

JOHN DECKER  
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Is Fish and Game here tonight to  
support their concern?

Why such a drastic change? would  
it be hoove <sup>everyone</sup> ~~to~~ to attempt a brich  
change as a study for future changes?  
not that I am in favor of this.

what studies have been done to identify  
the impacts of these changes?

what ecological, environmental, economic,  
health and safety studies have been  
completed to identify any risks  
associated with lake level changes?

Please leave all levels alone  
until you can prove a need  
for a change. Thank-you

**COMMENTS RESPECTING FALL DRAWDOWN OF**  
**PAWTUCKAWAY LAKE**

I have been a Pawtuckaway lake resident since 1999. When a petition was filed with the DES Water Division in the fall of 1999 regarding a modification of the winter drawdown, a survey was conducted of lake residents about their opinions on the matter. We are aware that, despite the well-reasoned decision that was issued in December of 2000 declaring that no change to the drawdown would occur, there is now a plan to modify the drawdown drastically.

We who are members of the Pawtuckaway Lake Improvement Association, as well as those who are visitors to the lake for recreational purposes every year, are concerned that a decision of such import be made with as much information as possible. The impact of this kind of change will be far reaching and we hope that as much effort as possible is made to gather data about some of these ramifications.

Like many who have homes or camps on the lake, we have a dock that is sensitive to water levels. Twice it was battered and destroyed by unprecedented spring floods and twice we have had to reconstruct it. I believe that retaining so much water in the lake over the winter will only heighten the probability of spring flooding even in years when snow melt and rains are not as copious as they were in May of 2006 and April of 2007.

We at Pawtuckaway Lake are well educated on the hazards of exotic and invasive species entering and taking over the lake, as they have done and continue to do on many other nearby lakes. We know that prevention is crucial to keeping them out of our lake, but we have also learned--as have other lake associations--that a deep drawdown of water over the winter helps us kill off and remove any such plants that may appear. This lake belongs to the State of New Hampshire and it is a big attraction for recreation through the State Park. It is inconceivable that the State would now thoughtlessly jeopardize the health of one of its most treasured resources through this reckless plan that the DES intends to put into action. Yet that is exactly what is happening.

The DES has so far failed to articulate a compelling reason for its reversal of the 2000 decision to retain the seven foot fall drawdown of our lake water. There appears to be some flimsy expectation that it would be a good idea to ensure a large water impoundment at Pawtuckaway over the winter "in case" winter releases are needed downstream to ensure drinking water supply for Durham and maybe for other uses that are unclear. Given the strong likelihood of damage to the lake's ecosystem and property, there is not a shred of empirical evidence to support such a decision, which shows a shocking indifference to interests other than those downstream.

I beg you to hold off on implementing this part of the plan until evidence may be gathered on the actual need for water releases during the winter. If it turns out that such releases are not necessary, then the threatened harm to Pawtuckaway may be avoided. Surely the risk of damage to the lake cannot justify the remote and untested possibility of benefit downstream. In addition, other avenues to supplement the water supply to Durham may be explored in the meantime, as it does not appear that this has been done in any serious fashion.

Thank you;  
Pamela D. Kelly  
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Statement to the DES

Mr Ives

FISH AND GAME WHAT ARE THEIR CONCERNS

DES HAS CONDUCTED STUDIES  
DOX THEY MAKE ANY FINDINGS

It seems to me that what has really motivated the DES to begin this process and to make this change in longstanding policy is not really being addressed here. There might be several reasons to go forward with a winter drawdown. One might be environmental. Another might be public policy. And yet another might be economic. I do not believe that DES had made its case for an environmental justification. To do so would mean that DES had submitted a valid data set that supported its theory of what is to be gained by this action. The theory set forth so far has been shaky at best, and the data is either incomplete or does not support the stated goals. Where is the science? Where is the rigor in gathering data? We have been promised studies that have not been done. We are told of possible outcomes, but there has been no offer of what the probabilities are that they will actually happen. It looks to me as if your position is *trust us on this; we're pretty sure we know what we're doing*. I'm sorry, but that's not acceptable. Meddling with the lake levels without understanding the environmental impact is a recipe for ecological disaster and economic hardship.

So if the science does not support an environmental justification for the drawdown, perhaps the real reasons that this decision is before us have to do with public policy and economics. If this is the case, then let's put these issues on the table and discuss them and stop trying to pretend that there is some compelling environmental justification for the drawdown. If the real reason we are here is that communities downstream want Pawtuckaway water and that they don't care to pay to develop alternative sources, then just say so! Admit that this is a public policy issue and not an environmental one. Is this about being green, or is it about the color of money? Because if it is, then we need to gather new data, so that we can weigh competing interests. The degradation of Pawtuckaway Lake will impact local real estate -- and tourism throughout the region. Those costs need to be evaluated against whatever plans the downstream communities intend to put in place.

