



Enabling Source Water Protection: Aligning State Land Use and Water Protection Programs

A Joint Project of The Trust for Public Land
and The Smart Growth Leadership Institute

*in partnership with
The Association of State Drinking Water Administrators and River Network
funded by the U.S. Environmental Protection Agency*

Enabling Source Water Protection New Hampshire Workshop Summary July 23-24, 2008

Workshop Purpose

Utilizing Opportunity Map recommendations to develop key actions steps for achieving better alignment of state land use and water protection programs.

Wednesday, July 23, 2008

**Fish and Game Department, Conference Room, 11 Hazen Drive,
Concord, New Hampshire**

Attending Participants:

Commissioner Tom Burack, Department of Environmental Services
Emily Brunkhurst, NH Fish & Game
Gregg Caporossi, The Trust for Public Land
Bill Carpenter, Department of Resources and Economic Development
Paul Currier, Department of Environmental Services
Bart Cushing, N.H. Water Well Board
Jennifer Czysz, office of Energy and Planning
Patricia deBeer, Fremont Conservation Commission
Ted Diers, Department of Environmental Services
Sarah DiSano, NH Community Development Finance Authority
Keith DuBois, Department of Environmental Services
Christine Fillmore, Local Government Center
Ken Gallagher, Office of Energy and Planning
Holly Green, Department of Environmental Services
Louise Hannan, Department of Health and Human Services
JT Horn, The Trust for Public Land
Director Amy Ignatius, Office of Energy and Planning

Kira Jacobs, U.S. Environmental Protection Agency, Region 1
Cordell Johnston, Local Government Center
Rachel Kelley, Southern NH Planning Commission
Rodger Krussman, The Trust for Public Land
George Lombardo, Department of Environmental Services
Beth Malcolm, Department of Environmental Services
Johnna McKenna, Department of Environmental Services
Barbara McMillan, Department of Environmental Services
Matthew Monahan, Central NH Regional Planning Commission
Phillip O'Brien, N.H. Lakes Management Advisory Committee
Gloria Paradise, Community Development Finance Authority
David Paris, Manchester Water Works
Carl Paulsen, NH Rivers Council
Sarah Pillsbury, Department of Environmental Services
Barbara Richter, Society for the Protection of NH Forests
Pierce Rigrod, Department of Environmental Services
Fay Rubin, University of New Hampshire
Carolyn Russell, Department of Environmental Services
Dari Sassan, Office of Energy and Planning
Lori Sommer, Department of Environmental Services
Representative Judith Spang, NH House of Representatives
Jasen Stock, NH Timberland Owners Association
Dan Sundquist, Society for the Protection of New Hampshire Forests
Paul Susca, Department of Environmental Services
Andrews Tolman, State of Maine, CDC Drinking Water Program
Deborah Turcott, Land and Community Heritage Investment Program
Richard Uncles, Department of Agriculture, Markets & Food
Eric Williams, Department of Environmental Services
Mark Zankel, The Nature Conservancy

Attending National Project Team:

Amy Condon, The Trust for Public Land
Andrew duMoulin, The Trust for Public Land
Caryn Ernst, The Trust for Public Land
Debra Gutenson, U.S. Environmental Protection Agency
Bob Heuer, The Trust for Public Land (by phone)
Gayle Killam, River Network (by phone)
Elisa Margolin, Facilitator
Dierdre Mason, Association of State Drinking Water Administrators
Lisa Nisenson, Smart Growth Leadership Institute
Tamar Shapiro, Smart Growth Leadership Institute (by phone)
Smitty Smith, The Trust for Public Land (by phone)

General Organization of Workshop

The four workshops were organized around the four primary opportunity areas:

Workshop 1. Improved Statewide Mapping and Communication Tools for Decision-making and Planning

Workshop 2. Land Protection Criteria and Funding

Workshop 3. State and Local Infrastructure Investments to Direct Development and Redevelopment (Smart Growth)

Workshop 4. The Regulatory Framework for Land Use and Source Water Protection

At the beginning of each workshop, the National Project Team provided a synopsis of the Opportunity Area. The facilitator then asked for big picture thoughts and general observations before specifically developing action steps.

