

**MEETING MINUTES**  
**NEW HAMPSHIRE WATER SUSTAINABILITY COMMISSION**  
**June 21, 2011**

**Commissioners in Attendance:**

<b>Kris Blomback</b>	<b>Chuck Souther</b>
<b>Amy Manzelli</b>	<b>Tom Burack</b>
<b>Bob Beaurivage</b>	<b>David Allen</b>
<b>John Gilbert</b>	<b>Glen Normandeau</b>
<b>Marcy Lyman</b>	<b>Alison Watts</b>
<b>Denise Hart</b>	

The meeting was called to order at 2:00 pm with approval of the minutes. Tom Burack made a motion to approve the minutes of the May 26 meeting as revised. Bob Beaurivage seconded the motion and, with discussion, the minutes were approved unanimously. Bob Beaurivage made a motion to approve the minutes of the June 7 meeting, Chuck Souther seconded the motion followed by discussion. Revisions were offered and will be incorporated into a revised draft that will be presented for approval at the July 12 meeting.

The Chair circulated a draft budget for the work of the Water Sustainability Commission (WSC) offering that, though the budget for the Gaming Commission was used as a template, the categories and figures were revised for relevance to WSC. The budget was presented for review to get feedback on both the categories of anticipated cost, as well as the actual figures. A revised draft will be circulated electronically for discussion and approval at the next meeting.

The Chair introduced Judy Stokes from Fish and Game who joined the meeting to facilitate a visioning exercise. The objective of the exercise was to develop a “working hypothesis” vision of water resource and its management that the Commission could use in the public arena, testing, revising, and refining it over the coming months into a set of guiding principles that can accommodate uncertainty, as well as guide specific actions.

Judy began the exercise by explaining her role as one of a “meeting chauffer” to help the group work through issues. She introduced the framework for the meeting as a structure that would look at *drivers of change*, *constraining forces* and *key assumptions* with the goal of expanding the drivers and minimizing the impacts of the constraints. The group also expressed an interest in trying to reach common understanding and definition of such terms as “quality” that would lead to the development of a vision statement or working hypothesis. Notes from the visioning effort are attached.

**General discussion about vision statements.** Judy handed out an overview of the characteristics of a good vision. The group discussed generally that this vision statement needed to incorporate concepts of sustainability, be broad (i.e., “writ large”), and be a catalyst to a process to test and refine through public discussions that would ultimately

lead to an implementable plan. Some general comments about the vision statement included:

- 1) recognition of the critical need for involvement by the citizens of the state on water issues;
- 2) need for a preamble that states why people should be interested.;
- 3) need to create sense of urgency – but create positive message; and
- 4) need to promote stories – everyone who lives in NH should know some piece of the story about water.

**Summary of discussions during exercise** This section of the minutes is an effort to summarize the comments, questions and issues that surfaced during the exercise. Many of the ideas in the paragraph that follow may be duplicated in the attached notes that Judy Stokes prepared following the exercise.

There were a number of words that surfaced frequently, including concepts of value and cost (of water), access to water, affordability, ownership, international trade, interbasin transfer, instream flows, permitting, and privatization. In addition there were a number of big picture issues and questions that were offered including:

- 1) What do we mean by “quality;” is it referenced primarily to human consumption or to meet ecological needs? Comments in response offered that what constitutes quality is related to use, that standards of quality evolve over time with scientific knowledge and increasingly sophisticated monitoring/testing technology, that regulatory frameworks have very specific definitions of quality (e.g. Clean Water Act is “fishable, swimmable, drinkable”).
- 2) Decision-making and public policy need to be science-based, flexible, and able to support concepts of adaptive management
- 3) Do we have a good handle on water usage in the state? DES staff indicated that they have a “good ball-park” estimate of water use through the various monitoring systems/programs.
- 4) What are the gaps in the regulatory framework? For example, there is no triggering mechanism to review impacts either individually or cumulative from existing uses that have been grandfathered. There are examples (e.g., Safe Drinking Water Act) of framework that recognizes link between groundwater and surface water; however, there is not a comprehensive regulatory scheme that is fully cognizant of this link.
- 5) Variability in rules and regulations. Specific examples include differences between municipalities in rules related to aquifer protection, variability in local building, zoning, and planning regulations, and role of grandfathering and the absence of a mechanism to address its cumulative impacts.
- 6) Valuing water – there was much discussion about need to challenge basic assumptions about the cost vs. value of water – is it a commodity or right? Does it incorporate investment in delivery/waste water systems? Does it incorporate external costs?
- 7) Are regulatory programs/policies drivers or constraints? There was a recognition by the group that they can serve in both capacities.

