

# Minutes of the Lake Hopatcong Commission

## April 16, 2012

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A meeting of the Lake Hopatcong Commission was held on April 16, 2012 at the Roxbury Municipal Building, 1715 Route 46, Ledgewood, NJ. At 7:00 p.m., Acting Chair McCarthy called the meeting to order. He stated the meeting was being held in accordance with "Open Public Meetings Act."

**Salute to the Flag:** Acting Chair McCarthy and all those in attendance joined in a flag salute.

**Moment of Silence:** The Acting Chair asked for a moment of silence for the men and women in our armed forces. He always asked to respect the memory of Frank Hughes, former LHC Alternate Commissioner and resident of Mount Arlington and Doris Roberts, editor of Shoppers' Friend and friend of Lake Hopatcong.

Acting Chair McCarthy stated he was sitting in tonight for the Chair who had a family engagement and may attend later. He stated since there were no action items on the agenda, there would only be one public comment at the end of the meeting.

**Roll Call:**

Present: Mark Fisch, Kerry Pflugh, Anne Pravs, Joel Servoss, Richard Zoschak, Acting Chairman Daniel McCarthy, Chair Felter (7:42pm)

Absent: Elizabeth Gantert, David Jarvis

Alternates Present: Richard Keir (Roxbury), Robert Mitchko (Jefferson)

With six members present at Roll Call, Acting Chair McCarthy declared a quorum.

**Communications**

Acting Chair McCarthy referred to a letter in the communication package from Judith A. Enck, Regional Administrator for US EPA Region 2. He read the letter into the record indicating Ms. Macalle-Holly was selected to receive a 2012 U.S. EPA Environmental Quality Award for outstanding commitment to protecting and enhancing environmental quality and public health. (A copy of the letter is available on file.) The Chair asked for a round of applause. Ms. Macalle-Holly acknowledged that work she does is on behalf of the Commission to benefit Lake Hopatcong.

**Treasurer's Report/Payment of Bills**

Mr. Zoschak made a motion to move the Bill List and Mr. Fisch seconded. The Bill List of \$7,949.75 was submitted for approval. The Acting Chair requested a roll call vote.

**ROLL CALL:**

Fisch	Yes	Servoss	Yes
Pflugh	Yes	Zoschak	Yes
Pravs	Yes	McCarthy	Yes

Motion unanimous.

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### Approval of Meeting Minutes

Ms. Pravs made a motion to approve the March 16, 2012 minutes and Mr. Fisch seconded. The Acting Chair requested a roll call vote.

#### **ROLL CALL:**

Fisch	Yes	Servoss	Yes
Pflugh	Yes	Kier*	Yes
Pravs	Yes	McCarthy	Yes

\*Motion unanimous.

Mr. Zoschak stepped away and Mr. Keir voted on the minutes since Mr. Zoschak was not in attendance at the March 16, 2012 meeting.

### Commissioners' Comments

Ms. Pravs asked Commissioners to review the water conservation policies in their municipalities to bring that information to the next meeting because it is important for the entire lake community in the drought situation. Mr. Zoschak discussed how Roxbury had to raise its water rates to sustain the water utility last year because people were conserving water. There was discussion on DEP permits to pump water from the lake and how resident pump lake water.

### Chairman's Report

In the Chair's absence, the Acting Chair moved to the next agenda item.

### Grants Update

Ms. Macalle-Holly stated the bid for the Rain Garden at Hopatcong State Park from the SFY10 319(h) grant was awarded at last month's meeting and tomorrow the project pre-construction meeting is scheduled. The project should be completed before Memorial Day. Also from that grant, the bidding process will move forward for the project in King Cove with Morris County so the Commission can vote on that next month. The third project from that grant is in Jefferson Township and a trash rack is being considered as opposed to a stormwater management devices. Preliminary work is being done to determine if that is the most appropriate device to use in the location.

For the EPA TWG she stated she is still waiting for the Commission Counsel's review of the escrow agreement with the Jefferson Childcare.

