

## **Appendix H**

### **Summary of Public Comments and DES Responses**

#### **Souhegan River Water Management Plan**

**August 2013**

## SUMMARY OF PUBLIC COMMENTS AND DES RESPONSES

This appendix summarizes the comments received on the Draft Souhegan River Water Management Plan Report released by DES on June 23, 2011. The comments are summarized based on the issues of concern, and several of these areas are further subdivided into specific issues that received repeated comments. Each comment summary includes a response from DES. Copies of the comment letters and emails received by DES are included at the end of this Appendix.

Comments were received from the following individuals:

- Robin Babin - New Ipswich Resident
- John Klein - New Ipswich Resident
- Peter de Bruyn Kops - Amherst Farmer and WMPAAC member
- Cindy Lussier - Landowner at Souhegan River Site 19
- John and Sharon Rosenfelder - Landowners at Souhegan River Site 35
- Katrina Stark Soucy - Sweden, Maine Resident

### 1. Souhegan Designated River

#### *Comments and questions:*

- Towns manage their resources with growth and resources plans, which include water bans during dry spells. If the golf courses and the fish hatchery require additional water, then they should drill their own wells or dig water collection ponds to meet their needs.
- Proposed management is inadequate for the upper Souhegan River, the gage near Milford only allows for data collection where much of the water use has already taken place. DES needs to collect flow data at several points upstream to ensure that Affected Water Users are following their conservation plans, but also to protect upstream river environment that most likely will be negatively impacted by the increase in river flow due to two day releases.
- There is no management plan for silt build up, erosion damage, property damage, wetland destruction and public hazard.
- The statement that “*by artificially creating the effects of a small storm event, this release of water resets the instream flow system*” needs to be removed from the plan because it is false. There is no small storm that would create the flow of water anticipated in the release of 118 ac-ft from Site 35 and an additional 500 ac-ft from Site 19.
- The plan is confusing upstream effect with downstream effect. Upstream and downstream flows are two separate entities. While the downstream flow would reflect a small storm situation considering tributary swelling, a two day release from the two sites in the upstream area would cause a rush of water totally foreign to this vulnerable environment.
- The DES is not limiting the amount of water anticipated to flow. If the need increases downstream, more water will be stored and released.

- The Water Management Plan is based on protected instream flows that were developed and established as standards to provide 100 percent habitat preservation rather than considering how 50 percent of the habitat could be preserved.
- Because the Water Management Plan and Water Use Plans are based on the 100 percent habitat preservation standard, they are too extreme and unnecessarily costly.
- Habitat preservation was selective, and the proposal to release water from storage reservoirs upriver will impact habitat around ponds to benefit habitat downstream,
- Human activity has already impacted habitat yet the average layperson looking at the river, and the technical experts that studied the river, would consider the river to be healthy.
- Even with a healthy river at current levels of human activity, the proposed Water Management Plan and Water Use Plans aim to reduce water withdrawals at critical times.
- The implementation costs for water use metering and the development of alternative sources of water, growing different crops and risking crop failure are likely well over \$1 million, taking into account all water users.
- The production of crops by farmers along the Souhegan River is increasing and with the growing demand for locally grown produce, crop production is expected to increase in the future. The Water Management Plan and the Water Use Plans will impact agricultural water users by increasing the cost of crop production which will result in less crop production and reduce job growth.
- A better and more cost-effective balance would be attained by defining adequate habitat at levels that allow for local agriculture, at a minimum, to withdraw significant water during dry spells.
- The implementation and enforcement of the Water Management Plan should be postponed until dams storing the relief flows are retrofitted and operational.

***DES Responses:***

The Water Management Plan includes the requirement that during periods when flow in the Souhegan Designated River drops below the Critical and Rare protected instream flow thresholds during the summer and early fall that Milford and Wilton impose water use restrictions or bans. The Plan also recommends that the Milford Fish Hatchery develop a supplemental water supply source. Direct withdrawals from the river by the agricultural water user and the golf courses would also be reduced. The Plan specifically recommends that the golf courses consider developing supplemental water supplies, which could include storage ponds or wells.

