

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

No. SJC-11405

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BROCKTON POWER COMPANY, LLC,

Appellant,

v.

ENERGY FACILITIES SITING BOARD, et al.,

Appellees.

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ON APPEAL FROM A FINAL DECISION OF THE ENERGY  
FACILITIES SITING BOARD

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MOTION OF MASSACHUSETTS RIVERS ALLIANCE, CHARLES RIVER  
WATERSHED ASSOCIATION, JONES RIVER WATERSHED  
ASSOCIATION, NORTH AND SOUTH RIVERS WATERSHED  
ASSOCIATION, AND TAUNTON RIVER WATERSHED ALLIANCE FOR  
LEAVE TO FILE A LATE *AMICUS CURIAE* BRIEF IN SUPPORT OF  
APPELLEES

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The Massachusetts Rivers Alliance (the  
"Alliance"), Charles River Watershed Association  
("CRWA"), Jones River Watershed Association ("JRWA"),  
North and South Rivers Watershed Association  
("NSRWA"), and Taunton River Watershed Alliance  
("TRWA") (collectively, the "conservation groups"),  
respectfully request leave to file a brief as *amici  
curiae* in support of Appellees, pursuant to

Massachusetts Rule of Appellate Procedure Rule 17, on the grounds that they have an interest in the above-captioned matter.

1. As non-profit conservation and stewardship organizations dedicated to ensuring the long-term availability of clean water for Massachusetts, the *amici* have a deep interest in ensuring proper evaluation and management of large water uses such as the Brockton Power Company LLC's proposal to use municipal drinking water as a coolant for its planned power plant (the "Project"). Additionally, the JRWA, NSRWA, and TRWA focus specifically on protecting the water quality of rivers within the watersheds that would be directly affected by the Project.

2. Founded in 2007, the Alliance is a nonprofit organization, with over fifty organizational members, dedicated to creating a sustainable water future in Massachusetts. The Alliance is a leading advocacy group for rivers statewide and works with state agencies, municipalities, its member organizations, and others to improve water flow and ensure the availability of clean water to support human communities and vital natural resources in the future. Alliance staff members have served on several state-

sponsored committees convened to provide advice about water management.

3. The JRWA, NSRWA, and TRWA have each worked for decades to preserve, restore, and enhance the natural environment in the watersheds that will be directly affected by the Project. The JRWA was founded in 1985 and engages in conservation, educational, and scientific work, while advocating for the protection of the Jones River watershed. The NSRWA was founded in 1970 and focuses on protecting the North and South River watersheds. The TRWA, founded in 1988, works to protect and restore the Taunton River watershed and bring residents of the area in contact with the natural resources of the river by organizing outdoor events, and also aims to.

4. Formed in 1965, the 5,000 member CRWA is one of the country's oldest watershed organizations and is committed to protecting and enhancing the water quality and quantity, fish and wildlife habitat, recreational opportunities, and scenic values of the Charles River. The CRWA is an expert on issues relating to water management, and, in partnership with state agencies, strives to develop innovative and workable solutions to watershed problems experienced

throughout the Commonwealth. CRWA staff members have participated in multiple state advisory groups focused on water management issues, including the Massachusetts Water Resources Commission, which is responsible for developing, coordinating and overseeing the Commonwealth's water policy and planning activities.

5. As non-profit conservation and stewardship organizations dedicated to ensuring the long-term availability of clean water for Massachusetts, all five conservation groups have a deep interest in ensuring proper evaluation and management of large water uses such as that proposed by the Project. In addition, they are all intimately familiar with the water management issues involved in this case and can lend their unique expertise to the Court's consideration of these complex issues.

WHEREFORE, the conservation groups respectfully request that their motion for leave to file an *amicus curiae* brief be granted.

Respectfully Submitted,

MASSACHUSETTS RIVERS ALLIANCE,  
CHARLES RIVER WATERSHED ASSOCIATION,  
JONES RIVER WATERSHED ASSOCIATION,  
NORTH AND SOUTH RIVER WATERSHED ASSOCIATION, AND  
TAUNTON RIVER WATERSHED ALLIANCE

By their attorneys,



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DATED: February 14, 2014

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2014, I served a copy of Massachusetts Rivers Alliance, et al.'s Motion for Leave to File an Amicus Brief to all counsel of record as set forth below:

  
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