



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 21, 2014

The Honorable Shannon Chandley, Chair
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 1197, relative to the construction of a dam at the natural outlet of Jenness Pond in the town of Northwood

Dear Chair Chandley and Members of the Committee:

Thank you for the opportunity to testify on HB 1197, which would allow an existing dam on the outlet of Jenness Pond in Northwood to be used by the owner of the dam, the Jenness Pond Shoreowners Association, to seasonally draw down the level of Jenness Pond by a small amount. DES supports this bill.

Jenness Pond is a 267-acre pond primarily located in Northwood but with a small portion in Pittsfield. The dam at the outlet of Jenness Pond was constructed by the Jenness Pond Shoreowners Association in 1993, as authorized by Chapter 19 of the Laws of 1993. Under RSA 482:7, all structures constructed on the outlet of a Great Pond require legislative authorization, no matter how small the structure. As shown in the attached picture, the dam is a very small structure, essentially consisting of an 11.5-foot wide-concrete sill constructed across the outlet of the pond, and includes wooden stoplogs approximately 8 inches high above the concrete sill to maintain the water level of the pond. Prior to construction of the dam, the water level of the lake would fluctuate with the construction and removal of beaver dams, as well as the placement of sandbags and other debris to alter the lake level. The construction of the dam has solved those problems.

As enacted, the 1993 legislation very specifically states that the purpose of the dam is to "establish a constant water level". However, the Jenness Pond Shoreowners Association would like to operate the dam by removing the wooden stoplogs in the fall to lower the lake level to reduce damage to shoreline structures from ice as well as to accommodate spring snowmelt and runoff. The Association would then return the lake to its full level in the spring by replacing the stoplogs in May. This kind of seasonal operation is routinely made by many dam owners in the state, including the Department of Environmental Services at the state's biggest recreation lakes.

The legislation authorizing the construction of the Jenness Pond Dam currently limits the Jenness Pond Shoreowners Association from implementing any water level fluctuations by dam operations. Enactment of HB 1197 will provide the Association more flexibility to operate the dam to reduce the potential for damage to shoreline structures. Because of the physical limitations of the dam, the seasonal drawdown will be limited to 8 inches, which should have no

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environmental effect on Jenness Pond, which has a maximum depth of 28 feet and an average depth of 9 feet. Therefore, DES supports this bill.

Thank you for your consideration in this matter. If you have any questions or need additional information, please contact either Jim Gallagher, Dam Bureau Administrator, at 271-1961 or james.gallagher@des.nh.gov, or me at 271-2958 or thomas.burack@des.nh.gov.

Sincerely,

A handwritten signature in black ink that reads "Thomas S. Burack". The signature is written in a cursive style with a large, stylized initial 'T'.

Thomas S. Burack
Commissioner

Attachment

cc: Representative Maureen Mann
Representative Bruce Hodgdon
Senator John Reagan