

Save The Housatonic
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February 9, 2009

Ian Bowles, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Bowles:

Nearly two dozen sportsmen, recreation, and environmental groups representing over 100,000 members within Massachusetts have announced their support for the Upper Housatonic River ACEC as it has been nominated. These groups range from Ducks Unlimited, Trout Unlimited, and Berkshire County League of Sportsmen, to The Nature Conservancy, Massachusetts Audubon Society, Berkshire Natural Resources Council, and Green Berkshires. River advocacy groups such as Housatonic Valley Association and Housatonic River Initiative are supporters. Berkshire Bike Path Council, Berkshire Paddlers, and other recreation groups have also signaled their strong support.

The Department of Fish & Game and the Division of Fisheries & Wildlife are two important state agencies that have sent letters of support for the Upper Housatonic River ACEC. The Massachusetts Historical Commission also wrote a letter supporting the ACEC because of the significance of the archeological and cultural history of the nominated area. The Lenox Select and Planning Boards voted unanimously to support the nomination unchanged. Last week, the delegates of the Berkshire Regional Planning Commission voted overwhelmingly in support of the ACEC as it has been nominated.

More than 900 citizens have signed online and paper petitions in support of the original Upper Housatonic River nomination. Most hail from the four communities with land inside the proposed ACEC. Many others are from towns south of the nominated area that are affected by the health of the river.

Last week, the public hearing on the ACEC was attended by some 175 people. Of those who spoke, most were passionately in favor of the designation. The sportsmen extolling their fish catches, the cold and warm-water fisheries, and the regional popularity of the river as a fishing destination were the stars of the evening.

You have received a lot of material about the outstanding resources of the area and the compelling reasons for ACEC designation from our coalition as well as from the many individuals and groups supporting the nomination. We hope that, after you and your staff have reviewed the Upper Housatonic River ACEC, you will be convinced that it should be designated without changes to the boundaries.

We also hope that you will firmly uphold the integrity of the Upper Housatonic River ACEC in the face of any efforts by the U.S. Environmental Protection Agency to avoid or minimize its regulatory impact. As you know, the Upper Housatonic River ACEC was nominated in part because of widespread concern that what had happened to the first two miles of the river as a result of the PCB clean-up could happen to the rest of the river. The river north of the confluence of the east and west branches now resembles an industrial sluice, and no one wants to see a similar fate befall the rest of the river. Despite the extensive dredging of sediment and soil, and the armoring of the banks with large boulders to prevent erosion, the river there remains unfit for swimming or fish consumption.

The EPA has indicated it recognizes that alternative approaches for clean-up and restoration should be considered for the rest of the river. We appreciate the EPA staff's expressions of sensitivity to the special nature of the section of the river that lies at the heart of the nominated ACEC. However, we rely upon you as our state's environmental chief to hear and best represent the interests of the region, the public and private landowners along the river, and the residential communities that flank it.

It was unfortunate that the Consent Decree marginalized the role of the Commonwealth and its agencies in the design and implementation of plans to remove PCBs from the Housatonic River. Our Save The Housatonic coalition believes that the ACEC and associated regulations qualify as Applicable or Relevant and Appropriate Requirements (ARARs), and, as such, must be taken into consideration by the EPA as it proceeds with clean-up plans. Only the Commonwealth will have the right to take action if the EPA waives the ACEC and its associated regulations as ARARs, or fails to implement them adequately. This gives you an influential role in the negotiations between EPA and General Electric over the clean-up plans.

Many thousands of people would be deeply disappointed if the EPA were exempted in any way from the provisions of the ACEC and its associated regulations. We hope you will consider the Upper Housatonic River ACEC as an opportunity to take a leadership position in shaping the best possible clean-up and restoration of the river. Please designate the Upper Housatonic River ACEC as it has been nominated, and please hold the EPA to the standards of all state laws and regulations, including the ACEC and its associated regulations.

Sincerely yours,

Save The Housatonic

CC: U.S. Senator Edward Kennedy
U.S. Senator John Kerry
U.S. Congressman John Olver
State Senator Ben Downing
State Representative Denis Guyer
State Representative Smitty Pignatelli
State Representative Christopher Speranzo
U.S. Environmental Protection Agency
Berkshire Regional Planning Commission
Massachusetts Department of Fish & Game
Massachusetts Division of Fisheries & Wildlife
Massachusetts Historical Commission
City of Pittsfield
Town of Lee
Town of Lenox
Town of Washington
Lee Community Development Corporation
Berkshire County League of Sportsmen
Berkshire Natural Resources Council
Ducks Unlimited, Inc.
Green Berkshires, Inc.
Massachusetts Audubon Society
Berkshire Bike Path Council
Berkshire Environmental Action Team (BEAT)
Berkshire Litchfield Environmental Council (BLEC)
Berkshire Paddlers
Citizens for PCB Removal
Housatonic Clean River Coalition (HCRC)
Housatonic Environmental Action League (HEAL)
Housatonic River Initiative
Housatonic River Walk of Great Barrington
Housatonic Valley Association (HVA)
Massachusetts/Rhode Island Council, Trout Unlimited
The Nature Conservancy
Northwest Conservation District
Stratford Action for the Environment
Taconic Chapter, Trout Unlimited
Trout Unlimited