

WATER COUNCIL MEETING

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

March 14, 2012
9:00 a.m.

Members present: Chairman Gilbert, Councilors Butler, Gosse, Henderson, Hinds, Hoyt, Lyons, Rawnsley, and Varotsis

Members absent: Councilor Rastallis

Chairman Gilbert called the meeting to order at 9:00 a.m.

1. Approval of Minutes of February 8, 2012 Meeting

- ***Motion made by Councilor Varotsis to approve the minutes, second by Councilor Butler. Councilors Hinds, Gosse, and Hoyt abstained. Motion passed unanimously.***

2. Status of Appeals

Appeals Clerk, Paula Scott, presented an update on the following appeals:

I. New Appeals

II. Decision and Orders that need to be written finalized and issued.

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: Hearing was scheduled for December 14, 2011 at 10 a.m. Dec. 2, 2011 received DES' amended Exhibit and Exhibit List and also received Assented-to Motion for Late Entry and Appellant's Witness and Exhibit List and the Exhibits. Council verbally Granted Motion for Late Entry. Hearing was continued to January 11, 2012.

- ***Councilor Lyons made a motion to approve the Decision & Order, second by Councilor Henderson. Motion passed unanimously.***

III. Hearings or PHCs Pending

Docket No. 11-08 WC David Riley, et al.

Re: Lake Waukewan Final Operating Level

Presiding Officer: David Conley assigned on 1/19/12

Recused: Carol Henderson

Status: Hearing scheduled for February 8, 2012 at 9 a.m. per PHO. Nov. 16, 2011 received Assented-to Motion for a Continuance. Decision for 8 Petitioners to Intervene and decision on Motion for Continuance were issued on Nov. 28, 2011. New Hearing date is April 11, 2012 at 9 a.m., notice given in Decision dated Nov. 28, 2011. January 25, 2012 received a Fully Assented-To Motion for Interim Deadline Extension. Feb. 16, 2012 received Appellants' expert

Disclosure. Motion for Interim Deadline Extension was granted & issued on Feb. 17, 2012. Mar. 9, 2012 received withdrawal of 2 interveners (Brian & Pamela Langille).

Docket No. 12-01 WC – David Sundman, et al. Appeal

Re: 12/19/11 Alteration of Terrain Permit No. AoT-0353 for Dalton Valley Drag
Hearing Officer: David Conley assigned on 2/9/12

Status: Received appeal that appears to be timely on January 18, 2012. Issued receipt of appeal letter on January 20, 2012. Council accepted the appeal Feb. 8, 2012, notice was issued Feb.9, 2012. Feb. 21, 2012 received Appellant's first request for information from applicant. PHC is scheduled for Apr. 16, 2012 at 1 p.m., notice sent 3/13/12.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

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: PO issued Order on Request to Continue Stay on 10/7/11. The Stay is in effect until at least 30 days after NHDES has rendered a final decision on Alteration of Terrain Permit Application AoT 110809-097. Dec. 19, 2011, received email from Bureau that a new AoT permit #0353 was issued to Dalton Concrete, LLC. Status request for this appeal was sent 2/14/12 to the appellant. 2/21/12 received reply to status request from appellant. A status request was sent to the permittee on 2/27/12, with no response received yet.

Docket No. 11-05 WC – Town of Hooksett and Hooksett Sewer Commission

RE: 3/21/11 Administrative Order, Administrative Order No. 11-010 WD
Presiding Officer: Not Assigned

Recused: Christopher Rawnsley

Status: On May 11, 2011 the Council voted unanimously to accept appeal. The Town and DES continue to be engaged in discussion to resolve this matter. Both the Town and DES request that the Council continue to delay taking action on the Notice of Appeal.

FYI

Docket No.07-17 WC Ross Realty Trust and Tippee Canoe Campground

Re; 07-17-07 Administrative Order No. 07-024 WD

Presiding Officer:

Status: Appeal received 8/15/07. At Sept. 12, 2007 meeting Council denies the request for hearing. No record of that denial ever being issued. According to the DES Program, the AO has been released and the work done. There is a question about this appeal as to whether it was withdrawn when they appealed to the Wetlands Council. On Sept. 14, 2011 the Dept. of Environmental Services issued Notice of Closure and Release of Recordation for AO #07-024. Chairman Gilbert will write the dismissal.

- ***Councilor Varotsis made a motion to dismiss this appeal as the Order has been deemed to be complete, second by Councilor Gosse. Motion passed unanimously.***

3. 2011 Annual Report

Chairman Gilbert presented the draft 2011 Annual Report. List of Agency members will be added also other minor corrections. The report will add include a statement that in a climate

of much tighter fiscal conditions several of the state agencies have declined to assign staff to the work of the council because of budget pressures.

- ***Councilor Rawnsley made a motion, that subject to making the changes raised, to approve the issuance of the report, second by Councilor Hinds. Motion passed unanimously.***

4. Other Business

Chairman Gilbert

Water Sustainability Commission Update – they are starting to formulate recommendations and strategic considerations around the work that has been done. The recommendations need a clear context and they are working on how to structure and present key recommendations that need to be implemented in the next 25 years. The three key items that have emerged so far are: 1) Infrastructure funding, repair & updating 2) public education as to the value of water 3) encouraging intercommunity & interregional cooperation to work on a watershed basis. He will share the recommendations at the next meeting. Possible drought issues have been also discussed.

5. Legislative Update

Director Stewart

The DES 2012 Session Bills of Interest was distributed by Director Stewart. Pages 7 -9 are the “Bills sent to Interim Study or ITL” which includes most bills that were in regards to fees. He then reviewed the other bills that are still being considered. Questions were answered and discussion was held.

5. Next Meeting

April 11, 2012 at 8 a.m. with the David Riley, et al Appeal at 9 a.m.

6. Adjournment

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

Meeting was adjourned at 9:50 a.m.