The United States Geological Survey (USGS) operates two gaging stations on the Souhegan Designated River. One gage, #01093852 is located in the upper portion of the watershed (103 sq. miles) in Milford, while the second gage, #011094000 is located in the lower portion of the watershed (171 sq. miles) in Merrimack. The gage in Milford was established in 2008 to record flows in the upper watershed in support of the instream flow program and is upstream of where the largest Affected Water Users are located. As proposed in the Water Management Plan, Affected Water Users (AWUs) in the upper watershed will take management actions in response to flows recorded at the Milford gage, while those AWUs

located downstream of this gage will take management actions in response to flows recorded at the Merrimack gage.

The Water Management Plan does not specifically include a sub-plan to address the “silt build up, erosion damage, property damage, wetland destruction and public hazard” that will allegedly result from the proposed relief flow releases on the Souhegan Designated River. Relief flows have been distributed among four impoundments instead of the original two impoundments described in the Draft Water Management Report. None of the relief flows will be released at rates above historical flows so no damage or erosion is expected. The maximum relief flow rates below each impoundment include: 0.16 cfs for Waterloom Pond; 0.41 cfs for Site 19; 0.72 cfs for Site 35; and, 2.47 cfs for Site 12A. These values account for the size of the watershed at the release point below the dam. As a reference, flows of 0.5 cfs have historically been used by the US Fish and Wildlife Service to define minimum summertime flows below hydropower facilities. Souhegan River flows, over the historic record, ranged from 0.23 cfs to 84.0 cfs. The most common flow is 2.47 cfs which has occurred in the Souhegan River 20.6% of the recorded days. The impact of the relief flows on habitat in the Souhegan Designated River and the streams immediately downstream of the selected storage impoundments is not considered significant because the magnitude of the relief flows fall within the natural flow ranges for the receiving streams and river.

The Plan no longer includes releases of 118 ac-ft from Site 35 or of 500 ac-ft from Site 19. The plan is to release an equal volume of water from each of these two dams. The maximum flow release from Sites 19 and 35 would then be 18.4 ac-ft (4.6 cfs for two days) from each of them. The premise for the release of the relief flows is that when flows are below the Critical or Rare flow threshold for greater than their Catastrophic duration, a short-term increase in flow will mimic a natural small rainfall event, thereby temporarily increasing aquatic habitat for refuge from the low flow conditions.

The release flows are within the range of flows currently experienced by the smaller watersheds of the release origins. The commenter’s statement is true that the effect of the releases will be greater on the streams located immediately downstream from the flood control dams than on the Souhegan Designated River at the gage in Merrimack. The releases originate from dams on streams in smaller drainage areas which have lower flows than the Souhegan River. DES has assessed the release flow volumes on the small streams by estimating the flow ranges that naturally occur in these smaller drainages. The assessment has shown that the release flows are within the range of flows currently experienced by these streams. DES calculated the release flow rates relative to the drainage areas<sup>1</sup> and compared them to flow rates on the Souhegan relative to its drainage area. Stream flow was divided by the watershed area to derive a flow per unit area that can be compared at any location. The flow releases at all locations generally comprise flows that are similar to summer low flows except below Site 12A during one bioperiod. Release flows during October 1 through November 14 are of the same magnitude as flows that naturally occur about 10% of the time during that bioperiod.

---

<sup>1</sup> cfs/mi<sup>2</sup> – cubic feet per second per square mile of watershed area

The commenter noted that “DES is not limiting the amount of water anticipated to flow. If the need increases downstream, more water will be stored and released.” Water stored and released for protecting stream flows is not for downstream users, but rather will support the river ecosystem. Any new users will need to comply with the protected flows and create management plans that maintain the protected flows. The water storage described in the Water Management Plan provides for current and future conditions by providing sufficient storage to meet anticipated current management needs with additional storage as a safeguard. It is not the intent of the Water Management Plan to increase storage of water in any of the impoundments to offset increased future water use in the Souhegan River Water Management Planning Area. Rather, the intent is to support a more sustainable use of water by all water users in order to maintain instream flows to ensure the continued viability of the river ecosystem.

