



**For the Environment Committee
Testimony of Alicea Charamut, Executive Director
March 10, 2023**

Rivers Alliance was formed to fight for sound water policies at the state and federal levels, to provide education on water resources, and to advocate for any person or group striving to protect water. If you want clean, free-flowing and healthy rivers, and high-quality drinking water, Rivers Alliance is here to help.

**HB 5214 AAC THE CONSERVATION OF CERTAIN WATER AND LANDS OF THE
UPPER FARMINGTON RIVER – General Comments**

Thank you to the Environment Committee Co-chairs and the rest of the committee for raising this bill as well as Rep. Anderson, Rep Case, and Sen. Seminara for co-sponsoring. This bill is evidence that those who represent us in Hartford understand the value of the Farmington River and the role that the forested, undeveloped open space lands that Colebrook River Reservoir plays in preserving the high-quality water that flows down the West Branch of the Farmington River. We thank you for that.

We support the bill's intent but have concerns about the timing of a report from DEEP and the impact it may have on any potential for more immediate efforts to conserve any land and riparian rights in the Upper Farmington River.

An economy and culture of recreation has built up around the West Branch of the Farmington River over generations. It's year-round, cold-water habitat and breathtaking beauty beckons anglers, paddlers, tubers, campers, hikers, and families from across Connecticut and New England who want to enjoy a time by a clean, cold, refreshing river. It is a place that is near and dear to thousands of people. I personally have a trove of wonderful memories of evenings fishing with my dad, weekends camping with my kids at Austen Hawes, or just spending a hot day by the river to could fish and swim. When they were little, my kids loved splashing in the water and the wonder of encountering wildlife. There are sections along the river that are spiritual places for me. I know many others feel the same.

The quality of the water and flows which support a robust year-round trout population in the West Branch of the Farmington River cannot be taken for granted. The very high quality of water is attributed to the forested, undeveloped lands that are highly protected by drinking water watershed land protections under Connecticut law. The Metropolitan District Commission's (MDC) intention to abandon their rights to 10 billion gallons of water behind Colebrook Dam has raised concerns about the fate of the estimated 6,490 acres in Connecticut and 6,370 acres in Massachusetts in the Colebrook Reservoir watershed owned by the utility.

The MDC is responsible for supplying drinking water and providing wastewater services for eight member towns in the Hartford area as well as supplying drinking water for some non-member towns. There is no arguing that its responsibilities are vast and the financial responsibility of meeting water quality standards with aging infrastructure on both the drinking water and wastewater side is not trivial. The MDC's share of the maintenance of Colebrook Dam per their agreement with the US Army Corps of Engineers (US ACE) was getting very expensive – between \$600K and could approach \$1 million as the dam requires more expensive maintenance and repairs as it ages. It makes financial sense for the MDC seek termination of the agreement as the 10 billion gallons of water behind the dam would be difficult to utilize.

However, there is a statutory process for abandoning a water source and MDC must obtain an abandonment permit from the Department of Public Health in order to terminate their agreement with the US ACE. This is in the public interest. Imagine if a utility could just walk away from a high-quality drinking water source? Large, high-quality, highly-protected existing and future or emergency drinking water sources cannot be easily or cheaply replaced. Considering the size of the state of Connecticut and rate of development, replacing any large source would be impossible without significant environmental consequences and a considerable burden on taxpayers and water utility rate payers. It would also have consequences on long-range coordinated planning to ensure that Connecticut will have adequate drinking water supplies.

The abandonment process is laid out in *Cgs Sec. 25-33k*. The statute states that DPH must, “consult with the Commissioner of Energy and Environmental Protection, the Secretary of the Office of Policy and Management and the Public Utilities Regulatory Authority” in determining whether it should grant the application. It is expected that MDC will submit an application for a permit in the next month or two so the abandonment permit process with DPH will commence in the next six months. **We worry that legislative directive may hinder any possible courses of action that can be taken to conserve any land and riparian rights in the Upper Farmington River ahead of or during the abandonment permit process.**

This bill focuses on land conservation. We would be remiss, however, to take this opportunity to bring attention to how this action may impact flows on the Farmington River. This past summer, anglers, paddlers, tubers, and businesses along the river witnessed what the river would look like if MDC were to release solely the amount of water required by law and agreements during a drought. While we recognize the importance of having such a large quantity of high-quality drinking water available in case of a drinking water emergency, we believe we can all work together in balancing that need with the need for ecological flows, sustainment of a year-round robust trout population, and the local economy. We encourage DPH, DEEP, PURA and OPM to bring stakeholders into this conversation and ask that our representatives in the legislature ensures more public participation in these decisions.

Rivers Alliance has worked with MDC employees and leadership on a number of important issues. It is our sincerest wish that the District Board and leadership will be willing to work with local groups in a sincere effort to ensure that these lands are conserved in perpetuity. This would create

goodwill amongst within all communities and organizations that use and love the West Branch of the Farmington River.

Thank you again. Rivers Alliance is happy to provide further information and address any questions and concerns from the committee.

