

MASSACHUSETTS INSTREAM FLOW TASK FORCE

By Fax and Mail

February 1, 2005

Eugene Brunelle
Department of Environmental Protection
Central Region
627 Main Street
Worcester, MA 01608

***Re: Draft Water Withdrawal Permit, #9P4-2-12-271.02.
Home Farm Wellfield, Poor Farm Brook, Shrewsbury***

Dear Mr. Brunelle:

The Massachusetts Instream Flow Task Force (MIFT), an *ad hoc* group of representatives of environmental governmental agencies and nongovernmental organizations was formed several years ago because of our concerns about the impacts to habitat and species diversity from decreasing instream flows and the overall declining health of water resources throughout the Commonwealth. MIFT members and the individual signatories below have a number of concerns about the Shrewsbury draft Water Management Act (WMA) permit, which we believe neither comports with the Department's recent WMA policy, nor ensures that the purposes of the WMA and its regulations are met.

Specifically, the draft permit fails to require sufficiently stringent conditions to avoid, minimize and mitigate the extreme impacts of this water withdrawal on Poor Farm Brook. The draft violates the WMA because it authorizes withdrawals that:

- exceed the safe yield of the water source;
- fail to achieve a balance of competing uses of water;
- fail to preserve the water resource itself;
- fail to minimize or provide reasonable protection of fisheries, wetlands habitats, water-based recreation, water quality and other protected instream interests; and
- will continue to result in significant damage to the environment.

This after-the-fact permitting of withdrawals by Shrewsbury, which for years have been in violation of the WMA, short circuits opportunities for genuine analysis and

mitigation. As the Department recognizes in its draft Findings of Fact, Shrewsbury's sub-basin safe yield analysis "is incomplete and fails to address several issues."¹

Pursuant to the Department's WMA Policy (2004) withdrawals equal to or greater than 50% of the natural August Median flow are considered to have significant flow impact and require more rigorous review. As noted by the Riverways Program in its recent comment letter the proposed maximum daily pumping rate of 5.4 MGD from the Home Farm wells is 535% of the estimated natural August median flow of 1.01 MGD (according to USGS StreamStats program).

Inexplicably, rather than requiring the Town to redo its flawed analysis (and also to perform an analysis using the subbasin stress methodology in the Water Resources Commission's *Stressed Basins* report (2001)), instead, the Department is proposing a groundwater monitoring program to evaluate local impacts of the Home Farm well 6.2, which is located just a few feet from Poor Farm Brook. It is difficult to see what this monitoring will accomplish in view of the fact that the pumping of up to 3 mgd from this well since about 1990 "has likely contributed to the loss of flow in that reach of the brook," as the Department acknowledges. In addition to the two other Home Farm wells, this streamside well captures groundwater and induces infiltration, resulting in chronically drying up Poor Farm Brook, a Cold Water Fishery Resource.

The Department's WMA Policy explicitly recognizes that safe yield is the principal basis for controlling permitted withdrawals: "Safe yield is the volume of water that can be removed from surface or groundwater without unreasonable damage to the water resource." Yet, the draft permit completely ignores the mandatory requirement of the WMA that authorized withdrawals not exceed the safe yield.

Additionally, the draft permit fails to follow the Department's WMA Policy on offsets for new or increased withdrawals. The Department is only requiring Shrewsbury to submit an offset feasibility study within one year of exceeding the current average day demand of 3.76 mgd. As written it is unclear when this requirement takes effect. We believe that the policy requires in return for an increase in permitted volume an immediate feasibility study regardless of current actual use. Offsets are intended to mitigate the authorized increase; it is far less effective to begin to mitigate increased volumes several years after they have occurred. The draft permit should require Shrewsbury to submit the study and an implementation schedule by December 31, 2005. We agree with the Department that 100% of the increase must be offset. It is not clear why the Department used 3.91 mgd in its averaging rather than using the Town's 2003 water use to determine the offset since Shrewsbury was not in compliance with its authorized withdrawal volume in 2001 and 2002. In view of the dire condition of the brook, water banking to reduce demand and conserve water should also be a specific requirement of Shrewsbury's permit now.

¹ The Department's finding that the "available" water as determined by the Town "does not necessarily represent environmental or habitat needs" seems somewhat of an understatement

The streamflow trigger for outside water use restrictions will do little to protect Poor Farm Brook since when the ABF summer default value is reached at the designated USGS gage (Quinsigamond River, downstream of Lake Quinsigamond), Poor Farm Brook is already dry. Instead, Shrewsbury should be required to install a staff gage in a more appropriate location on Poor Farm Brook and mandatory restrictions should be tied to this gage.

We strongly urge the Department to withdraw the draft permit and issue a denial, using its Poor Farm Brook, Holden decision as a model. At a minimum, the Department must condition the permit to stringently limit withdrawals particularly from well 6.2 during low-flow periods.

Thank you for your consideration.

Sincerely,

Margaret Van Deusen
Charles River Watershed Association

Carol Lee Rawn
Conservation Law Foundation

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Environmental League of Massachusetts

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cc: (by mail)
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