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**Environmental Groups Resign After Patrick Administration**  
**Evaporates Legal Protections for Rivers**

The four environmental members of the Department of Environmental Protection's (MassDEP) Water Resources Management Advisory Committee – Conservation Law Foundation, Charles River Watershed Association, Ipswich River Watershed Association and Clean Water Action – have resigned in a letter sent to the Governor today. Their resignations come in response to the Patrick Administration's reversal last week of its policy that protecting the environment was fundamental in determining how much water could be withdrawn from a river basin under the Water Management Act.

The Advisory Committee is intended to help MassDEP, but the agency didn't even convene the Advisory Committee for the last five months and announced this decision as a done deal without any opportunity for outside input.

This startling decision by the Patrick Administration reverses state policy under five prior governors, which previously held that protecting a river's "safe yield" included leaving at least some water in a river to sustain fish and other river life. This determination goes to the heart of the state water management law.

Now, the Executive Office of Energy and Environmental Affairs (EOEEA) and MassDEP have reversed course, taking the "safe" out of "safe yield" and saying that all the water in Massachusetts rivers should be available for water withdrawals. Under this new interpretation of a river basin's safe yield, no water would need to be left in the rivers during dry years.

"This decision guts the protection of the Water Management Act for rivers, fisheries and recreation," concluded Kerry Mackin, Executive Director of the Ipswich River Watershed

Association (IRWA). IRWA successfully sued MassDEP for issuing water withdrawal permits that allowed too much water to be pumped from the Ipswich River watershed.

In a 2007 ruling the Superior Court concluded that MassDEP's safe yield for the Ipswich River was too high, given that the river frequently dries up in the summer, resulting in fish kills and other damage to the environment. Now MassDEP has responded by reading environmental protection completely out of the definition of safe yield, determining that it is possible to withdraw another 22 million gallons from the Ipswich. "The Ipswich River has been pumped dry repeatedly for decades because the state allowed too much water to be withdrawn, but under the new policy, the state could increase water withdrawals from the river by 60%," Mackin added. Does anyone really believe the Ipswich River can provide this much more water when it was pumped dry before? This decision makes no sense."

"Safe yield is the cornerstone of the Water Management Act," according to Margaret Van Deusen, attorney for the Charles River Watershed Association, who represented IRWA in the case. "Rather than developing a scientifically sound method for determining safe yield as the court ordered, MassDEP has apparently spent the last two years trying to figure out how to get around the ruling."

"In place of a legal requirement that protected some stream flow for fish and other life in our rivers and streams, MassDEP has adopted a new threshold that offers no environmental protection. In its place, EOEEA proposes a 'task force' to come up with a strategy for balancing all the other public interests in our waters. This move makes a mockery of sustainable water management," said Peter Shelley of the Conservation Law Foundation. Notably, any recommendations from this new task force will occur after Mass DEP has already allocated all the water across the state for the next 20 years through a series of water withdrawal permit renewals.

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