

# Lake Hopatcong Water Level Management Plan

## The MWA Position

The Musconetcong Watershed Association Opposes the DRAFT Lake Hopatcong Water Level Management Plan.

### [Information about the Revision of the Lake Hopatcong Water Level Management Plan](#)

The Musconetcong Watershed Association (MWA) participated in the Citizens Advisory Committee (CAC) which was formed by the NJ Department of Environmental Protection, in part, to ensure that the Musconetcong River and all of its uses and users were fully considered in the revision of the Lake Hopatcong Water Level Management Plan. Subsequent to the final scheduled meeting of the CAC, the NJDEP unilaterally amended the draft LHWLMP without input from the CAC.

It is a section of this altered Plan to which the MWA and many other downstream users of the Musconetcong River object. Specifically it is the paragraph found on page 32 of the DRAFT Plan titled "Low Water" in the CHANGES FROM NORMAL OPERATION section that concerns us. This added paragraph will allow manipulation of the dam without notice to the members of the CAC or downstream users. It will allow NJDEP to reduce the outflow of the Lake Hopatcong Dam to the Musconetcong River not based upon any declared emergency, but to optimize recreational uses on the lake. Insertion of this paragraph into the Plan creates a loophole unacceptable to downstream stakeholders as it allows continued violation of the minimum passing flow.

As of January 18th 17 municipalities, the Musconetcong River Management Council, Hunterdon County the Musconetcong Sewerage Authority, Hackettstown Municipal Utilities Authority and Heritage Conservancy have passed resolutions calling for the removal of "Low Water" paragraph. It is important to note that while the issue of arbitrary lowering of the outflow was discussed at several meetings, the CAC was told that "the Department (NJDEP) cannot damage downstream uses including the ecology of the Musconetcong River for the benefit of Lake Hopatcong. It is likely that low water levels in the Lake during the boating season will coincide with hot / dry weather patterns. Under these conditions maintaining passing flow out of the Lake will be critical, since it is likely that other tributaries to the Musconetcong will also be flowing at very low levels." (Larry Baier, NJDEP, Chair Citizens Advisory Committee, Meeting Notes April 19, 2010).

The Musconetcong Watershed Association, along with many downstream users, requests that the NJDEP withdraw the "Low Water" from the draft Plan until such time as a full Environmental Impact Analysis can be conducted on the effect of the reduced flow on:

- The ecology and biology of the Musconetcong River (particularly on the stretch between Lake Hopatcong and Lake Musconetcong);
- The ability of the Musconetcong River to assimilate the discharges from the Musconetcong Sewerage Authority at the reduced flow;
- The impact upon Lake Musconetcong of the reduced flow in the river, particularly as it relates to weed growth in the lake and the rare and endangered plant species found in the lake;
- The impact on recreational uses such as fishing and boating on the Musconetcong River downstream of the Lake Hopatcong Dam; and
- Lake Hopatcong is the headwaters of the Musconetcong River and as such the health of the Lake will always be of critical concern to the MWA. It is critical for the NJDEP to balance the environmental health of the Lake (not recreational and commercial concerns) and the environmental health of the River when deciding to reduce outflow. For this reason, the MWA requests that the NJDEP analyze the impact of low water conditions on the environmental health of Lake Hopatcong.

# Decisions Must Be Based Upon Science

MWA opposes a lowering of the outflow below the 12 cfs required by law because all existing information about stream ecology supports the understanding that low flow destroys habitat and harms aquatic life. This is not a new idea or a hypothesis; there is an abundance of studies that demonstrate the effects of low flows on stream health. Low flows exacerbate temperature impairments, affect habitat availability, food production and the dispersal of food insects in a stream. The fact that so many studies exist demonstrates that consistent and adequate flows are accepted as a major contributor to stream health.

What needs to be done in order to be sure that decisions regarding outflow reduction are being made based upon science and not in response to political or commercial pressure? In several instances in the LHWLMP DRAFT, including the added "Low Water" paragraph, the decision to reduce outflow is to be based upon "discussions" or consultations. We request the following steps be undertaken to collect and understand data before such decisions are made:

- The NJDEP requires a Quality Assurance Project Plan (QAPP) for data used in decision making at this level, however, the NJ Division of Fish and Wildlife does not have an approved Quality Assurance Plan or Standard Operating Procedures for this project.
- The Musconetcong River between Lake Hopatcong and Lake Musconetcong must be studied at 12 cfs; without a well characterized stream it is impossible to assess the impact of lowered outflow. The Department needs to fully document width, depth, flow, temperature, dissolved oxygen and habitat conditions that exist at the minimum passing flow of 12 cfs.
- The EPA Stream Habitat Assessment should be used quarterly during periods of the required 12 cfs flow to determine a characteristic score in this segment of the river. MWA is particularly interested in the scores for 1) Epifaunal Substrate/Available Cover, 2) Velocity / Depth Regime and 3) Channel Flow.
- Typical conditions for the upper stretch of the Musconetcong River must be studied and then pass/fail parameters (numeric values) must be established for the following parameters before changes in outflow are made:
  - Temperature
  - Depth
  - Width
  - Stream Habitat Assessment Score
- The relationship between outflow at the Lake Hopatcong Dam and the flow in the Musconetcong River at the point of discharge at the Musconetcong Sewerage Authority must be documented. The drainage area to the MSA discharge is 30.9 square miles of which 25.3 square miles is contributed by Lake Hopatcong. Consequently, the operation of the Lake Hopatcong Dam has a significant effect on the dilution available at the MSA's discharge point, particularly during extended dry periods or droughts.
- The impact upon Lake Musconetcong of the reduced flow in the river, particularly as it relates to growth of aquatic plants in the lake and the rare and endangered plant species found in the lake must be studied.
- All decisions must be based on published, specific pass/fail criteria.