

**MEETING MINUTES
NEW HAMPSHIRE WATER SUSTAINABILITY COMMISSION
April 17, 2012**

**New Hampshire Department of Environmental Services
Concord, NH**

Commissioners in attendance:

Dave Allen
Virginia Battles-Raffa
Kris Blomback
John Boisvert
Thomas Burack
John Gilbert, Chair
Denise Hart
Michael Licata
Marcy Lyman, Vice Chair
Amy Manzelli
Cliff Sinnott
Chuck Souther
Alison Watts

Commissioners not in attendance:

Glenn Normandeau

Public in attendance:

Mark Cave, concerned citizen
Henry Deboer, Epping Well & Pump
Molly Donovan, NH Listens
Michele Holt-Shannon, NH Listens
Bill Hounsell, CDM Smith
Robert Morency, RCAP Solutions
Sarah Pillsbury, NHDES
Gil Rogers, PE Consultant
Jennifer Rowden, NHDES
Paul Susca, NHDES

Chairman John Gilbert called the meeting to order at 2:03 p.m.

John Gilbert introduced John Boisvert, Chief Engineer for Pennichuck Water Works, who will be replacing Bob Beaurivage on the Water Sustainability Commission due to Bob's retirement.

I. March 20th Meeting Minutes

A motion to accept the March 20th meeting minutes was made by Kris Blomback and seconded by Marcy Lyman. The motion passed unanimously with John Boisvert and Amy Manzelli abstaining.

II. NH Listens and May 8th Public Sessions

John Gilbert welcomed Molly Donovan and Michele Holt-Shannon from NH Listens who will be coordinating the five May 8th public listening sessions for the Commission. Michele gave an overview of what the participants will experience in the facilitated, small group sessions. She explained that the general goal is to get participants to talk as individuals and to feel that they have an equal say in the conversation. Participants will be sent a packet ahead of time with some basic background information (drafted with NH Listens and the Public Engagement subcommittee); the packet is largely based on the *New Hampshire Water Primer*. The conversation in the sessions will flow from an introduction, to asking participants to take a look at the information they were given, asking them what they value or what their priorities are regarding water, and then to draft some recommendations. The goal is to give participants some knowledge to make decisions and also to see what participants focus on or do not focus on.

For the Commission members attending the sessions, they will be asked to join a group mainly to listen to the discussion. If media happen to show up, they will also be asked to join a group with the understanding they cannot quote what they hear from a group or individuals without the consent of the group or person. NH Listens will also ask participants to evaluate the sessions at the end of the event. After the event is over, NH Listens will be sending out a quick summary of the general themes heard at all five locations and they will be issuing a report to the Commission a few weeks afterwards.

NH Listens and the Commission need to continue to publicize the listening sessions, with an effort to get participants who are not normally involved with water issues all the time. The Commission was asked to distribute flyers and to e-mail the electronic copy that will be sent shortly. The Public Engagement subcommittee will be working with the Commission members regarding the logistics of who will be attending which session, getting a packet of materials out and handling showing the slideshow.

III. June 19th Stakeholder Session

The May 8th sessions are largely geared towards the general public. The June 19th session will be mainly for those businesses using water or those who work with water issues or needs professionally; these stakeholders will largely be at a higher level of understanding of the issues. The June 19th stakeholder session is currently scheduled to be held at DES during the normal Commission meeting (2:00 to 5:00 p.m.). NH Listens has offered to assist with facilitation of the June 19th session.

The following comments were made regarding the content and structure for the June 19th session:

- The plan is to structure the session the same way as the May 8th session, with small group facilitated discussions, but to have the questions posed to the participants be more strategic.
- There will be some crossover regarding attendees between the public sessions and the stakeholder session.
- If the session is at DES, then there is a limited capacity. Should the Commission target certain groups to invite?
- There should be some mechanism to try to link organizations together as a result of the session or the Commission's work.

The Commission members felt the following questions should be asked at the June 19th session either to get direct feedback or to at least get the conversation started amongst participants:

- What can those in the water professions do to advance the thinking on water resources on a watershed basis?
- What can the Commission do from the list of compiled recommendations (Appendix A) to advance these issues/recommendations with the recognition that the Commission is ending in September?
- What can the represented organizations do to move these issues further?
- What has been the inhibiting factor(s) to address many of these issues and what can be done to overcome them?

