



Testimony Submitted by Linda Orel, Massachusetts Association of Conservation Commissions in support of S.349 and H.255, *Act Relative to Sustainable Water Resources*

Before the Joint Committee on Environment, Natural Resources and Agriculture

July 14, 2011

The Massachusetts Association of Conservation Commissions (MACC) thanks Chairman Pacheco and Chairwoman Gobi for the opportunity to testify on S.349 and H.255, *Act Relative to Sustainable Water Resources*. MACC strongly supports passage of this bill to restore freshwater systems across the Commonwealth.

MACC is a nonprofit organization dedicated to educating and supporting the 351 Conservation Commissions and promoting conservation of wetlands and other water resources, acquisition and stewardship of conservation land and preservation of biodiversity.

Massachusetts is rich with water and rainfall. However as our demand for water increases, and our infrastructure ages, our rivers and streams become more stressed. Climate change is adding to this stress, and it is anticipated that droughts will become more frequent. Today, the need to address outmoded infrastructure and use water more efficiently is critical to the long-term viability of important freshwater resources. Water conservation and efficiency is also economically important, as developing new water supplies is very costly.

We are due for a comprehensive management solution that will help us manage our wetland and water resources into the future for human uses and for freshwater species that depend on healthy rivers and streams. *The Sustainable Water Resources Act* is a smart solution that will address three water management needs: dam removal, streamflow protection and water banking.

Dam Removal

Nearly every municipality in the Commonwealth has 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,

are obsolete, and no longer serve their original purpose. About 80% are no longer used for their intended purpose and many are not maintained. Yet, those same dams continue to serve as barriers to fish passage and other aquatic life.

The dam removal section of *The Sustainable Water Resources Act* will not require the removal of dams, but would instead put dam removal on par with dam repair as a viable option to dealing with outmoded dams in need of extensive and expensive repair. Where appropriate, removal is a cost-effective, permanent solution that rids dam owners of ongoing maintenance costs and legal liabilities.

Streamflow Protection

Massachusetts' rivers already benefit from water quality standards, stormwater standards and road-stream crossing standards. Science-based stream flow standards will ensure we protect the *quantity* of our waters. New standards will add clarity, transparency and predictability to the existing permitting process allowing communities and other water users to know in advance to what standard they will be held. Such standards will also help ensure we build sustainable communities by ensuring we make investments in water supply systems that are able to meet both our water needs and our environmental goals.

The Sustainable Water Resources Act requires the Department of Fisheries and Wildlife (DFW) to use the best available science to develop streamflow criteria for what constitutes protection of flows and water levels of our rivers and streams and then sets a timeframe for the Department of Environmental Protection (DEP) to incorporate the DFW criteria under the state Water Management Act (WMA). By placing these standards in the WMA, the *Sustainable Water Resources Act* proposes to balance natural resource protection with the water needs of citizens and communities.

The science-based criteria developed by DFW under the bill will also be potentially useful in other contexts, such as addressing impacts of dams, impoundments (e.g., reservoirs), stormwater, wastewater and groundwater recharge. Streamflow criteria would serve as useful guidance in many aspects of water resource planning.

Massachusetts is well-positioned to develop these criteria and standards and to ensure an appropriate balance between human and environmental water needs. Massachusetts has made the needed investments in science and management tools, such as the Sustainable Yield Estimator, the 2008 Index of Streamflows for Massachusetts and the study of Target Fish Communities. The nature of science dictates that new information will always be emerging. New information can be used adaptively to refine and improve the standards as appropriate over time, as we do with other environmental standards. We have the information necessary to act now to establish streamflow standards.

Water banking

Water banking allows communities to voluntarily 'opt-in' to establish local programs that offset and remedy the impacts of new water demands, sewerage or impairment of

recharge of groundwater in their communities. This provision provides clarity about communities' ability to sustain the quantity, quality and ecological integrity of waters of the Commonwealth.

The bill would authorize public water suppliers and departments of public works to charge a reasonable fee for new water withdrawals or increased sewer use. It clarifies that such a fee would not be deemed an "impermissible tax" and, as such, restricts the user fees collected to purposes that help sustain water supplies. Municipalities could use funds to replace, repair or upgrade treatment plants and other infrastructure; undertake projects to improve the quantity and quality of groundwater recharge; help citizens adopt water conservation measures; or acquire lands that protect water supplies.

One indicator of the need for such a funding source is that statewide, only 26% of watershed lands are adequately protected. Keeping contaminants out of water supplies by protecting land is much easier and cheaper than treatment to remove them.

MACC urges the Joint Committee on Environment, Natural Resources and Agriculture to support passage of the *Sustainable Water Resources Act* to protect our rivers and streams in a manner that meets our current needs and those of future generations.

If you have questions, please contact Linda Orel, Executive Director at Linda.Orel@maccweb.org or 617-489-3930.

Thank you for the opportunity to testify on this legislation.

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