S T A T E O F C O N N E C T I C U T

OFFICE OF POLICY AND MANAGEMENT

Intergovernmental Policy and Planning Division

June 30, 2023

Commissioner Manisha Juthani, MD
Connecticut Department of Public Health
410 Captiol Avenue
P.O. Box 340308
Hartford, CT 06134-0308
Via electronic mail

RE: **Metropolitan District Commission Abandonment Permit Request Ten Billion Gallons of Water Storage Within Colebrook River Reservoir**

Dear Commissioner Juthani,

The Office of Policy and Management (OPM) submits the following comments regarding the Metropolitan District's (MDC) application for the abandonment of its rights to 10 billion gallons of water storage in the Colebrook River Reservoir:

Given the significant volume of water being considered within this application, OPM recommends seeking guidance from the State Water Planning Council and further consultation with the State Water Plan.

- We understand that a Memorandum of Understanding between the MDC, Save the Sound, and the Northwest Connecticut Land Conservancy exists to grant a conservation easement on the 5500 acres of MDC land that surrounds the Colebrook River Reservoir, upon approval of the abandonment permit. OPM recommends that the terms of said conservation easement be subject to public discussion and review by the State Water Planning Council to ensure that any potentially relevant concerns are addressed. Further, the conservation easement should include provisions to ensure that the Colebrook River Reservoir remains a public water supply designated for the residents of Connecticut.

- The State Water Plan states that during severe drought conditions, it is not expected that there will be enough water flowing naturally in the [Farmington River] basin to satisfy all needs, or even the out-of-stream needs on its own, despite the Farmington River Basin, including the Colebrook

River Reservoir, including a significant portion of the state's surface water storage (p. 3-16).

Given the scale of the natural resources at stake and uncertainties regarding future water supplies and needs, the Colebrook River Reservoir seems vital to the state's water planning and resilience efforts. Future allocation should be subject to broad-based planning recognizing ecological, economic, and social needs in what is likely to be a changing environment, but it is not clear that current statutory and regulatory frameworks account for that. Such needs might not only pit one use against another but also pit one region against another in a more resource-limited future.

A key question for the state is who will control potential future uses of this or other "abandoned" or unassigned water. The Department of Public Health's (DPH) decision regarding the MDC's abandonment application is not an action required to be consistent with the State Conservation and Development Policies Plan (C&D Plan), but C&D Plan policies can offer helpful guidance. As DPH considers the application and makes its decision in accordance with state law, OPM recommends DPH also consider how that decision relates to these three C&D Plan policies in particular:

4.13 Manage water resource conflicts by balancing the competing needs of water for human consumption, waste assimilation, habitat sustainability, recreation, power production, agriculture and transporting people and goods;

5.2 Identify water supply sources and resources sufficient to meet existing and anticipated needs and to mitigate water shortages during droughts;

5.13 Proactively address climate change adaptation strategies to manage the public health and safety risks associated with the potential increased frequency and/or severity of flooding and drought conditions, including impacts to public water supplies, air quality, and agriculture/aquaculture production.

State agencies should consider the present and near-terms threats of climate change and Governor's Council on Climate Change (GC3) recommendations as they perform their statutory and regulatory responsibilities.

The January 2021 Phase 1 GC3 Report includes these potentially relevant recommendations:

- Protect the future ecosystem services value of inland waters under a changing climate, including prioritizing resilient river networks [using a science-driven process], prioritizing land acquisition [for high quality

waters], utilizing nature-based solutions, and including climate resilience in watershed-based planning (p. 42).

- Develop emergency interconnections between Public Water Systems to ensure that multiple sources and interconnections are available for mutually beneficial sharing of water during emergencies (p. 48).

- Use source water protection and the Drinking Water Quality Management Plans to encourage resiliency and increase funding and support for investments in watershed protection (p. 48).

Pursuant to Connecticut General Statutes §25-33k, DPH must consider if abandonment could impair the ability of the company to provide a pure, adequate, and reliable water supply for present and projected future customers, under reasonable expectations, 50 years after the date of the application. Present regulations for determining a reliable water supply, in both quantity and quality, are limited in their consideration of a rapidly changing climate.

The Metropolitan District Water Supply Plan 2020 (January 2021) addresses climate change with a discussion of a 12% increase in annual average rainfall in the Nepaug Reservoir watershed since 1901. It also states that increasing temperatures could lead to increased water loss during dry periods; storms may become heavier and less frequent, and summer droughts more frequent and severe, and that the MDC is evaluating long-term conservation measures to reduce demand. A subsequent fact sheet states that a drought mitigation activity could be "incorporating climate change projects into drinking water supply plans" (p. 220). However, the MDC Water Supply Plan does not include climate change projections.

Over-reliance on current or historic projections to determine future supply provides limited opportunities for prospective water planning. This is especially true considering the following evidence:

- We currently face changes in precipitation rates and seasonality as well as temperatures changes. These present cascading impacts such as proliferation of pests and pathogens, wildfire, streamflow changes, and alterations to ecosystem chemistry and composition (source).

- There is a projected increase in water requirements across the country under all greenhouse gas emissions scenarios with a marked increase of 80-100% in future water requirements for the Northeast (source).

- Connecticut currently ranks 4th out of 6 New England states on the 2022 US State Policy Scorecard for Water Efficiency and Sustainability from the

Alliance for Water Efficiency with low scores for water-land use planning integration, water loss control, and climate action planning related to water efficiency. Efficiency in the Northeast between 1985 and 2010 actually declined despite the Northeast's relative higher socioeconomic and education status compared to the rest of the country (source). Nor had Connecticut's per capita consumption decreased at each 5-year evaluation interval (1990, 1995, 2000, 2005, and 2010; source)

- Creation of an additional future supply, that would provide the same volume and quality as the Colebrook Reservoir, would be cost-prohibitive and politically challenging to establish.

This Colebrook River Reservoir abandonment application provides an opportunity for the state to take direct and proactive steps to preserve a significant water resource whose value is likely to change and increase over time. Whatever DPH decides in accordance with statutes, the state should consider all available options to enable it to directly manage this water resource and balance competing needs, including but not limited its potential as a potable water supply, under a range of climate change scenarios.

Sincerely,

Martin L. Heft, Undersecretary

C: Lisa Michelle Morrissey, MPH, DPH Deputy Commissioner
Lori Mathieu, Public Health Branch Chief, DPH
Christopher Stone, Attorney, Metropolitan District Commission
Katie Dykes, Commissioner, Department of Energy and Environmental Protection
Marissa Paslick Gillett, Chairman, Public Utility Regulatory Authority