She stated the SFY05 319(h) grant needs to be completed by August because the DEP most likely will not give a grant extension. Small-scaled Filterra devices will be installed along Yacht Club Drive in Lake Forest section of Jefferson Township to use up the remaining grant funds. The Township Administrator is obtaining an easement from the Lake Forest Yacht Club which she thanked the Yacht Club for agreeing to finalize the easement. The bidding process will begin on that project as well.

### Old Business

There being no Old Business, the Acting Chair moved to the next agenda item.

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### New Business

Ms. Macalle-Holly had some announcements. This month Earth Day is held and she encouraged people to get involved in community cleanup to help protect the Lake. Hopatcong Borough had their cleanup this past weekend and Jefferson Township cleanup is on April 28 and volunteers can contact Patty Romano at the Jefferson DPW. She did not have the specific dates for Mount Arlington or Roxbury, but they should contact their communities to volunteer. The Morris County MUA is having the boat shrink wrap recycling program again with disposal at Lee's County Park. Mr. Zoschak stated Roxbury had its cleanup this past Saturday.

Before public comment, Acting Chair McCarthy indicated there would be an update on the water level issues. Ms. Pflugh discussed the DEP decision to reduce the outflow from Lake Hopatcong and provided a summary of the activities of Citizen's Advisory Committee (CAC) which was convened approximately two years ago to review for the Lake Hopatcong Water Level Management Plan (LHWLMP). The Plan, which is available on the LHC website, addressed situation being faced now. She read a statement summarized as follows:

Per the plan the lake was lowered approximately 26" per the LHWLMP. Refilling of lake was initiated on February 19 due to lack of ice cover/minimal rainfall so to accelerate the refill the passing flow went from 23 to 12 cfs. After the reduction, the Lake level did not refill due to minimal rainfall. The lake level a couple days ago was at 7.1 which is 1.9 feet below normal elevation.

The provisional data from the NJ Office of State Climatologist reported that monthly precipitation for Northern New Jersey for January through March was 5.82". Page 32 of the LHWLMP states if precipitation for any preceding three months is less than 7" in aggregate following a drawdown...the passing flow can be reduced below the 12 cfs.

River water temperatures on April 9 taken by Fish and Wildlife ranged from 9.4 to 10.8 Celsius which are below criteria for trout maintenance. Existing river flow conditions between the two lakes were considered adequate to support the fishery and water was flowing over Lake Musconetcong's dam. Trout opening day was April 7 and trout stocking will occur weekly for the next seven Fridays through May 25.

In light of precipitation and river conditions, the Division of F&W supports the temporary reduction in passing flow from 12 to 8.2 cfs. A temporary reduction is not expected to jeopardize downstream aquatic resources. F&W will continue to monitor River and weather conditions to determine when 12 cfs should be reinstated to protect downstream resources.

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In consideration of water quality and dilution issues at the waste water treatment facility, the plan calls for a minimum passing flow based on actual lowest one day average flow in a ten year interval as reported by USGS which is in the LHWLMP on Page 13. She referenced the effluent limits and what was documented in the plan on water quality and dilution issues.

She emphasized the extreme conditions and that the reduction is only temporary.

Lisa Barno, NJ DEP Bureau Chief for Fish and Wildlife, stated it is dry with hot temperature. On April 9, they took Musconetcong River temperatures below Lake Hopatcong which were about 50° Fahrenheit. They are continuing to monitor with the lowest temperature directly below Lake Hopatcong indicating the release from the lake is giving the river colder water. The River gets stocked on this coming Friday and they will continue to monitor the River with the low flows. She stated as long as the aquatic life in the river will not be jeopardized by the flow reduction, she will continue to keep it lower. Forecasted rain events have not panned out though. She responded to an inquiry from Mr. Zoschak that between the two lakes it is considered trout maintenance and is stocked because trout have the capability to live their year-round, but they do not reproduce.

Steve Ellis, NJ DEP Parks Northern Region, stated he instructed the Hopatcong State Park Superintendent to reduce the flow on April 12<sup>th</sup> and 8.2cfs flow is being maintained at this time.