The statement that the Water Management Plan is based on protected instream flows that were developed as standards “to provide 100 percent preservation rather than considering how 50 percent of the habitat could be preserved,” is incorrect. While the protected instream flows established for the Souhegan Designated River were developed as numeric translators of the narrative water quality standards, they are also based on the Natural Flow Paradigm. This concept takes into account the natural variability of flow, which occasionally fall below levels that support the protected entities. The protected instream flows are based on a statistical analysis of the streamflow record for the Souhegan River, which was then integrated with the results of the instream habitat mapping work to determine the protective flow thresholds and flow durations. The historical data and protected flow criteria define low flow thresholds that represent high-stress conditions for aquatic species. The Water Management Plan states that actions will be taken only when flows fall below the Critical or Rare thresholds for longer than the common duration. These conditions occur infrequently and represent those conditions when the protected instream entities are at the greatest risk due to limited habitat. Management is taken to offset these conditions. As a result, the Water Management Plan does not provide 100 percent habitat preservation at all times, but focuses on those periods during which catastrophic conditions can impose the greatest stress on the protected instream entities.

A commenter noted that because the Water Management Plan and Water Use Plans are based on the 100 percent habitat preservation standard, they are too extreme and unnecessarily costly. As noted above, the Water Management Plan and associated Water Use Plans are not based on 100 percent habitat preservation. The costs associated with the development and implementation of alternative water supply sources for use by some of the Affected Water Users actually reflects the cost to ensure that the natural flow patterns in the river are maintained to support its biological integrity in compliance with state water quality standards.

It was also suggested that habitat preservation in the Water Management Plan was selective, because the storage of water in the flood control dams upstream will impact the habitat around ponds to benefit habitat downstream. Since a reduction in the use of the river alone will not maintain the instream flows, the temporary storage of water at selected dams is

necessary. The use of storage at these facilities for the purpose of creating relief flows has been limited to less than two feet of water level change in order to preserve habitat conditions in these environments. Most of these areas experience impacts greater than this since their impoundments are used for the storage and release of floodwater. DES recognizes that the benefits of the relief flows must offset the impacts of water storage for relief flows and, as such, will attempt to manage these facilities to minimize the negative impacts on the shoreline around the impoundments.

A commenter noted that human activity has already impacted habitat in the Souhegan Designated River and it seems healthy. DES agrees that the Souhegan River is largely healthy. The Water Management Plan applies management to current and future water use to ensure that this condition continues. The time to develop management plans to protect the river is before high levels of degradation occur and correction, therefore, becomes difficult. The impact of human activity on habitat in the Souhegan Designated River was noted in the Final Souhegan River Protected Instream Flow Report (DES 2008). DES notes that a number of problems exist, including water quality impairments for dissolved oxygen. Even a relatively healthy river, under current levels of human activity, will benefit from the Water Management Plan by reducing the pressure on important river functions at critical times. To minimize the further degradation of the river's health and to maintain its biological integrity, the Water Management Plan requires that actions be taken when the potential impact of withdrawals have the greatest impact on the river.

Although agricultural water users have withdrawn and will continue to withdraw water from the Souhegan Designated River, these amounts have been below reportable limits. DES supports the local production of crops and agrees that demand for these products will mostly likely continue to grow into the future, thereby increasing the demand for water. Registered water users are required under the existing Water Conservation Rules (Env-Wq 2102) to accurately record and report their water use to DES and to demonstrate the methods used to measure or quantify water use are accurate within 10 percent. DES can assist water users with the verification of their water use measurement method. If the accuracy of the method used cannot be verified within 10 percent, then the registered water use will be required to have an existing meter calibrated or, if an estimation method is used, the installation and operation of a recording meter may be required. The cost of the meter will depend on the size of pipe and volume of water used. The cost of the purchase and installation of a meter could be partially or completely offset through conservation grants available from the Natural Resources Conservation Service (NRCS) or depreciated as a business expense over time.

