I. NOMINATION INFORMATION

A. Name of River: Merrimack River

B. River/River Segment Location and Length (miles): Upper Merrimack from Garvins Falls (Bow) north to the confluence of the Pemigewasset and Winnipesaukee rivers (Franklin); 30 miles.

C. Sponsoring Organization or Individual: Central New Hampshire Regional Planning Commission, Lakes Region Planning Commission, Merrimack River Area Planning Committee (Advisory to Merrimack River Corridor Plan), and Merrimack River Watershed Council

Contact Person: Bill Klubben, Executive Director
Central NH Regional Planning Commission

Address: Merrimack County Home
329 Daniel Webster Hwy.
Boscawen, NH 03303

Phone Number (Day): 796-2129

D. Recommended River Classification (See Section V): The MRAPC and MRWC recommend a designation of natural from confluence in Franklin to Merrimack County boat launch in Gerrish and a designation of rural for the rest of the river. The CNHRPC elected not to recommend any designation. The Lakes RPC has deferred recommendation pending recommendations by Franklin and Northfield.

Prepared by the NH Office of State Planning under auspices of the Chapter 190 Merrimack River Corridor Plan

December 15, 1989
B. Briefly describe the significant resource values which are present and why you feel the values are significant from either a statewide or local perspective. For example, if a significant statewide recreational resource is present, identify the type and location of the resource and explain why you feel it is of statewide significance. Also, if you feel the value is threatened, explain why.

The Upper Merrimack River, from Garvins Falls dam north to Franklin, a 30 mile stretch, flows through the State capital. It is largely, surprisingly, undeveloped, despite its proximity to existing population centers and interstate highways (I-93, I-393, U.S. 3, U.S. 4), from which occasional sightings of the river are possible. Proximity alone makes this segment of the river an important recreational resource. Its varied landscape provides significant scenic interest, as well as important wildlife habitat. Agricultural operations in the valley contribute importantly to New Hampshire's farm industry and provide habitat diversity. The Nationwide Rivers Inventory credits the Upper Merrimack with more "outstandingly remarkable" resource values than any other free-flowing river segment in New Hampshire (see Attachment 1).

This segment of the river contains several natural resources of statewide significance. It presently provides important wintering habitat to the Federally endangered Bald Eagle; this habitat will increase in value as the regional eagle population recovers. The Merrimack is considered the state's most significant migratory flyway; many species of raptor, songbird, and waterfowl also nest and/or forage along this stretch of the river, with its oxbows, wetlands, riverbanks, fields, agricultural lands, and bottomland and
Given the volume of permitted water withdrawals in this stretch of the river, withdrawals are locally significant.

Historical resources evidence both Native American and colonial/industrial use of the river. Several historic sites in the Merrimack River corridor are eligible for listing on the National Register. One deeply and well-stratified archaeological site in the vicinity of Sewalls Falls was listed this year. Also at Sewalls Falls are remains of the oldest, longest timber crib dam in the world. It and appurtenant structures qualify for eligibility on the National Register. The dam is an integral part of the Sewalls Falls multi-use recreation area to be developed by the Fish and Game Department.

Recreational value of the river is high, not only because of its location but also because it provides "important angling opportunities for resident and anadromous fish" [NH Fish and Game Commission], offers easy canoeing along most of the stretch thus broadening the base of potential users, is swimmable, is scenic, and is rich in wildlife for observation, study, hunting, and enjoyment. The river is presently used for educational activities and has tremendous educational potential. Public access points occur with increasing frequency as one travels south. Additional access is planned for the Sewalls Falls area. The corridor is a link of the NH Heritage Trail; a local land trust in Concord has initiated trail layout proposals.
Describe the type of community/public support which exists for the river nomination and attach appropriate documentation.

