

Appendix I

Comment Letters on the Draft Souhegan Water Management Plan

Souhegan River Water Management Plan

August 2013

Robin Babin
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August 18, 2011

C. Wayne Ives, P. G. Hydrogeologist
Instream Flow Specialist
Watershed Management Bureau
NH Department of Environmental Services
PO Box 95- 29 Hazen Drive
Concord, NH 03302-0095
Wayne.Ives@des.nh.gov

Dear Mr. Ives,

The Sohegan River Water Management Plan was recently brought to my attention by a concerned abutter of Dam Site 35 in New Ipswich. I located a copy of 'TSRWMP' on the DES website. After looking at it and what it proposed, I have to admit I have concerns about this project as well.

I have lived in New Ipswich for 33 years and enjoy daily walks at this particular dam. It is a place of great natural beauty and is home to flora and fauna alike. This dam was built as a flood control dam, a function it has done well, protecting the folks who live downstream. It is obvious by the debris that collects against the drain, that the state/dam bureau woefully lacks proper funding for current upkeep and maintenance of this site as it is. The project as described, sounds like it will be costly, both in initial construction as well as to staff with skilled, authorized, full time, paid personnel.

As the dam has become home and habitat for so many forms of wildlife, raising and lowering the water level at will is going to have catastrophic effects. TSWMP talks of saving "aquatic entities", "protection of water quality" and "aesthetic beauty". This, I presume, being for all of the people 'downstream' who will be getting what you are taking away from us. What about the "aquatic entities" at Dam 35 that will be impacted from fluctuating waters? What about protecting *our* water quality? What about the "aesthetic beauty" that will be left behind when Dam 35 has been reduced to swamp land by flooding then releasing its waters over and over?

What I find the most curious about TSWMP is that it appears that it has been well publicized to those who will be sent this water. They have been privy to public hearings, educational forums and newspaper articles on TSWMP. Why has *none* of this been brought to light to the citizens of New Ipswich? It has a clandestine feel to it.

If the state is so concerned about the fishes, let them spend their money more wisely by putting the cost of just one new 'gate' at Dam 35 towards a new well for the Fish Hatchery. The other users of the waters downstream could begin by studying, reviewing and implementing better conservation measures. We all must do so in periods of drought and not depend on robbing Peter to pay Paul.

Sincerely,
Robin Babin

Ives, Wayne

From: JKLEIN_499@comcast.net
Sent: Tuesday, August 23, 2011 9:28 AM
To: Ives, Wayne
Cc: Burack, Thomas S
Subject: Souhegan Water Management Plan

Dear Mr. Ives,

I just very recently learned of the proposed plan for the Souhegan River Sites 19 and 35. Your Site Management Plan may benefit Milford, more specifically the golf courses and fish hatchery, but there would be a negative impact to the abutters to the sites and the wildlife that inhabit that area. Your plan would flood woodlands, recreational paths, well-established shoreline trees, underbrush, and wildflowers.

Other towns manage their resources with growth and resource plans which include watering bans during dry spells. If the golf courses and fish hatchery require additional water then they should drill their own wells or dig water collection ponds to meet their needs.

Also, I find it very interesting that no one who worked on the Souhegan Water Management Plan or from DES contacted our town selectmen to notified them of this plan. The town managers or selectmen of the towns impacted by this plan should have been informed early on and asked for their input. It appears that the intent was to inform as few people as possible of this proposed plan.

Who is going to oversee this project and monitor these dams on an ongoing basis to make sure they don't exceed the proposed water capacity, the state? The state is in a fiscal crisis now and should not allocate money for special projects like this one.

I really feel this plan should tabled until all of the towns affected have time to review it and the impact to those towns are assessed.

Sincerely,

John Klein, New Ipswich Resident

Souhegan Designated River Proposed Water Management Plan written comments

Tuesday, August 23, 2011

Comments by Peter de Bruyn Kops

mailing address: 379 Amherst St # 222, Nashua, NH 03063

My background and involvement

I own a farm along the Souhegan River in Amherst, with about 60 acres of tillable land that I have been told is among the best in NH. I grew squash and pumpkins commercially 10-15 years ago and pumped a small amount of water from the Souhegan during that time. I think I hit the reporting threshold for one month during my whole career so far. This land is presently in low value crops that do not need irrigation.