One commenter opined that development of supplemental (above the *de minimis* flow available under this program) alternative water supplies, such as storage ponds or wells, for agricultural irrigation represents a potential additional business cost resulting from the adoption of the Water Management Plan. This Plan provides guidance to these water users as to what actions may be taken when catastrophic conditions occur so they may plan accordingly. The cost of the development of alternative water supplies along with the investment in more water efficient irrigation equipment could be partially or completely

offset through conservation grants available from the NRCS or depreciated as a business expense over time.

It was suggested by one commenter that a better and more cost-effective balance would be attained by defining adequate habitat at levels that allow for local agriculture, at least, to withdraw significant water during dry periods. This approach could not be assured to comply with water quality standards. The protected instream flows established for the Souhegan Designated River were based on the results of an intensive field investigation and a detailed hydrologic analysis. The established protected instream flows are considered to provide adequate protection of the instream entities, and, along with the Water Management Plan, they promote sustainable water use. While it is recognized that agricultural demand along with golf course demand for irrigation will be greatest during “dry” periods, the *de minimis* flow will always be available to be shared among water users.

As noted in a comment, the Water Management Plan cannot be fully implemented until the outlet of the dams selected to store and release the relief flows are retrofitted. A source of funding for this purpose has not yet been identified and no money has yet been secured for this effort. DES has changed the plan to include more dams for flow management, one of which is already configured to allow for flow augmentation through relief pulses. The two year period following the adoption of the Water Management Plan will be considered a pilot period and the results of this pilot study will be reported to the legislature in 2015 for consideration in its review of the Souhegan River Water Management Plan.

Finally, the Protected Instream Flow for Bioperiod 6 (Salmon Spawning period which runs from October 1 – November 14) for the lower Souhegan River has been reduced. The original Protected Instream Flow established on April 1, 2008 was superseded by a new declaration of establishment on August 30, 2013. In the period following the establishment of the Protected Instream Flow for the Souhegan Designated River, DES became aware of an issue related to the protected flow in the Salmon Spawning Bioperiod (also known as Bioperiod 6, which runs from October 1 through November 14). Upon further review, DES has determined that the habitat quality would be the same at 0.1 cfs as at 0.3 cfs. Consequently, the protected instream flow for Bioperiod 6 for Rare flows has been changed from 70 cfs (0.4 cfs) to 39 cfs (0.23 cfs). The allowable and catastrophic durations remain the same.

## **2. Souhegan River Site 12A**

### ***Comments and questions:***

- Using Site 12A South as the backup contingency site necessitates that it be ready in an emergency. This would call for permanent storage at this site at all times throughout the season. The plan lacks any information on the effect this would have on this site, whereas preliminary testing was done on Sites 19 and 35.
- There is no mention of the effect storage and release at this site would have on the role of this reservoir as the supplier for public water to the Town of Greenville.

### ***DES Response:***

Souhegan Site 12A South initially was identified as a contingency site to provide additional water if operation of Souhegan Sites 19 and 35 could not provide sufficient water to maintain the protected instream flows on the Souhegan Designated River. A detailed storage-discharge analysis was not performed for the Tobey Reservoir because the likelihood of its use was considered to be low. Based on the comments received on the Draft Souhegan River Water Management Plan Report, DES has changed the status of the Souhegan River Site 12A from a contingency site to a primary site. The change was necessary to reduce the impacts of storing additional water at Souhegan River Sites 19 and 35. DES plans to limit water level changes at the dams selected for the storage and release of relief flows to two feet or less to limit the impacts to shoreline properties and the environment. The DES Dam Bureau concluded that the dam's structure would support the additional water storage of two feet defined as the limit for water level changes as a result of instream flow management. There was no need to define the maximum storage as was done for Site 19 and Site 35.