- 8) Vesting of regulatory authority – Enforcement authority of some Federal laws is delegated to states, but (because of the absence of federal funding to support delegated authority) NH does not assume responsibility for enforcement of CWA for industrial permits, storm water systems, though USEPA recognizes and employs NH standards.
- 9) Population – where/how is population growing or not? How do we think about water? Are we entitled to all we want and in the locations that we want, regardless of the its availability in those locations?
- 10) Do we have systems in place to address issues related to external demands on our water resources from international trade, interbasin transfers, and privatization?
- 11) Leverage points – building codes were offered as one leveraging mechanism and the example of building codes that prohibit reuse of grey water was offered.

Finally the group was asked to articulate some guiding principles and listed the following:

- 1) People must take personal responsibility for protecting and conserving the state's water resources.
- 2) Costs need to be aligned with value of water (not just value expressed as commodity, but incorporating issues such as scarcity, real cost of resources including recognition of external costs).
- 3) Ensuring access to water – what are rights and where are they embedded?
- 4) Water is state resource – needs to be managed at state level, which implies transcending traditional municipal boundaries and operating from a scientific watershed basis.
- 5) Fair allocation of the resource without depleting it.
- 6) Adaptive management approach – must be prepared to address scientific knowledge, what's available, changing client, variable economic conditions, etc.
- 7) Cumulative impacts – watershed-wide impacts over time, including grandfathered uses.

### **Summary of comments from public in attendance:**

There were a number of questions/issues related to cost and value of water that included the question of whether water should be priced as a commodity or something available to all. In addition, there were comments related to creating some system for accounting for the true cost of water - "we have been renting water systems for nothing." The City of Keene was offered as an example where the cost of the water system was viewed as a whole that was paid out of a single source within the town – not in "stove pipes" for waste water, transportation, solid waste, etc.

The question of the term "quality" was addressed in the public comments and included the following: water providers have very specific standards for and meaning of the word "quality"; maybe we need to look and see from an affordability standpoint what is "good enough." Is there an opportunity to divide water flows to recycle water for ski areas, agricultural use, though the point was made that to meet standards for organic agriculture the water must meet drinking water standards. The issue of economics in determining quality was raised – the notion of quality can be viewed independently from costs, but attainment is directly related to costs.

**There were several comments that underscored the value/need to look beyond town boundaries. The town-by-town approach was seen as a constraint. First, there are benefits in cooperation; municipalities may be able to save money by inter-town cooperation and retain control of water resources. If there continues to be town-by-town allocation/development of water resources, we will continue to see issues of inequity and distribution and redistribution of wealth. One suggestion was to connect state/watershed-wide partnerships with affordability and to offer examples of what works by enabling municipalities to come together such as in the Southeast Watershed Alliance. A recommendation was made to create enabling legislation for watershed alliances.**

**One member of the public, however, argued for the importance of local/home rule, rather than a constraint, as an incremental ingredient of a driver – the constraint is the mindset, but the driver is engagement.**

**Recommendations included that the Commission look at common themes coming out of the work of the other water-related commissions, the need for decision-making systems that are flexible as science and public policy changes, and finally to create a message, e.g., “Water Words that Work,” to talk to the “other” constituencies in the state.**

**The Commission members thanked Judy Stokes for her facilitation and the meeting was adjourned at 5:00 pm.**