The 2017 legislative session is, of course, dominated by state budget concerns. In addition to the state-based revenue uncertainty, no one knows what will happen with federal policy and funding (for example, funding for programs and personnel for implementing the Clean Water Act).

Also worrisome is a general sense, voiced in various ways, that this is the year to push aside environmental standards and regulations. Supporters of clean air and water are getting the message to be more “reasonable,” which means, back off. But most environmental advocates feel that, to the contrary, this is a time to be vigilant and resolute.

Another special characteristic of this session is that the Senate is now no longer controlled by Democrats but is evenly divided between Democrats and Republicans. Party leaders accommodated this new political reality by creating a new configuration for committee chairmanships. Instead of the traditional situation in which the co-chairs of a committee are a senator and a representative of the same party, there are now three co-chairs, one Democratic senator, one Republican senator, and one Democratic representative. It is too early to say whether this approach will be efficient or whether it will favor or disadvantage the environment. (Continued on page 5)

In 2014, the state embarked on a project of comprehensive state water planning. The effort accelerated in 2016, led by the Water Planning Council and consultant CDM Smith. Some 10 overlapping policy groups have been meeting regularly throughout last year and in this year. The purpose of the plan is to provide for, or allocate, water for supply (water in pipes) and water for streams and other natural waters. Concurrently, the Department of Public Health and water utilities are developing a statewide water-supply plan. Both the comprehensive plan and the water supply plan are supposed to be finished and ready for distribution and comment by this summer.

The comprehensive plan will consist of descriptions of state water programs and policies; identification of problems and opportunities; and recommendations on how to move forward. Much of this is already written in draft form. The process has highlighted the tension between the goal of healthy natural waters and the goal of abundant water supply of the highest quality (as exists in upland streams and aquifers). While there are many areas of (Continued on page 5)
Cue the Heroes

Rivers Alliance has done it again! Their work, reflected in this newsletter, involves such large and diverse topics that it’s daunting to sum it up in an overview, at least at first. But looking it over, you can see that all the topics are truly related to each other, like parts of the same epic. Something like this…

Scene: Drought. It’s a fundamental threat that reminds us of our relationship to the environment that sustains us. We rely utterly on access to water, and this year our supplies started failing. To ward off this threat to our natural communities and our own well-being, we must be good stewards of our rivers, streams, and groundwater. Can we rise to this challenge, even when the climate changes? Will our efforts be enough?

Enter the Legislature. (Stage right or left—this is a bipartisan epic). The leaders who are supposed to solve such problems together are beset by economic pressures, complex agendas, other special interests, political conflict, and miscellaneous crises. Their legislative and budget processes are bewildering and fast-paced. If, amid everything else, they’re going to stand up for balanced use of our state’s water, they need help!

Enter YOU (flourish of trumpets) as a Rivers Alliance member. And really, this is serious. How can you spot the key issues, find your champions, counter your opponents, and make yourself heard with the right words at the right moment? Suggestions: Go to the Rivers Alliance website for alerts and information about how to add your voice to the public discourse about our water. Give someone else a Rivers Alliance membership and encourage them to do the same thing. Consider an extra gift to Rivers Alliance, to support work you care about in these especially turbulent times.

Now, more than ever, it matters to be a hero in this epic. Because it’s also reality. Thank you for all you do!

Eileen Fielding, President

JOIN OUR MAILING LIST!

Would you like to get Rivers Alliance emails and alerts? Sign up by sending your email address to rivers@riversalliance.org or calling us at 860-361-9349.
THE NEW EPA: FRIEND or FOE?

Lots of changes are happening at the Environmental Protection Agency (EPA), none of them good for the environment so far. One of the worst, if you are a friend of clean water, is an executive order by Pres. Donald Trump on February 28, 2017, directing the EPA and the Army Corps of Engineers to pull back for review and re-notice the Clean Water Rule issued under the previous administration. The rule clarified the definition of waters protected under the Clean Water Act (CWA), a definition that had been uncertain since the Supreme Court’s ambiguous definition of protected waters in *Rapanos vs. United States* (2006). The EPA rule clarified that certain important waters (including upland waters) that had long been considered protected under the CWA in fact are protected, or were protected prior to February 28.

