseline and regular soil and water sampling pursuant to the OMMP.	Operations
Coordinate with IAGWSP, the EMC, and the Massachusetts Department of Environmental Protection (MDEP) to identify locations and depths for monitoring wells.	Construction
Perform annual review groundwater monitoring results. Work with EMC to review results and determine mitigation and changes in practices if needed.	Operations
Notify MDEP if oil, hazardous material and/or unexploded ordinances (UXO) and munitions and explosives of concern (MEC) are identified or released during Project construction.	Construction
Maintain emergency response plan in the event contamination is encountered during Project construction.	Construction
Utilize portas-potties throughout the construction phase.	Construction Operations
Prepare construction-related refueling plan and obtain approval from EMC.	Construction
Air Quality	
Implement dust control plan.	Construction
Use appropriate dust suppression methods during construction activities.	Construction
Use appropriate dust suppression methods during dry weather training activities.	Construction
Provide education and monitoring of the contractor by MAARNG requiring a speed of less than 15 miles per hour for land clearing equipment on unpaved surfaces.	Construction

Post 15 miles per hour signs relative to the MPMGR construction.	Construction
Use low volatile organic compounds supplies and equipment.	Construction
Repair and service vehicular and construction equipment to prevent excess emissions.	Construction
Shut down heavy equipment when not needed.	Construction
Clean excess soil from heavy equipment and trucks leaving the construction zone to prevent off-site transport.	Construction
Notify Range Control and MAARNG's Environmental Office of air quality issues if they arise.	Construction
Review participation in MDEP's Clean Air Construction Initiative (CACI) and the MDEP Diesel Retrofit Program.	Construction
Provide education and monitoring of the contractor by MAARNG regarding idling requirements.	Construction
Provide driver training, periodic inspections by site supervisors, and posting signage as methods of reducing idling.	Construction
Post idling signs relative to 310 CMR 7.11 of the Air Pollution Control regulations.	Construction Operations
Review possible consultation with MDEP to develop appropriate construction period diesel emission mitigation.	Construction
Brief contractor or soldiers responsible for implementing Range activities on dust-reducing measures.	Construction
Incorporate air-quality BMPs into construction contracts.	Construction
Greenhouse Gas	
Phase construction to reduce the impact of tree removal and greenhouse gas (GHG emissions).	Construction
Maintain a list of equipment with engines including U.S. Environmental Protection Agency (EPA) tier emission limits.	Construction
Incorporate conditions into construction contracts to include provisions for reducing air emissions and maintaining equipment lists.	Construction
Provide self-certification at the completion of construction signed by an appropriate professional indicating GHG mitigation measures utilized.	Construction
Preserve land within Camp Edwards that is presently forested to provide annual sequestration.	Operations
Replant and restore MPMGR floor with native grasses.	Construction
Noise	
Update the Statewide Operational Noise Management Plan to include updated Camp Edwards specific Noise Complaint Protocols.	Operations
Contract with the U.S. Army Public Health Center (APHC) to complete a follow up Noise Study for the MPMG Range under full training (firing) conditions.	Operations
Consider recommendations made by APHC at the end of the study.	Operations
Prepare and submit a noise abatement plan.	Construction
Implement noise notification protocol and noise complaint protocol to minimize adverse noise impacts.	Operations
Provide public notification of upcoming training events, particularly the caliber activity.	Operations

