

Town of Nottingham
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June 9, 2011

Mr. C. Wayne Ives
NH Department of Environmental Services
PO Box 95 - 29 Hazen Drive
Concord, NH 03302-0095

Subject: Comments from the Nottingham Board of Selectmen on the Draft Lamprey River Water Management Plan Report (NHDES-R-WD-11-9)

Dear Mr. Ives,

The Town of Nottingham may face the largest impact from DES's instream flow management plan of any municipality in the headwaters of the Lamprey River. Specifically:

- The North River begins at the north end of town and flows through Nottingham for approximately 12 miles.
- More than half of the Little River is located in Nottingham.
- The Pawtuckaway River originates in Nottingham and passes through town wetlands.
- The entirety of Pawtuckaway Lake is within our town borders. This heavily used recreational and residential lake would be DES's primary source of relief flows under the proposed plan for managing instream flow in the lower Lamprey River.
- The Nottingham Town Beach, located at the north end of Pawtuckaway Lake, was deeded to the Town by the State when Pawtuckaway State Park was created in the 1960s. Lower lake levels and degraded water quality in the summer could make the Town Beach unsafe and unusable.

- There are 394 taxable waterfront and water access parcels around Pawtuckaway Lake (16% of the total for Nottingham). Of that number, 357 have year-round or seasonal homes on them (17.7% of the total for Nottingham). A reduction in the water quality and water quantity of Pawtuckaway Lake could affect real estate tax assessments and significantly erode the local tax base. In addition, these homes rely on private wells that could be affected by lower lake levels during periods of drought.
- For several years, the Town has allocated thousands of dollars for the Lake Host Program to prevent exotic weeds from entering the lake at the public boat launches.
- The Town was awarded a 319 Watershed Improvement Grant from DES in 2006 to evaluate phosphorus and sediment loading and apply best management practices at 12 sites to improve water quality on Pawtuckaway Lake.

The Town of Nottingham's water resources are highly valued by residents and visitors alike. They define our town in terms of its rural character, environmental quality, economic stability, and regional identity. Therefore, Nottingham's concerns must be thoroughly considered and clearly addressed by DES prior to making any determinations or changes that would affect our environment.

Unfortunately, it is clear from a review of the report and from comments presented at the public hearing and submitted in writing that the draft Lamprey River Water Management Plan Report is deficient in many ways. It is also clear that the report reaches its conclusions to reallocate water resources from Nottingham without adequately studying the environmental and economic consequences to the town, the region, or the watershed as a whole.

Comments made before this Board at our past two meetings indicate that lowering the water levels in Pawtuckaway Lake could be damaging to water quality and to the creatures that inhabit the lake, including loons, turtles, frogs, and fish. With respect to human impacts, the increased

over winter levels behind Dolloff Dam would diminish the value of lakefront property by preventing winter maintenance and causing ice damage in the spring to docks and other structures that rely on the long-standing 7-foot drawdown in the fall. Those impacts must be considered and avoided to the greatest extent possible.

As guardians of our Town's water resources and the rights of our residents, we have to ask: What will happen to water quality and the volume of Pawtuckaway Lake if DES orders a series of 48-hour water releases from Dolloff Dam through the spring and summer, especially in years of drought? How will DES respond to water quality degradation in the lake if it occurs as a result of the draw downs? How will DES address riparian rights for property owners on the lake and tributaries? These questions can't simply be ignored or pushed aside to be addressed after a couple of years of "adaptive management" of the dam. We all have a right to know that this plan is grounded in reality, both scientifically and politically.

We are also concerned because the Town of Durham has been allowed to take increasingly large water withdrawals from the Lamprey River despite DES's stated need to maintain minimum flows for aquatic habitat. The Lamprey River was originally used by the University of NH/Durham Water System (UDWS) as a reserve supply for drinking water. By 2009 the Lamprey had become the primary drinking water source for the growing university and town. Public documents show that in September 2010, the UDWS was given the right by DES to drawdown the water level behind Wiswall Dam much further than in the past to meet its needs (from 6" to 18"). In addition, the UDWS is proposing to withdraw water from the Lamprey River during high flows to artificially recharge the Spruce Hole Aquifer, a groundwater source that is being developed as a second well. Information about potential transfers of water from the Lamprey to Spruce Hole must be included in this plan.

We believe that by continuing to expand its use of the Lamprey River for drinking water supply, Durham may be taking an unreasonable share from the river, thereby diminishing water resources for all other municipalities above and below their withdrawal point. We cannot

support drawing down Pawtuckaway Lake to meet growing drinking water demand in Durham at the same time DES's water management plan does not address the well-known effects of impervious cover on base flow, flooding, stream quality, aquatic habitat, and groundwater recharge. The UNH Lamprey River Hydrologic Observatory, the UNH Stormwater Center, and the Piscataqua Estuaries Regional Partnership could all assist in expanding the instream flow strategies to include best management practices at key watershed locations that would enhance groundwater recharge and augment stream flow.

With respect to all of these concerns, the Nottingham Board of Selectmen respectfully requests that there be no changes in the management of water levels in Pawtuckaway Lake and no reallocation of water resources done before a complete and adequate environmental impact study of the Lamprey River Watershed is completed. That study should also consider economic impacts of the plan, including the potential effects on visitation to Pawtuckaway State Park and the likely real estate impacts from diminished property value. All of this is especially important in light of the passage of HB149 which will expand the Designated Lamprey River to include the North River, Little River, and Pawtuckaway River in Nottingham.

Thank you for the opportunity to comment.

Sincerely,

Gary A. Anderson 

Mary L. Bonser 

Hal W. Rafter 

Selectmen, Town of Nottingham

Cc: Nottingham Conservation Commission
Nottingham Planning Board
Pawtuckaway Lake Improvement Association (via email)