I have been on the Souhegan WMPAAC for the past 7 years.

My current business activities put me on all the major farms along the Souhegan River in Milford and Amherst on a regular basis and give me opportunity to chitchat with those farmers.

Regulations such as these tend to assume the world and people's behaviors remain pretty much the same. For agriculture in Milford and Amherst, this is not the case. We are in a long term trend of increased production of high-value vegetable crops. I know of four major farms along the river that are either in serious volume vegetable production now or are prepared to enter the business when other factors come into alignment. I expect these farms to grow both in terms of increased acres in cultivation and in a greater share of acres in higher-value crops.

New Hampshire produces only about 5% of the food it consumes. The other 95% depends on national fuel supplies and a relatively small number of key bridges. There is public policy at the Federal level to encourage more local food production and storage in New England. There presumably is a similar public policy goal in our State government.

Vegetable production is labor intensive. This means local food production provides jobs, roughly one job for every \$40,000 in farm revenue. For the higher-value vegetable crops, this could mean one job for every 2 acres in production. There presumably is a public policy goal to promote job creation for young people and the less skilled segments of the population.

The Water Management Plans (WMPs) and Water Use Plans (WUPs) add costs. Raising costs results in less being done. So raising costs of vegetable production will result in less vegetable production. The added costs include expensive meters (\$5000+ present value for me) and development of alternate water sources for use when the WUP restricts withdrawals from the river. Even for

high-value crops, vegetable production is a relatively low-margin business and so growth will be deterred by the prospect of large capital outlays such as for wells. (At the public hearing, it came out that a 40 gpm well will take several years and \$250,000 to get approved and built.) The natural tendency will be to keep farm operation size under regulatory thresholds. There is no doubt that this WMP and WUP regime will slow the movement in Milford in Amherst towards higher-value vegetable and small fruit crops. If we compare two future worlds, one with this WMP/WUP and one without, it is clear the WMP/WUP will result in diminished value of agricultural production along the Milford and Amherst stretch of the river.

Supporters of these WMPs may argue that carefully-timed releases of water from upriver dams will reduce or eliminate times when low flow events curtail agricultural water withdrawals. Us farmers have no way of knowing if those rosy ambitions will turn out as hoped. We do know that setting up those dams will take money, and that money is in very short supply. It could be many years before those dams are operating. In the meantime, we have to plan on growing, or not growing, crops when we will not have access to significant river water when we need it most.

I recommend that implementation and enforcement of the WMPs be postponed until the proposed dams are in operation to reduce low flow events.

Souhegan Designated River Proposed Water Management Plan written comments

Wednesday, August 24, 2011

Comments by Peter de Bruyn Kops

mailing address: 379 Amherst St # 222, Nashua, NH 03063

At the end of the public hearing in Milford, Wayne Ives of DES pointed out that their standard was set by legislation to be habitat preservation and it would be nice if no other interests were harmed in the process. Wayne Ives elaborated that the standard for habitat preservation was 100% rather than consider how only 50% of the habitat could be preserved or how one could define preserving habitat to the 50% level.

It appears that the definition of "100% habitat" is based on the species mix that evolved, or would evolve, along the Souhegan River in the absence of human activities. Given the way life and evolution work, the species mix will expand and adapt to need all of the river water resources at critical, bottleneck, times. These critical times are generally low flow periods in dry spells when local agriculture needs water and would want to withdraw it from the river.

So it seems obvious to me that there is a logical contradiction between 100% habitat preservation and agricultural water use. If the 100% habitat preservation standard is followed to its logical end, one would have to conclude that there is no room for significant human activity in the watershed.

However, from the proposal to release water from storage reservoirs up river, we know that habitat preservation is a selective activity. Some habitats and species are sacrificed to preserve other habitats and species. Specifically, changing the way those dams are operated will cause habitat changes in and around those ponds.

