June 30, 2023

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

Re: Metropolitan District Commission Abandonment Request – 10 Billion Gallons of Water Storage in Colebrook River Lake

Dear Commissioner Juthani,

Thank you for the opportunity to provide comment on the application filed by the Metropolitan District Commission (MDC) for a permit to abandon 10 billion gallons of water storage within the United States Army Corps of Engineers (ACOE) Colebrook River Lake as a source of emergency drinking water (Abandonment Application). This 10 billion gallon pool is an invaluable resource, and I urge the Department of Public Health (DPH) to condition any action on the Abandonment Application on the appropriate protection of the 10 billion gallon pool to preserve the quality and useability of the water for future drinking water needs and the protection of other associated resources to further important state interests.

Critical nature of adequate public drinking water supply in a changing climate. To begin with, Conn. Gen. Stat. § 25-33k directs DPH to consider, inter alia, whether the 10 billion gallons is "necessary for water supply by the company owning such source in an emergency or the proposed abandonment would impair the ability of such company to provide a pure, adequate and reliable water supply for present and projected future customers." The Department of Energy and Environmental Protection (DEEP) underscores the importance of DPH considering future climate projections in any abandonment determination. According to the Governor's Council on Climate Change 2021 report, for example, drought risk in Connecticut is expected to increase with a changing climate. The probability of unusual events of extremely low summer water availability will increase by a factor of between 2 and 4 by mid-century. DPH therefore should make sure to incorporate climate projections when considering if this drinking water supply is necessary in the future.

In this regard, DEEP concurs with comments submitted by the Connecticut Office of Policy and Management in this same proceeding.

Importance of cold water releases to riparian habitats There are additional reasons why the 10 billion gallon pool, and its designation as a source of drinking water, is significant beyond the narrow question of whether it is necessary for MDC. Designating the 10 billion gallon pool as a source of drinking water has resulted in conserving more than 5,000 acres as watershed lands with many other benefits realized from this open space. For example, this conserved land protects releases of cold water from the bottom of Colebrook River Lake – including releases historically made by MDC from the 10 billion gallon pool – that are essential to maintaining fish habitat in the West Branch, home to world class trout fishing. That fishery, and other recreational uses of the West Branch support state outdoor recreation goals and local businesses. However, last spring and summer and continuing this year, because of its ongoing dispute regarding its contract with the Army Corps of Engineers (ACOE), MDC has not made riparian releases to the West Branch that it has typically made in previous years. During periods of naturally occurring low flow conditions, the failure to make these riparian releases exacerbates those low flows. These extremely low flows damage fish habitats and populations and severely limit recreational opportunities.

Support for MOU to protect future drinking water supply. In the event that DPH determines that abandonment by MDC is justified, DEEP urges DPH to ensure that abandonment by MDC does not degrade or eliminate this pool as a future potential source of drinking water for Connecticut residents if needed someday in the future.

As noted, DEEP is aware of the efforts of Save the Sound and the Northwest Connecticut Land Conservancy to protect the lands surrounding Colebrook River Lake, as memorialized in a June 16, 2023 Memorandum of Understanding (MOU) that those parties entered into with MDC. The MOU, inter alia, seeks to ensure that:

> MDC's watershed lands will be protected for future generations by the Easement, therefore raw drinking water quality will be maintained within the Colebrook River Reservoir and West Branch Reservoir, wherein 6.5 BG of drinking water [not the subject of this abandonment proceeding] shall continue to be available for potential emergency or future water supply.

The MOU requires conveyance of such an easement "within nine (9) months of the grant of a final, unappealable Abandonment Permit issued by DPH as set forth in the Application." If MDC grants the abandonment request, a conservation easement in satisfaction of or in addition to any permit conditions imposed by DPH could provide an alternate path to help ensure that this potential water supply is protected for future generations and in cases of emergency, especially

given the potential effects of climate change on the availability and quality of drinking water in our region.

Ongoing MDC obligations during dispute with Army Corps The Abandonment Application is one part of MDC's larger effort to modify its obligations at Colebrook River Lake. If DPH determines that the 10 billion gallon pool is not a necessary drinking water supply, that determination will underscore its useability for riparian releases. If the Abandonment Application is granted, DEEP will continue to press MDC to be a responsible steward of this important resource for as long as it is in MDC's ownership or control. MDC should work with the ACOE to develop a protocol that allows riparian releases from the 10 billion gallon pool at least until the ongoing dispute between MDC and the ACOE is resolved.

DEEP looks forward to working with all stakeholders on the important goals of conserving and protecting open space lands, potential future drinking water resources, recreation uses and important fish habitat at and around Colebrook River Lake and the West Branch of the Farmington River.

Sincerely,

Katherine S. Dykes, Commissioner

cc: Lisa Michelle Morrissey, MPH, Deputy Commissioner, DPH
Lori Mathieu, Public Health Branch Chief, DPH
Christopher Stone, Esq., Metropolitan District Commission
Jeffery Beckham, Secretary, Office of Policy and Management
Marissa Gillett, Chairman, Public Utility Regulatory Authority