

Lamprey Water Management Planning Area committee Meeting
October 20, 2006
Raymond Fire Department
9:30 am – 11:50

Members Present:

Thomas Fargo, Chairman
Brian Giles, Vice Chairman
Wesley East
Frank Reinhold
Therese Thompson
Kevin Webb
Rep. Judith Spang
Jim Fernald
Jamie Fosburgh
David Cedarholm
Michael Lynch
Ann Caron
Glen Caron

Members Absent:

Sen. John Barnes, Jr
Rep. Frank Bishop
Michael King
Robert Levesque
Victoria Del Greco
James Duprie
Linda Fernald

Others Present:

Dawn Genes Lamprey River Watershed Association
Carl Paulsen NH Rivers Council
Dennis McCarthy Raymond PWD

Contractors:

Shannon Rogers UNH
Al Waters Normandeau Associates

DES Staff – Watershed Management Bureau:

Paul Currier, Administrator, WMB
Wayne Ives, Instream Flow Specialist
Steve Couture, Rivers Coordinator
Mary Power, Executive Secretary– NH DES– NH Coastal Program

Wayne Ives of DES opened the meeting at 9:40 am.

Introductions: Mr. Ives asked members to identify themselves and affiliation.

Mr. Ives noted that Chairman Tom Fargo was running late and that Vice Chairman Brian Giles was present. Mr. Giles asked Mr. Ives to continue to run the meeting.

Review and acceptance of October 7, 2005 minutes: Ives asked members if there were any comments or revisions to the draft minutes other than a few typographical errors. Hearing none he asked for a motion to accept the minutes. Brian Giles made a motion to accept. It was seconded and the committee approved unanimously.

Status of the Lamprey PISF project – Normandeau: Ives stated that at the Oct. 2006 meeting the IPUOCR [protected entity] list had been approved and now the Task 4 Report has been completed. [Task 4 report documents the protected entities identified in or along the river, divides these between those that are flow-dependent and those that are not, and then identifies the assessment methods for determining flow need for those that are flow-dependent.] The technical part of the process [assessment] is the responsibility of the Technical Review Committee but the full committee will be kept informed. The presentation today is information about where it began, from the protected entities listings to the collection of data. Now that the data collection is finished, the next step is to use data to determine protected flow. He then introduced Al Larson from Normandeau Associates who presented their findings from the field work.

- Project Team;

Normandeau Associates. Limnology, aquatic ecology, aquatic ecosystem restoration, impact assessment, permitting, wetland and terrestrial assessment. **UNH** Hydrology, hydraulics, geomorphology, ground water, water resources management, economics, financial possibilities and management plan. **U. Mass.** Instream flow, habitat modeling, fish ecology and fisheries management.

- Project Task Update;

Evaluation of flow dependent Instream Public Uses, Outstanding Characteristics and Resources (IPUOCR).

- Recreation – boating and swimming
- Natural Communities and Wildlife Habitat
- Rare, Threatened and Endangered Species
- Instream Resources – aquatics and fish habitat
- Public Water Supply (surface and ground water)

Additional tasks:

- Concurrent flow analysis for PISF.
- Identification, survey and interviews with Affected Water Users (AWU) and Affected Dam Owners (ADO) for Water Management Plan (WMP)
- Multicriteria Decision Analysis (MCDA) of water use for water management planning.

Questions from members.

Judith Spang asked if people along the river who launch their canoes from their yards were surveyed. Mr. Larson said they were not surveyed but will be. Mr. Ives suggested that if members have names and phone numbers he will contact them. Ms. Spang noted that the areas

that were surveyed regarding public swimming are not publicly accessible. She cited places where people do swim such as Wiswall Dam, Packers Falls Dam, and Wadleigh Falls. She urges them to change the model. Paul Currier said if the owner of the swimming area manages it for swimming then it would be a designated swimming area [Designated Beach as described by Env-Wq 1102.38] which is subject to water quality monitoring for swimming safety. Most of the boat launch areas are not also swimming places but if Wiswall is used for both it would be a good idea for it to be considered a designated beach. Carl Paulsen suggested that since the areas that are not designated for swimming are heavily used, they should be monitored for safety as well. David Cedarholm, Town of Durham, voiced concerns about people using Wiswall for swimming and the possibility for injury. [It is posted as “No Swimming”] If someone is hurt, that area may be closed to swimming. Discussion followed. Ives asked members to email him with these and other concerns so that all these issues will be considered.

Mr. Larson continued with his presentation saying they had surveyed areas that were being used for swimming including Wiswall and the Amtrak RR bridge.