The issue of capacity at the DES facilities for the sessions was discussed and whether there may need to be some funds raised to try to host the session in a larger space.

IV. Recommendations Review

Prior to the meeting, John Gilbert asked Commission members to review the table of the recommendations from various sources and their relationship to the six draft visions the Commission discussed at the last meeting (See Appendix A). The recommendations are from the other water-related commissions, the New Hampshire Water Primer and, recommendations the Implementation subcommittee drafted at their last meeting. Many of the recommendations are related to several visions and the vision related to education is actually an overarching vision. John asked the Commission members if these are the issues and are they the most important. Many of the recommendations are specific, particularly from the other commissions, and the Commission's recommendations need to be more strategic in nature.

The following comments were made regarding the recommendations and visions:

- The issue of international trade agreements and foreign companies extracting water from the state is not listed.
- Concern that these recommendations do not fully address the issue of riparian rights and the development of a prioritization of water users. A suggestion was made that the Commission may want to recommend that a prioritization system be established for emergency situations, but the Commission itself should not be creating the system.

- The recommendation/vision regarding watershed planning needs to be better worded to specify the level it should be done at with relation to existing laws/regulations (or should recommend new laws/regulations).
- Recommending a change to a watershed based approach for state regulations would be a major policy shift.
- Another level of policies may need to be included in between the Commission's visions and recommendations.
- There is a need to include the precautionary principle either in the visions, policies or recommendations.
- The lack of data is not specifically mentioned, and there needs to be proactive planning for either getting the data and/or what should be done if there is not enough data to make sound decisions.
- A recommendation about how data will be incorporated into decisions needs to be included.
- The issue of cost needs to be included, even if the Commission does not recommend specific mechanisms for addressing funding.
- At least some of the recommendations need to be doable and there needs to be a system of prioritization included in the final report.
- The Water Infrastructure Commission is looking into broad funding solutions as part of its recommendations.

V. Other Business

At the next meeting, John Gilbert indicated that the Commission needs to start looking at what the form of the final deliverable is going to be and work on the recommendations/ report will need to be part of every meeting discussion from this point forward. For the May 15th meeting, the Commission will be hearing from some of the watershed planning efforts occurring around the state. In July the meeting will focus on the value of water and August will be dedicated to the report.

VI. Public Comments

The public in attendance of the meeting provided the following comments to the Commission:

- Similar to what the Department of Transportation puts in its ten-year infrastructure plan, a plan needs to be developed for water resources that addresses the ultimate goal, the needs, who will pay, the upfront and long-term costs, and what policies need to be in place to reach that goal.
- The state needs to prioritize funding of water infrastructure projects in a well defined manner. It also needs to allow for local knowledge and priorities to be considered in water infrastructure funding. There is a need to discuss the role of funding at the local, state and federal level, and how all three levels interact. Funding must be discussed as part of the Commission's plan.
- There is a need to be more protective of areas that serve, or may someday serve, as water supplies. However, there is a need to not have recommendations or regulations be too cumbersome or costly on public water systems, or there will be pushback.
- There is a need to be ways to look at creative or alternate ways to pay for water infrastructure and to protect water resources. No matter what the form takes it will be critical that there is technical assistance available from DES and others, which means that there needs to be adequate funding for those entities.

Meeting adjourned at 5:00 p.m.

The next Commission meeting is scheduled for Tuesday, May 15, 2012 from 2:00 p.m. to 5:00 p.m. at New Hampshire Department of Environmental Services, 29 Hazen Drive, Concord, NH.