Another way to look at this is to accept that human activities in the watershed are going to change the habitat, and then consider what species mix will populate the altered habitat. There is already a considerable level of human activity in the watershed which has changed the habitat. And yet your average layman looking at the river will consider it healthy. I believe that the technical experts who studied the river would also consider the river to be healthy.

Even with a healthy river at current levels of human activity, the proposed Water Management Plans (WMPs) and Water Use Plans (WUPs) aim to reduce water withdrawals at critical times. The implementation costs, including large wells, storage ponds, growing different crops, and risking crop failure during droughts, are significant, likely well over \$1 million if we take into account all water users including golf courses.

The proposed WMPs and WUPs plans, because they are based on the 100% habitat preservation standard, are too extreme and unnecessarily costly. 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 spells. The actual size of the Souhegan watershed is an historical accident, and therefore the species population mix that adapted to river flow rates from that watershed is also an historical accident. To the extent that local agriculture withdraws water, the lower stretches of the river will appear in some ways as though the watershed is somewhat smaller. The species population mix will adapt, the river will be healthy in a different way, and people who live around here will have the benefits of more local food production and related employment opportunities.

Ives, Wayne

From: Cindy Lussier [pr1ncess21@comcast.net]
Sent: Tuesday, August 23, 2011 9:54 AM
To: Ives, Wayne
Subject: Souhegan WMP Comments

Cindy Lussier
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Souhegan WMP Comments
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Wayne.Ives@des.nh.gov

August 23, 2011

Dear Mr. Ives,

I am writing to echo every sentiment provided in both letters from the Rosenfelders. My family lives on dam site #19 on Ashburnham Rd in New Ipswich. We will be the main area affected by anything done to this dam site. Presently, at flood stage, we lose almost all of our property. So, what's next?!

It angers me the way we have been given such vague details and nothing has been said to the individual owners about the way each owner will be affected. As a child I remember my grandmother arguing on the phone about this dam being built. At that time the state tried to take this property by eminent domain. She fought back and "won". Instead of getting her property, they got the right to put the water on her land. She was left with barely any land for her house to be safe from flooding. So, is there still a cut off elevation or are you trying to take my property?

Like the Rosenfelders, we have worked our whole life for this land. Everything we have is tied up in this property. And now years later the same ugly threat is appearing. The state has adversely affected our lives and our pocketbooks since I bought this property from my grandmother's estate, also believing this to be a done deal, no further changes, after all, it was a court won case.

I have several examples. I will use one, to show how the state does not care for the dams as the Rosenfelders stated and I am so painfully aware of. We planted over 200 trees to start a Christmas tree farm. Shortly after we noticed the water seemed to flood up into the field where we planted and stayed there longer. I called water resources every year. After 3 years of this we noticed the trees growing up higher were doing fairly well, but the lower level trees never seemed to grow. We complained to water resources with no results. Finally someone learned the damn was blocked with debris, when they finally cleaned it out and the water didn't come up any more, it was too late. We had given all the trees away. Did anyone care how much time

and energy went into that planting by a pregnant woman? Then to have to dig them up, because they didn't have a chance.

Then the state changed the laws about where we could put a septic system when I finally got to build my house where my grandmother's house had stood. We ended up having to put the septic under my front lawn, not where we wanted it. Just because some bureaucrats who don't know this property thought it would be underwater, they are wrong.

Because of the flooding, I've lost the ability to have two back lots here so my kids could each build here. Now after living here 29 years someone at Fema has redrawn the maps and I am forced to have flood insurance, at a great expense, on a property that can not flood, because of the spillway. So my question is, with this new map what is in store for us? The map shows the water going over my house and across the road, something that is impossible to do. Is this your plan? Are you going to try and take my property?! I have grown up here, my boys grew up here, no one should have to live in fear of losing their home like this. Thanks to state and federal government, we have been hurt financially and many other ways because of the people who have no idea about this property and what the real story is.

