

**MEETING MINUTES
NEW HAMPSHIRE WATER SUSTAINABILITY COMMISSION
September 27, 2012**

**New Hampshire Fish and Game Department
Concord, NH**

Commissioners in attendance:

Virginia Battles-Raffa
Kris Blomback
John Boisvert
Thomas Burack
John Gilbert, Chair
Denise Hart
Michael Licata
Marcy Lyman, Vice Chair
Amy Manzelli
Glenn Normandeau
Alison Watts

Commissioners not in attendance:

Dave Allen
Chuck Souther
Cliff Sinnott

Public in attendance:

Bill Hounsell
Jim Ryan
Paul Susca

The meeting was called to order at 8:40 p.m.

I. September 18th Meeting Minutes

A motion to accept the September 18th meeting minutes was made by Michael and seconded by Kris. The motion to accept the minutes passed unanimously with Virginia abstaining.

II. Final Deliverable Discussion

The Commission discussed the goals section of the latest draft report. The following are comments or discussion points made regarding each goal.

A. Goal 1

- Change "regional" to "watershed".
- Towns often do not have the adequate expertise but some do.
- Better articulate the need for a different relationship between municipalities and the state.
- Need for state to be "final arbiter" of water permitting matters, based on science, while municipalities have the authority to deal with land use matters. This is the way it has been.
- Discussion about the state's authority regarding water matters and towns' authority regarding land use and the roles of each.
- Change working to clarify coordination between municipal and state levels of government.
- Discussion about the role of DES as a technical assistance source for municipalities and its resource level and authority.

B. Goal 2

- Recommendations 2: Add the idea about pilot programs and projects to implement new laws to learn the potential pit falls.
- Are there situations where federal authority supersedes state and local authority?
- There are opportunities for better coordination among federal, state and local government.
- Need to investigate potential impacts of international trade agreements on these matters.
- Add promoting integrated maintenance/replacement of water system components when other utilities/infrastructure work is taking place. (Example, replace water and sewer lines at the same time.)
- Possible area for additional inquiry: require that grant recipients establish a dedicated capital reserve account as a condition of receiving state grants or loans. There may be conflicts with the Public Utilities Commission (PUC) regulations that need investigation.

C. Goal 3

- Preference for goal phrased "runoff from rain and snow, and the pollution it carries, will be minimized and effectively managed."
- The alteration of terrain rules seems to discourage this idea in impaired watersheds. DES is aware of the issue and looking to address it.
- What is being said about "managed landscapes" and "audits"? Clarification is needed.
- Discussion about what a "cooperative agreement" actually looks like. DES staff can provide an explanation.
- Discussion about establishing a process to address problems before a waterbody is listed as impaired.

D. Goal 4

- Discussed working changes to goal, recommendations and actions
- Recommendation 1: Tom will have DES staff comment if LiDAR is the only technology that should be called out
- General discussion about rewording the recommendations and changing the order.
- Discussion about whether to include other water infrastructure types, e.g. dams, and to reference design standards for new infrastructure.
- Adding something about the impacts of changing weather patterns or possible health impacts.

E. Goal 5

- Discussed working changes to goal, recommendations and actions.
- Recommendation 2: Regarding private wells, it was agreed to take out language "retain data on a confidential basis".
- Recommendation 3: the wording does not reflect that New Hampshire has one of the best groundwater withdrawal permitting programs in the country.
- Where should the concept of ecosystem services conflicts be included?
- Need to consider if the withdrawal permitting process will ensure the 25-year goal.
- This is an area where people seem to be concerned. Rewording to emphasize the need to reflect 21st century concerns and needs was suggested.
- The focus on withdrawals has largely been groundwater, however, the goal references all withdrawals.
- Discussion to work adaptive management into recommendations 3 and 7.
- Recommendation 3: Need to be careful not to suggest that current ownership structure with regard to water needs to be changed. The concern about water ownership was raised by the public and is addressed in the executive summary that the Commission did not address it.
- Rights and access are important components to sustainability and the report needs to clearly address the issue. The report currently mentions it, but needs to address the specific concerns.
- Discussion about combining recommendations 3 and 4.
- Recommendation 6: DES staff can provide additional information about the instream flow program and what has been learned.
- Recommendation 8: Intended to identify additional ways to address conflicts concerning water that do not involve the court system.
- Recommendation 5: Will fold this into questions about addressing different regional issues and concerns.
- Areas for additional inquiry: remove "ownership of land and water rights".

F. Goal 6

- Keep this goal, but add a funding goal.
- Discussion about what belongs under a funding goal and how it fits into the larger report.

The Commission discussed the need to lay out a vision for how the report recommendations will be implemented after the Commission is done. In addition, there is a need to address bench markers to indicate progress towards those goals. The key issues that need to be addressed are:

- Resiliency
- Avoidance of reaching thresholds (Example, how to indicate when a waterbody is nearing impairment status.)
- Watersheds
- Education, awareness and engagement
- The link between forest management and water quality
- Demographic shifts.
- Water rights and private ownership
- Funding and investments
- Regional differences

III. Next Steps and Upcoming Meetings

John G. will get a revised draft out before the next meeting. The following dates are for upcoming Commission meetings and the general timeline for work:

- **Thursday, October 9th from 2:30 to 5:00** at DES. *Report content working group meeting.*
- **Tuesday, October 16th from 2:00 to 5:00** at Fish and Game. *The draft report will be sent prior to this meeting for discussion and possible final approval at this meeting.*

IV. Public Comments

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

Bill Hounsell: The impairment status of waterbodies needs to be communicated to the municipalities. Funding incentives should be used to help municipalities to deal with and avoid impairments. The legislature needs to figure out how to help municipalities avoid impairments.

Meeting adjourned at 11:30 a.m.

The next regular Commission meeting is October 16, 2012 from 2:00 to 5:00 at the New Hampshire Fish and Game Department.