

Bill: HB833 of 2007-2008 session

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In the Year Two Thousand and Seven.

AN ACT TO PROTECT THE RIVERS AND STREAMS OF THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Whereas, it is the policy of the commonwealth to protect the physical, chemical and biological integrity of its rivers and their beneficial uses for the citizens of Massachusetts; and

Whereas, adequate stream flows and water levels are necessary for protection and procreation of fish and wildlife; maintenance of aquatic ecosystems and recreational activities; preservation of aesthetic values; protection of groundwater and public water supplies; and the reduction of pollution;

Therefore, it is declared to be in the public interest to adopt stream flow protection principles and standards.

SECTION 1. Section 3 of chapter 21G of the General Laws is hereby amended by inserting, at the end of second paragraph, the following:-

"The commission shall adopt principles, policies and guidelines for maintaining instream flows and hydrologic regimes that are protective of natural aquatic life for all rivers and streams in the commonwealth. Such principles, policies and guidelines shall be based on the natural variation of flows and water levels adequate to ensure the biological, physical and chemical integrity of the water resource."

SECTION 2. Section 3 of chapter 21G of the General Laws is further amended by inserting, in the sixth paragraph, in line 67, after the phrase "chapter

twenty-one", the following sentence:-

"The department in consultation with the division of fish and wildlife shall adopt regulations establishing criteria and standards for maintaining instream flows and hydrologic regimes that are protective of natural aquatic life for all rivers and streams in the commonwealth. Such criteria and standards shall be based on the natural variation of flows and water levels and shall ensure the biological, physical and chemical integrity of the water resource.

SECTION 3. Section 2 of chapter 21G of the General Laws is hereby amended by deleting the current definition of "Safe Yield" and inserting in its place, the following:- "Safe Yield", the maximum dependable withdrawals that can be made from a water source including ground or surface water consistent with maintaining instream flows and hydrologic regimes that are protective of natural aquatic life and ecological integrity and which provide dependable withdrawals during a period of years in which the probable driest period or period of greatest water deficiency is likely to occur."

SECTION 4. The Water Resources Commission is authorized and directed to adopt streamflow principles, policies and guidelines as required by section 3 of chapter 21G within one year of the effective date of this act. The Department of Environmental Protection is hereby authorized and directed to adopt streamflow criteria and standards as required by section 3 of chapter 21G within two years of the effective date of this act.

SECTION 5. The streamflow criteria and standards developed by the department pursuant to section 2 of this act shall be state water quality standards pursuant to the department's authority in chapter 21, section 27 of the general laws.