Locate stationary equipment and material transportation routes as far away from sensitive receivers as possible.	Construction
Operate equipment per manufacturer's recommendations.	Construction
Shut down noise-generating heavy equipment when not needed.	Construction
Operate equipment in the quietest manner practicable (*e.g.,* speed restrictions, retarder brake restrictions, engine speed restrictions, etc.)	Construction
Notify Range Control and MAARNG's Environmental Office of noise issues if they arise.	Construction
Brief contractor or Soldiers responsible for implementing Range activities on noise-reducing measures.	Construction
Incorporate noise BMPs into construction contracts.	Construction
Biological Resources	
Implement wildland fire management recommendations outlined in the INRMP and Integrated Wildland Fire Management Plan (IWFMP) as applicable.	Operations
Control fires that may result from the Range during training.	Operations
Oil and Hazardous Material	
Maintain Hazardous Waste Management Plan.	Construction Operations
Maintain an EMC-approved Spill Prevention, Control, and Countermeasure (SPCC) Plan.	Construction Operations
Comply with Environmental Performance Standards (EPSs) regarding oil, hazardous materials and pollution prevention and continue to work with EMC.	Construction Operations
Ensure all MAARNG field staff members are trained in spill response.	Construction Operations
Provide unexploded ordinances safety and awareness training for all utility and construction personnel.	Construction
Ensure all on-site hazardous waste (OHW) used or generated is handled and disposed of in compliance with state regulations and EPS.	Construction
Ensure all OHW used or generated is handled and disposed of in compliance with state regulations and EPS.	Operations
Solid Waste	
Dispose of construction and demolition material off-site in compliance with state regulations.	Construction
Perform a pre-demolition/renovation asbestos survey by a licensed asbestos inspector and post abatement visual inspections by a licensed asbestos project monitor of buildings and structures to be demolished at the KD Range.	Construction
If asbestos-containing materials (ACMs) are identified in the asbestos survey at the KD Range, hire a Massachusetts Department of Labor Standards (MDLS) licensed asbestos abatement contractor to remove and dispose of any asbestos containing material(s) from the facility or facility component in accordance with 310 CMR 7.15, prior to conducting any demolition or renovation activities.	Construction
Develop specific recovery plans for the removal and proper disposition of spent projectiles, residues and solid waste associated with the	Operations

weapons, ammunition, target systems, and/or their operation and maintenance. Recycle ammunition projectiles (copper) when harvested from the Range during maintenance of the target and berms.	
Environmental Performance Standards	
Implement BMPs to satisfy applicable regulatory requirements in association with the Range.	Construction Operations
Consult with applicable agencies with oversight of the training area before undertaking any actions that are subject to state and/or federal regulatory requirements.	Construction Operations
Reduction of adverse impacts to the maximum extent feasible, including consideration for the design/redesign and/or relocation of the activity or encouraging only those activities that result in meeting the goal of overall projectile and/or projectile constituent containment.	Operations
Internal and external coordination of documentation for the Camp Edwards range management programs and other related Camp Edwards management programs including the Integrated Training Area Management Program (ITAM), Range Regulations, Camp Edwards Environmental Management System, and Civilian Use Manual, and Standard Operating Procedures (SOPs).	Operations
Prepare annual State of the Reservation Report including long-term Range maintenance, monitoring and reporting of applicable parameters and analysis.	Operations

ATTACHMENT C

EPA PROPOSED MEASURES

The Environment Protection Agency (EPA), during its Safe Drinking Water Act (SDWA) Sole Source Aquifer review (SSA Review), proposed a number of measures to reduce the potential for the release of contaminants in connection with the Range.

MAARNG accepted the following measures proposed by the EPA:

EPA PROPOSED MEASURE	MAARNG IMPLEMENTATION
Include Best Management Practices (BMPs) in State of the Reservation Report and/or Operations, Maintenance, and Monitoring Plan (OMMP) Updates	The State of the Reservation Report and/or OMMP updates will, at least annually, include a BMPs Section that evaluates the effectiveness of current BMPs and identifies emerging BMPs, monitoring advancements, and technologies, including green ammunition, to be utilized at the direction of the Environmental Management Commission (EMC) at the Range (and other Small Arms Ranges (SARs)). This information will be highlighted and shared with the public.
Visual Inspections	MAARNG will conduct visual inspections of the Range, at least: (i) on a quarterly basis; (ii) after each training event; (iii) after storms; and (iv) at the direction of the EMC Environmental Officer.
Lysimeters	Lysimeters will be installed in two locations/areas. First, within the soil sampling area in front of the firing line, where propellants from the muzzle blast could potentially accumulate. Second, directly beneath select backstop berms bullet pockets, where there is the potential for high copper bullet accumulation and run off from the individual back stop berms.
Range Vegetation	MAARNG will inspect and upkeep native vegetation on the Range floor and at earthen berms.
Staggered Firing Lanes	MAARNG will incorporate the staggered use of firing lanes into Standard Operating Procedures (SOPs) to prevent hot spots.
Stormwater Ponding	Range design will include land contouring to prevent stormwater ponding within the Range floor.
Emergencies	MAARNG will continue coordination and joint planning with communities and public water suppliers to prepare for and respond to emergencies.
Fire Suppressants	MAARNG will prohibit the use of fire suppressant chemicals whenever possible.
Nitroglycerin Monitoring	MAARNG will begin sampling and monitoring for nitroglycerin. Nitrocellulose is automatically identified when nitroglycerin is sampled.