The Franklin 1988 opinion survey, prepared as part of the master plan update, documents strong support (93% of respondents) for regulations to protect the Merrimack. The Northfield master plan recommends protection of wetlands, floodplains, steep slopes, and environmental corridors, including the Merrimack, for flood control, water supply, groundwater recharge, wildlife habitat, recreation, and aesthetic reasons. Canterbury's 1989 master plan urges continued participation "in area-wide Merrimack River corridor planning efforts with neighboring towns, conservation organizations, and the State of New Hampshire"; a stated objective is "to obtain access to the Merrimack River for [conservation and recreational] purposes" [pp. 9 and 14, A Plan for Tomorrow]. Boscawen's 1988 draft master plan establishes a goal "to preserve, protect, maintain, and enhance the Merrimack and Contoocook Rivers and their environs as the two most unique, scenic, and natural legacy features in the town" [p. 3, Statement of Goals and Objectives]. Concord's request was key to the New Hampshire Congressional delegation's efforts to protect the Upper Merrimack through Wild and Scenic Rivers study. The City's master plan calls for an open space corridor along the floodplain except in areas long committed to development. Bow's master plan identifies riverfront land as among the scenic resources to be protected.
A map of the river/segment must be included in the resource assessment. This map should be taken from a USGS quadrangle and should include an inset or locator map showing the location of the river/segment within the state.

A resource assessment should consist of written narrative, maps, photographs and any other items such as charts, diagrams, bibliography, etc., which are needed to adequately explain the information collected. Narrative descriptions and other written materials may be hand printed, however, double spaced typewritten information is preferred. When submitting photographs or photographic slides be certain they are clearly labelled or identified and properly keyed to topographic maps. Once submitted, all reports, maps, photographs, etc., become the property of DES and may be used at the discretion of the department for publication and presentation purposes.

A. NATURAL RESOURCES

1. GEOLOGIC/HYDROLOGIC RESOURCES

Briefly describe the significant geologic resources of the river/segment and corridor. Include unique or visually interesting features (waterfalls, unusual rock formations, areas of rapids, etc.).

Geologic resources in the proposed river segment are primarily related to glacial activity during the last Ice Age. Deposits formed from melting glaciers occur in numerous locations within the corridor. Most notable of these are outwash delta and stream terrace deposits in Concord (the Concord Plains) and finely sorted sand deposits in Canterbury that support unique sand dune vegetation. Varved sediments deposited at the time of Glacial Lake Merrimack can be identified in at least one site on the river in Canterbury. An area of significant rapids in the river occurs in the vicinity of Sewalls Falls. Rapids occur also below Franklin and above Garvins Falls. There is exposed bedrock at the Sewalls Falls bridge exhibiting glacial striations. This segment contains significant meanders, as well as an actively developing oxbow. The southern most segment is an area of high potential groundwater yield.
upland forest, and pasture. The sand or gravel banks along this stretch provide nesting sites for two birds, the bank swallow and kingfisher, that ornithologists associate closely with the Merrimack. The Upper Merrimack is consistently "very productive" in the harvest of both land- and water-based furbearers. The latter rely for food on the abundance of aquatic plants and animals in the river and the wooded bands along the river; the former are particularly dependent on farmed lands. NH Fish and Game has mapped three deeryards in the river corridor. The river also supports numerous invertebrate species, which provide the prey base for larger animals. Frogs, toads, and crayfish attract Great Blue Herons, often from distances of more than 10 miles from their nesting colonies.

The Upper Merrimack provides significant wintering habitat for the Federally endangered Bald Eagle and is seasonally important to the State-threatened osprey. The NH Natural Heritage Inventory also lists Fowler's Toad (which is critically endangered in the state), Blanding's Turtle, and the Blue-gray Gnatcatcher for the Upper Merrimack.

Although NH Fish and Game has no documentation of the river's value as a travel corridor, its geographic location in the center of developing areas lack of development in the corridor, diversity of habitats, and the extent of vegetative cover along the banks make it highly significant. According to biologists with the Audubon Society of NH, the Merrimack River is thought to be the most important migration corridor in the state. (See Map of Special Natural Resources.)
(Lupinus perennis; critically endangered in the state), and Pink Wintergreen (Pyrola asarifolia). (See Map of Special Natural Resources. Note that special plants and animals were mapped only where locational information is precise.)

4. FISH RESOURCES

List the fish species commonly found in the river/segment. List any rare or endangered fish species supported by the river. Describe significant habitat areas, including location. Indicate if significant fish restoration program is on-going or planned (anadromous fish, etc.) Indicate whether significant fisheries rely on natural reproduction or stocking programs.

