

Dear Mr. Hust,

Attached please find the comments from The Nature Conservancy on the Proposed Stream flow Classification for Southeast Coastal, Pawcatuck & Thames Major River Basins. We appreciate the opportunity to provide our input. If you have any questions, please feel free to contact either David Sutherland or me.

Mark

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Robert Hust
Bureau of Water Protection and Land Reuse
Department of Energy & Environmental Protection
79 Elm Street
Hartford, Connecticut, 06106-5127

Dear Mr. Hust,

On behalf of The Nature Conservancy, I am writing to express our strong support for and endorsement of the work by your agency to develop a fair and scientifically sound methodology for stream classification and for how this method was applied for the three major basins in eastern Connecticut. This classification system is an important underpinning of the new streamflow regulations. As you are aware, these regulations were approved after an extraordinarily inclusive and extensive process that resulted in regulations that include many safeguards to ensure the reliability of public water supplies and the supplies of other water users. The final regulations struck a careful balance between the needs of our water users and the ecological needs of our rivers and streams.

Overall, the classification approach is logical, well documented, and meets the intent and expected purpose of the law and regulations. We provide some additional information in a few cases and ask for clarifications in a few others but overall we feel this classification system consistently and correctly classified streams based on our Staffs' knowledge of the water resources in these basins.

In particular, we'd like to commend the Department on the web mapping and display capability developed to allow easy access to the classification maps. By making the classification and the information on which it is based readily available to the public we are confident the Department will receive the input and additional information necessary to finalize the classification of these rivers and streams. Going forward, the web-based information will be an invaluable tool for water resource planning as website provides a clear and transparent foundation that will support sustainable water resource management statewide.

We note that while the Department did a commendable job of developing draft classifications for streams, this public comment period is an integral and important step in the classification process. As designed in the regulations, this public review allows citizens, water users and other interested parties to supply additional information to help inform the Department's final classifications. As such, below we provide a few comments and questions for some of the areas with which we are most familiar.

In addition, we recognize that in the future new information may become available that is relevant to the class assigned to particular stream and river segments. In some cases this may be new documentation of the existence of important natural resources, such as cold water fisheries like brook trout or migratory fish like alewives and blueback herring. Similarly, new information or changed conditions related to water use and water supply may emerge after these initial maps are finalized.

We note that a key element of the new streamflow regulations as negotiated by water supply companies and agencies, environmental advocates, and other interests was to ensure the current classifications of rivers and streams were not set in stone. The regulations explicitly anticipate and allow for new information, new conditions or new water needs to be considered and for classification of rivers and streams to be changed in the future (see: Sec. 26-141b-5 (d)). Therefore, while our comments below represent our input at this time, we recognize this will not be our only opportunity to inform the classification of these river and stream segments and we reserve the right to seek such changes in the future should new information emerge.

Specifically, we have the following comments on the draft classifications as proposed:

Anguilla Brook – 108002077 south of Rte. 1 - Class 2

- 2 added factors (anadromous fish & C&D) are considered. Does this mean the two factors cancel each other out and the stream remains as originally classified? Or was the final class adjusted because of one or other factors?

French River – 109,002,240 - Class 2

- This reach may be an inappropriately a higher class (Class 2 instead of class 1). It appears proximity to road and method for representing impervious cover (roads depicted by 30'x30' pixels) may overweight the impact of the impervious cover.

Natchaug River – segment 107,001,174 and downstream – Automatic Class 3

- Segment 107001174 is downstream of flood control dam – is this defined as a public water supply dam?
- How do you determine the length of the reach below the dam that maintains Class 3 designation? For example, segment 107,000,989 and downstream: “A river or stream immediately downstream of an existing dam that impounds a public water supply source or intersects a Level A aquifer protection area”. How is the extent of this reach determined?
- Correction: Segment 107,000,989 at south of intersection with Route 6 - base map at Natchaug River is incorrectly labeled Quinebaug.

Quinebaug River

- Segment 109,003,003 south of Route 6 – preliminary aquifer mapping is not reflected. Is there a mechanism for updating classification associated with public water supply maps?

Comments on the web mapping tool:

- If technically feasible, please add the ability to name the segment and find out its length when it is selected in the web mapping application.

- Within the web mapping application, please note which Additional Factors are “increasers” and which are “decreasers”, for ease of review.
- Factor 18, “other factor indicative of alteration of natural stream flow regime”, needs more public documentation in the classification process to be adequately transparent. For example, if an increase in Class has been made because the reach is below a FERC licensed dam, this should be listed. However, if the reach is being increased in Class because of other sources of hydrologic alteration that may be reversible, the source should be defined and subject to review by the public. The agency should not be making judgments about the reversibility of hydrologic alteration without adequate documentation and public input.

Thank you again for the opportunity to comment on the draft classification for Southeast Coastal, Pawcatuck, and Thames major basins. We urge you to complete the process for eastern Connecticut in an expeditious manner and to move forward to complete the process for the rest of the state as soon as reasonably possible.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark P. Smith". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Mark P. Smith
Deputy Director
North America Freshwater Program