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## Confidential Memorandum

To: Julie Schaeffer  
From: Kelly Durfee Cardoza *KDC*  
Date: January 5, 2007  
Re: Review of Manaquayak Preserve Issues  
CC: James Lengyel

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I have read the comment letters and reviewed the data. You have asked whether I believe the letters are politically or scientifically driven. At this point in the process, I am not sure that it matters. Even if they are politically driven (which may indeed be the case), the Secretary is tasked with addressing the scientific facts and has chosen to address the topics of water quality, parking, and recreational use. The majority of the letters claim to be scientifically driven and include statements that they claim to be fact. The letters raise questions regarding the assumptions used to model the site (how many people use it now and how many will likely use it in the future?), and on the actual statistical analysis conducted (how were the averages obtained and how can we check the numbers if the raw data wasn't provided?) and then go on to state that the Land Bank did not follow through on agreements made with regard to the study design for the work conducted by Kinney & Valiela. After reading the letters, I can only come to the conclusion that the commenters are attempting to discredit the work conducted by the Land Bank at every level.

It is my opinion that the scientific arguments will have a greater impact on the Secretary's actions than the political ones. While some of the letters raise the political questions regarding how the land was acquired, I am not sure that this is the Secretary's primary focus. However, there are a number of statements made by the commenters that claim to be factual identifying errors or inconsistencies in statements made with the Management Plan. I do think that the number of instances where the commenters claim that a conflict exists within the text may cause the Secretary and staff to believe that the Land Bank may not have been as careful in the preparation of this study as was warranted.

The data suggests that the pond is presently in a transition between the oligotrophic and mesotrophic states, as you have previously indicated. The secchi depth data shows great variability from 2005 to 2006, even during the same months. Based on total phosphorus and potentially on total nitrogen,

the data indicates that without additional influence on the site by the public using Land Bank land, that the limits adopted by the Secretary are unattainable. This suggests that the degradation feared by the commenters has in part begun. Based on the timing, this is due to their influence, not yours. While this clears up who is generally responsible for the existing conditions, it does not provide a clear characterization of the health of the pond and pond shore environment.

Your next question was regarding future actions. I think that this data should be seen as an opportunity to reopen the discussion with EOE and to work with the abutters. After reviewing my memo of October 12, 2006, I feel that the recommendations remain valid. In order for the Land Bank to convince the Secretary to modify the limits, and ultimately allow expanded use of the pond, I believe that the Secretary (and staff) must be convinced to trust the Land Banks science and goals for the preserve. Rather than continue to disagree with the abutters, my recommendation is that you start a process of engaging the stakeholders and the regulatory authorities as was outlined previously, so that the studies, costs, actions and ultimate results are shared by all parties.