The Republican Congress also has the ability to cancel many other new regulations under the 1996 Congressional Review Act within 60 legislative days after completion. Environmental and consumer protections will be hard hit. Moral of the story: Don’t delay good regulation. The Obama administration waited too long, maybe not thinking Trump would win, maybe forgetting about the Review Act, which had only been used once before.

Our Rivers Alliance computer keeps bringing more bad news, some of which we cannot read in entirety because we can’t afford the subscriptions. Here is an example from Law360:

“GOP Floats Overhaul to EPA Scientific Review Process”
by Keith Goldberg

“Law360, New York (March 6, 2017, 5:45 PM EST) – Leaders of the GOP-controlled U.S. House science committee on Monday introduced legislation aimed at revising the U.S. Environmental Protection Agency’s scientific review process that guides the agency’s rulemaking, but a science group said the legislation would only politicize the EPA’s scientific reviews.

House Science, Space and Technology Committee Chairman Lamar Smith, R-Texas, a frequent EPA critic, introduced the *Honest and Open New EPA Science Treatment Act* of 2017, which would bar the agency from crafting or enacting regulations that relies on scientific and technical information that…”

To read further, subscribe to Law360. But even these few free lines are priceless. Gotta love the Honest and Open New EPA Science Treatment Act of 2017.

PEOPLE’S CLIMATE MARCH, APRIL 29, 2017
In Washington D.C. and around the nation

The U.S. government is debating pulling out of the international Paris Agreement on Climate Change, negotiated in 2015 in connection with the United Nations Framework Convention on Climate Change. The United States worked extraordinarily hard on this achievement. But now climate-change deniers or pretend deniers are in positions of power.

In response, environmental groups across the nation are calling for a massive march on April 29 in Washington, D.C. This will be the 100th day into the new administration. It will be one week prior to a meeting of the Paris Agreement Working Group in Bonn, Germany.

THE WHOLE WORLD WILL BE WATCHING THE MARCH.

Among the many groups organizing marches are:

**Union of Concerned Scientists**

**Sierra Club**

**350.org and 350CT.org**

For details on specific marches, do a search on the name of the organization plus “climate march.” If you have difficulty or need help, call or email Rivers Alliance at 860-361-9349 or rivers@riversalliance.org.
Another day, brilliant sun, above normal temperatures, and dry. We don’t have weather anymore, we just have climate, one more suited to the Mediterranean than to southern New England. It’s November, and it’s been like this for over 150 days now.

On the day the photo (right) was taken, the city of Waterbury was releasing two cubic feet of water per second (cfs) from the dam. The normal minimum release is 20 cfs, but because of the drought, they’re permitted to release even less. The average release in normal years is between 50-70 cfs. Twenty cfs is the lowest you can fish the river. Minimum flow for a kayak run is 40-60 cfs or higher. It’s generally assumed that the river’s ecosystem will rebound when the flow returns to normal. That’s not the case. It will actually take years, even given normal flows.

The river is running about one-tenth of its normal width, its bed now a series of long, wide cobble fields, broken by greatly shrunken holding pools, which all aquatic life, trout, dace, turtles, and crayfish included, retreats to. A stretch usually 100 feet wide can now be spanned in many places in two steps. With such reduced habitat, the carrying capacity and, more importantly, the reproductive potential of the river plummet. Crowding increases, food becomes scarce, mortality rises. Though there is retreat for the lucky few, there is no refuge; with all life corralled in these islands of retreat, mink, herons, mergansers, and kingfishers feast. Water this shallow heats up quickly, stressing what aquatic life there is even more.

With conditions this poor, future generations are decimated. Back in June, those now parched cobble fields were covered with a foot of water or more. With water, these cobble fields were the riffles, the food factories of the entire ecosystem. In those riffles, the turbulent and oxygen-rich flow was the breeding ground for the mayflies, caddis flies, and stone flies, the principal food of trout and other fish. You can see their casings attached to the dry cobble by the thousands now, exposed to the sun and air, skeletons unburied.