During the SSA Review process, EPA requested or suggested a variety of potential design elements. Those that did not apply to, or that could not be feasibly incorporated into, the Range's design or use, are presented and discussed below. (It is important to note that the effective design of Small Arms Ranges for successful training and compliance with the Environmental Performance Standards requires extensive evaluation of design elements and alternatives. Such considerations are rigorously evaluated by multiple subject matter experts from a variety of fields to ensure sufficiency and compatibility from a variety of perspectives.)

EPA PROPOSED MEASURE	REASONING FOR NOT INSTITUTING
Install containment blocks at bullet pockets and bases of berms	Containment will be accomplished with earthen backstop berms that are designed to capture and contain projectiles so that they can be monitored and harvested in an efficient fashion. EPA-proposed containment blocks and other projectile capturing materials have been determined to contribute contaminants to the environment and change soil chemistry. For example, fractures in Shock Absorbing Concrete (SACON) cause dust that can change soil pH (*i.e.*, geochemistry) and DuraBlock (also suggested by EPA, and further discussed below) contributes dispersed semi-volatile organic compounds (SVOCs) and other substances of concern.
Use of DuraBlock	Based upon prior testing, MAARNG determined, and the Environmental Management Commission Environmental Officer (EMC EO) concurred that use of DuraBlock was not feasible at the Range. Testing was conducted at Camp Edward's India Range (25-meter rifle/machine gun zero range) to determine if DuraBlock could be installed in the face of berms to slow down the development of bullet pockets. This testing demonstrated that it was not practical to install DuraBlock on the face of earthen berms due to erosion. Additionally, retrieval of rounds from the DuraBlock was not possible, and the DuraBlock disbursed other constituents of concerns that required additional monitoring and potential remediation.
Develop BMPs to reduce the amount of nitrocellulose, nitroglycerin and other explosives expelled and deposited at the firing line	Although MAARNG will be sampling and monitoring for nitroglycerin, no BMPs exist that can limit the discharge of propellant resulting from firing a rifle. Despite the lack of such BMPs, groundwater should not be affected by such propellants at the firing line. A Cold Regions Research and Engineering Laboratory (CRREL) study* and an associated EPA consultation letter (dated August 29, 2011) concluded that nitroglycerin is biodegraded and stable within the nitrocellulose fibers.** Based upon this determination, EPA removed the requirement to sample for nitroglycerine in soils from the OMMP. * CRREL, *Adsorption/Desorption Measurements of Nitroglycerin and Dinitro toluene in Camp Edwards, Massachusetts Soil*, (Jay L. Clausen, C. Scott, N. Mulherin, S. Bigl, G. Gooch, T. Douglas, I. Osgerby, and B. Palm, February 2010).

	** EPA's August 29, 2011 letter states: "Soil samples are currently collected from the three ranges for analysis of lead, copper, zinc, antimony, tungsten, and nitroglycerine. Nitroglycerin has been detected in soil samples at concentrations greater than the established interim action levels. However, recent studies have indicated that nitroglycerine is unlikely to impact groundwater at the levels observed in the soil on these ranges."
Install geotextile wing walls at the Range	Installing wing walls at the Range to capture ricochets is not feasible. The make and size of wing walls would render the Range unusable because such wing walls would obscure line of sight to subsequent targets in a firer's lane.
Install shot curtains at the Range	Based upon nine years of use and assessment of a similar shot curtain system to capture possible overshot of 40 mm training purpose rounds at Camp Edwards' Lima range, MAARNG determined that shot curtains would not be effective at the Range. Shot curtains are designed to support shotguns, rather than the weapon systems that will be used on the MPMGR that have projectiles with a significantly higher energy transfer that shot pellets from a shotgun. Accordingly, a machine gun range shot curtain system does not exist, and even if it did, the size, operation, maintenance, and manpower requirements of such a system is not practical due to current weather patterns on Cape Cod (*i.e.*, heavy winds) and possible interference with avian species and their migration patterns in the area.
Impermeable covers for berms	MAARNG has reviewed potential options for impermeable covers for the berms. Based upon options currently available and resulting impacts to the stability of the berms (no vegetation, will lack organics, and soil drying) covering the berms as proposed is not advisable. Having berm structures with topsoil (organics), root mass, and vegetation structure helps retard any dissolution of contaminants that may occur.
Sand Range Floor	MAARNG has conducted a series of tests using a sand range floor and raking the range floor to create "micro berms" (on the theory that because sand is less dense than soils, the sand would prevent ricochets) as part of the evaluation of design options for Camp Edwards' Echo range. The results of testing showed the same rate of ricochet as a standard soil range floor and subsequent testing confirmed that earthen berm was the most effective capture medium.
Public viewing of Range construction and operations	MAARNG cannot accommodate a real time visual display on Range activities due to security regulations.

