

WATER COUNCIL MEETING

NH Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

April 13, 2011
9:00 a.m.

Members present: Chairman Gilbert, Vice Chairman Christie, Councilors Czysz, Gosse, Henderson, Hinds, Lyons, Rastallis, and Varotsis

Members absent: Councilors Barrett, Butler, Densberger, Dupee, Harrington, Hoyt, and Rawnsley

Chairman Gilbert called the meeting to order at 9:03 a.m.

1. Approval of Minutes of March 9, 2011 Meeting

- ***Motion made by Councilor Varotsis to approve the minutes, second by Councilor Gosse. Motion passed unanimously.***

3. Env-WQ 1000 Amendments to Subsurface Rules

Rob Tardif, Subsurface Bureau Acting Administrator

Rob answered questions the council members had concerning the rules. It is not known if they will go to JLCAR this Friday or May 6, 2011.

- ***Motion made by Councilor Varotsis to concur with the subsurface rules as revised, second by Councilor Hinds. Discussion was held. Motion passed unanimously.***

5. Legislative Update

Director Stewart.

Director Stewart reviewed bills of interest to the Water Council that DES is tracking in the House and Senate. SB 144 - will keep CSPA alive and has a consensus to move forward.

Budget – Drastic funding cuts to the DES budget have cleared the House. Eliminated would be: VLAP, River and Lakes Management program, Shellfish program, pool, spa & beach sampling program including all positions associated with them, and the Water Well Board. There will be no state aid grants for new projects. 30 people are eliminated in this budget. Yesterday DES presented to the House Ways & Means explaining the fee programs.

2. Status of Appeals

Amy Samson, Appeals Clerk, presented an update on a number of appeals.

Norman and Patricia Bureau have withdrawn their appeal so no Decision and Order.

II. Previously pending cases.

Docket No. 08-54 WC - Loretta Simonds

RE: 8/8/08 Decision on Request for Reconsideration

Presiding Officer: Christopher Rawnsley

Status: A Pre Hearing Conference(PHC) is scheduled for April 20, 2011 and a hearing is scheduled for August 10, 2011 at 10:00 a.m.

Docket Nos. 08-57 & 08-59 WC - Eric W. Waleryszak, Brian T. and Adela J. Griset Appeal

RE: Notice and Decision on the Determination of Lake Level issued by DES on 9/29/08
Presiding Officer: Christopher Rawnsley
Status: A PHC is scheduled for April 20, 2011 at 10:00 a.m. A hearing is scheduled for September 14, 2011.

Docket No. 09-05 WC - North Country Alliance for Balanced Change (Dalton Valley Drag)

RE: 12/12/08 Alteration of Terrain Permit WPS 8289 for Dalton Valley Drag
Presiding Officer: Christopher Rawnsley
Status: Another request for status has been sent to the parties to respond by the May 11, 2011 Council meeting.

Docket No. 09-14 WC - Andrew and Karen Goldstein

RE: 3/17/09 Administrative Order No. 09-006 WD
Presiding Officer: Christopher Rawnsley
Status: A hearing is scheduled for May 11, 2011 at 10:00 a.m.

Docket No. 09-34 WC – Ashuelot Pond Association

RE: 8/28/09 Notice of Decision on Determination of Lake Level for Ashuelot Pond Dam Village District
Presiding Officer: Christopher Rawnsley
Status: A PHC was held on March 29, 2011 at 10:00 a.m. A hearing is scheduled for June 8, 2011.

Docket No. 10-09 WC – Lake Waukewan

RE: Notice of Decision, Interim Operating Level issued by DES on 4/12/10
Presiding Officer: Christopher Rawnsley
Status: A PHC is scheduled for April 20, 2011 at 11:00 a.m. A hearing is scheduled for July 13, 2011.

Docket No. 10-25 WC – Robert Van Dyke and Van Dyke Construction, Inc.

RE: October 25, 2010 Administrative Order No. 10-042 WD
Presiding Officer: Not Assigned
Status: The Council accepted the appeal on March 9, 2011. A PHC needs to be scheduled once a presiding officer is officially assigned.

III. Decision and Orders that need to be written, finalized and issued.

Docket No. 04-18 WC - Thaddeus Dymon

RE: Denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14), (18)
Presiding Officer: Joel Harrington
Status: Council dismissed at the September 8, 2010 Council meeting. A Decision and Order needs to be finalized.

Docket No. 08-27 WC - Moody Point Company

RE: 5/19/08 Administrative Order No. 08-027 WD
Presiding Officer: Christopher Rawnsley
Status: Decision and Order finalized and reviewed for a vote.

- ***Councilor Lyons made a motion to approve the order, second by Councilor Christie. Motion passed unanimously with Chairman Gilbert and Councilors Hinds and Gosse abstaining.***

Docket No. 08-29 WC - Silver Lake

RE: Notice of Determination of Natural Mean High Water Mark Evaluation dated 5/29/08

Presiding Officer: Stephen Densberger

Status: Decision and Order finalized and reviewed for a vote.

- ***Councilor Henderson made a motion to approve the order, second by Councilor Hinds. Motion passed unanimously with Chairman Gilbert and Councilors Gosse, Lyons, and Christie abstaining.***

Docket No. 09-24 WC – Lake Sunapee Protective Association

RE: 4/16/09 Alteration of Terrain Permit WPS-8382

Presiding Officer: Stephen Densberger

Recused Members: Carol Henderson; Johanna Lyons; and Nancy Christie

Status: A decision and order is currently being drafted.

Docket No. 11-01 – Jean Gagnon Sr.

RE: Site Specific Application #060705-01 for Terra Firma Real Estate, Brown Hill Rd Phase III

Presiding Officer: Not Assigned

Status: Council denied accepting the appeal as it was untimely filed. Chairman Gilbert will write the order.

6. Other Business

7. Next Meeting

Next meeting will be May 11, 2011 at 9 a.m. with the Goldstein hearing at 10 a.m.

Amy reviewed the hearing proceedings for new members. Chairman Gilbert will have Amy send out the training packet that was given by the Attorney General's office to any of the councilors that have not yet received it.

8. Adjournment

- ***Councilor Varotsis made a motion to adjourn, second by Councilor Gosse. Motion passed unanimously.***

Meeting was adjourned at 9:47 a.m.