| | | Visions | | | | |
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| | | Education Vision: People have an in-depth understanding of water issues and place great value on water and water services | | | | |
| Recommendations | | Integrated watershed management and planning is occurring at appropriate levels (e.g. state and subwatershed). | Stormwater and Non-point source pollution is effectively treated. | Drinking water, wastewater, stormwater and dams are adequately maintained and improved as necessary to protect human health and the environment and water services are affordable. | There is effective adaptation to address changing climate trends, specifically more frequent flooding and droughts and changes in water occurrence and quality with temperature increases. | There is an adequate quantity of water to support human and other ecological needs. |
| Land Development and Land Development Regulations Commission | Utilize the NH Wetlands Method, a recognized scientifically based method of evaluating wetlands, to establish wetland buffers of 50 to 100 feet (measured horizontally). Note: The Commission offered specific buffer score recommendations. | | | | | |
| | Define "wetland buffers" and "indirect impacts" to wetlands. | | | | | |
| | Compile data on functional values of wetlands as they become available in order to evaluate the effectiveness of the thresholds scores proposed in the first recommendation. | | | | | |
| | Recommend that if municipalities choose to implement a wetland buffer ordinance or regulation, that they be encouraged to utilize the same method (Method for the Evaluation of Freshwater Wetlands in New Hampshire, 2010). | | | | | |
| | Enhance existing education and outreach programs to promote smarter growth and protect natural resources. | | | | | |
| | Consider new legislation to provide for an alternative, integrated land development permit that addresses multiple issues (e.g., wetlands, stormwater, wastewater/septic, habitat, and indirect and cumulative impacts) in coordination. | | | | | |
| | Establish incentive-based programs to promote smart growth patterns of development. | | | | | |
| | Develop and implement a statewide ecological connectivity plan to maintain and restore wildlife mobility among habitats and across the landscape. | | | | | |
| Stormwater Study Commission | Amend State law to define the term "stormwater". | Senate Bill 265 is currently being considered by the Legislature and, if passed as written, would include a definition of stormwater in state statute consistent with the recommendations of the Stormwater Commission. | | | | |
| | Amend State law to clarify that all property owners are responsible for stormwater originating from their property. Create statutory definitions that will provide the underpinning for local and statewide stormwater management based on property owner responsibility. | | | | | |
| | Amend State law to create a statewide, watershed-based, stormwater utility program with local options that could be phased in over a period of years. Amend the existing language in RSA 149-I about municipal stormwater utilities to be consistent with and complementary to the statewide utility concept. (If the recommendation of creating a statewide stormwater utility program is not implemented, amend State law to create a statewide stormwater discharge permit system administered by NHDES.) | | | | | |
| | Amend State law to clearly enable and require municipalities to regulate stormwater within their boundaries. | | | | | |

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| Comprehensive Flood Management Study Commission | Landscape Management | | | | | |
| | Limit the construction of new critical facilities or state facilities in fluvial hazard zones (mapped 100- and 500-year floodplains or identified fluvial erosion hazard zones). | | | | | |
| | Increase the preservation of land in floodplains to help retain natural flood storage capacity while also providing significant ecological benefits for fish and wildlife. | | | | | |
| | Establish a state -level regulatory approach for floodplain management. | | | | | |
| | Increased funds for flood management activities. | | | | | |
| | Relocating structures within the 100 year floodplain and determining flood insurance status. | | | | | |
| | Increase knowledge of flood building codes at the local level. | | | | | |
| | Establish a state-level fluvial erosion hazard program similar to Vermont's Fluvial Erosion Hazard Program. | The NH Fluvial Erosion Hazard Mitigation Program was established in 2009. | | | | |
| | Increase ability for the state and municipalities to manage stormwater. | | | | | |
| | Ensure that bridges and culverts are adequately sized. | | | | | |
| | Establish protocol for mitigation procedures for removal of woody material that may pose an imminent threat to infrastructure. | | | | | |
| | Local Floodplain ordinances should prohibit development within a 100 year floodplain. | | | | | |
| | Increase education and outreach to communities regarding floodplain management and insurance options. | | | | | |
| | Encourage all NH communities participate in the National Flood Insurance Program and its Community Rating System. | | | | | |
| | A dedicated state-funding source for floodplain buyouts. | | | | | |
| | Flood Forecasting and Data Collection | | | | | |
| | Increase information collection to improve flood forecasting. | | | | | |
| | Improved flood insurance rate maps and watershed planning | | | | | |
| | Dams | | | | | |
| | Funding for the repair or removal of aged dams | | | | | |
| Increase public awareness [of flooding and dams]. | | | | | | |
| Improve flood forecasting for dam operations during flood events. | | | | | | |
| Improve dam operations during floods. | | | | | | |