Brook and brown trout spawn in those riffles, where the rich water and current keep their eggs growing. In the fall, there were no riffles for the trout to spawn in, and this missed generation will depress trout populations for years into the future. Without increased flows, this winter the river will freeze to the bottom in many places, further starving fish of habitat. Even in the deeper pools, fewer habitats means greater stress, as the near dormant fish with their slower metabolisms struggle even more. For now, I scan the skies and the forecasts. River life doesn’t have much time

By Hugh Rogers

Climate and Rivers

The drought of the summers of 2015 and 2016 has receded somewhat, but Connecticut is still in the unusual situation (as of this writing) of having the most extensive drought by percent of area in the entire nation. The U.S. Drought Monitor rates 76% of the state as Severe Drought; the remainder as Moderate Drought. The state’s Drought Alert remains in effect, and people are asked to cut back water use by 10% - 15%. The Department of Energy and Environmental Protection canceled the requirement on water utilities to make spring freshet releases; these are large releases of water over a couple days that imitate natural rain, snow melt, and runoff, scouring stream beds to render them suitable for spawning (not that there are many fish around, amorous or otherwise).

The climate page on the Rivers Alliance website (www.riversalliance.org/drought2.cfm) is updated weekly, and is considered by many experts to be an outstanding source of climate news and river health.
The single most important environmental vote will be on a constitutional amendment to protect state-owned land from being conveyed by the legislature to municipalities, businesses, and individuals. Every year, a “conveyance act” is introduced in the legislature with 10 to 20 sections or so, giving away small or large pieces of public property or allowing for easements on the properties. One example recently was a proposed easement for gravel trucks through an important state-owned habitat area. Each section begins with “Notwithstanding any provision of the general statutes...” and then goes on to order a conveyance, usually with a vague purpose mentioned (such as economic development or municipal purposes). The act goes to a public hearing, usually ill-attended; but subsequently, more conveyances may be added up to the final minutes of the session.

Much of the state-owned open space serves to protect water, as well as to provide wildlife habitat and recreational opportunities. Therefore, we support the proposed constitutional amendment, which does not prohibit conveyances of public land but does require that these be done transparently and with broad support. Similar measures have been adopted in neighboring states, including New York and Massachusetts.

Specifically, the proposed amendment requires that each conveyance be offered in a stand-alone bill that goes to a public hearing. This is to avoid the dilemma for legislators of having to vote on a multipart bill, with good and bad sections, some of which may not have been given a public airing of any sort.

The amendment is embodied in a legislative resolution. If the resolution passes two years in a row, it will be on the ballot as a public referendum. Connecticut Forest & Park Association has been the leader on this issue, working with Connecticut Land Conservation Council, Rivers Alliance of Connecticut, and many others. The relevant resolution passed in both chambers of the General Assembly last year, a bipartisan vote. So, if all goes well again this year, the amendment will go to a referendum in 2018.

There are a handful of important water bills, dealing with water allocation, water bottling, priorities during drought, and so forth. It is not clear at this time, which, if any, will go forward.

Once again, the governor’s budget eliminated the Council on Environmental Quality (CEQ), not just by defunding it or canceling its independence (as has been attempted repeatedly recently) but by expunging its very name from state statutes. The last time CEQ faced this kind of total legislative annihilation was 15 years ago, when it was challenging UConn’s environmental practices.

Once again, there is legislation aimed at rolling back the water security laws that passed in 2002-2003, and which forbid the public from seeing the location or capacity of a water source (unless the utility decides otherwise, which some do from time to time). Reportedly, even the registrations of water rights, filed in 1982-1983, will need to be redacted before the public can see them. Of course, there’s always Google and Google Earth. Hint: A reservoir is likely to be located on a place called “Reservoir Road.”

