



MASSACHUSETTS WATER RESOURCES AUTHORITY

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DCR Office of Public Outreach, 6th Floor
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Subject: Executive Order 562 Review of DCR's regulations

Dear Sir or Madam:

Please accept the Massachusetts Water Resources Authority's comments for the Executive Order 562 Review of the Department of Conservation and Recreation's watershed protection related regulations.

The Massachusetts Water Resources Authority (MWRA) provides drinking water and sewer services to over 2.5 million people in central Massachusetts and the greater Boston area. That water is supplied from the 400 square mile watersheds of the Quabbin and Wachusett reservoirs and Ware River, managed and protected by statute (MGL c. 92A ½ s. 2) by the Department of Conservation and Recreation (DCR). MWRA (and DCR) are regulated under federal and state statutes by the US Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP), specifying the purity of the water we supply, its treatment, and the level of protection of the source water. Our customers are fortunate to have some of the best, and best tasting, water in the country, due in large part to the foresight of those who originally designed the watershed systems, and those who have continued to ensure that they are safeguarded from pollution and degradation.

The Watershed Protection Act (Chapter 36 of the Acts of 1992) (also known as the "Cohen Bill") recognized the importance of land use regulations in managing the potential for risk to the water supply from privately developed lands. It established additional protective buffers for critical areas in the Quabbin, Ware, and Wachusett watersheds. The subsequent regulations promulgated in 1994, 350 CMR 11, integrated this new law with then existing regulations concerning water quality and public access into unified regulations, bringing all the watershed requirements into one location.

These regulations provide the legal context for DCR to implement its watershed management program, as detailed in the DEP approved Watershed Protection Plan and annual Work Plans. The regulations are a critical component to maintaining the unfiltered MWRA/DCR water supply system. They demonstrate to both federal and state regulatory agencies that DCR has control of the watershed system, a specific requirement for unfiltered water supplies. MWRA is one of the few large metropolitan water systems with sources pristine enough, and watersheds

well enough protected, to not require expensive chemical-enhanced filtration. It is likely that the MWRA would be required to add several hundred million dollars of additional treatment facilities without these regulations and effective watershed control.

Public access and recreational use of water supply lands is complex and sometimes controversial. There is an inherent potential for conflict between water supply protection and public demand for access to these lands. Any human activity on or near water supply source waters can introduce disease-causing and reservoir fouling agents to the water supply, yet the lands held for water supply protection can also offer access to what has been called the "accidental wilderness". Water supply managers must exercise caution when considering policies for public access and recreation on water supply lands.

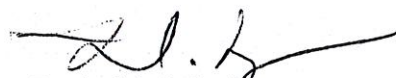
DCR Watershed's Public Access Plans utilize 350 CMR 11.09 to develop specific policies that carefully balance water supply protection with public access and recreation for each watershed; DCR updates these critically important documents about every ten years. These plans are prepared through a public process after extensive outreach, and involve the advice of legislatively-mandated Advisory Committees. The Public Access Plans help determine the levels of access that may be allowed without risking water supply safety and security.

It is not uncommon for interest groups to want new recreational activities that may not be compatible with water supply protection in the watershed forest, or on the reservoirs and other water bodies. For example, the latest demands come from single-track mountain bikers wanting to open the Ware River Watershed forest to a highly damaging activity that threatens the water supply system. DCR uses the Public Access Plan process to review these requests and determine how to best balance the recreational use of the property and source drinking water quality.

The Watershed Protection regulations, 350 CMR 11, are the cornerstone to DCR's ability to effectively and efficiently manage the vast resource of land and water under its control, for the present and for future generations of water consumers and recreational users. This set of regulations provides the powers necessary to limit harmful impacts to the drinking water supply for over one third of the Commonwealth's citizens.

MWRA strongly recommends that the Commonwealth maintain the all provisions of 350 CMR 11, and allow DCR Watershed's Public Access Planning procedures to continue to balance public access/recreation and water supply protection in the watersheds supplying MWRA's 2.5 million customers.

Sincerely,



Frederick A. Laskey
Executive Director

cc: Commissioner Carol I. Sanchez, DCR
Commissioner Martin Suuberg, DEP ✓
Secretary Matthew A. Beaton, EEOA