ATTACHMENT D

PUBLIC OUTREACH AND INPUT

MAARNG has made (and will continue to make) community engagement, public outreach, solicitation of public input, and dissemination of information to the public and stakeholders a key component of the Range. The comprehensive public outreach and the receipt and consideration of public input that has occurred since 2015, and which will continue as the Range moves forward, is summarized below:

1. OPPORTUNITIES FOR PUBLIC COMMENT AND INPUT.

- Public Meeting: Enhanced Construction, Operations and Monitoring Protocol. MAARNG will hold two public meetings (one in Cape Cod and one in Boston) to accept public input and comments on the Range's Best Management Practices and Regulatory and Resource Compliance Measures, as updated with MAARNG's additional and enhanced Construction, Operations and Monitoring Protocol. Notice of the Public Meetings will be published in the Federal Register and by other means.

- Public Comment Period: Enhanced Construction, Operations and Monitoring Protocol. MAARNG will hold a 30-day Public Comment Period to accept public input and comments on the Range's Best Management Practices and Regulatory and Resource Compliance Measures, as updated with MAARNG's additional and enhanced Construction, Operations and Monitoring Protocol. Notice of the Public Comment Period will be published in the Federal Register and by other means.

- Public Meeting: EPA Sole Source Aquifer Review. On May 24, 2023, EPA conducted a Public Hearing on the Range, which included an overview on the Range and potential environmental impacts and an opportunity for the public to provide comments.

- Public Comment Period: EPA Sole Source Review. EPA held a 60-day public comment period where the public had the opportunity to submit written and verbal (via a dedicated voice mailbox) comments.

- Public Comment Period: National Environmental Policy Act (NEPA). MAARNG solicited public comments on the Final Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) during a 30-day public review period between August 8, 2020, and September 7, 2020. The public, government agencies, and other stakeholders were notified of the opportunity to comment via a Notice of Availability published in the Cape Cod Times on August 8, 2020. All public comments received were reviewed and considered, and responses were provided.

- Public Comment Period: Massachusetts Environmental Policy Act (MEPA). MAARNG solicited public comments on the MPMG Range Notice of Project Change during a 20-day public comment review period between February 15, 2020, and March 5, 2020. A subsequent MPMG Range Single Supplemental Environmental Impact Report was issued, and public comments for this Supplement were solicited during a 30-day public comment period between June 11, 2020, and July 17, 2020. The general public, government agencies, and other stakeholders were able to post comments for each document through the MEPA Public Comment Portal.

2. **DISSEMINATION OF INFORMATION TO THE PUBLIC**.

- Range-Specific Meetings. In 2015, MAARNG personnel provided briefings on the Range to local communities.

- Camp Edwards State of the Reservation Annual Report. MAARNG publishes an annual State of the Reservations Report, which documents all activity that occurred in the Upper Cape Water Supply Reserve over the previous year. Going forward, MAARNG has committed to including the quantity of ounds fired on the Range per training year in the Camp Edwards State of the Reservation Annual Report.

- Public Facing Website. MAARNG is maintaining a public facing website where community members will be able to obtain State of the Reservation Reports, Range Operations and Significant Training Event calendars, natural and cultural resources publications, photos documenting construction progress of the Range, and access to the Camp Edwards Community Outreach Coordinator to submit comments and questions regarding the Range.

- EMC Meetings. The EMC holds at a minimum meeting twice a year or as additionally required and requested that are open to the public, and which have addressed the Range.