Mr. Larson described the Natural Flow Paradigm. It was a difficult year to get the low flow data because of all the rain. They may need to go back out for more data. Judith Spang said it might be advantageous to gather that information while the river is at a low level when it is being repaired, if the timing is right. Discussion followed.

Brian Giles asked about well water users. Wayne Ives stated that any well within 500 feet of the river or tributary is considered a water user for that river. He continued by saying it is important to know about any direct withdrawals so that data can be added to the management plan. Ms. Spang asked how far up the river and tributaries will they be looking at wells. Mr. Ives said they will look at wells in the entire watershed and explained that Affected Water Users are the users who draw 140,000 or more gallons a week and that they are supposed to register with the State of NH. It does not apply to homeowners or small garden tenders. Carl Paulsen said that although he understands the rationale behind dealing with specific low-flow situations by shutting down wells as an immediate way to address the problem, he has concerns that the larger water users near the river will be penalized. He states that the low-flow situations are sometimes caused by withdrawals and by flashiness caused by sprawl and development with excess impervious surfaces. One of his hopes is to look at the broader policies (regarding sprawl and impervious surfaces) and incorporate them into the overall plan. He thinks of it as a good opportunity for a forward thinking plan. Paul Currier stated that the specific intent of this process is not to create emergency measures [such as shutting down wells] but to create a coordinated network of operating processes and procedures that allow human use of water to coexist with the protected river entities. Mr. Paulsen feels it is important to address the impervious surface issue and to make solutions to that problem a priority. Mr. Currier said it is a valid point but this meeting is not the correct forum to deal with it and the watershed management plans are dealt with through local advisory committees or similar groups.

Kevin Webb asked if anyone has considered the aggregate effect of a subdivision of 25 homes. Ives agreed that it could add up to quite a bit of water being drawn, but they will also probably have septic systems so most of the water goes back into the ecosystem almost immediately. Discussion followed. Tom Fargo asked if all groundwater withdrawals within the watershed

area will be regulated by the management plan. Paul Currier said that is the plan and explained the authority. Fargo said he is on the Large Groundwater Withdrawal Study Commission and the systems being developed by this Lamprey committee could go a long way to help with the Commission's concerns about hierarchy of water use; how to decide who gets what, when. Paul Currier said this process is specifically designed to implement the common law riparian ideal under which there is no hierarchy whatsoever. Anyone who is a riparian owner has to share equally with everyone else. The whole purpose of this process is to develop that process for reasonable use in an arena where there is no hierarchy. Fargo asked if there are gaps in the collected information or if the process could be streamlined in any way. Mr. Currier said the idea is to try out a few methods and to standardize them. During the [earlier] process of developing the protected flows in designated rivers the regulated community said that they did not want to use standard-setting methods. Kevin Webb asked why DES is not indicated on the list of effected users as the owner and operator of the Pawtuckaway Lake dam. He continued by saying the effort is being driven by the ability to store and release water from that dam. Is the state willing to address modification of the operation of that dam during low-flow periods? Mr. Currier said there is a second category of affected dam owners [hydropower users are considered affected water users] and they are in the mix along with the water users. [Affected Dam Owners are part of the water management plans that will be developed.]

Shannon Rogers, UNH, spoke about her part of the process, the interviews and the questions asked. To test out the areas of possible conflict she created a stakeholder survey to prioritize the possible conflicts. She is also drafting a mail survey to be sent to 1000 randomly selected citizens, homeowners who live in the Lamprey watershed. She has received 9 responses from the stakeholder survey to date and everyone who has responded thought that the boundary of the study was a very important conflict to consider. She went over the others. David Cedarholm commented that he thinks the survey questions regarding conflicts were subjective and he asked Ms. Rogers to comment. She said they were trying to approach it from a practical standpoint by asking what people think are the most pressing issues, currently, in the watershed. Discussion followed about the questions being important to one entity and less so to another. Mr. Currier reminded members that the public trust uses of the river are aquatic life, recreation, fishing and others. They are the ones that the state holds in trust for use by the public and they need to be maintained because the water quality standards say so and because it is a designated river. So the question is what flow regime will maintain the public trusts uses. And, because there is no hierarchy among riparian owners, the next question is how can a process for mutually agreed upon sharing of the water be attained and how can the various users of that water respect what other users actually value. Discussion followed.

Wayne Ives announced that a Technical Review Committee meeting is planned in December 2006. He will send an email with details.

Adjourned 11:50.