The Upper Merrimack is a cold water fishery that provides habitat for at least 19 resident species, including 8 of sport and recreational importance. NH Fish and Game regularly stocks the Sewalls Falls area and tributary streams with brook and rainbow trout, which do not, however, naturally reproduce in the main stem. Stocking here has increased 3-fold from 1984 to 1988. In addition to the Sewalls Falls area, mouths of the Contoocook River and other tributaries and broken water below Franklin provide good cold water fishing opportunities.

This stretch also contains "a significant amount of habitat for Atlantic salmon and American shad juveniles and adults" in the vicinity of Sewalls Falls, as determined by federal and state fisheries biologists [Anadromous Fish Habitat Inventory, Vicinity of Sewalls Fall, Merrimack River, New Hampshire, 12/10/84, U.S. Fish and Wildlife Service] and is key in federal and state anadromous fish restoration efforts, which began on the Merrimack River 20 years ago.
practices, and septic systems, by construction activities, urban runoff, agricultural activities, and leaking underground storage tanks and accidental spills

6. **OPEN SPACE**

Briefly describe areas of open space found in the river/segment corridor.

From just below the confluence of the two tributary rivers to below Sewalls Falls the river banks and valley are essentially undeveloped. An occasional house, farm buildings, three bridges (of which two are passable) and abutments of an abandoned bridge, a church steeple in Boscawen, and occasional sightings of the little-used railroad tracks that parallel the river at varying distances from it break an otherwise undeveloped stretch of river. Immediately below Franklin woodlands dominate the narrow valley, creating a sense of isolation. Further downstream woods and fields intermingle. The substrate becomes sandy, giving rises to beaches, sandbars, and relatively barren bluffs. Around Boscawen, much of the land along the river is in agriculture. Even in downtown Concord there are significant open spaces, areas of farmed land, oxbow ponds, and wetlands. Below the Manchester Street bridge woodlands and steep slopes on the east bank create a sense of open space, although much of the west bank is developed. (See Map on General Land Use.)
2. **WATER WITHDRAWALS**

a. List any significant water withdrawals from the river/segment. Briefly describe their purpose (irrigation, for example) and location. Indicate if the river/segment is an existing or potential source of public water supply.

Eight facilities currently are registered with the NH Water Resources Division to withdraw water from the Upper Merrimack. Four are for sewage treatment plants, two are for irrigation, one is for hydroelectric (Garvins Falls), and one is for trash to energy (SES Concord Company, Penacook). All but the agricultural uses return water directly to the river. Treatment plants are located in Franklin, Boscawen (county complex), Penacook, and Concord. Irrigation occurs at Gold Star Sod Farms, Inc., in Concord and Canterbury. Total registered withdrawals = 3,825,793,900 gal/day; average actual use = 1,573,711,900 gal/day (includes 1,564,000,000 and 3,789,000,000 gal/day, respectfully, for PSNH at Garvins Falls).

The Merrimack as a whole presently provides drinking water for several communities in southern New Hampshire and in Massachusetts. There is no projected future use of water in this segment per se, although use of the Merrimack downstream is anticipated.

b. List any state-approved surface water discharges to the river/segment and identify the source of the discharge. Note the location and condition of any known discharges occurring without state approval.

Eight NDPES permitted facilities discharge into the Upper Merrimack, including the Franklin STP, Merrimack County complex STP, Penacook and Concord STPs, Webster Valve/Watts Regulator in Franklin (cooling water discharge), PSNH at Garvins Falls, Interlake Inc., Arwood Corp. in Franklin
Concord, that are eligible for listing on the NHP, and three historically significant existing homesteads -- the Gold Star Sod Farms residence and barn in Canterbury, the Timothy Walker house on Horseshoe Pond in Concord, and the Sullivan Farm in Concord.

In Franklin there is an archaeological site of a mid-19th century intervale farm, and in Boscawen is an archaeological fort site. Concord's historic district abuts Horseshoe Pond. Locally identified as architecturally significant clusters of homes in Penacook are on Rolfe and Penacook streets (abutting the informal, public boat launch in Penacook) and on Hannah Dustin Drive.

The Hannah Dustin monument is on an island at the confluence of the Contoocook and Merrimack rivers in Penacook. The railroad, 1842+, with stone arch bridges, trestles, and late metal truss bridge, was "one of the most ambitious undertakings during the first decade of the railroad era" [NH Historic Preservation Office].

2. COMMUNITY RESOURCES

Briefly describe how the river/segment is recognized as a significant community resource.

