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**From:** Jennifer Pederson [mwwa@verizon.net]  
**Sent:** Tuesday, October 14, 2014 5:46 PM  
**To:** Baskin, Kathleen (EEA)  
**Cc:** Blake Lukis  
**Subject:** Concern with Revised Draft WMA Regs  
**Attachments:** MWWA Comment to DFW on Coldwater Fish Resource Regulations 321 CMR 5, 6-30-14, Final.pdf

Kathy,

Mass Water Works Association is concerned about the last minute change to the WMA regs that was forwarded in an email on Friday, October 10<sup>th</sup> which removes reference to the Coldwater Fisheries Regulations that were supposed to be promulgated by the Division of Fisheries and Wildlife. MWWA had been told that the DFW regs would provide us with the certainty of knowing what was a coldwater fishery resource so that its determinations would not be subjective. The Coldwater Fisheries Regulations were really supposed to be a piece of the WMA "package" and finalized before the WMA regs were so that the citation could be included. I will remind the Commission that there are additional requirements for WMA permittees to minimize the impact of their withdrawal in basins determined to have coldwater fishery resources. MWWA provided public comment on the draft DFW regs (see attached) and we have asked for status updates from DFW ever since; to the best of our knowledge the Board of Fish and Wildlife has not yet considered the public comments and made any determination what the final regulation will look like. We object to the WMA regs being approved with the vague language that has now been inserted. *"Coldwater fish resources means waters that the MA Division of Fisheries and Wildlife has identified support cold water fish."* The definition that DFW was proposing spoke of the **presence** of coldwater fish and not just a water that **supports** coldwater fish. The fact that this has been modified is further proof that the WMA regulations are not ready for passage; the Commission should not move an incomplete package forward. I would ask you to communicate MWWA's concerns to the Commission members prior to the meeting on October 21<sup>st</sup> and we respectfully request the Commission delay the vote until the Coldwater Fisheries Resource Regulations are promulgated.

**Jennifer A. Pederson**

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