

10-28-11 Water: “So great a privilege”

Throughout New England people are mourning the loss of clean fresh water. This part of the country’s numerous waterways of rivers and ponds used to be safe for recreational uses, were filled with an abundance of a wide variety of fish species and were surrounded by game and birds. The rivers acted as highways not only for people traveling by canoe but also for fish returning to spawn. The rivers brought them to their original spawning grounds in our local ponds.

Concern and controversy of these natural resources has been expressed for many centuries now. In the late 1600’s, William Briggs, Jr. was saddened by the destruction of alewife runs along Taunton’s Mill River and wrote, “Middleboro will not permit any dam for any sort of mills to be made across their river to stop the course of fish, nor would they part with the privilege of the fish if any would give them a thousand pounds and wonder at ye neighboring town of Taunton, that suffer themselves to be deprived of so great a privilege.”

Many thousands of years before the likes of Mr. Briggs, the Native Americans arrived and thrived in this area due to the abundance of wildlife. They didn’t have to migrate far to hunt and fish to their hearts’ content, to supplement their diet of the “three sisters” of corn, beans and squash. As Edward Winslow and Stephen Hopkins wrote in 1662, referring to why Native Americans settled in this area, “...where victual is easiest to be got, there they live, especially in the summer.” Now we call easy-to-get-victuals Fast Food.

All of our waterways used to be connected either directly to a network of tributaries, brooks, ponds and lakes or underground by aquifers. Human activities have interfered with those connections for thousands of years but with a huge difference between the ancient and more recent activities. Native Americans sometimes interfered with nature by building fishing weirs. (A so-called “prehistoric” fishing weir is underneath the streets of Boston in the area of Boylston Street!) These wooden stake and brush wattle constructions allowed for more fish to be caught than by hand but they also allowed the passage of water. That is the critical difference between then and now. When dams were built for hydro-power but did not include fish ladders for spawning fish and sluices for the flow of water, the omissions resulted in grave consequences. Looking at some actual trial cases makes these stories come alive with meaning for today.

Plymouth Colony Records, Judicial Acts, 1666, 31 October, Part I: Several people sued a neighbor because the neighbor built a dam for his sawmill. The jury found that the defendant, James Walker, did not keep his promise and caused great damage to the complainants and others. “The jury find for the plaintiffs that a sufficient passage be made by the defendants at the Mill River at Taunton for the fish where they usually go up and down...”

Another case approved by the Governor on June 14, 1813 was a legislative act authorizing the building of a dam across Taunton Great-River. Also, it went on to say: “*Be it further enacted*, That a proper and sufficient sluice-way, shall be constructed in the Dam here, authorized to be built, and such a sluice-way shall, at all times, be kept in repair, and ready to be opened for the free passage of boats and rafts, as well as all kinds of lumber, which have usually been floated on said river, and also a convenient way to be constructed and kept open according to law, for the passage of such fish as usually pass up the same river in their proper season ; and if such sluice-ways and fish ways shall not be sufficient, the same Dam, or such part thereof as may be necessary, may be removed or abated as a nuisance, in the same manner as other nuisances may, by law, be removed or abated.”

That brings a whole new meaning to “removing and abating nuisances”, a responsibility charged to boards of health!

This 1814 act of legislature is almost identical to portions of the one of 1984 giving Brockton the right to build a dam, holding back the water of West Monponsett Pond and to divert water from the East Monponsett Pond to Silver Lake. The act held the City of Brockton to many promises for maintaining the dam, the sluice, and the water quality of the Monponsett Ponds.

Hmmnn. It seems we, as a society, have been slow to catch on to certain patterns of events between humans and nature.

The Monponsett Ponds used to be clean enough and connected enough to other ponds and brooks that they served as spawning grounds for the Taunton River. Now, you can't get there from here and we spawn algae instead. Our future needs to return to that clean and connected past because our lives depend on the health of the natural environment. It always has and always will. Yes, people interfere with nature. It's what we do. We certainly can do so with forethought and planning based on lessons learned and we can keep our promises. Keeping promises is critically important if we are to show respect for “so great a privilege”.

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