All six communities are represented on the Merrimack River Area Planning Committee, which has been meeting with Office of State Planning staff since May 1988 to advise on development of a management plan for protection of the Upper Merrimack (under Chapter

The conservation commission in Canterbury has identified specific sites along the river that should be recognized as community resources because of
involving the Conservation Commission, City Planning Department, and the private Concord Conservation Trust. All land along the Merrimack River and oxbow pond from the State Prison north to Sewalls Falls Road is in now public ownership, including the Fish and Game land adjacent to the breached Sewalls Falls dam and the archaeological site now on the National Register. An LCIP application to acquire land northwest of Sewalls Falls for its statewide significance would extend these public holding to the north. The Concord Conservation Commission has endorsed the State's application and is funding the Concord Conservation Trust for maps of the Merrimack corridor (see below).

On the private side, the Society for Protection of NH Forests this year received an easement on 178 acres of farmland and an oxbow pond in the floodplain in Concord. The Concord Conservation Trust, a local land protection organization created in 1989, has identified the Merrimack River corridor as its number one priority and has hired a planning consultant to lay out Concord's section of the NH Heritage Trail along the Merrimack and to negotiate agreements with landowners. The Merrimack River Watershed Council, a group with long-standing interest in the river, publicizes it in their newsletter and in related publications (including a map and guide to the Merrimack River valley) and organizes events around it. A recent publication addresses land protection strategies for river valley landowners. Trout Unlimited is an active advocate of river protection and has been key in protection of the Sewalls Falls area.
All listed private facilities allow for public use. In addition, the State owns 151 acres of forestland with river frontage in Boscawen (Merrimack River State Forest).

b. List current recreational activities by type.

b. The following list of current activities was obtained from a one-day survey of river users conducted 8/14/88 (133 responses). The most popular activities on the Upper Merrimack include swimming, canoeing, walking/exploring, and fishing. Birdwatching, nature study, viewing scenery and tubing were less frequently cited, while power boating, jet-skiing, and 4-wheeling had only a small following. While more than half the users were from local communities, 7% were from out of state. The NH Fish and Game Commission, by resolution, has recognized this stretch of the river for, among other values, its "important angling opportunities" and "exceptional white water recreational canoeing." The Forest Society and Audubon Society of NH use the Merrimack for bird walks and other public events. Classes from Rundlett Jr. High and Beaver Meadow Elementary School have developed curricula around the river.

c. Describe existing recreational potential.

c. The development of Sewalls Falls as a major recreational area is in process, under NH Fish and Game auspices, including in the first phase of development plans for parking, restrooms, picnic tables, trails, small boat and canoe access, and interpretative signs. The Upper Merrimack is proposed as a link in the NH Heritage Trail. The State's Congressional delegation is
Technical Institute is particularly scenic. Striking views of the river include 1) view upstream from Hannah Dustin bridge (Rte. 4) in Penacook; 2) view from the grounds of the NH Department of Transportation building, Hazen Drive, Concord. The latter view to the north reveals the wide Concord intervale and Mt. Kearsarge peering over the shoulder of Rattlesnake Hill.

2. **LAND USE**

Identify municipalities with existing master plans and/or zoning ordinances within the river/segment corridor. Identify local land use controls which affect the river/segment corridor (i.e., zoning, easements, subdivision regulations).

Nearly three-fourths of the river corridor (here defined to include up land up to 3/4 mile from the river) is zoned residential, 4% is zoned institutional, and the rest is zoned commercial or industrial (see Map on Zoning Districts). Some of the land zoned commercial/industrial is developed and well screened from the river; some is on bluffs overlooking the river and can be screened and hidden from view with setbacks. Only in Concord are buildable commercial/industrial zones actually in the floodplain. All six communities have floodplain zoning, restricting but permitting development. Concord prohibits residential development in the floodplain but provides for nonresidential buildings, with regulations.