I still don't see any good reason to threaten someone else's whole lifestyle and possessions to hold back more water. For what purpose again? I think I missed that.

Another story about how much these people care, the state completely drained this pond, without notice to any of us. Emptied it completely, for some repairs? So where did the fish go? All the other life that some say they are concerned with? We could have gone in and done some cleaning and worked down there with some notice, made some improvements. Why weren't we told?!

In all the time we've lived here, NO ONE has ever spoken to us about the repercussions of this dam, NO ONE, except a fish and game officer, very nice man. But that's the world we live in. No one cares unless it affects them. So which is it? Are you trying to take my entire property from me or just submerge more of it?

I think it's time we start publicizing how you want to waste more hard earned money of the taxpayer while many of us are going without food and other necessities. We need answers! When do we get them?

Cindy Lussier

22 August, 2011

To:

Wayne Ives

New Hampshire Department of Environmental Services
PO Box 95
Concord, NH 03302-0095

From:

John Rosenfelder

86 Fox Farm Road

New Ipswich, NH 03071

jrosenfelder86@gmail.com

Dear Mr. Ives,

This weekend, I discussed with my wife Sharon, the possibility of upgrading our driveway. Her opinion was that we should *not* invest any more money in our home because of the DES plan to flood our property, thus rendering it worthless. The main attraction of our property is that abuts and underlies dam site #35 and a substantial part of its pond. Our land is very flat and only slightly above the mean water level of the pond.

Apparently the DES has plans to end the long agreed upon *use* of dam site #35, changing it from *flood control* to *providing water for sport fishing and golf course irrigation* in the town of Milford. Water would be held back in large volumes in New Ipswich, thus inundating our land and that of our neighbors, and then releasing it as required to benefit Milford.

Presently the water is simply held back during snow melt, and released over a period of a few weeks in the spring. Most of the year, the pond is at a consistent level plus or minus a foot or so.

There have been many times when the state neglected to manage the dam at all, either letting the outlet get plugged with debris, or leaving the water level very high or very low for many weeks at a time.

At the WPA planted red pine grove near the shore on our property, recent excessively high water levels have floated a twelve inch deep layer of decomposing pine needles off the land, leaving mostly gravel behind. This organic material, built up for sixty years material is now gone, presumably deposited downstream somewhere..

When we bought our property in 1980, it was with the knowledge that certain flowage rights had previously been deeded to the state for the purpose of *flood control*. Since we were aware of the once-a-year cyclical nature of the water level, this was an acceptable easement.

We have scrimped and saved for over thirty years to buy our land and build a modest house. We have been good stewards of the land, improving timber, removing dead trees, cleaning branches out of small in-feeding brooks, lopping knots from potentially commercially valuable pine trees, encouraging the best trees, building trails, cleaning up dead falls, removing weeds, tires, discarded furniture, stumps and broken glass from the water. We do not restrict access to fishermen, walkers, swimmers, or equestrians, and have allowed hunters, who have used the land since long before we owned it to hunt responsibly.

The state does not have a good record of managing dam site #35. When a huge clear-cut was made on Locke Road in New Ipswich, which made one brook feeding the pond run chocolate-brown with silt for eighteen months, reducing its depth and accumulating 6-12" of silt on the bottom, the state did nothing.

The state doesn't seem to be able to manage landslide risks along the Souhegan in Greenville or Wilton. An earthen dam holding back tons of water, poorly managed during deluges, similar to what we have had in recent years would be at risk of catastrophic failure.

If dam site #35 is used as a toilet tank for the benefit of the residents of Milford, raised water levels will kill thousands of trees and destroy a large wildlife habitat. As the water level drops to irrigate Milford golf courses, stinking mud flats covered in dead fish, dead reptiles and dead aquatic plants will be exposed, and the sterile higher ground, freed of its organic matter will be subject to erosion. Forestland trees are not tolerant of standing in deep water for extended periods of time. During periods of neglected management we have already seen this happen. We can smell the decay from hundreds of yards away.

