



**WATER SUPPLY CITIZENS
ADVISORY COMMITTEE**
to the Mass. Water Resources Authority

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Secretary Ian Bowles
Office of Energy and Environment
100 Cambridge Street - Suite 900
Boston, MA 02114

Executive

Subject: Request for a preemptive decision by you to prevent the use of publicly held resources, primarily located at state fish hatcheries, from use by the Nestle North America Corporation for bottled water supply purposes.

Dear Secretary Bowles:

At the July Fish and Wildlife Board monthly meeting, the Board approved a request from Nestle North American Waters/Poland Spring to conduct ground reconnaissance and surface water sampling of the Bitzer Fish Hatchery lands and spring-fed water resources in Montague. The Board requires, but the public did not know, that any member of the public wanting to speak at a Board meeting must provide two-week notice in advance of the meeting. No one from the much-interested public in attendance to learn about the Nestle request could publicly comment about the matter. The Fish and Wildlife Board chair said the Board would wait for a specific formal proposal before deliberating further. I believe you must take a clear stand, conveyed through Fish and Wildlife Board actions, to assure that public resources will be carefully regulated and managed by the state's designated agencies for the public good, and that the public's trust in the purposes of acquiring public resources will not be compromised. The Board should re-affirm its policy and indicate that Nestle cannot use public resources for private gain. The Board's mandate is clear¹: preserving lands and water acquired for biological resources and habitat protection.²

As Chair of the Water Supply Citizens Advisory Committee (WSCAC), I urge you to consider the purposes of state land conservation, intended for the good of all, as expressed in Article 97, and, specifically, to consider the consequences of allowing the use of state water resources by a private company. Politically, it would be much more difficult to allow Nestle to explore state-owned resources and then decide to say "no" later.

WSCAC staff has looked at a number of studies on the characteristics of the Montague Plains aquifer. The Bitzer spring source is an outflow of the Plains. The Leggette, Brashears &

¹ "Property, interests in property and resources therein will not be considered for disposition or use unless said disposition or use is shown to be in the best interest of wildlife and wildlife habitat protection and of the Decision of Fisheries and Wildlife (DFW)..." (Fish and Wildlife Policy)

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Graham, Inc. study for Northeast Utilities, a hydrologic evaluation of the Plains (1987), demonstrates that a volume of more than .5 MGD, which Nestle must harness to make a source cost-effective for bottling, will most likely negatively impact the flow of the spring at the hatchery, which consumes most of the available flow. Furthermore, the Town of Montague has begun development of its new 1-MGD well on the Plains. The municipal well will intercept a portion of the flow out of the Plains and thus would reduce the amount of water available at the springs.

I believe that the unique role played by the Secretary as Chairman of the MWRA's Board of Directors raises a potential conflict if you were to allow Nestle to use public resources. As Chairman, the Secretary is charged with assisting in the protection and maintenance of one of the greatest public water/sewer systems in the nation. The MWRA Director, Fred Laskey, recently promoted the quality and taste of MWRA water on television and has exposed his system to formal "taste-testings" against bottled waters to assuage an anxious public about the quality and safety of municipal water. Unfortunately, the bottled water industry has raised some fears in the public mind about the safety of one of the most regulated consumables in the nation. Billions of dollars have been spent throughout the Commonwealth to protect and rehabilitate water systems and treat drinking water to provide the public with a reliable product they can consume with confidence.

An unintended consequence of allowing public resources to be used for bottled water is that many state lands were purchased with the support of private land trusts. Those trusts are supported by memberships as well as private fund raising for specific state acquisition projects. The Nestle proposal is not compatible with the promised purposes of those land protection efforts.

In addition, allowing Nestle to access our state's publicly held resources would be in direct conflict with the administration's drive to provide and promote sound energy policy. Bottled water would end up on the shelf in petroleum-based containers, with attendant high transportation costs, followed by the high energy costs attributable to bottle disposal. Bottle pollution suddenly is in the news as a national crisis, with municipalities decrying the problems of bottled water consumption.

Finally, the July Fish and Wildlife Board meeting included a remark by a board member that the Board allows logging contracts on its land, so why not move ahead with leasing water rights? The precedent of state wildlife lands being opened up to private forestry operations is wholly different and is specifically designed to enhance habitat values for wildlife (e.g., creating early successional stands favored by some bird species). Any income to the state and to the consulting foresters and loggers generated from the sale of timber and other wood products from those operations is incidental to the main purpose of habitat enhancement. In contrast, the removal of water from the natural environment of a wildlife management area, where that water serves as a critical element needed to support aquatic and other water-dependent organisms and ecosystems, to be sold off-site is not an enhancement to any ecosystem or public values.

To foster open discussion, and due to Nestle's interest in the Town of Clinton's former water sources (Clinton now receives all water from the MWRA) and in consideration of the potential consequences for state resource policy, WSCAC has invited the water

resource manager of Nestle North America Waters/Poland Springs, Thomas Brennan, to the September 11, 2007 WSCAC meeting at 10:30 at the MWRA's Southborough facilities. He will bring others to present the legal aspects of Nestle contracts and hydrogeological requirements. We extend an invitation to you to join us. WSCAC members and staff are eager to speak further with you at any time.

Yours sincerely,

Whitney Beals, Chair

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Cc: Fred Laskey, MWRA Executive Director
George L. Darey, Chairman, Fish and Wildlife Board
Wayne McCallum, Fisheries and Wildlife Director
Kathleen Baskin, EOEEA Director of Water Policy
Mary Griffin, Commissioner of MA Fish and Game
Philip Griffith, EOEEA, David Cash, EOEEA
Andrea Donlon, Conn. River Watershed Council
Martha Morgan, Nashua River Watershed Council
Joseph Favaloro, MWRA Advisory Board