General Criteria for Action Strategy Selection:

- Implementable
- Clear, understandable
- Measurable
- Consensus support (buy-in)
- Responsive to needs/Do we need it in the first place?
- Consistency with existing strategies
- Legally supported
- Timely
- Not limited to Opportunity Map conclusions
- Integrating efforts
- Positive impact
- Funding support

Because of the large number of participants, small breakout groups were formed for Workshops 1 and 2.

8:30-9:00 am - Opening Session

Commissioner Burack and Director Amy Ignatius welcomed attendees. Highlighted that timing for a long-term strategy for water protection complemented the:

- State Development Plan
- Strategic Planning at DES around Climate Change and Growth
- State Water Resources Planning Process
- Sustainability Initiative
- Source Water Protection Strategy Revisions
- Rule Changes to Water Supply Land Grant Program
- Revision of Alteration of Terrain Rules

9:00-11:30 am Workshop #2 Land Protection Criteria and Funding

Small Breakout Group No. 2.1 - Opportunities to Expand Land Protection Criteria and Increase Funding for Land Conservation

Key Overarching Ideas:

- Expand the discussion from simply preservation/conservation to economic and environmental benefits of public investment in land conservation – there are huge economic benefits around conservation work in conjunction with smart growth (e.g. climate change)
- Expand **and modify** to encourage balance
- The full toolbox of conservation strategies beyond easements and acquisition

Key Actions:

- Explore Modification to Existing Current Use
 - Recognize its existing contribution to protecting source waters, primarily on timber and ag lands
 - It has potential as an existing tool that can be better applied
 - Study the Vermont model
 - Penalty provision
 - Aquifer recharge protection as an added criterion
 - Provide extra percentage tax incentive if area protects drinking water supply
 - Establish stakeholder group to vet
- Expand Water Supply Land Grant Program opportunities-
 - Communicate need for stability of funding based upon demand vs. supply of funds – how many good projects get turned away
 - Dedicated funding a longer-term strategy (increase the pie, don't reallocate the pie)
 - Expand to include future water supply sources (Would need legislative change-would be drafted and submitted this fall)
 - Also look to expand eligibility to hold easements to include land trusts-also part of proposed legislation this coming fall.
 - Extend riparian coverage beyond five miles, which currently is NOT available for funding
 - Perhaps expand thresholds to increase match in certain high priority areas from 25% to 50% so that it is a go-to funding source that gains greater primacy (requires legislative change)
- As a longer-term strategy, explore how to protect water users that do not get water from public suppliers (36% are on private wells in state)
 - Protect bedrock aquifer recharge areas
 - Examine Vermont program to look at for replication in NH

- Vermont's Conservation Reserve Program/Conservation Reserve Enhancement Program, model also widely used for Mid-west
 - A portion of 319 program funds in Vermont are dedicated to agricultural non-point source, which is a relevant discussion for Workshop #4.
- Provide and Integrate source water protection criteria as part of the Natural Resource Conservation Services (e.g. North Carolina model). The State 319 Technical Committee (WHIP) would be responsible party. Currently, most of funding goes to EQUIP Program, and timing is good for revisions with passage of new farm bill.
- Explore the Rhode Island Penny per Hundred Program for applicability in NH as a means of raising funds for source water protection. This measure would have applicability to local conservation finance to leverage state funds.