As noted in the Dam Management Plan for Souhegan River Site 12A South, an initial screening of the extent of mapped wetlands was performed and no significant wetlands were identified surrounding the impoundment. So the storage of additional water in this impoundment should not have a significant impact on wetlands.

As noted in the Water Management Plan and in the Dam Management Plan for Souhegan River Site 12A, 652 ac-ft (212 million gallons) of storage in the Tobey Reservoir is designated for the Greenville water supply. Based on historical records, the annual water use by the Town of Greenville has ranged from 41.4 to 67.4 million gallons (127 to 207 ac-ft) which leaves sufficient storage to address the Town's water supply needs. DES will not operate the Souhegan River Site 12A facility, for the release of relief flows, in a manner that would reduce the volume of water needed by the Town of Greenville water supply system. DES will notify the Town of Greenville in advance of any planned relief flow releases.

### **3. Souhegan River Sites 19 and 35**

#### *Comments and questions:*

- Plan may benefit Milford, but abutters, neighbors and precious wildlife will lose.
- Plan will flood private land and impact shoreline recreation.
- Whereas the Plan includes in-depth analysis of river environment, it totally ignores the importance of wetlands. The wetlands have never been studied by a professional for endangered species.
- Because the proposal by DES is experimentation, damage to the wetland is unknown. Once lost, the wetlands cannot be replaced because drainage will continue year after year which will permanently destroy the environment. Replacing current wetland with new wetland is not a viable alternative in this situation and also means a loss in prime buildable waterfront land to the landowner.
- With reference to Site 35, and downstream, not only will current wetlands be destroyed but this portion of brook has houses right along the river's edge. Their foundation will

wear away from the repeated bursts of water flow. Also, the town roads are at water level and will be damaged by erosion.

- State has not been a good steward of the facility, poor maintenance of existing facility.
- How will new dam be maintained and who's going to check it on a regular basis?
- Why should abutters feel the State is actually going to oversee the project since the history of the dam's management is not a good one?
- Considering the financial condition of the State of New Hampshire how will this be funded?
- Public notification of the project has been limited and meetings were held in Milford who would benefit from plan.
- The landowners at the impoundment sites not only own the land under the water, but also pay taxes on the land under the water. Removing landowner's rights for representation clearly violates constitutional rights. Landowners need to be involved in decision making with equal say and equal voting capacity, not lowered to the level of petitioning.
- The public has a right to know what the state plans to do with privately owned land. Public hearings and formal re-adoption process will not be removed from the basic rights of citizens and landowners.
- The purpose of the site has been flood control and it serves this purpose, so let it be.

***DES Response:***

The purpose of the relief flows released from dams is to maintain the protected instream flows established for the Souhegan Designated River. The intent of the establishment of these instream flows is to sustain the protected entities along the designated river and not solely in Milford. In fact, during low flows in the summer through early fall periods when relief flows may occur, the Town of Milford and several other Affected Water Users along the designated river will be required to reduce their water use or water demand to help maintain the protected instream flows. As a result, they do not directly benefit from the relief flows, whereas the aquatic and riparian protected entities along the designated river will.

DES recognizes that the storage of water at the flood control dams for relief flows would have had an impact on shoreline property owners and shoreline habitat. As originally proposed, 118 ac-ft of water would have been stored at Souhegan River Site 35 to generate relief flows. Based on existing information, the storage of this volume of water would result in a 4 foot increase in water levels for most of the growing season. Although no Rare, Threatened or Endangered (RTE) or Exemplary Natural Communities were identified at the site, DES recognizes that a 4 foot change in water level would have an impact on surrounding shoreline habitat. Based on an initial assessment, most of the existing deep marsh at the site would be replaced by open water or deep submergent vegetation, approximately 4.5 acres of existing emergent wetlands would be converted to open water, and trees inundated within portions of the existing forested wetlands would succumb within a few years although new forested and shrub-scrub wetlands may become established along the floodplain margins of the brooks and the upstream reaches of the impoundment fingers. At Souhegan River Site 19 storage would have increased permanent water levels as much as 10 feet.