How to begin such an evaluation? I would submit that a first step is would be a repeat of the survey of lake residents that took place when DES last looked at this issue. A dozen years have elapsed since that first survey, many summer camps have been converted to year round residences, improvements have been made to existing properties and the population of lake dwellers has increased. We who live on the lake and love it have, through the PLIA, become educated about water quality monitoring, invasive weed and algae growth, shoreline conservation, lake stewardship, phosphate loading, septic issues and wildlife protection. We are stakeholders, key stakeholders in this process, and our experience with all of these lake issues would be reflected in the survey if it were taken today.

We understand that budget constraints may be the reason that you do not plan to undertake such a survey reassessing the impacts of a winter drawdown. We would like to offer to conduct our own survey at our expense and provide the results to you to be considered with whatever other evidence you are gathering. If the plan you are proposing is to be truly reflective of the needs of this region and this watershed, the needs of all, Nottingham and its neighbors, must inform your decision.

James Patrick Kelly  
35 Sachs Road  
Nottingham, NH 03290  
603-895-6125

I am a resident of Pawtuckaway Lake and I take issue with the Lamprey River Water Management Plan's conclusion that "55 percent of those polled in 2000...were in favor or accepting of conditions that changed the fall drawdown to a lesser amount." The actual results of that poll show that 45% were opposed and 32% were in favor. The rest was a mixed bag, many expressing no preference. To add all the mixed answers to the 32% favorable and come up with 55% is both preposterous and deceptive. For example, those expressing no preference may have been uninformed and unable to provide a meaningful answer. To suggest that these answers fall in the "I don't care" category is just plain wrong.

Further, the reason for the investigation resulting in the 2000 decision was a concern about low water levels in summer months. That problem has been successfully addressed through better management of Pawtuckaway's dams. Some people hoped a lesser drawdown would solve the low summer water levels experienced in 1999, and so their answers reflected that concern. Using that old polling data to support this recent decision for a lesser drawdown is thoroughly disingenuous. The issues are completely different in the two scenarios.

Moreover, since 2000 many changes have taken place on Pawtuckaway that would affect the answers to this poll were it taken today. Large numbers of summer camps have been converted to year round residences, and the population of lake dwellers has increased accordingly. Through its Pawtuckaway Lake Improvement Association, lake property owners have become educated about water quality monitoring, invasive weed and algae growths, shoreline conservation, lake stewardship, phosphate loading, septic issues, and the impact of the Shoreline Protection Act, enforcement of which has only been a recent phenomenon.

The DES is now announcing "a revision to the December 19, 2000 Notice of Decision on Determination of Lake Level Regarding Pawtuckaway Lake (DES, 2000)." In that decision, the DES concluded that the drawdown of Pawtuckaway Lake in the fall should remain at 7 feet. Now, without any updating of its data, the DES has unilaterally decided that the fall drawdown will be 5 1/2 feet. Eleven years have passed, conditions have changed, and a public hearing and further polling must be conducted before this reversal of a decision may be decreed.

One of the Plan's premises is that "(m)anaging water levels on Pawtuckaway Lake for the purpose of flow management on the Lamprey Designated River should not have a significant effect on shoreline properties or on recreational opportunities on the Lake." It should be clear from the substance of the comments already received that this premise is false. A lesser drawdown threatens docks with damage from ice in the winter. Shoreline property owners constructed docks designed for the 7 foot drawdown, especially since the DES announced its decision on December 19, 2000. The DES cannot deny that property owners were entitled to rely on the December 19 decision, just as it cannot now abruptly reverse that decision without giving affected parties the right to be heard on the issue. I believe that lawyers call this principle promissory estoppel. If the public had a right to be heard in 2000, why do they not have a similar right when a new decision is being contemplated?

Perhaps it is time for a new petition to be filed similar to the one that resulted in the 2000 investigation. At least we could then expect a new survey and public hearing before a decision is rendered.

June 25, 2012

Kent R. Finemore P. E.  
Assistant Chief Engineer  
Dam Bureau  
NH Department of Environmental Services  
P. O. Box 95  
Concord, NH 03302-0095

Dear Mr. Finemore,

I am a long term resident on Pawtuckaway Lake residing at 82 Barderry Lane, in Nottingham, NH 03290.

The existing "Drawdown Levels" on the lake have severed myself and other neighbor well over the years. As you know this is a very fragile eco-system that is almost totally dependent on Mother Nature to sustain the necessary (4) season balance critical to all inhabitants.

I submit that maintaining the current "Drawdown Level" is mandatory. Any change would adversely affect the population as a whole. This would not only impact us humans but also any animal or botanical life present.

The residents of Nottingham who live on Pawtuckaway Lake pay the majority share of Taxes to the town and for all intense and purposes receive the least amount of available services.

If the lake level changes and our apple cart becomes upset, we will not be happy campers either.

Sincerely

A handwritten signature in black ink, appearing to read "John Caiati", with a long horizontal flourish extending to the right.

John Caiati  
82 Barderry Lane  
Nottingham, NH 03290  
Cell 978-375-2207