

November 6, 2019

The Honorable Anne Gobi, Senate Chair  
Joint Committee on Environment, Natural Resources and Agriculture  
State House Room 513, Boston, MA 02133

The Honorable William Pignatelli, House Chair  
Joint Committee on Environment, Natural Resources and Agriculture  
State House Room 473F, Boston, MA 02133

**Re: Support for H.762/S.535, *An Act relative to maintaining adequate water supplies through effective drought management***

Dear Chair Gobi and Chair Pignatelli,

The below 31 undersigned organizations would like to express our support for H.762/S.535, *An Act relative to maintaining adequate water supplies through effective drought management*. This bill would allow the state to require uniform outdoor watering restrictions within the state's seven drought regions, during declared droughts.

**Background.** During the summer and fall of 2016, we saw firsthand how devastating drought can be for rivers and public water supplies. During this statewide drought, streams and portions of major rivers such as the Ipswich, Concord, Nashua, Connecticut, and Parker Rivers became very low or dried up. The results were disastrous for both wildlife and river recreation. Many water suppliers struggled with depleted supplies and six communities declared water supply emergencies over the course of the drought.

While we can't control the weather, had our state acted more quickly and decisively, we could have lessened the impacts of this drought on both our environment and water supplies. To its credit, the Baker administration has made improvements to the state's Drought Management Plan to declare droughts earlier and more accurately. However, our state still lacks the authority to require water conservation in a drought. It is important to note that only the legislature can give the state this authority to require water conservation. During the drought of 2016, our current patchwork approach to conservation meant that outdoor watering restrictions, when put in place, varied from town to town over the summer from no restrictions at all to total watering bans, with everything in between. In addition, in most towns people on private wells were not subject to watering restrictions, while people on town water were, leading to inequity within towns. The resulting approach proved confusing and ineffective in terms of curtailing outdoor water use.

We support this legislation for the following reasons:

**1. The current approach to outdoor watering restrictions has proven confusing and inequitable.**

- In Massachusetts, water suppliers with registrations (granted before the Water Management Act passed in 1986) are not required to impose any nonessential outdoor watering restrictions.
- Water suppliers with permits (new or additional use granted after 1986) are required to impose nonessential outdoor watering restrictions, but these vary greatly depending on when the last permit was issued for a community.
- Private well owners are also exempt from any nonessential outdoor watering restrictions unless otherwise indicated in local town bylaws.
- The resulting mixture of restrictions proved ineffective and continued to stress overtaxed aquifers that were shared by multiple communities.
- For example, in the Ipswich watershed, 80% of the water drawn from the Ipswich River lacks restrictions because of the large concentrations of registrations in the watershed.

## **2. Outdoor watering restrictions have proven one of the most effective means to save water during a drought.**

- In the Charles River watershed, a 2016 analysis of outdoor watering restrictions demonstrated savings of between 20-50% of water use when restrictions were implemented effectively.
- This legislation would not require indoor conservation restrictions or restrictions on agriculture; this bill would simply allow the state to require a gradual escalation of uniform outdoor watering restrictions within the state's seven drought regions, during declared droughts.

## **3. Currently, the state has no authority to require outdoor watering restrictions during a drought unless the Governor issues an emergency drought declaration.**

- During the height of the drought in 2016, then-Energy and Environmental Affairs Secretary Beaton issued a series of recommendations for water. However, the agency could only make suggestions. It could not require any water conservation within communities.
- While many suppliers did impose watering restrictions, a large number were voluntary restrictions and even the mandatory restrictions varied widely from community to community. These ranged from those that allowed outdoor watering only at night to total outdoor watering bans in some communities.
- Only the legislature can give our state the authority to require water conservation during a drought. While updates to the Drought Management Plan contain specific guidance for escalating levels of nonessential outdoor water restrictions that correspond to varying drought levels, the Commonwealth cannot require implementation of these restrictions without additional authorization. This legislation would provide state officials with this crucial, complementary authority.
- By the time a drought reaches "Emergency" status, it can be too late to avert water shortages and dry rivers through outdoor watering restrictions. By acting sooner, state leaders can help communities stave off the impacts of a severe drought.

## **4. With droughts expected to increase in frequency as a result of climate change, it is in our best interest to improve our state response to drought management.**

- According to the 2011 Massachusetts Climate Change Adaptation Plan Report, scientists predict that by mid-century, Massachusetts will experience more severe short-term droughts in combination with increased precipitation during winter months.
- In the interest of protecting public health and the environment, as a state we need to improve our drought resiliency so that we are prepared for all weather extremes.

For these reasons, we respectfully urge the Joint Committee on Environment, Natural Resources and Agriculture to favorably report out this legislation.

Thank you for your time and consideration. We look forward to working together with the Legislature to improve our state’s resilience to water shortages. Please feel free to contact Gabby Queenan (gabbyqueenan@massriversalliance.org) of the Massachusetts Rivers Alliance if you have any questions.

Sincerely,

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