Small Breakout Group 2.2 – Local Conservation Finance

Key Action Items:

- Protect existing local funding sources for conservation, such as land use change tax, by creating incentives for technical assistance and matching grant funds if a percentage is dedicated for source water protection.
- Build incentives into grant programs to encourage water resource protection and land use training of local government officials.
- Articulate a clear and compelling message about the need to protect land and water resources, particularly drinking water sources. Also need information on cost of community services to show towns the long-term economic impact of development vs. conservation.
- Provide local governments with more assistance regarding how to fund and implement their land conservation strategies through partnerships with the Center for Land Conservation assistance and other NGOs. This includes assistance with creating new local funds, accessing state and federal grant funds, reaching out to landowners, negotiating land deals, and identifying and prioritizing what lands to protect.
- Encourage land trusts to work with water suppliers to find innovative and more cost-effective ways to own and manage land.
- Maximize public resources by focusing them on riparian buffer protection and employing easements as a tool instead of acquisitions.

- Conduct proactive outreach to jurisdictions with unprotected, sensitive resource areas to provide them with services in creating conservation funds and protecting the most critical lands relevant to source water protection in their jurisdictions.

12:30-2:30 pm Workshop #1 Mapping and Communication Strategy

Small Breakout Group No. 1.1: GIS Mapping Small Breakout Group:

Key Action Items:

- Consensus that there should be a single site that provides access to critical land and water data
- Create a State GIS Officer Position
- Designate GRANIT as state data clearinghouse/portal
- Expand functionality of GRANIT database
- Undertake immediate strategies, including:
 - Quality Control data for GRANIT
 - Upgrade technology
 - Identify contributions from agencies to fund continued support for site maintenance, etc.
 - Revisit pin/password protocol so that it's accessible to key NGOs
 - Appoint representative from Legislature/Governor to GIS Advisory Team
 - Present GIS demonstration to State Executive Committee
 - Incorporate GIS Strategy state strategic plan

Small Breakout Group 1.2 Communication Strategy

Key Action Items:

- Expand Natural Resources Outreach Coalition (NROC) program to provide technical assistance, education, and outreach to municipalities throughout the whole state
- Evaluate DES Source Water Protection Grant Program to consider priorities and criteria for Regional Planning Commissions to communicate information and messages to local municipalities
- Create comprehensive map of water resources to show multiple priorities, link land conservation with water, and show overlaps/conflicts among neighboring jurisdictions

- Develop one coordinated message (with respect to what? Source water protection?) from all of the state agencies.
 - Initiate a taskforce or use an existing activity or group to discuss the idea and create the message.
 - This could be done through:
 - The Water Resources Primer “road show” could be used as a vehicle to instigate this, or
 - The existing state agencies Council on Resources and Development (that mostly works on surplus land disposal). Jen Czysz at OEP could bring this idea to the CORD.

**2:30-4:30 pm Workshop #3 State and Local Infrastructure
Investment to Direct Development and Redevelopment (Smart Growth)**

Key Action Items:

- Bundle existing programmatic funds and incentives to encourage Compact Development, such as school construction, WSLGP, NROC, SRFs, NHDOT, brownfields, CDBG, USDA Rural Development, and Economic Development.
- Explore/investigate Ohio’s reduced-rate interest loan program, New Jersey’s smart growth loans and incentives, and Massachusetts’s Commonwealth Capital Fund.
- Coordinate the State Development Plan with the NHDOT Long-range Transportation Plan.

Thursday, July 24, 2008

DES Conference Room 112, 29 Hazen Drive, Concord, New Hampshire

Attending Participants:

Emily Brunkhurst, NH Fish & Game
 Bill Carpenter, Department of Resource and Economic Development
 Jackie Colburn, Department of Environmental Services
 Steve Couture, Department of Environmental Services
 Paul Currier, Department of Environmental Services
 Jennifer Czysz, office of Energy and Planning
 Patricia deBeer, Fremont Conservation Commission
 Kerrie Diers, Nashua Regional Planning Commission
 Ted Diers, Department of Environmental Services
 Sarah DiSano, NH Community Development Finance Authority
 Keith DuBois, Department of Environmental Services
 Brian Gallagher, University of New Hampshire Water System