A pond with water levels that fluctuates wildly will not be hospitable to the resident pond fish and water creatures, as water temperatures will swing just as wildly. Now there is a healthy population of bass, pickerel, hornpout, perch, sunfish, frogs and turtles.

The beauty of the site will be destroyed when the water level fluctuates from acres of flooded woods when high, to low levels exposing black muck and stumps left from the original dam construction. In spite of the attractive mountain views, fishermen will not want to cast their lines from amongst a flooded forest, or to wade waist deep through muck to get to the water.

We are told that there are no protected or endangered species anywhere in the vicinity of dam site #35, but no study was conducted. Just because no one looked, does not mean these plants and animals do not exist. We know that some wild flowers, plants, and fauna only appear for a few weeks or days at certain times of the year.

Hearings to disseminate information about this property flooding project were not well publicized, and were held *not* in New Ipswich, which would be dramatically affected, but in Milford the town that would reap the benefits of the project. If a neighbor wants to make a subdivision, or change the use of their land, we receive a registered letter, and read published notices, with an invitation to voice our concerns, if any. In the case of changing the long ago agreed upon use of dam site #35, great effort was made to avoid informing the abutters. We find that most of our neighbors knew nothing about the DES plans. Certainly no one from the DES has extended the courtesy of meeting with my family and explaining how ruining our beloved land will benefit us.

1. The State of New Hampshire does not have a great financial surplus to spend to benefit some towns at the detriment of others.
2. The existing dam has created a pond that has existed since 1965, and served its purpose well. It has become part of the landscape of New Ipswich. Its beauty and character will be lost forever.
3. This would be a significant change in the flood control easement agreement with land owners, which we would not agree to.
4. So far the publicity of this project has been done in a secretive way to keep impacted land owners in the dark. It has not been done on the up-and-up. Opportunities to voice concerns have been curtailed and limited, to favor the DES point of view, not the land owners.
5. No studies of the effect on our property and the environment have been conducted.
6. The state's past history of managing this dam site is poor at best.
7. The setting of our home will be ruined and rendered un-livable for us. We did not sacrifice for decades to buy this property, and invest much of our lives, to see it become a wasteland of flooded trees, or rotting mud flats.

Sincerely,



John Rosenfelder

Sharon Rosenfelder
86 Fox Farm Road
New Ipswich, NH 03071
bmsrosenfelder@yahoo.com
(603)878-3487

July 27, 2011

C. Wayne Ives, P. G. Hydrogeologist
Instream Flow Specialist
Watershed Management Bureau
NH Department of Environmental Services
PO Box 95- 29 Hazen Drive
Concord, NH 03302-0095
Wayne.Ives@des.nh.gov

Dear Mr. Ives,

My husband, John, and I are 30-year abutters to Souhegan River Site 35. Your Site Management Plan may benefit Milford, but abutters, neighbors, and precious wildlife, will lose. Your plan would flood woodlands, recreational paths, well-established shoreline trees, underbrush, and sundews and other wildflowers. Additionally, the pond's animal life would lose essential habitat.

When John and I bought our property lot 30 years ago, we purchased it because of its features and location. We have a shore front, a stand of red pines planted by WPA years ago, beautiful woods, wetlands, stone walls, and abundant wildlife in the woods. The property crosses Souhegan Site 35.

During the past 30 years, John and I have established a gravel beach for our family along the shore line. A stand of red pine towers near the water's edge where we have held campouts for numerous years with friends, family, and church members. Our neighbor uses the shore to train his Labrador retrievers for hunting.

My personal refuge is walking to the pond to watch wildlife. John spent many hours clearing trails in the woods so the walk would be an easy one. Your plan would flood our woods and paths. Your plan would reduce wildlife habitat. Your plan would steal what my neighbors and I treasure, our well-established property that we have worked hard to protect.

The flood control dam at Souhegan Site 35 has a history. In the past, I have had to call the site's supervisor to have the site maintained. The output has been clogged resulting in flooded woods for weeks at a time. The State has not been a good steward of its project. Several years ago, upstream from the dam, a neighbor cleared acres of land resulting in a release of silt into the pond. A local hunter reported the water's condition because he fishes and was concerned about the fish. The State was not aware nor did it take action against the neighbor who silted the water. Other times the pond has been drained to an all-time low for critical periods of time. The water has become so shallow I don't know how or if the fish have survived.

