



## River groups fight for stream flow

How much water do people need? How much do rivers need? How can we ensure that both people and nature have enough water in the future?

These are some of the questions the Sustainable Water Management Initiative (SWMI) has been wrestling with since 2010. Although the Commonwealth's water allocation challenges don't rise to the level of western U.S. water wars, water rights in our small state are surprisingly contentious.

**DRY STREAMS IN A WET STATE.** Despite our relatively copious 44 inches of annual precipitation, a fifth of the state's streams, primarily in eastern Massachusetts, experience unnaturally low or even no flow due to water withdrawals in the summer. Dry streams spell disaster for both wildlife and river recreation. Even when streams don't dry up completely, unnaturally low flows mean warmer water, insufficient dissolved oxygen, and more concentrated water pollution, leading to the growth of algae and other nuisance plants. These conditions create unhealthy habitat for fish and other



Will SWMI prevent this? (Courtesy of IRWA)

animals. Because surface and groundwater are connected, dry streams also signal that local water supplies may be running out.

Since 1986, water users withdrawing 100,000 or more gallons per day have been required to get a Water Management Act (WMA) permit from the Massachusetts Department of Environmental Protection (MassDEP) (withdrawals prior to 1986 were grandfathered). Since regulations have never meaningfully considered the impact of withdrawals on stream flow, MassDEP

has approved nearly every water withdrawal request that has landed on its desk. It should be no surprise that so many rivers are being impacted by excessive withdrawals.

**NEW SCIENCE.** The good news is that the United States Geological Survey and MA Department of Fish and Game recently unveiled studies linking August withdrawals to the health of our fish populations. For the first time, the state has classified its 1,400+ streams on a scale from 1 (healthy)

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Combined sewer overflow in Mystic River watershed (Courtesy of MyRWA)

## Alliance opposes state takeover of water pollution program

You probably know that the federal Clean Water Act (1972) controls water pollution in the U.S. You may be surprised to learn, however, that Massachusetts is one of only four states that still leave the responsibility for regulating stormwater and wastewater to the U.S. Environmental Protection Agency (the program is known by its acronym, "NPDES," for National Pollution Discharge Elimination System).

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SEPTEMBER, 2013

## From the Director

I am pleased to introduce the Massachusetts Rivers Alliance's newsletter, *The River Advocate*.

Since many of you are new to the Alliance, here's my take on why we need a rivers alliance.

**WHY AN ALLIANCE?** Much of what we do to protect rivers consists of repairing the harm we've caused by living near them. Rivers receive wastewater effluent and stormwater run-off, and contribute water for water supply. People encase them in concrete, and interrupt them with roads and dams. Protecting Massachusetts rivers means restoring them to a more natural condition. This can take time, money, political clout, and knowledge of the law, science, engineering, and the regulatory and legislative processes. Our small staff doesn't have all of this expertise.

But our member organizations do.

The Sustainable Water Management Initiative shows how we've leveraged the skills of our member groups to keep healthy flows in the state's rivers.

**TOGETHER, WE ARE STRONG – AND TALENTED.** Our members have helped us evaluate the state's many SWMI proposals and technical documents. The Ipswich River Watershed Association's executive director analyzed safe yield proposals and came up with alternatives. The Charles River Watershed Association's modeling expert looked at how various water allocation scenarios might play out across the Commonwealth, and their attorney reviewed policy proposals from a legal standpoint. The Nature Conservancy's scientist reviewed the scientific data and weighed in on whether it was good enough; their policy experts advised us on legislative alternatives and kept us apprised of similar initiatives in other states.

When the state wished to pilot-test its new policy in municipalities around the state, we called on our colleagues throughout the state to participate in the pilots and review the consultants' work. Most recently, the Neponset River Watershed Association's executive director has been reviewing the SWMI mitigation and minimization requirements and offering practical suggestions for improvement.

We've been working just as closely with a completely different set of partners to present stream crossings workshops to town and state highway staff around the Commonwealth.

Coordinating this many groups is time-consuming, but the payoff is worth it. Our organizational members make sure our "voice for rivers" speaks for many, speaks with authority, and insures we have a seat at the table when decisions about water are made. Support from you, our individual and family members, makes our work possible.