To see Rivers Alliance testimony on bills before the legislature, go to www.riversalliance.org and click on Legislative Session in the column on the left.

State Water Planning — Continued from page 1

agreement, only time will tell if natural waters will be valued fairly and protected reliably.

The planning being done by water companies is divided into three regional sections with the results eventually to be integrated into a statewide supply plan. All water companies (more than 2,000 of them) are in one of three Water Utility Coordinating Committees (WUCCs) corresponding to each region; the only citizen representation in the WUCCs is one member from each of the state’s nine Councils of Government. The prime goal of the WUCCs is to allocate customers and sources into exclusive service areas no later than the finish date of the comprehensive water plan. This tight deadline resulted in short-changing the assessment of regional conditions and problems, which is supposed to be completed before exclusive service areas are established. The WUCCs have gathered a great deal of data, which will be useful, but have not fully translated that data into coherent assessments of conditions and problems. These assessments, when done, could be valuable for water planning.

A surprise WUCC function popped up last summer, when a restaurateur wanted to open a steakhouse in Litchfield. The restaurant needed a well as water supply. It seems that, under a long-neglected law, any person, business, or municipality that wants to develop a project with a new source of water for the public has to get WUCC approval before moving forward.

In the case of the steakhouse, the nearest utility, Aquarion, stated that their supply infrastructure was five miles away, so the restaurant could develop its water source using Department of Public Health standards. Another facet of this section of WUCC law is that the dominant utility, having an exclusive service area, is supposed to be responsible for providing water to anyone in its service area. This also came into play last year in an effort to create a large, multi-unit housing complex in Bridgewater. The developer assured concerned citizens that there would be adequate water supply because Aquarion would “own” it. But Aquarion had not yet signed off.

As with comprehensive water planning, it is still too early to tell if WUCCs will provide a net benefit to consumers and the environment. The law and the process do have potential for good, but they do add another one of those dreaded “new layers of bureaucracy.”
In 2016, we mourned the loss of six great friends of the natural environment.

Russell (Russ) L. Brenneman, environmental lawyer, leader, and teacher, died on October 10, 2016, in Bridgeport, Connecticut, at age 88. He was born in 1928 to Russell L. Brenneman, Sr., and Anita Seeds Brenneman. He grew up in Columbus, Ohio, and Tucson, Arizona, a city that he later noted with regret, became intensely developed. He graduated from Ohio State University and Harvard Law School. There he met and married his classmate Frederica Schoenfeld, a member of the first class of women at Harvard Law, the class of 1953. Frederica (Freddie) Schoenfield Brenneman later became a Connecticut Superior Court judge. Their long marriage was characterized by strong affection and great respect for each other’s legal acumen. After service in the U.S. Army Judge Advocates General’s Corps, Russ Brenneman settled in Connecticut, worked in private practice and public service, and was instrumental in the creation of the state Department of Environmental Protection. In 1981, he joined the law firm of Murtha, Cullina, Richter & Pinney in Hartford, where he founded the firm’s environmental law practice. Professionally and privately, he was a champion of conservation, especially land conservation. He advocated for this cause as a teacher at Trinity College, as co-founder of the Connecticut League of Conservation Voters, and as a director and president of the Connecticut Forest & Park Association. He is survived by his wife, Frederica, by his two sons, Matthew and Andrew, and his daughter Amy, and by five grandchildren. He was a great friend to Rivers Alliance, a wise counselor and a witty colleague.

