



MassDEP's Bureau of Resource Protection
Water Management Program
One Winter St. 5th St.
Boston, MA 02108

November 7, 2022

RE: New Proposed Revisions to the Water Management Program Regulations (310 CMR 36.00)

To Whom it May Concern,

The Mystic River Watershed Association (MyRWA), a nonprofit advocacy organization dedicated to the sustainable management and wise use of the Mystic River Watershed, including the Mystic River and its tributaries, welcomes this opportunity to file comments regarding the above-referenced proposed revisions to the Water Management Program Regulations (CMR 36.00).

The Mystic River and tributaries is home to the one of the largest documented runs of river herring and American eel in Massachusetts. In recent years, we have had repetitive periods (2016, 2017, 2020, and 2020) of reduced flows and poor water quality during drought conditions. In some cases, the stream (e.g. Horn Pond Brook) has been so impacted to dry up and prevent passage of juveniles back to the ocean. We are very concerned about water management during drought periods and the impact it has on this sensitive fishery.

Here are the positions our organizations hold on the proposed revisions:

- The proposed regulations are long overdue. A 2010 court ruling (Fairhaven v. MassDEP) determined that MassDEP could require water conservation for registered water users if the Department issued regulations for this. That was 12 years ago.
- Previous regulations did not consider climate change and exempted many public water supplies from water conservation. In our new climate, this is an untenable approach to safeguarding our resources.
- Fee structures should not hold up a change in how we manage these limited resources. These utilities need to restructure water rates to protect water during a

drought. The utilities have had a number of years to consider this option and make changes as they've seen data to inform the need to protect these resources.

- Our organization opposes the blanket exemption for irrigation of public parks and public recreation fields (Part (f) of the definition of Nonessential Outdoor Water Use). MassDEP should impose a tiered drought response for playing fields similar to that for golf courses, with the goal of keeping these fields viable. With some limited exceptions (i.e., water parks in state-designated environmental justice communities), parks should not be watered during droughts.

Thank you so much for your consideration of these issues and your efforts to protect these resources. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Patrick M. Herron". The signature is written in a cursive, flowing style.

Patrick Herron
Executive Director