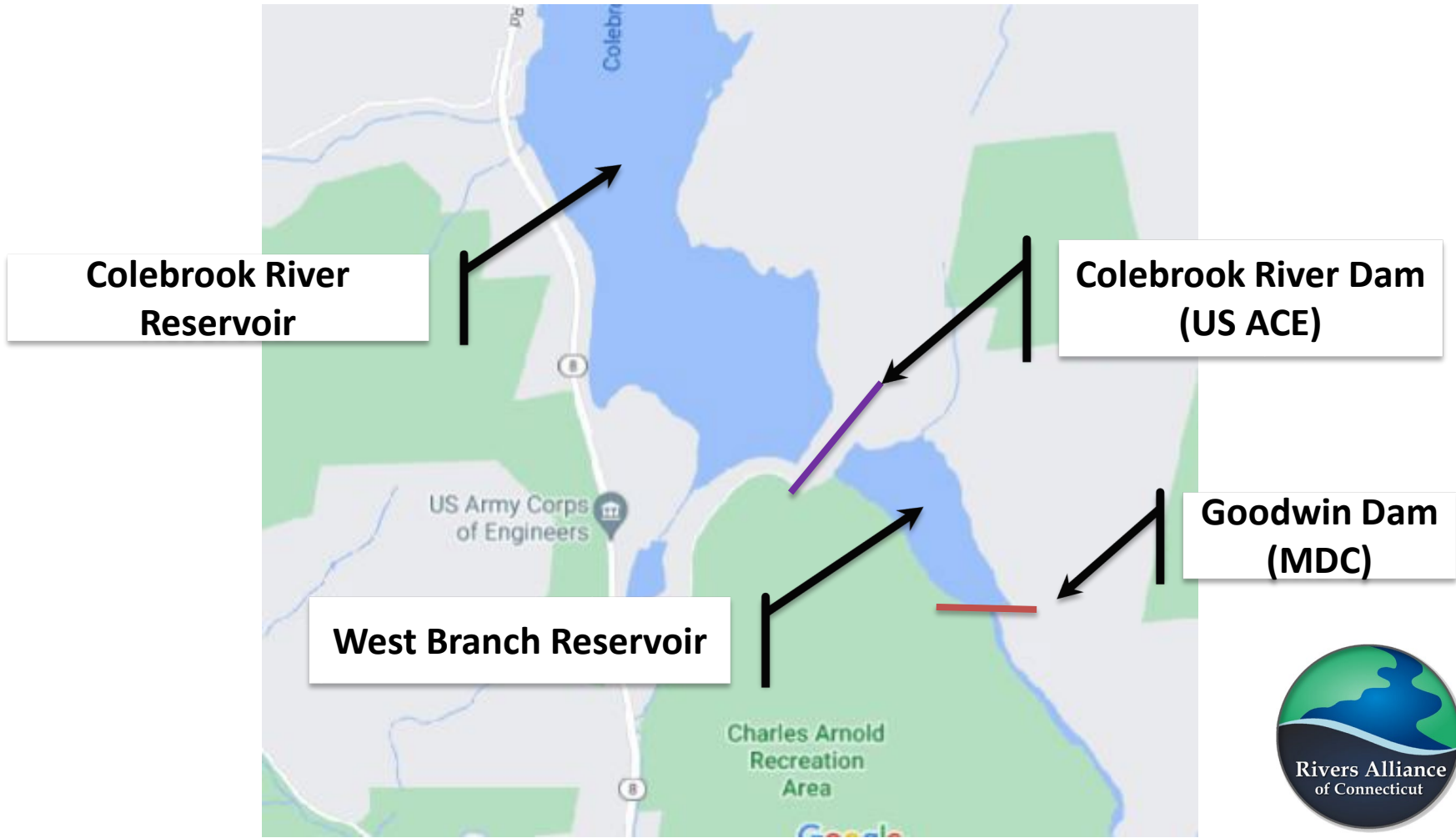


Community Information Session on Colebrook Dam

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West Branch Impoundments in Connecticut