At 7:37, Acting Chair McCarthy called for a five minutes break to wait for the arrive of Chair Felter.

### **Public Comment**

Chair Felter thanks Mr. McCarthy for filling in and he apologized for being late. The Chair opened the meeting to the public indicating a two minute limit per speaker.

Steve Sher, resident of Mount Arlington, discussed the feasibility study being done by Morris County Park Commission about adding a non-specified amount of floating dockage to Lee's County Park. He does not think it will have positive impact on the ecology or traffic and negatively impact the competing marinas and businesses for dock spaces at far higher rates than the County offers. He inquired if the Commission was aware of the study. Chair Felter stated he works for the Parks Commission and there has been discussion about docks and an engineer is looking into it, but that is as far as it has gone as far as he knows. He will ask and find out. Ms. Pflugh stated that there is a process to go through to get permits which would trigger a review through NJ DEP.

Fred Steinbaum, resident of Hopatcong, stated the LHWLMP has only one paragraph addressing the 26" drawdown and it should be reconsidered. He stated how docks are built now and its better when there is higher water. He inquired about the benefits of the lowering when considering this kind of year with no snow and little rain. Ms. Pflugh

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stated this will be an agenda item for the CAC who meet annually to review operations of the water level management plan. Mr. McCarthy discussed ice creep which causes damage and the ice floating when the ice breaks up during the spring which is another reason for the drawdown.

Nancy Lawler, resident of Glen Gardner and monitoring Coordinator for Musconetcong Watershed thanked those responsible for following the LHWLMP because its important when there are disagreement about level management. They are concerned about the challenging being faced downstream with the warmest March and third driest spring on record. The River had historical highs in September and is close to facing historical lows. The Bloomsbury gage shows the River is down about 70% from seasonal averages. Sections of the River can be walked across that one can rarely wade through. She continued to describe the condition of the low water level in the river and feeder streams.

Mr. Tim Clancy, resident of Lake Hopatcong, stated he hopes decision on the long-term LHWLMP based on an outlier year. It is terrible, but is a matter of Mother Nature going to cure the problem. He has seen the lake fill up to 19" inches from one rain event and snow melt. Another benefit of the drawdown typically which didn't happen this year is there was no ice. During the drawdown typically, the shallow areas have ice and snow cover which knocks the weed growth down tremendously and a penetrating frost knocks the weed growth down further. There is an environmental benefit to the drawdown besides protecting our docks and bulkhead. Before making any decision on an outlier year, he emphasized there are outliers on the other side of the spectrum that could be just as harmful.

Ginny MacGrugle, Bethlehem Township, is a downstream user who is concerned about the low water levels and high water temperature if the passing flow is not maintained. If the level drops to far there will not be adequate connectivity between the river pools for refuge as the water warms for the trout. The high air temperatures can warm the water more than the trout can tolerate. She hopes they will return to the 12 cfs as soon as possible or it may be devastating for the river organisms.

Cliff Beebe, Beebe Marina, stated he disagrees with it all the way down the line. The Musconetcong River has always been a wild creek and they are turning it into a federal reserve. The 1845 law states Lake Musconetcong is the source of the River and not Lake Hopatcong and water should come from Musconetcong. The law says you cannot drop Lake Hopatcong. He questioned if the DEP is above the law and people should be compensated. He stated it could be a federal case. The Chair reminded him that he has every legal right to take action if he thinks the Commission or State is wrong, but we are sure we are not.

Steve Rattner, resident of Budd Lake, Chair of Musconetcong Sewage Authority (MSA), and Lake Musconetcong Regional Planning Board, one of the major priorities for Lake Musconetcong is to dredge the lake. He inquired about the temperature in the River and Ms. Barno responded. He stated the MSA does not have a problem at this point; however, if it goes further according to the Plan, it provides inadequate dilution for the

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MSA so it is very close. Ms. Pflugh discussed the reduction and its impact on the dilution factor and it is looked at very closely when the decision is made.