- Other Community Engagement. MAARNG employs a Community Outreach Coordinator that presents local groups and communities with information regarding Camp Edwards, including its training, ranges, and environmental protection measures.

3. **COMMUNITY ADVISORY COUNCIL (CAC)**. The CAC consists of representatives from each of the surrounding towns, base housing, the military, the Cape Cod Commission, the Upper Cape Regional Water Supply Cooperative, and the Wampanoag Tribe, as well as other members appointed by the Governor. The CAC holds meetings at least twice a year (and as additionally required or requested to discuss issues ranging from the environmental cleanup programs to issues of mutual interest that affect both the military and the surrounding Upper Cape towns. All meetings are open to the public and are advertised in the local newspapers. Notices of upcoming public meetings are distributed monthly via e-mail and regular mail and appear on the public meeting calendar page of the Camp Edwards website.

4. **SCIENCE ADVISORY COUNCIL (SAC)**. The SAC, appointed by the Governor, consists of scientists and engineers recognized for their expertise in the areas of public health, water protection, wildlife habitat management, and land use management. The SAC holds meetings at least twice a year (and as additionally required or requested) that are open to the public, and reports to the EMC. The SAC also holds ad hoc meetings (that are open to the public) on an as needed basis.

5. **CAMP EDWARDS TOURS**. MAARNG offers regular tours to provide the opportunity for the public to see and learn firsthand about Camp Edwards' Soldier training venues (including the Range), Natural Resources Program and habitat conservation work, and the Impact Area Groundwater Cleanup Program.

EXHIBIT C

Dr. David W. Cash
Regional Administrator, EPA, Region 1
John W. McCormack Post Office and Court House
5 Post Office Square #1150
Boston, MA 02109

Dear Dr. Cash,

The Massachusetts Army National Guard (MAARNG) has forwarded to the National Guard Bureau (NGB) your October 6, 2023 letter requesting a copy of the Military Construction Cooperative Agreement between the NGB and the Commonwealth of Massachusetts for the construction of the Multi-Purpose Machine Gun Range (MPMGR) (the MCCA).[1] Because this MCCA is unique to the administration and transfer of Congressionally appropriated Military Construction (MILCON) funds between the NGB and a State Army National Guard, in addition to providing the MCCA, I am also providing the information below to assist in your review and analysis of the MCCA.

The central statutory authority under which the NGB determines whether a funded project should be carried out through a contract, cooperative agreement or a grant agreement is the Federal Grants and Cooperative Agreement Act (FGCAA).[2] The FGCAA defines a Cooperative Agreement as:

> a legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient" when . . . (1) the principal purpose of the relationship is to transfer a thing of value to the State, local government, or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and (2) substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.[3]

Where Congress has appropriated MILCON funding for a NGB training facility, such as the MPMGR,NGB will have "substantial involvement" with the facility going forward. NGB can

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[1] In 2015, the MAARNG and the NGB initiated the process of securing Congressional authorization and funding for a MPMGR at JBCC, a military base located on Federally leased land in Massachusetts. To facilitate the transfer of MILCON funds, once appropriated, the MAARNG and NGB executed the MCCA on executed on 12 October 2018. Congress subsequently authorized the construction of the MPMGR in the FY 2020 National Defense Authorization Act (NDAA), and appropriated $9.7 million in MILCON funding for the MPMGR in the 2020 Military Construction, Veterans Affairs, and Related Agencies Appropriation Act.

[2] 31 U.S.C. §§ 6301-6308. Additional requirements and guidance regarding NGB use of Cooperative Agreements is included in: (i) National Guard Regulation 5-1, National Guard Grants and Cooperative Agreement; (ii) National Guard Fiscal Law Guidebook (2019); and (iii) Department of Defense Instruction 1225.08, Reserve Component Facility Programs and Unit Stationing (DoDI 1225.08).

[3] 31 USC 6305- Using Cooperative Agreements

either proceed with a contract or a cooperative agreement.[4] NGB would not use a grant agreement in these circumstances, as grant agreements are used where the NGB would not have continued involvement with the funded project.