Thank you and happy paddling,

Julia

### "Alliance opposes state takeover of water pollution program" Continued from page 1.

Every few years there has been an effort to delegate the NPDES program to the Massachusetts Department of Environmental Protection (MassDEP), but the high cost to the state of taking it on has proved – thus far – an insurmountable barrier, estimated at \$6.5M in 1997, and \$9.5M in 2013. Proponents of delegation, would like to see the program transferred to the Commonwealth because they believe the state will take a more "flexible" approach to permitting – saving towns money. To assume control of the program, Massachusetts must formally request primacy, and demonstrate to the EPA that it has both the resources and statutory authority to issue Clean Water Act permits.

The Massachusetts Rivers Alliance and many of our member organizations are concerned that delegating the NPDES program to our state government will harm rivers. Based on what we have seen in other states, we worry that MassDEP could be more vulnerable than EPA to political pressure to weaken permits. Second, there is significant uncertainty about the stability and adequacy of program funding. MassDEP has lost 15% in funding and 150 staff since 2008. If more funding were to become available to MassDEP, restoring resources in critical but understaffed areas such as the agency's water quality monitoring and assessment program would arguably do far more to protect rivers. Finally, we are concerned that a state appeals process may be less willing than the federal Environmental Appeals Board to consider environmental challenges to weak permits.

Last year the state legislature directed MassDEP to evaluate the feasibility of NPDES delegation. The Massachusetts Rivers Alliance weighed in as part of a MassDEP advisory committee to voice our concerns. We were pleased that the agency's final report to the legislature urged caution before proceeding, and the issue seems to be once again dormant, at least for now. We will continue to track this issue, and to work to insure that this critically important program protecting water quality remains strong in Massachusetts.

## Stream Crossing Workshops: Safer for wildlife and people

When a stream and a road cross paths, the road almost always wins. Roads and dams disrupt these long linear “aquatic highways” over 36,000 times in Massachusetts, hampering the movement of stream-dependent wildlife populations. Undersized, shallow, or perched (too high) culverts obstruct the passage of aquatic wildlife, and force other animals out of streams and onto roads, where they are vulnerable to traffic.

But sometimes the stream fights back. Culvert failures as a result of recent severe storms have wreaked havoc in some parts of the state, causing road failures, costing millions of dollars in damage, and disrupting life in affected communities for months. Fortunately, improving a stream crossing to enable wildlife passage almost always improves its ability to survive a severe storm.

Stream crossing design is thus a critically important topic at the confluence of public safety, municipal economics, and wildlife habitat protection.

The Massachusetts Rivers Alliance, together with a large group of partners, organized and delivered three day-long workshops in Westfield, Pittsfield, and Greenfield to municipal highway staff, engineers, planners, and others



A good stream crossing allows wildlife to pass. (Courtesy of MA DFG/DER)

interested in improving road stream crossings for wildlife and public safety. The workshops, featuring the state’s most knowledgeable experts in the field, provided participants with practical, up-to-date tools to improve road crossings for wildlife and public safety in their communities. Due to the success of the “western” workshops, the Alliance and its partners are offering 3 more workshops on October 10 (Taunton), October 17 (Wakefield) and October 29 (Marlboro). *For more information, or to register, visit the BayState Roads website.*

### “River groups fight for stream flow” Continued from page 1.

to 5 (severely flow-depleted) and can use this information to assess the health of streams. Because state scientists can now predict the effect of water withdrawals on river ecology, MassDEP can manage water allocation to restore depleted streams and protect our healthy streams into the future.

**SWMI PROGRESS.** The state’s environmental agencies began working to reform Water Management Act regulations in 2010. The agencies sought to redefine the WMA concept of “safe yield” (a regulatory term for the maximum volume of withdrawals that can be permitted in a river basin) to include environmental protection. In addition, they wanted to incorporate the new science into permitting, by regulating the amount of water that could be withdrawn from individual sub-basins, at various times of the year, using “streamflow criteria”. The state and its stakeholders developed overall policy goals: Streams shouldn’t get worse; mitigation should be “commensurate with impact;” and severely depleted streams should be improved.

