



Testimony Submitted by Linda Orel, Massachusetts Association of Conservation Commissions in support of S.367 & H.265 *An Act Relative to Dam Repair, Removal, and Replacement*

**Joint Committee on Environment, Natural Resources and Agriculture
March 14, 2011**

Thank you for the opportunity to testify on S.367 and H.265 *An Act Relative to Dam Repair, Removal, and Replacement*. The Massachusetts Association of Conservation Commissions (MACC) strongly supports passage of this bill to restore rivers and streams and associated wetlands across the Commonwealth.

MACC is a nonprofit organization dedicated to educating and supporting Conservation Commissions and promoting conservation of wetlands and other water resources, acquisition and stewardship of conservation land and preservation of biodiversity. As a result of MACC's cooperation and support, there is a Conservation Commission in every city and town across the Commonwealth and strong, enforceable wetlands bylaws and ordinances in more than half of our communities.

Also in nearly every municipality are outmoded dams. Although Massachusetts leads the Northeast in dam removal projects, nearly 3,000 dams still pepper the state, averaging one dam for every three miles of stream. Many of these structures were originally constructed to provide power during the Industrial Revolution, have been shut down for decades and no longer serve their original purpose. Yet, those same dams continue to serve as barriers to fish passage and other aquatic life.

MACC supports dam removal in lieu of dam repair when the circumstances are appropriate. Dam removal is a cost-effective, permanent solution that rids dam owners of inspection and maintenance costs and the liability issues associated with outmoded dams. Currently the statute that establishes Department of Conservation and Recreation's Office of Dam Safety (ODS) makes no mention of removal as a potential option for dealing with these structures. *An Act Relative to Dam Repair, Removal, and Replacement* would authorize ODS to put dam removal on par with dam repair as a remedy to address public safety and environmental concerns.

Many dam owners cannot afford to inspect, repair or remove their dams in accordance with the state dam safety laws. As such, MACC supports the revolving loan fund outlined in this bill. Where dam repair is the appropriate remedy, MACC also supports measures to mitigate resource damages that occur as a result of a dam's continued operation, including improved stream flow, fish passage and protection of wildlife habitat.

We urge the Committee to report favorably on this legislation, which gives dam removal equal consideration to dam repair as an acceptable outcome for a structurally deficient or otherwise unsafe dams, and to authorize ODS to address environmental concerns presented by dams.