The selection of a contract or cooperative agreement for a specific construction project turns on the "purpose" of the project, as determined pursuant to 10 U.S.C. Chapter 1803 (Facilities for Reserve Components).[5] This Chapter of federal law provides the NGB's construction authority; specifically, it provides the Secretary of Defense with the authority to construct National Guard facilities for the "proper development, training, operation, and maintenance of the reserve components of the armed forces."[6]

The various purposes for which the Secretary can exercise construction authority are set forth in 10 U.S.C. §§ 18233(a)(1) – (6). "The Army National Guard performs a greater percentage of their projects through military construction cooperative agreements . . . because the ARNG's projects tend to be for a purpose spelled out in 10 U.S.C. § 18233(a)(2) – (6)"[7] For these projects, the Secretary is exercising his authority to contribute funds to states for the purposes of, among others, constructing facilities for federal training, as expressly authorized by 10 USC § 18231.[8]

Each of the factors that caused the NGB to proceed with an MCCA – *i.e.*, the purpose of the project, the laws under which the Project is authorized, and the level of continuing involvement by the NGB – also confirm that the MPMGR is a federal project that is exempt from a SDWA review.

The NGB and MAARNG proceeded with the MCCA because the NGB will have "substantial involvement" with the MPMGR after funds are transferred due to the unique nature of the relationship between the NGB, State National Guards, and National Guard soldiers. Unlike any other agency or instrumentality of a State, State National Guard units have a dual federal-state status that includes a federal role as a Reserve component of the U.S. Army.[9] As the Reserve Component of the Army, NGB has been assigned the task of prescribing "the training discipline and training requirements for the Army National Guard . . . and the allocation of federal funds for the training of the Army National Guard...."[10] In these circumstances, the NGB's continued involvement with the MPMGR is to be expected.

The NGB will have this "substantial involvement" with the construction, operation, and use of the MPMGR for the additional reason that – and the federal nature of the MAARNG is further confirmed by the fact that – the MAARNG soldiers serve in federal capacities under Title 10 and

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[4] FGCAA Section 6303 states "An executive agency shall use a procurement contract as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when . . . the principal purpose of the instrument is to acquire (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government . . . ." 31 USC 6303.

[5] National Guard Fiscal Law Guidebook 2019 at 108.

[6] 10 USC 18231.

[7] National Guard Fiscal Law Guidebook 2019 at 108.

[8] In Section 18233(a)(1), the Secretary is exercising his authority for the purpose of directly acquiring, purchasing, leasing, or transferring, and constructing facilities "as are authorized by law to carry out the purposes of this chapter." In this circumstance, which is not the case here, a contract would be used to "reflect the relationships between the NGB and the State Guard unit."

[9] 20 CFR § 1002.57. *See also* 10 U.S.C. § 101 – Definitions and 32 U.S.C. § 101 – Definitions.

[10] DoDD 5105.77, Section 5b(1)(b).

Title 32 of the U.S. Code when training at the MPMGR. National Guard and Army Reserve soldiers (serving in their federal capacities) will utilize the MPMGR to satisfy U.S. Army-mandated small arms training and weapons qualifications standards and training requirements on weapons that these soldiers will be using when deployed (a time when these soldiers will be serving in their federal capacity).

The fact that Cooperative Agreements are used to carry out "a public purpose . . . authorized by a law of the United States" confirms the Federal nature of MPMGR. The "public purpose" that the MPMGR will serve includes satisfying "a law of the United States," namely, training soldiers to meet federal training requirements and to comply with 32 U.S.C. 501, which mandates that Army National Guard training shall conform to that of the Army. Transferring MILCON funds via the MCCA is, in and of itself, the NGB exercising its authority and mandate under a "law of the United States" (*i.e.,* 10 U.S.C. § 18231) to provide training facilities for National Guard and Army Reserve soldiers as directed by Congress. Congress has clearly and expressly authorized and appropriated the MPMGR through "law[s] of the United States."[11]

Finally, viewed through the lens of the SDWA, the NGB has determined that the MCCA is not a "commitment of federal financial assistance" as that term is defined in the Safe Drinking Water Act. NGB's determination is conclusive in this regard, as EPA regulations state that "[t]he determination of a Federal agency that a certain written agreement constitutes a commitment shall be conclusive with respect to the existence of such a commitment."[12]

Please let me know if you have any further questions concerning MCCA for the MPMGR or for how NGB oversees the Cooperative Agreement process with the various state militias/reserve components.