Ken Gallagher, Office of Energy and Planning
Holly Green, Department of Environmental Services
Louise Hannan, Department of Health and Human Services
Douglas Heath, U.S. Environmental Protection Agency, Region 1
Paul Heirtzler, Department of Environmental Services
JT Horn, The Trust for Public Land
David Maclean, Geo-Insight, Inc.
Johnna McKenna, Department of Environmental Services
Jack Munn, Southern NH Planning Commission
Sarah Pillsbury, Department of Environmental Services
Gretchen Rich, Department of Environmental Services
Pierce Rigrod, Department of Environmental Services
Dari Sassan, Office of Energy and Planning
Rick Schofield, Department of Environmental Services
Donald Sienkiewicz, Esq., NH Assoc. of Homebuilders and Remodelers
Representative Judith Spang, NH House of Representatives
Jasen Stock, NH Timberland Owners Association
Dan Sundquist, Society for the Protection of New Hampshire Forests
Paul Susca, Department of Environmental Services
Andrews Tolman, State of Maine, CDC Drinking Water Program
Eric Williams, Department of Environmental Services

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Debra Gutenson, U.S. Environmental Protection Agency
Gayle Killam, River Network (by phone)
Elisa Margolin, Facilitator
Dierdre Mason, Association of State Drinking Water Administrators
Lisa Nisenson, Smart Growth Leadership Institute
Tamar Shapiro, Smart Growth Leadership Institute (by phone)

**9:00-11:30 am Workshop #4 Regulatory Framework for Land Use
and Source Water Protection**

Key Action Items:

- Enable RPCs and municipalities to appeal decisions that have regional impact by granting RPCs abutter status.
 - Clearly define Development of Regional Impact (DRI).
- Create an ecosystem-based statewide water planning authority.
 - Can assess cumulative impacts of multiple small and phased developments
 - Towns want more jurisdiction over groundwater permits

- Florida as an example? Quasi-state agencies, with governing boards representative of the counties within that watershed
- Corresponding to priority conservation maps, create a map that shows where responsible development can occur.
 - Mixture of Where (Municipalities) and How (State) Develop
 - Land Conservation Plan for the NH Seacoast Watershed – as an example, took watershed approach
- Improve Anti-degradation and Class A designations.
 - Flesh out process for classification (DES)
 - Inform towns and communities of process for Anti-deg and Class A Designations
 - Strengthen the distinction between Class A and B (might require some legislative change, might be able to be done by regulation, but will require legislative consultation)
- Follow up with Carolyn Russell to understand the process for the Work Plan on the LUMP SIG – determine what the action step is related to providing input on criteria for environmental impact evaluation.
- Coordinate regional technical assistance and funding for stormwater protection using 319 funds and source water protection funds.
- DES to add evaluation of groundwater protection program to its Source Water Protection Strategy to clarify it and make it less complicated/easier to implement at local levels. Regional Planning Commissions can assist with communication to local communities.

11:30 am – 12:30 pm Closing Session

- Workshop Summaries Presented by Participants
- Review of High Impact/Big Picture/Overarching Themes
 - Adequate funding for implementation – always an issue
 - Bundle funds to achieve higher impact and cross-pollination of projects across resource protection and effective smart growth
 - Ease access to data to make decisions
 - For low investment/high impact – Creation of GIS Office and GRANIT designation as clearinghouse
 - Communication
 - Clear and compelling message about source water protection
 - Good business
 - Economic benefit
 - Visually compelling mapping that tells the story

- Technical assistance to local governments and consistent information on updated rules and regulations
 - Consistency because of turnover at local levels
 - Expand reach and frequency of efforts (funding, capacity) through partnerships with NGOs, RPCs, CCs
- Outline of Next Steps
 - All participants and invitees will receive draft summary of discussion
 - Draft Action Plan will be distributed for rankings and markups by participants
 - Expanding NH Core Team as we go through Action Planning Process to Build Consensus and Buy-in on Action Steps
- Closing Remarks provided by Representative Judith Spang