Timeline of the West Branch Dams

- 1949 Goodwin Dam authorized by Special Act 444 (CT)
- 1960 Goodwin Dam completed
Colebrook River Dam authorized by Special Act 122 (US)
- 1965 Colebrook River Reservoir Agreement between MDC and US ACE
- 1969 Colebrook River Dam completed – US Special Act 122



MDC Storage in West Branch and Colebrook Reservoirs



**Colebrook River
Reservoir**

**10 BG through
agreement**

3.5 BG

**West Branch
Reservoir**

3 BG



Colebrook River Reservoir Agreement

- Between MDC and the US Army Corps of Engineers
- Lays out specifics of storage, cost share, etc.
- Only applies to the 10 BG of storage. Does not apply to 3.5 BG to which MDC has permanent rights
- Terms must comply with The River and Harbor Act of 1960



Motives for Termination of Agreement

MDC payments to US ACE as per agreement

- \$200K for principal payments
- 35% of O&M costs after principal payments have been met.

Because utilization of the 10 BG in Colebrook Reservoir is never likely to come to fruition, the costs of continuing as a party to the agreement outweigh the benefits.

- O&M costs on Colebrook Dam were rising and could double or triple in the coming years.
- Power generation that MDC had on the dam was no longer profitable



Two Issues in Dispute

- 1) Status of the Colebrook River Reservoir Agreement
- 2) Status of 10 BG of drinking water behind Colebrook Dam



Status of the Colebrook River Reservoir Agreement

River and Harbor Act of 1960 (Public Law 86-645 Sec 201)

No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), **unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years.** The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity.



Status of the Colebrook River Reservoir Agreement

August 12, 2022 Letter from US ACE Operations Manager to Hogback Commission and stakeholders in response to MDC claims of agreement termination:

“The water storage contract between the MDC and USACE has not expired and is still active and in force. This agreement for the storage of 10 billion gallons of water does not have a set expiration date and is active for as long as the Federal Government continues to own and operate the dam and reservoir. As this stored water is still under contract to the MDC, it is not “available for release” to any other party aside from the MDC, who may request it for their operations and needs.”



Status of 10 BG of drinking water

ABANDONMENT OF A DRINKING WATER SOURCE

Conn. Gen. Stat. § 25-33k

(b) No source of water supply shall be abandoned by a water company or other entity without a permit from the Commissioner of Public Health.



Status of 10 BG of drinking water

PETITION FOR DECLARATORY RULING

MDC has submitted a petition to the Department of Public Health for a Declaratory Ruling on the applicability of Conn. Gen. Stat. § 25-33k to the 10 BG of drinking water behind Colebrook Dam.



12/2/22 MDC District Board Resolution

Be It Resolved: that notwithstanding termination of the Agreement, the MDC retains rights to approximately 3.5 billion gallons of water within the Colebrook River Reservoir **for riparian and hydroelectric uses**; and therefore, MDC has not abandoned the Colebrook Reservoir and the MDC remains dedicated to protecting the watershed lands surrounding both Colebrook Reservoir and the MDC's West Branch Reservoir; and be it further

Resolved: that MDC, as the second largest land owner in the State of Connecticut and to ensure the **quality and safety of its drinking water for its customers**, remains steadfast and vigilant in its stewardship and protection of its watershed lands, and has no intention to alter this approach in the future.



Favorable Outcomes?

Identification of statutory and regulatory improvements that will strengthen DPH's jurisdiction over all high-quality drinking water sources



Favorable Outcomes?

DPH, DEEP, US ACE, Hogback Commission, and all other relevant stakeholders be brought to the table to discuss how the 10 BG of water behind Colebrook Dam can be utilized for public health purposes, recreational flows and ecological health of the river.



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