Sincerely,

Jon A. Jensen
Lieutenant General
Director, Army National Guard

cc:
Honorable Rachel Jacobson, Assistant Secretary of the Army IE&E
Honorable Amy Borman, Deputy Assistant Secretary of the Army IE&E
General Randy George, Acting Chief of Staff, United States Army

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[11] FY 2020 National Defense Authorization Act and the 2020 Military Construction, Veterans Affairs, and Related Agencies Appropriation Act).
[12] 40 CFR §149.101(h).

From: KARSON, DOUGLAS C CIV USAF AFCEC AFCEC/CZOE

To: Faux, Christopher M NFG (USA); Masson, Roger M. CDR USCG BASE CAPE COD (USA); Montero, Jessica (OSCS) SCPO USCG BASE CAPE COD (USA); Waitt, Ryan T CDR USCG BASE CAPE COD (USA); Porter, Matthew N COL USARMY NG MAARNG (USA); Bagaglio, John S COL USARMY NG MAARNG (USA); Dunphy, David F LTC USARMY NG MAARNG (USA); McDonough, Alexander VINCENT (Alex) MAJ USARMY NG MAARNG (USA); Kolva, Kathleen A CIV NG MAARNG (USA); Shannon, David W COL USARMY (USA); Cody, Shawn C CIV CPMS (USA); jodi.lyn.cutler@gmail.com; RILEY, SEAN D Col USAF ANG 102 IW/IW/CC; GORDON, TIMOTHY J Col USAF ANG 102 IW/CV; IVERS, NICOLE A Col USAF ANG 102 MSG/CC; RUSSELL, SCOTT A CIV USAF ACC 102 MSG/CCE; CROUCH, BETHANN R Lt Col USAF ANG 102 MSG/CD; FAYE, ERIN K CIV USAF ANG 102 IW/AFRP; Potter, Robert H Jr CAPT USCG (USA); London, J S (Jake) CDR USCG AIRSTA CAPE COD (USA); Linder, Jacob B MCPO USCG AIRSTA CAPE COD (USA); Russo, Eleanor J (Ellie) CIV (USA); Prindle, Clinton J CAPT USCG SEC SE NEW ENG (USA); Singletary, John M CDR USCG SEC SE NEW ENG (USA); Seyler-Schmidt, Gustav J. (Gus) LCDR USCG MSST CAPE COD (USA); Mazin, Rodion LT USCG MSST CAPE COD (USA); Downey, James N LTC USARMY NG MAARNG (USA); Band, Nathan D MAJ USARMY NG MAARNG (USA); Paulette, James Robert (Jim) JR LTC USARMY NG MAARNG (USA); Quinn, Daniel P MAJ USARMY NG MAARNG (USA); Lonchiadis, James Joseph (Jim) COL USARMY NG MAARNG (USA); Ortega, Anthony J LTC USARMY NG MAARNG (USA); Patruno, Jonas COL USARMY NG MAARNG (USA); james.plath@massmail.state.ma.us; christopher.liptak@aus.com; michael.kadingo@state.ma.us; Ciaranca, Michael A NFG NG MAARNG (USA); gdunham@sandwichmass.org; wtaylor@mashpeema.gov; rccollins@mashpeema.gov; peter.johnson-staub@falmouthma.gov; mike.renshaw@falmouthma.gov; townmanager@falmouthma.gov; Melissa Ferretti; Marlene McCollem; don.lincoln@falmouthma.gov; david.vieira@mahouse.gov; steven.xiarhos@mahouse.gov; dsshotz21@verizon.net; don.shotz@mawg.cap.gov; katherine.cambra@mawg.cap.gov; Edmondson, Nathan J CPT USARMY ARNORTH (USA); Allain, Michael S (Mike) CIV USARMY ARNORTH (USA); leonard.pinaud@state.ma.us; mark.polen2@va.gov; christopher.hickey@va.gov; scott.e.pfister@aphis.usda.gov; scott.w.myers@aphis.usda.gov; john.c.beatty@state.ma.us; jbeatty@massdevelopment.com; mdelorier@massdevelopment.com; dennis.ragazzini@mass.gov; david.weeden@mwtribe-nsn.gov; nelson.andrewsJr@mwtribe-nsn.gov; nathan.d.cochran@state.ma.us; vonnie.jacquard@outlook.com; kjohnsonocac@gmail.com; alexasgrammy@gmail.com; capekat@comcast.net; mickeywiernasz@mmsfi.org; dtierney82@gmail.com; dawnroche@mmsfi.org; brendameehan@mmsfi.org; mike.sully56@gmail.com; karin.weber@dot.gov; stephen.mackey@dot.gov; chris.scarpone@dot.gov; carl.snyder@dot.gov; ametcalfe@maritime.edu; terence.hermans@fema.dhs.gov; vincenza.dimaio@fema.dhs.gov; randie.herdegen@fema.dhs.gov; matthew.m.miller@fema.dhs.gov; dbuckley@bsheriff.net; rahonen@bsheriff.net; christopher.mcconnell@faa.gov; donald.wallace@faa.gov; joseph.reid@faa.gov; david.whittaker@faa.gov; KARSON, DOUGLAS C CIV USAF AFCEC AFCEC/CZOE; Cabana, Nicole M CIV (USA); pat02634@comcast.net; Belmore, Carolyn V VOL (USA); dmartin@capebigs.org; barbara.cotton@redcross.org; philip.gonzalez@redcross.org; 1968brown@gmail.com; paul.rendon@mass.gov; LONG, CODY J Maj USSF SpOC 6 SWS/6 SWS/DO; Grams, Trevor S LTJG NOAA (USA); SMITH, STEWART C Lt Col USSF SpOC 6 SWS/CC; Spievack, Bowen C CAPT USCG BASE CAPE COD (USA)