Franklin, Northfield, and Boscawen exclude steep slopes, wetlands, and floodplains from lot size calculations. Canterbury excludes wetlands from lot size calculations, and Concord and Bow have streamback protection ordinances. Concord has a small historic district within the proposed corridor. Franklin, Boscawen, Bow, Canterbury, and Northfield allow cluster development in rural

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in downtown Concord. The railroad follows the west bank of the river from Concord north, although there is virtually no traffic along it. US Route 3 follows the river closely in places north of Boscawen. In downtown Concord bridges, traffic, shopping-business areas and residential development are generally visible. Traffic sounds are generally audible but inoffensive. A major utility line crosses the river in Northfield.
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<td>x Hydrologic (One of two remaining sparsely developed, free-flowing segments of a unique high order stream.) Recreation (Unique proximity to regionally significant population concentrations in Concord and Manchester.) Geologic (Area is part of Lake Winnipesaukee composite landscape area which includes significant portions of 1 of 7 regionally unique composite landscapes. These areas, where four or more different major landscape patterns - landform, land use, vegetation, water - come together in juxtaposition, are the most diverse places in the NE USA. Fish (River is a significant Atlantic Salmon fishery under restoration.) Wildlife (River provides winter habitat for the Federally endangered Bald Eagle.) Historic (Remains of oldest/longest timber crib dam. Cultural (River is historically reported to be the most noted waterpower stream in the world, during the 19th Century industrial era.)</td>
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NEW HAMPSHIRE
RIVER PROTECTION AND
ENERGY DEVELOPMENT PROJECT

FINAL REPORT

Prepared by the

New England Rivers Center
NEW HAMPSHIRE FISH AND GAME COMMISSION
RESOLUTION

NOMINATING A SECTION OF THE MERRIMACK RIVER FOR PROTECTION TO THE COUNCIL ON RESOURCES AND DEVELOPMENT

WHEREAS, in the year 1986 the Senate and House of Representatives of the State of New Hampshire adopted An Act relative to lakes and rivers deserving protection; and

WHEREAS, the Council on Resources and Development established under RSA 162-c:1 has been authorized to establish a process for designating lakes and rivers as water areas deserving protection; and

WHEREAS, the Council on Resources and Development, in consultation with the Advisory Committee shall establish under Section 4 of the above Act, criteria and procedures to designate lakes, sub-areas of lakes or river stretches as water areas deserving protection; and

WHEREAS, as any New Hampshire organization or resident may nominate an area as a water area deserving protection to the Council on Resources and Development utilizing the criteria established under Section 4 of this Act; and

WHEREAS, the New Hampshire Fish and Game Commission as an official state organization and through the office of its Executive Director has a legislative mandate to protect, propagate and preserve the fish, game, bird, and wildlife resources of the state; and

WHEREAS, on August 19, 1981 the New Hampshire Fish and Game Commission adopted a policy to protect and safeguard the state's free flowing streams and rivers, it recommends that the Garvins Falls to Eastman Falls section of the Merrimack and Pemigewasset rivers be considered for potential designation as a river reach as deserving of protection; and

WHEREAS, the New Hampshire Fish and Game Commission deems the Garvins Falls to Eastman Falls section the Merrimack and Pemigewasset rivers as an important fishery and wildlife resource in that it provides habitat for at least 19 resident and 4 anadromous fish species; and
Mr. John Dabuliewicz  
Chairman  
Council on Resources and Development  
2 1/2 Beacon Street  
Concord, New Hampshire  03301  

RE: Nomination of the Merrimack River from Franklin to Concord  
as a designated river under the New Hampshire Rivers and  
Lakes Protection Program, established by Chapter 190, Laws  
of the 1986 Session of the General Court

Dear John:

The stretch of the Merrimack River between Franklin and Carvins Falls Dam below Concord contains the last long reach of free-flowing river which is left in the entire Merrimack main stem. The river is bordered primarily by woodlands and abandoned fields with occasional active farms, houses, and other buildings along its shores. This river experience is very satisfying for the average canoeist and even provides some relatively exciting riffles in the area of the proposed Sewalls Falls Park at the downstream end. This part of the Merrimack flows through both rural and urban areas which I believe can be accommodated through the flexibility of the River Protection Program.

This river stretch deserves to be considered for designation for the following reasons:

1. It is truly one of the last significant "run-of-the-river" stretches left on the entire Merrimack. This attribute has actually been enhanced by the breaching of the historic Sewalls Falls Dam in Concord.

2. The Merrimack is located in the central part of the state making it easily accessible to a large number of New Hampshire residents and tourists. Its recreational potential for boating, fishing, canoeing, swimming, and birding is undeniable.

