



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 16, 2009
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environmental Protection

**Raised House Bill No. 6345 - AN ACT PROTECTING THE NATURAL RESOURCES OF
THE HIGHLANDS REGION**

Thank you for the opportunity to present testimony on Raised House Bill No. 6345 - AN ACT PROTECTING THE NATURAL RESOURCES OF THE HIGHLANDS REGION. The proposal seeks to ban non-municipal recreational diversions within the federally designated Highlands Region. The Highlands Region encompasses 28 communities within Connecticut (see attached list).

Presently diversions are regulated pursuant to the Water Diversion Policy Act. New withdrawals of water or diversions exceeding 50,000 gallons per day are required to apply for and obtain a permit pursuant to section 22a-368 of the General Statutes. Historical diversions that registered a specified use prior to July 1, 1982 are exempt from the requirement to obtain a diversion permit provided the diversion is conducted in accordance with the registration.

The Department follows an established process for reviewing and issuing diversion permits. Given the often complex and technical nature of hydrology and hydrogeology, Department staff must carefully review each permit, considering current and proposed site conditions, the underlying geology, and watershed characteristics. Diversion applications typically contain conditions or restrictions to protect natural water resources and nearby private wells.

The Department is not opposed, in principle, to the notion of a legislatively enacted ban on certain diversions or classes of diversions. This proposal seeks to ban non-municipal recreational diversions. Recreational uses may include golf courses, ball fields, outdoor sports parks and arenas, ball fields, water parks, ski areas, etc.

However, we are concerned that the bill, as currently drafted, might unintentionally impose an adverse impact on existing permitted and registered diverters of water. There are approximately nine (9) golf courses in the Highlands area that hold diversion permits which could be restricted from applying for renewal of those permits, thereby jeopardizing existing businesses. The

proposal could also affect the status of two private golf courses that are seeking permits, one that is seeking Department suggested modifications to existing operations that will minimize stream flow impacts, and another course that is the subject of a pending hearing at the Department.

The current language also seems to implicate registered diversions, which do not enter the permit process under existing law. The bill states that “no person shall divert” more than 50,000 gallons per day for non-municipal recreational use. This broad language would seem to cover both permitted and registered diversions. While restricting the continuation of these registered diversions could have positive environmental benefits, eliminating registered diversions could also have negative economic consequences. A list of existing registered diversions is available on the Department’s website

http://www.ct.gov/dep/cwp/view.asp?a=2720&q=404934&depNav_GID=1654.

The Department continues to work with our sister agencies and stakeholders to set the right balance between human use of water and ecological needs. To that end, the DEP will soon propose regulations establishing stream flow standards for all rivers and stream systems to protect stream flow ecology while balancing needs and requirements of water users, as required by Public Act 05-142.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact the Department’s legislative liaison, Robert La France, at 424-3401.

Federally Designated Highland Region Towns

Barkhamstead
Brookfield
Burlington
Canaan
Canton
Colebrook
Cornwall
Danbury
Goshen
Granby
Hartland
Harwinton
Kent
Litchfield
Morris
New Fairfield
New Hartford
New Milford
Norfolk
North Canaan
Salisbury
Sharon
Sherman
Simsbury
Torrington
Warren
Washington
Winchester