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| Water Infrastructure Funding Sustainability Commission | Interim Report Recommendations | | | | | |
| | The immediate need for 2011 state match dollars to secure federal state revolving loan funds for wastewater and drinking water improvement projects | | | | | |
| | An interim need, until a long-term revenue source can be identified, for dam repair funding to ensure state owned dams are safe. | | | | | |
| | The reinstatement of state aid grants in the state 2012/2013 budget for projects that were initiated prior to these grants being deferred and would justifiably have anticipated the availability of these grants. | | | | | |
| Groundwater Commission | Clarification on entitled required to report water use of more than 20,000 gallons per day to DES and establishment of enforcement standards. | Recommendation fulfilled by passage of House Bill 215 in 2005. | | | | |
| | Expansion of the ambient bedrock monitoring network in New Hampshire. | | This recommendation has only been partially fulfilled by the NH Legislation appropriating additional program funds. | | | |
| | Clarification of state and municipal authority to restrict excessive discretionary water uses from non-regulated withdrawals during water supply emergencies. | In 2007, the Legislature approved House Bill 457, which enabled municipalities to restrict residential lawn watering, including when private wells are the water source, during state or federally declared droughts. | | | | |
| | Need for accurate and complete information regarding well location and associated geologic materials. | In 2007, the Legislature approved House Bill 459, which amended RSA 482-B:10 to require that licensed well drillers provide accurate well location data to NHDES. | | | | |
| | The exemption of replacement or redundant wells from the requirements of the Large Groundwater Withdrawal Permit (RSA 485-C:21). | In 2010, the Legislature established RSA 485-C:22 which exempts such wells from the permit. | | | | |
| | To require water quality tests to be conducted on water from newly constructed private wells and from private wells providing drinking water at the time of a real estate transaction. | In 2010, the Legislature considered House Bill 1685, which proposed such testing, however, the bill was not approved. | | | | |
| | Clarification that state regulations of large groundwater withdrawals do not pre-empt a municipality's authorities to regulate other aspects of a project, and clarification of regulatory requirements for short-term and emergency large groundwater withdrawals. | In 2010, the Legislature adopted Senate Bill 411, which amended RSA 485-C as stated. | | | | |

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| Rivers and Streams | | | | | |
| Protection of riparian areas. | | | | | |
| Increased collection of physical, chemical and biological data. | | | | | |
| Reduce the impacts of land use change. | | | | | |
| Continue to develop and implement instream flow protection. | | | | | |
| Lakes and Ponds | | | | | |
| Improve coordination of water quality programs. | | | | | |
| Determine carrying capacity and provide adequate public access. | | | | | |
| Continue new initiatives to prevent and control invasive aquatic species. | | | | | |
| Groundwater | | | | | |
| Improve monitoring to support protection. | | | | | |
| Increased municipal land use controls to protect groundwater quality and quantity. | | | | | |
| Increased public education and awareness. | | | | | |
| Wetlands | | | | | |
| Improve wetland permitting to increase efficiency and stakeholder satisfaction. | | | | | |
| Increase and improve local involvement. | | | | | |

| Coastal and Estuarine Waters | | | | | |
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| Develop a strategy to adapt to the impacts of climate change. | | | | | |
| Reduce nutrient and sediment loads to the estuaries. | | | | | |
| Limit boat moorings. | | | | | |
| Make removal of head-of-tide dams a priority. | | | | | |
| Expand shellfish resources and harvesting opportunities through improved management of estuarine areas. | | | | | |
| Support land conservation and stormwater best management practices to help reverse trends in coastal and estuarine degradation. | | | | | |
| Water Use and Conservation | | | | | |
| Per capita water efficiency must improve. | | | | | |
| Community water systems need incentives. | | | | | |
| Water use registration and reporting requirements must continue, be fully enforced and implemented. | | | | | |
| Innovative water resource projects must be developed. | | | | | |

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| Drinking Water | | | | | |
| Increase private well protection. | | | | | |
| Improve capacity of small systems. | | | | | |
| Maintain and upgrade drinking water infrastructure. | | | | | |
| Improve local protection efforts. | | | | | |
| Track emerging contaminants. | | | | | |
| Water system security and interconnection. | | | | | |
| Prepare for climate change. | | | | | |
| Wastewater | | | | | |
| Take action to get the most out of the existing wastewater infrastructure. | | | | | |
| Start planning early for the next generation of wastewater infrastructure. | | | | | |
| Promote the use of onsite treatment technology in ways that protect environmental quality. | | | | | |
| Continue efforts to eliminate discharge of untreated sewage where cost effective. | | | | | |

