

TESTIMONY
FOR THE COMMERCE COMMITTEE PUBLIC HEARING
FEBRUARY 24, 2011

To: Chairman Sen. Gary LeBeau, Chairman Rep. Jeffrey Berger, and Members of the Committee

From: Farmington River Watershed Association, Inc.

RE: RB 1020 AAC Water Resources and Economic Development

The Farmington River Watershed Association is a 501(c)3 nonprofit organization, a citizens' group founded in 1953 and dedicated to the preservation, protection, and restoration of the Farmington River and its tributaries throughout the Farmington River Watershed. A membership organization, it is supported in part by approximately 1,000 member households.

Thank you for the opportunity to comment on this bill in a public hearing. **On behalf of the Farmington River Watershed Association, I am submitting this testimony in strong opposition to the proposed bill.**

INTRODUCTORY REMARKS

The Farmington River Watershed Association has a long history of addressing the dilemmas that arise from multiple demands on surface water resources. For decades, the Farmington River has provided drinking water to over 600,000 CT residents through 11 water supply companies, the overwhelming majority being served by the Metropolitan District Commission. The river receives effluent from nine wastewater treatment plants and has 10 impoundments for water storage, flood control, drinking water, multi-purpose use, recreation, or hydropower. It has well over 200 registered or permitted diversions; the consumptive withdrawals from these diversions amount to more than 500 million gallons per day. Hydropower is generated at three sites and is being contemplated at an additional location. The Farmington is also "the most fished river in Connecticut," providing excellent trout fishing and some of the best habitat in the state for stocking young salmon. It is heavily used for recreational tubing, for leisure paddle sports and for world-class whitewater competitions. Fourteen miles of the West Branch are designated a national Wild and Scenic River.

The sharing of Farmington River water among so many stakeholders did not come easily and the existing conditions and agreements are not perfect. However, the river's management does include a requirement, eventually agreed upon by major river stakeholders, for a minimum flow in the Farmington River that is adequate to support aquatic life. We hold this river up as one example of how streamflow regulation can maintain a healthy, productive and resilient river that benefits sport anglers and paddlers, homeowners, and vacationers, plus the businesses that serve and supply them, without choking off a public drinking water supply.

Because regulated streamflow provides diverse economic benefits that are spread across multiple beneficiaries, it is much harder for the recipients to quantify their combined benefits than it is for a single company whose budget is based on the actual sale of water. Likewise, the loss to our state from degraded rivers is difficult to present on a balance sheet in the same way as costs of retrofitting dams or finding new water sources. But it would be a mistake to dismiss these multiple, diverse benefits and costs as unreal and irrelevant to economic development.

SPECIFIC OBJECTIONS

The proposed bill is unnecessary and wasteful, since it seeks to re-start a process that has already legitimately run its course. As mandated, the CT DEP and a wide range of stakeholders worked for several years on drafting streamflow regulations, carefully taking multiple public goods into account; and then extensively revised the regulations in response to additional concerns voiced by those with an economic stake in compliance or with public health and safety priorities.

The language in Bill 1020 is insufficient to protect Connecticut's surface waters from the mismanagement of flow that can arise from short-term or single-party interests.

Specific objections are as follows:

1. "...flow regulations shall not require any public water system... to comply with reservoir release requirements that will cause a reduction in safe yield, available supply or margin of safety to levels that are not sufficient to meet the public health, safety, agricultural *and economic development needs of the state*..."

How are economic development needs defined? How can an enforceable limit be set on "economic development needs"? Will the definition of "need" be on a sliding scale that varies according to the state's budget deficit? Adding this criterion without defining it undercuts the ability of streamflow regulation to achieve one of its primary purposes: maintaining living rivers as a natural resource and a general public good, in the face of pressure to exploit them in an unsustainable way during hard times. It opens the door to destroying our long-term natural resource capital.

2. "shall provide special conditions or exemptions,...[for a public water system]...where compliance requires the expenditure of resources for the development of new sources of water supplies or storage which is not *technically feasible or financially viable*." Without doubt there are situations where solutions are genuinely not feasible or affordable, and where exemptions should surely be provided. But "financial viability" is somewhat open to interpretation and subject to one's choice of assumptions. At the very least, this criterion begs for precise definition.

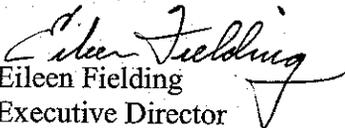
3. All of Section 1(b) of Bill 1020. To begin with, this section charges an agency (DEP) that is already gutted of resources to conduct an enormous task, and coordinate that task with another agency (DPH), screening all basins in Connecticut according to a long list of competing criteria

that must somehow be balanced against one another. It is not clear how this can possibly be done in a timely way, and in effect pushes back the timetable for any kind of streamflow regulation considerably, possibly by years.

Then, the section names two criteria that trump all other considerations for stream classification: "...rivers and streams *adjacent to or immediately downstream of public water supply sources, or located in areas of significance for economic development* shall not be classified in a manner that would prevent human alteration of the natural stream flow consistent with the continued use of such public water supply sources, or the economic development." What does "continued use" mean—continued no matter how many more people tap into that public water supply? What exactly is the criterion for "significance for economic development"? If a landowner has a forested tract with a Class 1 stream in it, must that stream be Class 2, 3, or 4 because the land has economic development potential? As written, this provision implies that anything downstream of a public water supply, or located in an area that might contribute to economic development, cannot be classified in a way that will protect it from a degraded flow regime in the future. What, then, is the point of going through years of developing streamflow regulations even once, let alone starting the process over again?

The streamflow regulations now under consideration are the result of a great deal of work and negotiation about a subject that will always be contentious. They represent progress on a much-needed adjustment to the realities of our future water supply. A bill to repeal the original statute and re-start the process of drafting streamflow regulations is not in the best interests of the citizens of Connecticut, nor have the citizens of Connecticut asked for it.

Respectfully,


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