Bil Leavens, resident of Long Valley, member of the Musconetcong River Management Council and Musconetcong Watershed Association thanked the Commissioners for their service and for following the plan which appears to be working. They are concerned about the lake communities. He provided a snapshot of the Bloomsbury USGS gage from 5:00 p.m. this afternoon. He described his handout stating the river is below the median flow of the past 92 years. He asked to pray for rain.

Chuck Gullage, resident of Chatham, Trustee and Water Quality Monitor with the Musconetcong Watershed Association and CAC member congratulated the DEP and those involved for following the plan which he is please to see. He stated the Association plans to increase the monitoring on the upper portion of the River at three or four different locations in response to the outflow reduction. When problem areas are identified he will notify the DEP immediately. He inquired if the lake community wants to have a 26" drawdown to prevent property/dock damage or do they want to deal with a drought and low water conditions that cannot be recovered from every other year or so. He has previously asked to have another stream gage installed in the river between the sewer plant and the Lake Musconetcong dam. Ms. Pflugh asked that the Association report their findings to Lisa Barno.

Al Rhia, resident of Hopatcong, inquired if the Mayor of Hopatcong is for or against us. He described his request to the Hopatcong's Mayor to publicize the LHC meeting on the town bulletin board. He stated the LHC meeting should be on the town bulletin board so more people are involved in the meeting.

Ron Sorensen, Lake Hopatcong Marine thanked Steve Ellis and his staff at the Park for being aggressive and closing the dam early and to Kerry Pflugh to get the outflow reduced. The reality is that these efforts are small and will not bring the lake back. The change will bring the lake back one inch a month which is not the solution. The LHWLMP was written to help the lake, but with changing weather patterns, it= seems like three or four years out of the last ten the lake has had a hard time recovering. There is only one solution which is to leave the lake at the top of the dam to follow the Statute. Why this can't be done at Lake Hopatcong like so many other lakes in Northern New Jersey. He asked Ms. Pflugh to consider having a meeting sometime before next year and consider possibly looking at the drawdown.

John Kurzman, resident of Lake Hopatcong, according to USGS greater than 10% of the years had less than 6 cfs coming out of lake and less than 10% of the years were less than seven inches of rain. He appreciates the reduction to 8.2 cfs, but why could it not have been done sooner. Let's consider letting out less. He questioned why they are stocking fish in which seems to be harms way. He is not stock against fix stocking in Lake Hopatcong and downstream of Lake Musconetcong, but not one the mile right at the dam which should not be a FWT2M. It hurts the lake. The amount let out is equal to 144 bathtubs every minute which Lake Hopatcong should hold the water. Future readings

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should be taken in the lake and not just the six points downstream. The Jefferson canal areas are also very sensitive and fish can get trapped in the canals like they do in the river.

Ms. Macalle-Holly asked to address the individuals that made public comments. Over the last two years in 2010 and 2011, the lake was in a very different situation. In March 2011 the lake was at 7.45 feet. From March 12-13 the lake went up .83ft or almost a foot in 48 hours. In 2010 from March 15- April 6 the lake was in no-wake conditions with the lake at a high point of 9.93. Imagine if the lake was not lowered approximately two feet, what the flooding condition there would be. The flood of 2000 was at 11.8 feet. If the lake was not down two feet, we would have been near the flood stage of 2000. Back in 2011, the lake came up 2-1/2 feet in a 12 day period. We were at 6.86 exactly where the level should have been and it came up 2-1/2 feet. Imagine again if the Lake was not down, it would have gone to 11.46 which would be where the lake was during the August 2000 flood. Decisions should not be made to raise or lower the lake based on one year.

That Chair thanked Kerry Pflugh, Lisa Barno and Steve Ellis and other involved from DEP. He also thanked everyone for coming out. He was glad the plan was being followed and appreciated everyone from down river coming out. There was an inquiry about harvesting and the Chair stated he was not sure of the status.

Mr. McCarthy made the motion to adjourn and Mr. Zoschak seconded.

Prepared by: Donna Macalle-Holly