Jelle Zeilinga de Boer, the Harold T. Stearns Professor of Earth Science, Emeritus, at Wesleyan University, died July 23, 2016, at the age of 81, after a long battle with pancreatic cancer. This distinguished scientist, known around the world, was a valued friend and former director of Rivers Alliance. Before moving to America, he received his B.S. and Ph.D. at the University of Utrecht in the Netherlands. His studies, writings, and teachings took him to all parts of the globe. He led the team that made the famous discovery in 2001 that the ancient oracle of Delphi in Greece was indeed influenced, as Plutarch had speculated, by hallucinogenic gas (in particular, ethylene) coming from the temple rock. Closer to home, he instructed students in the environmental data that would be needed in making legal arguments for the preservation of Connecticut’s traprock ridges. His erudite and fascinating books include Stories in Stone; Volcanoes in Human History; Earthquakes in Human History; and his last book, New Haven’s Sentinels: The Art and Science of East Rock and West Rock, published in 2013. All make excellent gifts. He was not only a multiply-honored scientist, but an involved citizen of his hometown, Haddam. He urged Rivers Alliance to keep fighting the Haddam land swap, which would have conveyed public conserved land for commercial development. He is survived by his wife, Felicité, his son Bjorn, daughters Byrthe and Babette, their spouses, and four grandchildren.

Judi and Lou Friedman passed away peacefully together at their home in Canton, Connecticut, Tuesday, July 26, 2016. They lived full lives characterized by political and environmental activism and a commitment to family. Judi Friedman was the leader of People’s Action for Clean Energy (www.pace-cleanenergy.org) and devoted many hours over four decades to educating Connecticut residents about the dangers of nuclear power and promoting solar power as a viable alternative. Judi was an early member of Rivers Alliance, which was founded in Canton near the Farmington River. In her career, she was a teacher (third grade) and author of nonfiction children’s books, communicating her love of nature.

Lou Friedman, too, was an educator, teaching English at Kingswood-Oxford School in West Hartford and founding the progressive Westledge School in Simsbury, in 1968.

The Friedmans were on the forefront of the citizen’s peace movement in the former Soviet Union. Together and with several colleagues from the peace movement they founded Beyond Nuclear, a national nonprofit organization that is working for a nuclear-free world. In their home, they practiced conservation and energy efficiency, as so many of us preach but less often practice. They are survived by their three children: Kim Friedman (Vermont), Dana Friedman (California), and Seth Friedman.
RIVERS ALLIANCE WELCOMES NEW DIRECTOR

Hugh Rogers, a retired public school teacher, has had a lifelong interest in rivers and the natural world. As a former board member of the Washington Environmental Council, he reviewed and selected student applicants for scholarships and worked with public schools on planning and implementation of cooperative natural science initiatives. He is a graduate of Outward Bound and is a Master Wildlife Conservationist. Before joining the Rivers Alliance board, he served the organization with work on efforts to limit the use of pesticides on athletic fields and legislation advocacy. He is an avid flyfisher and is often found on the Shepaug River.
Many Thanks to Our Supporters!
2015 – 2016

The importance of our members and funders cannot be overstated. It is your support that allows us to do the work we do—there’s no doubt about it. We’d like to take this opportunity to thank you. With your generous support, Rivers Alliance is able to help Connecticut’s rivers and help those who cherish and protect them.

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Aquatic Life in Winter

Ever wonder about what fish and other aquatic life were doing after braving snow, ice, and subfreezing air and water temperatures. In my younger years, I would spend some time during the winter fishing rivers and streams for trout. One year I remember catching my first riverine trout of the year in the Pomperaug River near the well house in Woodbury. The beautiful 14" brown nailed my #10 Bruised Butt bucktail and put up a good fight before I released it. Fish eat every day.

Fish are cold-blooded (poikilothermus), which means that they do not generate their body heat. They adjust to the water temperature they are in by eating and moving less. Moving less slows down their digestion and need for food. The oxygen levels vary greatly during the winter. Although cold water holds more dissolved oxygen than warm water, there is less oxygen produced by plants (photosynthesis) in the winter due to less direct sunlight (less daylight and snow cover). Ice cover stops the exchange of oxygen from the air with water. Winter and summer are the two seasons when riverine fish mortality is highest due to insufficient amounts of dissolved oxygen in the water and inappropriate water temperatures.

