

## Water Law in Connecticut: Balancing Needs for Fish and Faucet

Building on its commitment to educate Connecticut citizens about issues relating to water allocation, the Natural Resources Council joined with the Yale Center for Coastal and Watershed Systems and Rivers Alliance to sponsor a symposium on Connecticut water law, post Shepaug.

Kurt Strasser from the University of Connecticut Law School started the day with an overview and included a discussion of what “regulated riparian” means and identified the current laws’ gaps and weaknesses.

Gregory Sharp of Murtha, Cullina, LLP moderated a panel of experts including William Bright, Jr. of McCarter and English, LLP; Karin Sheldon of the Vermont Law School; David Silverstone, CEO and President of the South Central Connecticut Regional Water Authority; and Marshall Chiaraluce, President of the Connecticut Water Company. Under consideration were public rights versus “public rights.”

The luncheon speaker Pat Parenteau, from the Vermont Law School, described in detail the current wetland cases before the Supreme Court and what they mean for Connecticut.

Kirt Mayland from Trout Unlimited and Christopher Rooney of Carmody and Torrence, LLP fought a hypothetical water war - shades of what may happen if Connecticut does not come up with a fair and reasonable water allocation policy.

The remainder of the day was spent in hearing from representatives of Connecticut’s organizations, agencies and businesses impacted by water law. Commissioner Gina McCarthy of the Connecticut Department of Environmental Protection introduced the presenters Mark Smith of The Nature Conservancy, Russ Brenneman of the Connecticut League of Conservation Voters, Claire Bennitt of the Natural Resources Council, David Radka

of the Connecticut Water Company and James Milone of Milone and McBroom.

Managing Connecticut’s water resources represents an enormous challenge. With registered diversions numbering over 1800, some adamantly state that existing water supplies are over allocated. Water utilities that plan on a fifty year basis and whose investment in infrastructure is measured in the hundreds of millions of dollars are unwilling to give up grandfathered diversions; responsible for public health and safety, they depend on existing sources. Farmers demand their supplies be untouchable, even if they remain unused for years; in the event of a significant drought, water for irrigation must be available or crops fail. Competing users such as hydro facilities and recreationists battle over water releases. Even with an average annual rainfall of 40 inches, the questions urgently asked is “do we have enough water for today and tomorrow and how do we ensure that we do?”

Connecticut prohibits the use of any body of water into which sewer effluent is discharged to be used for potable water. All of the larger rivers in Connecticut - the Housatonic, the Quinnipiac, the Connecticut and the Thames - are off limits to water utilities. Smaller streams are often stressed as a result of legal diversions. With modern technology capable of removing contaminants, many believe we need to consider a change in policy. Put succinctly by Stephanie Summers in the Hartford Courant, “Demand for water resources has changed drastically from agricultural and manufacturing to electrical power generation, cooling, leisure sports and recreational use. We over-rely on our streams for drinking water and our rivers are full of untreated undrinkable water.”

The consensus from the symposium was that absent an over arching

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agency to oversee Connecticut's rivers, streams and aquifers, water allocation will continue to be problematic. With four state agencies exercising statutory mandates, turf is as big an issue as the water itself. Some of the panelists were willing to support the Water Planning Council as an intermediary step to an independent water department within state government. As paying for a new state agency is frightening to many, the Water Planning Council model may remain until a method of funding is found that is satisfactory. Representatives of the water utilities at the conference indicated the industry's willingness to cost share, while a state representative stated that funding was the major stumbling block to the creation of an agency that would combine the functions of DEP, DOH, OPM and DPUC relative to water.

The problem is not going to go away. Water supply is critical for not only our health and safety but is the basis for a sound economy. It is one of today's major issues and has the potential to be the basis for political warfare down the road.

The Natural Resources Council has addressed water issues over the last several years with educational efforts concerning source protection, water company lands, water quality and water law. We will continue to remain vigilant to protect our natural heritage. But be aware that often political solutions are compromises - if you are dissatisfied with legislative actions, let your legislators know it. You, Connecticut's citizens, are the ones who benefit or are hurt by state policy.

The development of state policy is a public matter. You are the public. ■

## Farming in Long Island Sound

**Do you know why so many lobsters in Long Island Sound died in the last five years and the annual harvest dropped catastrophically?**

**Do you know that our state is second only to Louisiana in the production of oysters?**

**Do you know that not only is Long Island Sound a recreational treasure but is used by farmers of the sea?**

Last June NRCC sponsored a tour of the Aquaculture Division facilities of the state of Connecticut and the National Marine Fisheries Service Laboratory in Milford. We met with scientists who described the programs and problems harvesting fish present. Lack of oxygen is the likely culprit in the lobster debacle rather than pesticide runoff. Good quality water in the Sound is essential for healthy fish and shellfish and that requires large expenditures of public money for sew-

age treatment. Studying fish growth patterns, habits and habitat has given Connecticut and national biologists insights in protection of one of our most precious resources. The labs in Milford bustle with dedicated personnel working on keeping fish available for food and angling.