These impacts to wetlands and shorelines would have been likely if the full volume of water in the draft Water Management Plan was stored at these sites. In response to these concerns, DES has reduced the maximum increase in water level at the selected dams to two feet or less, which will require the use of more impoundments besides Sites 19 and 35. The water level change has been reduced by the use of additional impoundments at Souhegan River Site 12A (Tobey Reservoir) and Waterloom Pond. This action will reduce the impacts to the shoreline properties, wetlands and the use of these waterbodies for recreation.

For Souhegan River Sites 19 and 35, Normandeau Associates, Inc. (Normandeau) performed a screening level review of wetlands as well as Rare, Threatened or Endangered species and Exemplary Natural Communities using existing information. Normandeau wetland scientists reviewed the following information as part of this evaluation for both sites: National Wetland Inventory (NWI) maps via the Fish and Wildlife Service online mapping tool; aerial photos from TerraServer Imagery; soil maps from the Natural Resources Conservation Service (NRCS) Web Soil Survey; and New Hampshire GRANIT ArcGIS, which included aerial photos, topography and wetland layers, and maps and water elevation data provided by DES. Normandeau also conducted a search of the New Hampshire Natural Heritage Bureau (NHNHB) online database for information on Rare, Threatened or Endangered Species and Exemplary Natural Communities.

DES recognizes the concerns of a commenter regarding the impact of the elevated water levels at Souhegan River Sites 19 and 35 on wetlands and abutting private property. The wetland analysis performed by Normandeau assumed a water level change of 5 to 10 feet at Souhegan River Site 19, and a water level change of 4 feet at Souhegan River Site 35. These represented the water level changes needed to provide the maximum volume of storage of relief flow water at each facility. As noted in the Draft Souhegan River Water Management Plan Report, these water levels would have impacted existing wetlands, although some of these impacts would have been offset by the creation of new wetlands. To reduce the impacts to existing wetlands and to abutting landowners DES has reconsidered the original proposal and will limit any water level changes, for the storage and release of relief flow, to a maximum of two feet.

A commenter noted that there are houses located right along the edge of the brook downstream of Souhegan River Site 35 and that their foundations will wear away from the repeated bursts of water flow, and since the town roads are at water level they will be damaged by erosion. The magnitude of the relief flows, when divided among multiple sources, are more than an order of magnitude less than the estimated mean annual flood. Given this information, the potential for bank erosion and flooding of adjacent properties or roads is limited. Most instream road structures are designed to pass the 25-year flood event, which is significantly larger than the magnitude of the relief flow releases. There should be no impact to existing infrastructure from the release of the relief flows.

Recognizing the concerns regarding the past operation and maintenance of the flood control dams, DES will work closely with the DES Dam Bureau and surrounding property owners to ensure the proper operation and management of each state-owned dam to meet both the

needs of the Protected Instream Flow Program and the shoreline property owners. DES will oversee the management of the project and be responsible for the proper operation of the dams for the storage and release of water for relief flows, as presented in the Dam Management Plans.

Future funding for the implementation of the Souhegan River Water Management Plan and its components has not been secured. Costs associated with the change in operation of Souhegan River Site 35 are significant and would include the retrofitting of the outlet structure (at an estimated minimum cost of \$136,000), funding of staff for dam operation, and long term monitoring programs to document any environmental impacts at the site (see Appendix D). Similar costs are estimated for each of the state owned dams (Site 12A, Site 19 and Site 35).

DES has held several public meetings regarding the Souhegan River Water Management Plan over the past several years to discuss its approach. Several of these meetings were with the Souhegan River Water Management Planning Area Advisory Committee. DES has presented elements of the Water Management Plan at meetings with the Souhegan River Water Management Planning Area Committee on October 16, 2007 and April 8, 2011 in Milford. The Draft Souhegan River Water Management Plan Report was also presented at the Public Hearing held on July 26, 2011 in Milford. The Town of Milford was selected as the site for these meetings because it is located in the central portion of the Souhegan River watershed allowing easier access to residents from all parts of the study area, and because of the availability of a suitable facility to host these meetings. Subsequent to these meetings, DES met directly with residents and elected officials in New Ipswich and Greenville to discuss the Plan.