Most of the state’s waters are home to frogs, salamanders, and turtles. The metabolism of these aquatic creatures decreases as the temperature of their surroundings decreases. They know when winter is approaching and seek refuge from the subfreezing temperatures. Just as antifreeze and windshield solutions protect vehicles, frogs produce their own fluid to protect them from freezing. Some frog species (bullfrog and leopard) breathe through their skin and remain underwater under mud or debris. Other species (peepers and wood frogs) can tolerate freezing. They spend the winter underground or beneath leaf piles. Their skin turns to ice crystals, but critical body parts are protected by frog antifreeze. It’s SURVIVAL of the FITTEST!

By Bob Gregorski, President Naugatuck River Watershed Association

Glyphosate and EPA on Trial

The world’s most widely used herbicide is glyphosate, the chief ingredient in Monsanto’s Roundup and related products. In summer 2015, the World Health Organization (WHO) announced that glyphosate is probably carcinogenic to humans. This assessment, by the WHO’s International Agency for Research, prompted an immediate denial and counterattack by Monsanto and other industry groups. Now we know that Monsanto had its counterattack ready to go because it was tipped off by a high official at the U.S. Environmental Protection Agency, who appears far more interested in protecting Monsanto than protecting the environment. Documents (including emails) showing a pattern of mutual aid between Monsanto and the EPA official, Jess Rowland, were unsealed by Judge Vince Chhabria, who is presiding over a case in federal court in San Francisco. The case involves claims by a group of plaintiffs who had developed non-Hodgkin’s lymphoma, which they claimed was due to exposure to glyphosate.

Not all scientists agree on the toxicity of glyphosate, but there is enough evidence to justify extreme caution and restraint in its use. Unfortunately, there is also enough evidence to conclude that the many consumer complaints about an unhealthy relationship between government regulators and regulated industries are well-founded. The evidence in this case indicates collusion; in other instances, official passivity or timidity appears to have been more crucial. But EPA employees this year did make a bold public statement objecting to the policies of the new administration. So stay tuned.
Nature’s Way with Stormwater

The Problem: “On average in stormwater, 45% of the phosphorus load and ~50% of the metal load (cadmium, copper, zinc, etc.) is present in dissolved form. And unfortunately, most of these dissolved pollutants travel downstream to our receiving water bodies and wildlife untreated (thanks to physical treatments which only capture the particulate forms).” From Forester Network, January 30, 2017.

A Solution: “But, stormwater captured where it is created, and filtered through soil with deeply rooted plants, or through a small constructed wetland, will remove phosphorus and metals attached to sediments and the pollutants in solution.” Response from Sean Hayden, Executive Director, NW Conservation District, February 2, 2017.

Lost Water

On October 26, 2016, one million gallons of drinking water spilled in about one hour from a burst water main in Middletown off Silvermine Road near the Connecticut Juvenile Training Center and the Connecticut Valley Hospital. The 24-inch pipe conveys water from reserve tanks of the Roth Water Treatment Plant (processing water from the Roth Wellfield) for wide distribution as part of a wider distribution system. The pre-dawn water main break forced the cutoff of water for Middlesex Hospital, service area schools, residence, and businesses. The leak was plugged before the end of the day, but water quality was affected for several days.

As of November 9, the only relatively authoritative explanation, offered by Middletown mayor, Daniel Drew, was that during a power outage the previous week, valves closed suddenly, putting pressure on a segment of the main, which cracked and eventually broke during a morning high-demand time.

Numerous questions remain, including why the system did not have the resiliency to deal with a relatively minor power outage.

Dreaming of Paddling the State’s Many Scenic Waterways

Rivers Alliance’s Water Trails program (www.ctwatertrails.org) connects people to places where they can enjoy the state’s rivers, lakes, and coastal waters. In addition to information on where to paddle, there are paddling tips and information, paddling news, and events. If you have events to share or information regarding a specific location, let us know.

Please join us today.

Rivers Alliance of Connecticut

___ Yes, I will help Rivers Alliance of Connecticut protect our waterways for people, fish, and wildlife.

Amount: □ $250 □ $100 □ $50 □ $35  Other $_______

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IN THIS ISSUE:

2017 LEGISLATIVE SESSION

THANK YOU

STATE WATER PLANNING NEWS

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