THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 727-3600

ARGEO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

October 8, 1999

Brigadier General George W. Keefe
Office of the Adjutant General
Military Division of the Commonwealth
50 Maple Street
Milford, MA 01757

Dear Brigadier General Keefe:

In connection with the Upper Cape Water Supply Reserve (the "Reserve"), located on the northern portion of the Massachusetts Military Reservation, as described in Executive Order 414, you are hereby directed as follows:

- to conduct activity on the Reserve in compliance with all applicable state and federal environmental laws and regulations, and in compliance with Environmental Performance Standards contained in the August 16, 1999 Draft Master Plan/Area-Wide Environmental Impact Report ("EIR") submitted to the Executive Office of Environmental Affairs during the review process pursuant to the Massachusetts Environmental Policy Act, as those Standards may be modified or supplemented pursuant to a certificate on a Draft or Final Master Plan/Area-Wide EIR issued by the Secretary of Environmental Affairs (collectively, "Environmental Regulations");

- to allow access to the Reserve to personnel from the Division of Law Enforcement of the Department of Fisheries, Wildlife, and Environmental Law Enforcement for the purpose of ensuring that activity on the Reserve is being conducted in compliance with applicable Environmental Regulations, to the extent feasible without creating substantial security or intelligence concerns;

- to cooperate with the Upper Cape Water Supply Commission (the "Commission") and to assist the Commission with its responsibilities under Executive Order 414;

- to submit to the Commission annual reports describing all training and other activities being conducted on the Reserve and the extent of compliance with applicable Environmental Regulations, to the extent feasible without creating substantial security

or intelligence concerns;

- to submit all draft and final Impact Area Ground Water Studies for areas within the Reserve to the Commission as soon as they become available;

- to diligently pursue discussions with the United States Department of the Army to renegotiate the lease currently covering the Reserve, so that management, maintenance, operation, and administration of the Reserve may be returned to the Commonwealth and delegated to the Commission; provided, that such negotiations shall not affect the responsibilities of the Department of the Army or any other federal agency to decontaminate the Reserve and provide security;

- to report quarterly to the Governor on progress in these negotiations; and

- to maintain current funding, staffing, security, maintenance, and research commitments conducted on or in relation to the Reserve, subject to appropriation by the proper authorities.

Sincerely,

Argeo Paul Cellucci
Governor

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 727-3100

ARGEO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

SECRETARY OF STATE
REGULATIONS DIVISION
99 OCT 12 AM 11:10

BY HIS EXCELLENCY

ARGEO PAUL CELLUCCI
GOVERNOR

EXECUTIVE ORDER NO. 414

ESTABLISHING THE UPPER CAPE WATER SUPPLY RESERVE AND COMMISSION

WHEREAS, the Massachusetts Military Reservation ("MMR") consists of approximately 22,000 acres of environmentally sensitive land located in Barnstable County primarily owned by the Commonwealth; and

WHEREAS, in May, 1997 a Community Working Group ("CWG") consisting of representatives of neighboring towns, military services located at MMR, and the Massachusetts National Guard was established to advise the Secretary of Environmental Affairs on the future use of the MMR; and

WHEREAS, the Massachusetts Military Reservation Master Plan Final Report, issued in September, 1998, and adopted by the CWG, recommends that approximately 15,000 acres of the MMR be subject to "permanent protection and coordinated management plans for water supply, wildlife habitat, and open space protection consistent with necessary and compatible military activities"; and

WHEREAS, the guiding principles of the Master Plan Final Report have been accepted by the Governor, the Secretary of Environmental Affairs, and the Massachusetts Army National Guard;

NOW, THEREFORE, I, Argeo Paul Cellucci, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as Supreme Executive Magistrate, do hereby order as follows:

Section 1. Definitions

As used in this Executive Order, the following terms shall have the following meanings:

"Commission", the Upper Cape Water Supply Commission established in Section 2.

"Upper Cape Water Supply Reserve" or "Reserve", the northern 15,000 acres of the MMR, more or less, as more precisely described in a plan prepared by the Executive Office of Environmental Affairs. The plan shall be prepared within 60 days of the date of this Executive Order.

Section 2. Establishment of the Commission

There is hereby established the Upper Cape Water Supply Commission. The Commission shall consist of three *ex officio* members: the Director of the Division of Fisheries and Wildlife of the Department of Fisheries, Wildlife, and Environmental Law Enforcement; the Director of the Division of Forests and Parks of the Department of Environmental Management; and the Director of the Division of Watershed Management of the Metropolitan District Commission; or their respective designees

Section 3. Purpose and Powers

The purpose of the Commission shall be to ensure the conservation of the Reserve for the purposes of water supply and wildlife habitat protection, and for military activities that are compatible with those two purposes. The Commission shall monitor all activity on the Reserve to ensure that such activity is consistent with all applicable state and federal environmental laws and regulations, including environmental performance standards set forth in any draft or final Master Plan/Area-Wide Environmental Impact Report issued by the Secretary of Environmental Affairs pursuant to the Massachusetts Environmental Policy Act, and shall report annually to the Governor on the extent to which activity on the Reserve is in compliance with such laws, regulations, and standards. The Commission may take any action it deems necessary to ensure the attainment of its purpose. State agencies shall cooperate with the Commission in accomplishing its purpose.

The Commission's powers shall include, but not be limited to, the following:

- to establish bylaws;
- to hire staff, including an executive director;
- to enter into contracts and other legal agreements;
- to acquire real or personal property or interests or rights therein, if necessary for the Commission's responsibilities relative to the Reserve; and
- to accept funds or property from any source, including gifts, bequests, grants, and restitution for purposes of carrying out the Commission's responsibilities relative to the Reserve.

Section 4. Advisory Council

For the purpose of advising the Commission on the use of the Reserve, there shall be an Advisory Council consisting of the following members: one representative of each of the towns of Falmouth, Bourne, Sandwich, and Mashpee; one representative of the military; one representative of the Cape Cod Commission; one representative of regional water supply interests; and eight additional members. All members shall be appointed by the Governor; provided, that the town representatives shall be recommended by the towns' respective Boards of Selectmen; the Cape Cod Commission representative shall be recommended by the Cape Cod Commission; the water supply representative shall be jointly recommended by the Falmouth, Bourne, Sandwich, and Mashpee Water Supply Districts; and the military representative shall be recommended by the Military Division of the Commonwealth.

Given at the Executive Chamber in Boston this 5TH day of October in the year one thousand nine hundred and ninety-nine.

Argeo Paul Cellucci
Governor

William Francis Galvin
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS