

**MEETING MINUTES**  
**NEW HAMPSHIRE WATER SUSTAINABILITY COMMISSION**  
**February 14, 2012**  
**N.H. Higher Education Assistance Foundation**

**Commissioners in attendance:**

Virginia Battles-Raffa  
Kris Blomback  
Robert Beaurivage  
Thomas Burack  
John Gilbert, Chair  
Denise Hart  
Michael Licata  
Marcy Lyman, Vice Chair  
Amy Manzelli  
Cliff Sinnott  
Chuck Souther

**Commissioners not in attendance:**

Dave Allen  
Glenn Normandeau  
Alison Watts

**Public in attendance:**

John Boisvert, Pennichuck Water  
Ted Diers, NHDES  
Bill Hounsell, CDM Smith  
Sarah Pillsbury, NHDES  
Jennifer Rowden, NHDES  
Paul Susca, NHDES

*Chairman John Gilbert called the meeting to order at 2:00.p.m.*

**I. January 17<sup>th</sup> Meeting Minutes**

A motion to accept the January 17<sup>th</sup> meeting minutes was made by Marcy Lyman and seconded by Michael Licata. The motion passed unanimously.

**II. Updates**

Funding: A decision on the Bean Foundation grant application for \$7,500 is expected on February 15<sup>th</sup> and Marcy will notify the Commission on the results of the decision. An additional grant application may be submitted to the Davis Conservation Foundation based in Maine in April. The Public Engagement subcommittee would like to hold an additional listening session targeted at stakeholders, not just the public, in Concord; however, it will require an additional \$750 to \$1,000 to pay for New Hampshire Listens' services. Some of the increase in the need for funding is due to New Hampshire Rivers Council charging a ten percent administrative fee in order to serve as the fiscal agent for the Commission. If any Commissioners have suggestions for potential sources for raising additional funds for the stakeholder listening session, please let John, Marcy or Denise know.

Public Engagement Subcommittee: The subcommittee is continuing to work with New Hampshire Listens to develop the public listening sessions in each Executive Council district. The goal is to start to finalize the locations in the next few weeks and the target dates for the listening sessions are early May. The subcommittee is still looking for recommendations for locations, specifically something in Merrimack County that is not in Concord (since that is the hopefully going to be the location for the stakeholder session). Once the location availability is finalized, Denise will send out the list of dates and locations for the session to the Commission. The next public engagement meeting will be on February 27<sup>th</sup> from 2:00 to 3:30 at Baldwin & Callen, 3 Maple St., Concord, NH.

Outreach: Amy requested that Commission members attend the "Water Matters" legislative breakfast being held tomorrow February 15<sup>th</sup> at 7 a.m. at the Holiday Inn in Concord.

For the New Hampshire Water and Watershed Conference being held at Plymouth State University on Friday, March 23<sup>rd</sup>, John will be participating in part of the plenary session to highlight the Commission's work. There may also be an opportunity for the Public Engagement subcommittee to develop a workshop to help frame the discussion questions for the public engagement sessions.

John, Denise and Tom participated in the Leadership New Hampshire event in January, which brought leaders in New Hampshire to discuss water resources. The main take-away lessons from the event were:

- Even identified leaders in New Hampshire do not have an understanding of the issues facing water resources in New Hampshire, or at least they did not before being given materials before the event (including the Water Primer).
- There is a need for additional education and outreach for the public.
- While participants were not aware of the issues surrounding water resources in the state, they were very interested in them.

### **III. Commission Extension and Member Check-in**

John met with the Governor's Office staff today regarding extending this Commission from June 1<sup>st</sup> to early September 2012. The September timeline will still allow the Commission to try to work with candidates running for Governor to get them onboard with the Commission's final recommendations. The Governor's staff indicated that the revised delivery date would be acceptable.

In addition to discussing the extension with the Governor's Office, John also requested assistance in scheduling the Governor's participation in certain water-related meetings to support the work of the Commission. Discussion regarding the current status of the Commission and the outcome of the Commission's work included the following comments:

- The purpose and success of the Commission seems uncertain since Governor Lynch announced he will not be seeking another term.
- The Governor's staff has not attended meetings because they wish not to be seen as influencing the Commission's work. However, no Commission member felt as though their presence would influence the Commission's work and their absence has caused some to question their support of the Commission's work.
- A suggestion was made for a gubernatorial proclamation to be issued on Earth Day (April 22) to coincide with the one-year anniversary of the Commission's establishment to promote its purpose and the public engagement sessions.
- The Public Engagement subcommittee has been discussing how to ensure that the work of the Commission continues after the Commission itself ends. The goal is to build a water constituency that continues to promote water sustainability during the next 25 years. Some of the suggestions for doing this include:
  - Have a permanent legislative commission established during this legislative session that would take over the work of this Commission once the report is issued. (Timing with this suggestion is important and would need to be done prior to the report being issued.)
  - Development of a nonprofit that would take over this cause.
  - Have enabling legislation written to develop such a nonprofit.
- The Commission has been given a significant amount of information, but have there been any items that have not been addressed that need to be?
  - There has been perhaps too much information that it is daunting and the overwhelming nature of the Commission's purpose may be what is causing some of the stalling.
  - If part of the purpose of the Commission is to filter the recommendations of the other commissions, then we need to know why it is they think their recommendations were not implemented.

Prior to the Commission issuing a final report, the Governor's Office has requested a briefing on the contents of the report so that the Governor can be made aware of the contents and recommendations before they are made public in order to be better prepared to support them.

#### IV. Commissioners' Key Issues

The Commission has been presented with a large amount of information about what others feel needs to be done, but the time has come for the Commission to start to put forth what we think is needed to sustain New Hampshire's water over the next 25 years. John asked Commissioners to come to the meeting with a few of the key issues they felt must be addressed in the context of the question: what are the things that, if we do not do them within the next 25 years, will foreclose the ability to attain long-term sustainability of New Hampshire's water resource beyond that point?

John

- Education of the public about the value of water.
- Need to devise a way to foster regulations, enforcement and water management in the watershed context.

Virginia

- Communication of how we value and use water.

Michael

- Need for more information about water around the state to know if we have a problem.
- There needs to be more monitoring of water resources across the state in order for better regulations and decisions to be made about the use of those resources. Additional funding is needed to address this issue.

Bob

- The state does have good data, but the resources to continue to collect it or analyze it are not available. DES will never have enough data.
- Communicating the value of water is the key to protecting the resource and to funding ways to ensure its remains protected.
- Water infrastructure in the state is in poor condition and needs tremendous investments.

Amy

- The relationship between water resources and land use, or the connection between impervious surface cover and water quality, and the need to connect that relationship to the regulatory process.
- Addressing the process for seeing the follow-through of this Commission's recommendations; who will implement the recommendations, how will they be measured to see if they are being accomplished?

Chuck

- Infiltration and land use: the need for incentives to decrease or minimize impervious surface coverage.
- Grey infrastructure, i.e., all water infrastructures is the key and needs to be fixed.
- One remaining question though, is do we know where the populations will be in 25 years? The reports that the Commission has seen seem to conflict with one another.

Denise

- Looking at the precautionary principle to approach regulatory decisions; do we have the information we need to make decisions and should precaution be included in the regulatory framework?
- Looking into foreign companies coming into the state for water and the lack of state laws protecting state resources in the light of international trade agreements.
- Water infrastructure: it seems federal funding sources cannot be relied on anymore, so the state needs to address the funding through a mechanism like creating a trust or an account dedicated to these upgrades.
- Education about watersheds being included more in the K-12 education curriculum.

- The role of the Department of Environmental Services (DES) in carrying forward all of these recommendations and the need from communities for DES to serve as a source of technical assistance. This all would require that DES is adequately funded to serve in this role. DES can help to look at issues at a larger, watershed scale.

Kris

- Water rights and access to water as it relates to business and industry.

Cliff

- Water supply and the conflict between reasonable use and public trust.
- Water quality planning and management using a watershed approach.

Tom

- Infrastructure funding.
- Utilizing an integrated watershed planning approach.

Marcy

- Who decides on many of these issues and what are the systems that we are using to make these decisions?
- Integrated watershed planning.
- The value and cost of water (infrastructure) now and into the future as conditions, demands, populations and the climate change.

General discussion

- Water will still be available in New Hampshire in the future; however, the intensity and frequency of extreme precipitation events is going to shift recharge patterns and have other impacts. Has the Commission decided if we are addressing flooding? Specifically, the effects climate change will have on water infrastructure (stormwater specifically) and water demands in the event of droughts are of concern.
- In approaching how these topics and issues are divided should relating precautionary principle and decision making be in the same category as the lack of/need for data?

Two sets of topic areas to organize these issues /recommendations have emerged from the Implementation Subcommittee's work and were sent out to Commission members ahead of time.

Set A:

- Access to/allocation of water (quantity).
- Value/cost of water (including the foregone costs of responding to disasters that occur due to lack of preventive measures).
- Integrated watershed management and planning.
- Infrastructure design and investment.
- Adaptive management (to address increasing occurrence of extreme weather, i.e., climate change).

Set B:

- Integrated watershed management and planning.
- Water ownership and value of water.
- Water infrastructure – drinking water, wastewater, dams, and storm water.
- Non-point source pollution – storm water runoff and water quality.
- Floods, droughts, and climate change – adaptive management.
- Adequacy of water supply – water quantity
- Water quality.

Given the discussion above, there may be a need to revise these lists to better reflect the variety of key issues identified by Commissioners. John's topic/issue groupings based on Commissioner's comments are as follows:

- Need for more data about water resources in the state.
- Managing around the intrinsic value of water.
- Education of citizens regarding the value of the resource – necessary to create constituency for long-term sustainable management.
- Fostering cooperation/regulation/enforcement in regions that match the way that water organizes itself, i.e., in watersheds.
- Water infrastructure – in poor condition in State and suffering from lack of funding (tied to value vs. cost issue), and need to reconsider design principles to address future weather patterns.
- Relationship between land use and water resources, particularly the issue of increasing impermeable cover, which affects source waters protection and forest health.
- Process for acting on all these issues.
- Who makes decisions regarding water management and using what criteria? Needs to be science-based with adaptive management principles incorporated.
- Exporting of water.
- Provision of technical resources/capacity to towns grappling with water resources questions in a larger context.
- Water rights/access issues – how do we apportion water? Allocation? Hierarchy of use? Public trust vs. fair use and issues of equity. Ecosystem needs must be included in the process.
- Ensuring that all citizens have adequate access to safe drinking water at adequate level of affordability.
- Interconnecting water and wastewater systems to get to economically viable scale.

Items identified as not being on John's list or necessarily fitting into a specific category are:

- The monetary value of water.
- How available data is integrated into decisions.
- The future costs for infrastructure upgrades as demands increase.
- Water rights and water equality.
- Addressing the water issues that originate from out of the state or that are exported to other states downstream.
- Ecosystem services and impacts.
- Ensuring safe drinking water is available and affordable for both residential use and for businesses.
- The distinction between private and public drinking water sources and the associational regulations (or lack of regulations).
- Looking into regionalization or cooperative agreements for water infrastructure.
- Promotion of land conservation to protect waters supply areas and increase protection of riparian areas/headwater streams.
- Every topic or issue discussed seems to go back to watershed planning and that seems to be the key idea.
- Whatever the topics or issues that are identified, there needs to be prioritization as to what gets addressed when.
- For much of this to happen, there needs to be a paradigm shift in the approach to managing water resources in the state.

The most critical of the key issues appear to boil down to:

- Integrated watershed management and planning – many of the issues are subsumed in this category;
- Balancing of fair use with public trust doctrine – addresses access and quantity management issues; and

- Education of citizenry – a critical precursor to accomplishing any of the necessary strategic management functions.

## V. Recommendations Process

The original intention for the meeting was for the Implementation Subcommittee to verify with the full Commission that the general topic areas for framing the implementation process are correct. The reaction of Commission members during the last discussion indicates there is general consensus on what the issues are, but that how to group them in order to develop recommendations that reflect sustainability may need to be reworked. The second goal for today's meeting was to walk through the proposed process for identifying those recommendations that the Commission can make to help add value to addressing the known issues. The comment was made that all of the issues the Commission has been discussing seems to fall under the topic of watershed management. Discussion about watershed management efforts in the state included the following:

- The question was asked if the Instream Flow pilot project on the Lamprey and Souhegan Rivers had resulted in any lessons learned from trying to implement a planning effort that is designed to consider varying conditions. The basic lesson is that it is doable, but is not without controversy and the process to get there is not easy.
- The Southeast Watershed Alliance (SWA) was mentioned as a good example of allowing these watershed planning efforts to be adaptable and allowed to evolve. SWA was established by enabling legislation and while its focus right now is getting all the towns to address nitrogen getting into Great Bay, it may eventually be able to turn into the facilitator to get the towns and regulators to work cooperatively. This kind of regulatory evolution cannot be mandated by the federal or state government, it needs to be allowed to work from the bottom up and be led by the municipalities themselves.

Both of these management efforts will be presented at a Commission meeting this spring. One suggested reworking of the grouping of issues included: integrated watershed management and planning, education and outreach, and the organizational and regulatory processes.

Tom suggested that if the Commission is looking to address these issues using a different approach, then the fundamental way that the issues are looked at and recommendations are made needs to be fundamentally different. The process outlined is the standard model that has been used by the other commissions and a majority of their recommendations have not been implemented. If we compare the list of issues to the list we developed last summer with the help of Maureen Hart regarding what sustainability is and how to address it, we might see the similarities to the issues that have been outlined, but that perhaps we need to address them using a different framework.

If the goal of the Commission is to look at sustainability of water in the state then perhaps a sustainability framework is needed. It is a different way to organize the issues and may help to identify the areas of overlap and which issues or recommendations are more of a priority. Two suggestions were made to look again at are the *Minnesota Water Sustainability Framework* and the example presented by Maureen Hart. Using the sustainability lenses presented by Maureen Hart that the environment supports society which in turn supports the economy as illustrated below the recommendations the Commission develops may become clearer.



Discussion included questions about if the prioritizing and presenting process for the Commission's recommendations to address issues switches to using this approach should it be tackled by the Implementation Subcommittee or the Commission as a whole. Concern was expressed about the need to still present the information in a direct fashion that gets to question of what needs to be done, by whom, by when and what is needed to accomplish it.

For the next meeting, the Implementation Subcommittee will attempt to use Tom's suggested framework process prior to the next Commission meeting. The next Commission meeting will be changed to another working session with this approach being the main focus.

## **VI. Upcoming Meetings**

Due to the extension of the Commission, the meeting schedule was extended to include the following dates and additional dates may be added if necessary:

- March 20<sup>th</sup>
- April 17<sup>th</sup>
- May 15<sup>th</sup>
- June 19<sup>th</sup>
- July 17<sup>th</sup>
- August 21<sup>st</sup>

## **VII. Public Comments**

Bill Hounsell: Asking the questions of where mandates come from and then who actually implements/pays for those changes is important. There is a need to consider a local perspective when looking at these problems and how they can be addressed from the bottom-up as well as from the top-down. The bottom line is that everyone needs to share in the responsibility and cost for addressing these issues. There needs to be integration in the regulations, organizations and management of these resources. The first step toward this is addressing funding, particularly fulfilling the state's obligation to towns on the State Aid Grants for infrastructure projects. In addressing this issue, the long-term result may be a sustainable mechanism for funding infrastructure needs across the state, paid for by local, state and federal sources.

The Water Infrastructure Commission (SB 60) is interested in coming before this Commission and perhaps dovetailing efforts by coordinating reports and recommendations.

***Meeting adjourned at 5:00 PM.***

***The next Commission meeting is scheduled for Tuesday, March 20, 2012 from 2:00 p.m. to 5:00 p.m. at New Hampshire Department of Fish and Game, 11 Hazen Drive, Concord, NH.***