3. This accessibility plus the gentle character of the river over most of the distance provides a river recreation experience opportunity to a wide segment of the population.

4. The river will provide significant length for river fishing, and its character is such that this includes both riffle fishing and pool fishing. The state and federal anadromous fish restoration programs are well underway which will bring salmon and shad for the sport fishermen.
January 11, 1987

The Honorable Robert C. Smith
House of Representatives
506 Cannon House Office Building
Washington, D.C. 20510

Dear Representative Smith:

The Concord City Council respectfully requests your assistance in adding the central portion of the Merrimack River to the National Wild and Scenic Rivers Act for study and possible inclusion into the national system.

As you may be aware, the City Council appointed a River Study Committee early in 1987 to study use and protection of the river after a project which would have impounded the Merrimack at Sewall's Falls in Concord was shelved. Realizing that the proposed dam would have permanently inundated a magnificent natural resource in an urbanizing state, the City Council moved to take steps to permanently protect this resource. The Merrimack River Corridor Coordinating Committee, which was formed, represented a broad range of Concord people with interests in the river corridor. The Committee's activities, however, soon attracted interest from communities both north and south of Concord.

Citizen and political support has now solidified around efforts to protect the river in the entire central New Hampshire area. The committee determined that addition of the Merrimack River to the National Wild and Scenic Rivers Act would be the best possible opportunity for a formal study of the outstanding resources of the Merrimack River and for providing a basis for future planning in the river corridor.

This request is made by the City of Concord on behalf of itself, the City of Franklin, the Town of Northfield, the Town of Canterbury, the Town of Boscawen, the Town of Bow, and the Town of Pembroke. Each of these communities has formally endorsed this study in writing through their legislative bodies, and copies of their letters of support are enclosed.

We hope for your support and assistance in adding the Merrimack from Franklin to the Hooksett Dam to the federal act so that the proper study can be accomplished. We know that you are aware of this
March 26, 1987

Merrimack River Corridor Coordinating Committee
Louis Ungarelli, Secretary
Concord Public Library
45 Green Street
Concord, NH 03301

Dear Mr. Ungarelli,

Thank you for forwarding to us the minutes of your meeting. Due to scheduling we have been unable to attend your meetings but would like you to know the Selectmen support your efforts and will assist you in any way we can. Please feel free to contact us at any time.

Sincerely,

Boscawen Board of Selectmen

[Signatures]

hk
May 25, 1987

Mr. Timothy Woodman, Chairman
Merrimack River Corridor Coordinating Committee
Concord Public Library
45 Green Street
Concord, N. H. 03301

Dear Mr. Woodman:

The Town of Canterbury endorses the efforts of your Committee to obtain Congressional authorization for a wild and scenic rivers program study of the Merrimack River, including the segment of the river that lies within Canterbury. It is recognized that the Merrimack River and its corridor represents many important and outstanding resources, both natural and man-made. There is a definite need to plan for the future of these resources and those who use them, and for the planning to be done by the cities and towns that share the river.

We look forward to joining with you and the other communities on the river in this study, and intend to actively participate in these efforts.

Sincerely,

Chairman

Canterbury Board of Selectmen

kd
June 26, 1987

City of Concord
Merrimack River Corridor Coordinating Committee
Joe Quinn
256 North State Street
Concord, N. H. 03301

Dear Mr. Quinn:

The Board of Selectmen of the Town of Northfield endorses the efforts of the Merrimack River Coordinating Committee to obtain Congressional authorization for a wild and scenic rivers program study of the Merrimack River, including that segment of the river which lies in Northfield. It is recognized that the Merrimack River and its corridor contains many outstanding and important resources, both natural and man-made. There is a definite need to plan for the future of these resources and how they will be used, and for that planning to be done by the cities and towns that share the river. The Town of Northfield looks forward to joining the other communities on the Merrimack River in this study, and we intend to actively participate in this effort.

Very truly yours,

[Signatures]

Board of Selectmen
Town of Northfield
UPPER MERRIMACK RIVER CORRIDOR

ANDOVER

CONCORD

BOSCAWEN

CANTERBURY

WEBSTER

SALISBURY

STUDY AREA

NEW HAMPSHIRE

NH OFFICE OF STATE PLANNING  AUGUST 1999