

DB-22

2020

Public Informational Meetings for the Lowering of Waterbodies

On occasion, dam owners may find it necessary to perform an unplanned or abnormal lowering of the water impounded by their dams. This can occur for a number of reasons, but most often it is to allow for dam related maintenance. Other common reasons include: to facilitate maintenance at other locations around the impoundment, and to allow detailed inspections of structures or land normally submerged. Less commonly, drawdowns are done because a serious condition exists at the dam that could lead to its failure. An emergency condition does not require special notice, but the NHDES Dam Bureau should be consulted to help assess whether an emergency condition actually exists and/or what other actions should occur.

In accordance with RSA 482:13, dam owners shall not significantly lower the water level of a pond or lake, or breach any dam without first notifying the local governing body in the city(ies) or town(s) in which the dam or water body is located as well as NHDES. In addition, the dam owner must:

- Hold a public informational meeting, in cooperation with the governing bodies of the notified cities and/or towns, at least 15 days prior to any lowering of the water impounded by the dam.
- Publish a notice of the public informational meeting in a newspaper of general circulation in the county in which the action shall occur at least seven days prior to the meeting.

Any public notice issued and informational meeting held are in addition to, but not in place of, other laws or provisions pertaining to dams. The intent of the notice and subsequent informational meeting is to allow abutters or other interested parties to learn more about how and why their property or interests may be affected and to create an open dialogue to ensure that all parties, including the dam owner, understand the ramifications of the action to be taken.

The requirements of RSA 482:13 **DO NOT** apply to:

- Dams impounding bodies of water less than 10 acres.
- The normal scheduled lowering of water bodies each fall, provided such a schedule has been formally established.
- The normal lowering of a water body by the exercising of water rights.
- The lowering of water levels in any emergency situation.

It should be noted that any lowering of a water body should be conducted in a gradual manner to prevent erosion of the streambed, or damage to downstream structures and properties. Sedimentation or siltation of surface water, though sometimes unavoidable when operating infrequently used outlets or opening low level gates, should be minimized by any means possible. Excessive sedimentation or siltation of surface waters may be considered a violation of the NHDES Wetlands Bureau or the Surface Water Quality Bureau.

In accordance with RSA 211:11 no person shall lower the water in any stream, lake or pond without first notifying the N.H. Fish and Game Director, in writing, two weeks prior to such action to allow the department to take the fish prior to drawdown.

For more information, relative to the design, construction, maintenance and operation of dams, please contact the NHDES Dam Bureau at (603) 271-3406 or email damsafety@des.nh.gov. General information is available at NHDES Dam Bureau Webpage. You may also visit our office at 29 Hazen Drive, Concord, NH.

This fact sheet is accurate as of December 2019. Statutory or regulatory changes or the availability of additional information after this date may render this information inaccurate or incomplete.