Should you get the okay to follow through on your management plan, how is the new dam going to be maintained? There is a plan for reworking the dam, but who is going to actually check the output on a regular basis? With less money being spent on the State level, why should the abutters feel the State is actually going to oversee the project? The history of the dam's management is not a good one. For a state that's laying off teachers and firefighters, why is money being allocated for this project?

The purpose of Souhegan Site 35 has been flood control. The dam serves its purpose. Let it be.

Sincerely,

Sharon Rosenfelder, Abutter to Site 35

FROM THE DESK OF
KATRINA STARK SOUCY

August 25, 2011
C. Wayne Ives
Hydrogeologist
Watershed Management Bureau:DES
29 Hazen Dr.
Concord, NH 03302

Dear Sir or Madam:

It is fortunate that the *Souhegan River Water Management Plan Report* proposed by NH Department of Environmental Services is termed a draft because it is in need of major revision. The plan fails to provide vital information in areas and requires further study on several important issues. In the state's desperate attempt to preserve the Souhegan River and clean up Milford's chemical waste dumps that have rendered the aquifer useless, the state has willingly sacrificed upstream privately-owned wetlands and forests. By the state's own admission, it is a pilot program so experimental in its concept that it lacks adequate parameters to provide upstream landowners with solid information to make informed decisions during negotiations. In fact the

FROM THE DESK OF
KATRINA STARK SOUCY

plan weighs so heavily in favor of the state and the water users that it ignores basic landowners rights, leaving the State of NH vulnerable to lengthy and costly lawsuits.

Major flaws in the plan are listed below starting with a quote from the actual plan and followed by comment. (Page number corresponds to the page on the CD.)

Protected instream flows were developed separately for the two portions of the Souhegan Designated River due to the differences in the river's characteristics upstream and downstream of North River Road Bridge and just east of the Wilton and Milford line. (p. 10)

The relief flow pulses carried out under Dam Management Plans in the Water Management Plan will be coordinated by DES and managed by DES as the owner of the pertinent dams. The Conservation Plans and Water Use Plans will be conducted by AWUs in response to stream flow conditions. Those flow conditions will be from the USGS gage 01093852 near Milford for the upper Souhegan Designated River and USGS gage 01094000 at Merrimack for the lower Souhegan Designated River. (p.12)

The proposed management is inadequate for the Upper Souhegan Designated River. The gage near Milford only allows for data collection at a point where much use of the water has already taken place. DES needs to collect data points at several points upstream, not only to ensure that AWUs 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 the two day release. There is no management plan relevant to silt build-up, erosion damage, property damage, wet-land destruction, and public hazard.

By artificially creating the effects of a small storm event, this release of water resets the instream flow system. (p.49)

FROM THE DESK OF
KATRINA STARK SOUCY

If the catastrophic events is found to increase, the long term watershed-scale management actions may be required to off-set or reduce the frequency of these events. (p. 49)

The first line 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 the downstream effect. As the DES noted before, 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 two sites in the upstream area would cause a rush of water totally foreign to this vulnerable environment.

In addition, DES is not limiting the amount of water anticipated to flow. If the need increases downstream, more water will be stored and released. This is so experimental, that it ignores the irreparable damage to property, environment, and landowner's rights. It totally leaves DES in charge of property that does not belong to the state.

DES would decide to fill the two impoundments following spring runoff. Management events from late spring through early fall bioperiods (from May first to Sept. thirtieth Clupeid Spawning, GRAF Spawning, and rearing and growth bioperiods) will be supported by shared releases from Souhegan River Site 19 and Site 35, and in an emergency, from Souhegan River Site 12A South. (p. 50)

Using Site 12A South as the backup contingency site necessitates that Site 12A be ready in an emergency. This would call for permanent storage at this sight 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. Also, 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.