NH Water Resource Primer Recommendations continued

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| Stormwater | | | | | |
| Encourage and facilitate the local adoption of state stormwater management standards. | | | | | |
| Encourage low impact development and compact development. | | | | | |
| Upgrade stormwater infrastructure. | | | | | |
| Implement stormwater utilities. | | | | | |
| Dams | | | | | |
| Improve dam maintenance. | | | | | |
| Remove unnecessary dams. | | | | | |
| Increase public awareness [of dams]. | | | | | |
| Floods and Droughts | | | | | |
| Develop improved mapping programs for floods. | | | | | |
| Increase the number of stream gages to better predict flooding. | | | | | |
| Develop and implement disaster precaution for floods. | | | | | |
| Revise the Drought Management Plan. | Currently being developed by UNH. | | | | |
| Establish prevention and mitigation strategies for water supplies adversely affected by drought. | | | | | |

Rivers and Lakes Advisory Committees' Sustainability of NH Surface Waters

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| Increase available water resource data, and improve data access and management. Specifically, increase the stream gage network and expand/improve water quality monitoring. | | | | | |
| Establish a clear, well-communicated strategy on a state-wide scale to effectively address landscape change and its impacts on water quality and quantity. | | | | | |
| Promote protection of shorelands and riparian buffers. | | | | | |
| Limit the impacts to water quality and quantity from urbanization and watershed development. | | | | | |
| Determine the carrying capacity of lakes and provide adequate public access to surface waters. (Carrying capacity refers to the level or type of use beyond which impacts to the lake or the visitor experience exceed acceptable limits.) | | | | | |
| Control invasive aquatic species through prevention, monitoring and research. | | | | | |
| Address issues of consumptive use of surface water and groundwater. Specifically, determine and implement instream flow protections, and monitor/address impacts of [cumulative] groundwater withdrawals. | | | | | |
| Address the potential climate change impacts on New Hampshire's rivers and lakes, including include rising sea levels, altered runoff patterns from reduced amounts of snowfall and more frequent extremes in precipitation from drought to floods, and increased water temperatures that could degrade cold water fisheries | | | | | |

Education Vision: People have an in-depth understanding of water issues and place great value on water and water services

Recommendations

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| Integrated watershed management and planning is occurring at appropriate levels (e.g. state and subwatershed). | Stormwater and Non-point source pollution is effectively treated. | Drinking water, wastewater, stormwater and dams are adequately maintained and improved as necessary to protect human health and the environment and water services are affordable. | There is effective adaptation to address changing climate trends, specifically more frequent flooding and droughts and changes in water occurrence and quality with temperature increases. | There is an adequate quantity of water to support human and other ecological needs. |
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WSC Implementation Subcommittee 4/10/12 Recommendations

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| State regulations (permitting and enforcement) are coordinated at the watershed-level within state agencies and between agencies. | | | | |
| Allow/encourage municipalities to enter into cooperative agreements to address (proactively) water resource and water infrastructure issues. | | | | |
| Allow/encourage municipalities to adopt uniform regulations to protect water resources across municipal boundaries. | | | | |
| Promote the limiting of impervious surfaces related to land use change and encourage low impact development (LIDs). | | | | |
| Alter design criteria for stormwater treatment systems to require more treatment than just infiltration. | | | | |
| Elimination of combine sewer overflow infrastructure. | | | | |
| Adopt septic systems design standards or regulations that minimize nutrients and other pollutants from entering surface water or groundwater. | | | | |
| Reduce the demand for capital costs associated with water infrastructure replacement or upgrades. | | | | |
| Allow/encourage water infrastructure systems to form cooperative agreements to reduce operational and management costs, and where possible, to interconnect to further reduce costs. | | | | |
| Require asset management plans for all water infrastructure receiving funding receiving state or federal funds to encourage. | | | | |
| Ensure that during drought conditions, water resources and use are allocated under a prioritized system. | | | | |
| Promote water planning efforts such as instream flow protection that ensure a balance of water use between human consumption and ecological demands. | | | | |
| Promote water efficiency and water conservation. | | | | |