Subject: Public meeting/hearing details: to the JOG

Date: Thursday, May 9, 2024 9:10:06 AM

Attachments: Paid Ad -- Old Grenade Courts PP.pdf

Good morning,

Please find attached and pasted below the details for next week's public meeting/hearing on the Old Grenade Courts Draft Final Proposed Plan. The session will be held online. If you have any questions please let me know.

PUBLIC NOTICE

Public Presentation and Hearing on Air Force Proposed Plan

The Air Force Civil Engineer Center (AFCEC) is holding a virtual public hearing to solicit public input on the Draft Final Proposed Plan for the Department of Defense (DoD) Property Munitions Response Site (MRS) at the Old Grenade Courts Munitions Response Area (MRA) at Joint Base Cape Cod (JBCC), April 2024 which has been issued for a 30-day public comment period (April 26 to May 26, 2024). The MRA was used for training by the Army in the 1940s and 1950s for training in the handling and throwing of hand grenades. AFCEC's Installation Restoration Program has been investigating and cleaning up contamination at JBCC since 1989 when it was listed to the National Priorities List.

The Draft Final Proposed Plan for the DoD Property MRS at the Old Grenade Courts MRA presents the Air Force's preferred remedy (Alternative 2) to implement land use controls (LUCs) with annual munitions and explosives of concern (MEC) sweeps, and unexploded ordnance (UXO) construction support. The proposed alternative addresses the identified remaining hazard to the public for MEC. Under the proposed remedy, the implementation of LUCs (use of physical, administrative, and legal measures), annual MEC sweeps, and UXO construction support will limit the exposure of current and future human receptors to the low probability of encountering MEC at the DoD Property MRS at the Old Grenade Courts MRA.

A summary presentation of the findings will be given during a virtual public meeting on May 15, 2024, from 6-7 p.m. The meeting/hearing is open to the public. Join the meeting online at the Microsoft Teams link:

https://bit.ly/JBCC0524

To attend online, you may need to download the Microsoft Teams App. Please sign in as a guest. To ask a question, select the "raise your hand" icon and wait to be acknowledged. Logging in 10 - 15 minutes early is suggested. You can also attend the meeting by calling (443) 342-4948 and entering the phone conference ID: 288 040 90#.
The public comment period on the Draft Final Proposed Plan is being held from April 26 to May 26, 2024. Please submit comments by May 26, 2024, to: Douglas Karson, AFCEC/JBCC, 322 East Inner Road, Otis ANGB, MA 02542 or douglas.karson@us.af.mil
The Draft Final Proposed Plan has been sent to the main public libraries of Bourne, Mashpee, Falmouth, and Sandwich. A copy is available at: https://jbcc-iagwsp.org/community/public/irp/

For more information about the Draft Final Proposed Plan please contact Douglas Karson at (508) 524-9206 or douglas.karson@us.af.mil

//SIGNED//
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