After sustained wrangling with stakeholders over everything from broad principles to minute details, the agencies issued a SWMI “framework” in 2012 and pilot-tested the new permitting scheme. This year MassDEP awarded 11 grants to municipalities for further testing and technical assistance to prepare them for their new permits. The agency plans to issue draft regulations in late 2013 or early 2014.

**WILL IT PROTECT STREAM FLOW?** The jury is out on this new policy. On the one hand, the new safe yield definition will do nothing to protect rivers and is a missed opportunity. River advocates have also been frustrated by the state’s unwillingness to assign a numeric goal for restoring depleted streams.

On the other hand, the state’s new requirements to mitigate increased water use in healthy river basins, and minimize the impacts in flow-depleted basins may help insure that the healthier streams do not dry up in the future, and that dry streams eventually improve.

There is much at stake with SWMI. Like the new permitting rules, the process the state created to develop them was complex, with multiple stakeholder committees and opportunities for input. The Massachusetts Rivers Alliance has led the fight for science-based policy changes that would protect and restore streams while ensuring adequate water for people. We have relied upon our member organizations around the state for ideas, expertise, and advice – giving us a powerful voice for rivers. As we review the draft regulations, we will continue to organize the environmental community to advocate for the strongest possible protection for our rivers – now, and into the future. Stay tuned.

*For more information about SWMI, visit the EEA’s website ([www.mass.gov/eea](http://www.mass.gov/eea)) and follow the links to the program (water, sustainable water management).*



## Massachusetts Rivers Alliance

The Alliance's mission is to protect and restore rivers across the Commonwealth.

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## Save the date for our Annual Meeting on December 11th! Finding Buried Treasures: Hidden Streams, Forgotten Fish

Please join us for the Massachusetts Rivers Alliance's 2013 Annual Meeting. We will be gathering at Mass Audubon's Habitat Wildlife Sanctuary at 10 Juniper Road in Belmont on **Wednesday, December 11, 5-8pm**.

This year we will feature presentations by Bruce Osterling and Garry Crago of Greater Boston Trout Unlimited, Alison Field-Juma and Sue Flint of OARS, and Judy Grinnell of Hoosic River Revival. Our annual meeting includes dinner, and there is no charge, but we do ask that you let us know if you are coming. Please RSVP by email to [elissagrad@massriversalliance.org](mailto:elissagrad@massriversalliance.org) or call us at (857) 445-0208.

## Thanks to you, we made the match!

Earlier this year, a generous donor put \$15,000 on the table for the Alliance, challenging our board to raise twice what they raised (and donated) last year. Board members went to work, giving generously; reaching out to friends, family, and colleagues to seek their support; and asking current members to increase their giving. Thanks to our board, and to you, our members, we met the challenge, with months to spare! We are excited to expand the resources we dedicate to protecting and restoring the rivers of the Commonwealth.

The Alliance welcomes individual and organizational members

### Organizational Members

Belmont Citizens Forum  
Berkshire Environmental Action Team  
Blackstone River Coalition  
Charles River Conservancy  
Charles River Watershed Association  
Clean Water Action  
Connecticut River Watershed Council  
Conservation Law Foundation  
Eel River Watershed Association  
Environmental League of Massachusetts  
Essex County Greenbelt Association  
Friends of the Blue Hills  
Greater Northfield Watershed Association  
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Hoosic River Revival  
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Housatonic Valley Association  
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Jones River Watershed Association  
Mass Audubon  
Massachusetts Association of Conservation Commissions  
Massachusetts Land Trust Coalition  
Massachusetts Watershed Coalition  
Merrimack River Watershed Council  
Millers River Watershed Council  
Mythic River Watershed Association  
Nashua River Watershed Association  
Neposset River Watershed Association  
North and South Rivers Watershed Association  
OARS, for the Assabet, Sudbury, and Concord Rivers  
Parker River Clean Water Association  
Sudbury Valley Trustees  
Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council  
Taunton River Stewardship Council  
Taunton River Watershed Alliance  
The Nature Conservancy  
Trout Unlimited, Boston Chapter  
Water Supply Citizens Advisory Committee (WSCAC)  
Weir River Watershed Association  
Westfield River Watershed Association  
Westfield River Wild & Scenic Advisory Committee  
Westport River Watershed Alliance