

NEPONSET RIVER WATERSHED ASSOCIATION

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July 29, 2004

Mr. Richard Tomczyk
MA Department of Environmental Protection
One Winter Street
Fifth Floor
Boston, MA 02108

RE: Proposed Revisions to 310 CMR 36.00, Water Management Act Regulations

Dear Rich:

As you know, there has been significant disagreement within the environmental community over this proposed regulatory revision because it would delete admittedly inadequate safe yield standards, but replace them only with the very general statutory safe yield definition. The Neponset River Watershed Association (NepRWA) has no reason to doubt the intent of the current administration at DEP to use the latest, best science in making safe yield determinations under the Act, and to pursue more comprehensive regulatory revisions to codify this science in the future. Given, however, the generally slow pace of the DEP regulatory development process in the past, NepRWA can also see the potential for a future DEP leadership to use the currently proposed vague definition of safe yield to retreat from sound science and strong environmental protection.

Therefore, NepRWA would recommend that only the methodological provisions of 310 CMR 36.26 and 36.31 be deleted, while those provisions requiring the Department to protect the aquatic environment be retained. Specifically, the current provisions of 310 CMR 36.26(2)(c) and (d) should be retained, and the word “may” in 310 CMR 36.31 should be changed to “shall.”

Thank you very much for your consideration of these comments.

Sincerely yours,

Steven Pearlman
Water Resource Analyst

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