FROM THE DESK OF
KATRINA STARK SOUCY

The proposed management actions will be coordinated by DES in cooperation with the Affected Water Users and the Affected Dam Owners. (p.81)

Adaptive management and other changes to the Water Management Plan may be made after its adoption if need for a correction is based on discussions between DES and Affected Water Users or Affected Dam Owners. (p.81)

There is a process for petitioning for a change to the Water Management Plan under Env-Wq 1906.08, Petition for Changes to an Adopted Water Management Plan. This process for revising the Water Management Plan through a petition to DES was made comprehensive in order to provide sufficient information to make a determination and to avoid frivolous change requests. This comprehensive process in the rules has led to concern that, once adopted, modifying the Water Management Plan for minor changes would be an overly burdensome and perhaps prohibitive process. (p.82)

If a waiver was approved, the Water Management Plan would be updated by a revision without the requirement of a public hearing and formal re-adoption process. (p. 82)

Ours is not a totalitarian government. Ours is a democratic government. It needs to be noted here that the landowners at the impoundment sites not only own the land under the water, but they 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 word frivolous needs to be removed from the document. It is offensive. In addition, 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.

Based on a review of information available from the New Hampshire Natural Heritage Bureau, (NH.NHB), there do not appear to be any federal or state-listed Rare, Threatened, or Endangered (RTE) species or any Ex-

FROM THE DESK OF
KATRINA STARK SOUCY

emplary Natural Communities in the vicinity of the site. As a result, they would not be affected by an increase of water levels at the site. (p. 240)

Since the duration and timing of the increased water elevations aren't known, the extent of the impact to the existing wetlands is also unknown. But it is believed that if the water levels were raised by 5-10 feet through the growing season repeatedly, there could be a net loss of vegetated wetlands. (p. 241)

The storage of water at the Site 35 Dam above its permanent pool level may not result in a significant loss of wetland at the site. A preliminary analysis of the impact of the higher water elevations (4 feet) showed that the loss of existing emergent wetlands might be offset by increases in forested and shrub-scrub wetland around the impoundment along with the development of additional wetlands along the tributary streams (Fox Brook and Stark Brook). (p.250)

Whereas the plan includes in-depth analysis of river environment, it totally ignores the importance of wetlands. Investigations are inconclusive to the point that the preliminary tests lacked a summary and only included data collection without comprehensive interpretation to make the study reader-friendly. The wetlands have never been studied by a professional for endangered species. Also, because the proposal by DES is experimental, 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.

The upper portion of the river corridor downstream of the dam to Smithville is lightly developed and there are three small impoundments within this section of the West Branch. In this section, the West Branch passes below both Taylor Road and Page Hill Road. During a flow management release from the dam, some of the flow may be temporarily stored in the impoundments, but due to their small size this impact should be relatively small. (p.250)

FROM THE DESK OF
KATRINA STARK SOUCY

Not only will current wetlands be destroyed, but this portion of the brook has houses right along the river's edge. Their foundations will wear away from the repeated bursts of water flow. Also, the town roads are at water level and will be damaged by erosion. Persons downstream from the dam are not to be notified of release times according to the plan causing a huge public hazard.

This summary is but a small look at the problems and inadequateness of the proposed plan by DES. The plan ignores landowners' rights and ignores upstream importance. Once damaged, this pristine, upstream, water-side, buildable property cannot be replaced. Many of these tracts of land have been in families for generations and are therefore priceless. Removing property owners rights is intolerable. It goes without saying that DES needs to investigate alternate plans such as purchasing land along the Wilton/Milford corridor now owned by the Norris Company and the Fini Company. Also, DES needs to investigate the use of water towers or home use of cisterns in the Milford region.

FROM THE DESK OF
KATRINA STARK SOUCY

It is offensive that the Schedule for Dam Management Plan Implementation is simply:

This Dam Management Plan will be put into practice after adoption of the Souhegan River Water Management Plan and after the completion of the outlet structure. (p.241)

There is no reference to the need to negotiate with landowners.

Sincerely yours,

Katrina Stark Soucy