DES notified the public of each of these meetings through electronic emails or paper mailings to each of the Select Chairs of the Towns in the Souhegan Designated River watershed, and through posted notices on the DES web site. DES provided public notification of the release of the Draft Souhegan River Water Management Plan Report by these means and also through printed public notices in the Nashua Telegraph, DES sent mailings to notify all property owners at Souhegan River Sites 19 and 35 of the public hearing. Copies of the Draft Souhegan Water Management Plan Report were made available at the public libraries in Merrimack, Milford and Wilton for public review and were posted on the DES website a month before public hearing.

Media coverage of the development of the Souhegan River Water Management Plan has included several articles by David Brooks of the Nashua Telegraph (“Plans Pushed for River Management” on October 1, 2010, “Managing Rivers to be Topic of Public Meeting” on April 12, 2011 and “Souhegan River Plan to Surface” on July 25, 2011). Information presented at the Public Hearing was reported in an article by Kathy Cleveland in The Cabinet Press (“Plans Unveiled to Secure Viability of Souhegan River”) on July 28, 2011. These articles were available in the printed and online versions of these publications.

DES contractors also discussed the elements of the Water Management Plan with the identified Affected Dam Owners and Affected Water Users. Representatives of the water

departments or public works departments for the Towns of Greenville, Milford and Wilton reviewed and commented on their individual plans.

DES realizes that the change in the operation of the selected flood-control dams will have an impact on private property within the Sites 19 and 35 impoundments. As noted above, DES made significant effort to inform interested parties about the Souhegan River Water Management Plan and encouraged public involvement during its development. DES has received public comments about the Plan and acknowledges the concerns of the landowners abutting these facilities. The Plan mentions that under the Rules for the Protection of Instream Flow on Designated Rivers (Env-Wq 1900), persons may file a petition with the DES for changes to an adopted Plan. This option is available to persons affected by changes to the Plan. In response to the comments received on the Plan, DES expects to have additional discussions with the affected parties to resolve the outstanding issues associated with the storage and release of water from the selected flood-control dams prior to the implementation of those applicable portions of the plan. DES has changed the dam management plans significantly to reduce the overall effects of management.

DES recognizes the purpose and intent of the flood-control dams, and views the extension in their operation to also provide for the storage and release of water to maintain the protected instream flows for the Souhegan Designated River as an appropriate additional use of these facilities. DES has discussed these changes with NRCS and has received their support regarding this additional use of these facilities. DES will work with shoreline property owners to address their concerns and adapt the Dam Management Plans to minimize the impacts to them and their properties. DES also recognizes that, depending on the final dam configurations and water release regime at Sites 19 and 35, it is possible that existing flowage right agreements may have to be renegotiated.

### **Changes to the Water Management Plan in Response to Comments**

In response to the comments received on the Draft Souhegan River Water Management Plan Report, DES has revised the number of flood control dams being considered for the storage and release of relief flows and has also capped the change in water level in their respective impoundments. Originally, only Souhegan River Sites 19 and 35 were being considered as primary sources of water for the relief flows and Souhegan River Site 12A was identified as a contingency site. This would have resulted in water level changes that of 4 to 10 feet in Sites 19 and 35 which would have unacceptably inundated adjacent properties and wetlands. The reduction in the volume of water to be stored at Sites 19 and 35 results from the addition of Souhegan River Site 12A and the Waterloom Pond Dam as storage sites for relief flow releases. The change in the use of Site 19, Site 35, Souhegan River Site 12A and Waterloom Pond is reflected in the revised Dam Management Strategy section of the Plan and in the individual Dam Management Plans.