Our lunchtime speaker from Sherwood Park spoke about high use of beaches on the Sound and the need to provide more public recreational facilities on the coast. With such a long and beautiful shoreline, it seems incredible that so little is available for public use.

In the afternoon, the tour climbed aboard one the Talmadge Brothers oyster boats, toured the oyster beds off Norwalk and watched a working boat dredge the shellfish from the bottom of the Sound. Talmadge maintains a facility in Norwalk Harbor and leases its beds from the state. With improved water quality over the last several years, production has increased and Connecticut shellfish are exported all over the country. ■



Presented by  
Natural Resources Council  
of Connecticut, Inc.



Co-Sponsored by  
Tilcon Connecticut, Inc.

## Two Sides of a Trap Rock Ridge

Thursday June 1, 2006 • 9:15 a.m. - 4:30 p.m.

Did you know that the largest open-face rock quarry in the world is located in North Branford? Did you know that volcanic activity in ancient times produced rock here now shipped around the globe? A unique series of geologic events produced a unique landscape with its own ecology. The valley next door was flooded behind a dam built in the 1920's to create Connecticut's second largest drinking water reservoir which serves as the principal source of drinking water for the Greater New Haven area. Its forested watershed has been managed continuously to protect water quality. This event is designed to celebrate our rich resources and provide a behind-the-scenes look into restricted areas through the eyes of people who manage and research these resources.

### PROGRAM

TOUR of Lake Gaillard, South Central Connecticut Regional Water Authority's (RWA's) public water supply reservoir in North Branford with short presentations about:

- the management of the reservoir, watershed forestry, and source water protection by RWA staff and a representative of the State Department of Health
- exotic (invasive) plant seed dispersal and other impacts of the burgeoning deer population, habits and movement of the black-legged tick (deer tick) by Connecticut Agricultural Experiment Station staff;
- ecology of the trap rock ridge field presentation by a Harvard Forest research scientist
- LUNCH overlooking Lake Gaillard, (alternate location in case of rain). Yale University professor Brian Skinner will talk about the geology of the trap rock ridge and Frank Lane, an official of Tilcon Connecticut, Inc., will preview the afternoon tour of quarry operations.

- TOUR of the Tilcon quarry with stops to point out features of the quarry bedrock face, operational and environmental aspects of the quarrying, processing, and transportation of the processed stone.
- VIEWING operations of the Tilcon barge loading facility on Long Island Sound in Branford.

*(Walking will be limited to getting on and off the bus at various stops along the way in the program). ■*

### Registration Form

Please complete reservation form below and return it to us with your check as soon as possible. After the busses have been filled, any late reservation/checks will be returned.

**Program Fee:** \$25 for NRCC members; \$25 for guests. All are welcome! Fee includes tours, transportation, a box lunch and bus driver gratuity.

Please make checks payable to "NRCC, Inc."

Total enclosed \$ \_\_\_\_\_.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

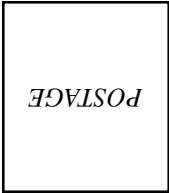
Phone: \_\_\_\_\_

### For More Information

Phone: 203-743-0306 • Fax: 203-744-0915

### Detach and Mail to:

Natural Resources Council of Connecticut, Inc.  
57 North Street, Suite 407, Danbury, CT 06810



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*We in Connecticut have a unique state. It is more crowded than most, richer than most, more urbanized than most and yet wilder than most. The quick alternation of town, farm, forest and water is a pleasure and a stimulation to all of us.*

—Josepy

The Natural Resources Council of Connecticut will provide a forum for reasonable and balanced discussion on the conservation and use of our natural resources. We will work to develop an appreciation of the value of our natural heritage, will encourage cooperation between the public and private sectors and will support the broadest possible participation in the development of public policy relating to our natural resources.

### Welcome Our New Board Member

Elisabeth Moore, Project Director of the Connecticut Farmland Trust, has more than 15 years of experience working with landowners, towns and community groups to preserve farmland and significant natural and community resources. Prior to joining the Trust in 2004, Elisabeth was a project manager with the Trust for Public Land's Connecticut Field Office and worked to preserve family farms in the Catskills of New York as part of the City of New York's landmark \$50 million watershed protection program. She also managed the Maryland Environmental Trust's Rural Historic Village Protection Program. Elisabeth is a graduate of Bodoin College and the University of North Carolina at Chapel Hill. A native of Ohio, she lives in New Haven.

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## Natural Resources Council of Connecticut

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### Organization or Business

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Voting delegate representing us \_\_\_\_\_

Send mail, notices, reports, etc. to: \_\_\_\_\_

### Personal Membership

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Tel \_\_\_\_\_ Fax \_\_\_\_\_

CHECK ENCLOSED FOR \$ \_\_\_\_\_

### Schedule of Dues

Large Organization or business ..... \$100.00  
Statewide non-profit organization or small business ..... 50.00

Regional or local non-profit, town, school district, club ..... \$25.00  
Personal Membership ..... \$20.00