



Summary of 2022 Prioritization of the Isinglass and Pemigewasset Rivers for Protected Instream Flow Studies

January 3, 2023

Establishment of Priority List (Env-Wq 1902(a))

On January 24, 2021, at NHDES' Offices, NHDES' Instream Flow Program staff presented their proposal to add the Isinglass and Pemigewasset Rivers to the Priority List for Protected Instream Flow Studies to a joint meeting of the Rivers Management Advisory Committee (RMAC) and Lakes Management Advisory Committee (LMAC). The presentation described how the Program considered the following criteria as the basis for the proposal:

- The location of the designated river relative to other designated rivers for which protected instream flows and water management plans have not yet been established;
- The availability of stream flow gages for applying management;
- Projected development pressure within the designated river Watershed Management Protection Area (WMPA);
- The level of support in the WMPA from the Local River Management Advisory Committees (LRMACs) and the public.

No additional advice was received from the RMAC or LMAC.

Joint Public Hearing with NH House and Senate Committees (Env-Wq 1903.02(c))

On November 30, 2022, at NHDES' Offices, NHDES' Instream Flow Program held a Public Hearing jointly with the NH House Environment & Agriculture Committee and NH Senate Energy & Natural Resources Committee. Senator Renzullo presided over the Public Hearing, regarding prioritization of a designated river for establishment of protected instream flows and proposed adoption of a water management plan within the WMPA .

Notifications for the Public Hearing (Env-Wq 1903.02(d) & (e))

In advance of the Public Hearing, NHDES' Instream Flow Program notified each affected water user and affected dam owner within the WMPA of the each designated river on the proposed Priority List that the river is being considered for a Protected Instream Flow Study. NHDES' Instream Flow Program posted a notice of the date, time, and location of the hearing to its website and sent written notice of the hearing to the following for each WMPA with a designated river on the proposed Priority List:

- The RMAC and LMAC;
- The chairs of the Isinglass and Pemigewasset River LRMACs;
- Lake associations on lakes with affected dams;
- The chairs of the Conservation Commissions and all governing bodies in the WMPA;
- Each state senator and state representative representing the municipalities in the WMPA;
- The New Hampshire Rivers Council and New Hampshire Lakes Association; and
- Interested parties who provided contact information, including an email address, to NHDES' Instream Flow Program and requested in writing to be notified of the hearing.

Comment Period for the Public Hearing (Env-Wq 1903.02(f))

NHDES' Instream Flow Program accepted comments regarding the proposed Priority List beginning after notifications were issued on November 7 and through the close of business on December 30, 2022. Two sets of comments were presented verbally at the Public Hearing (and subsequently reiterated in writing); five sets of written comments were received by NHDES' Instream Flow Program during the comment period.

Consideration of Comments from the Public Hearing (Env-Wq 1903.02(g))

Four of the five sets of comments received were in favor of the Proposal to add the Isinglass and Pemigewasset River to the Instream Flow Program's Priority List of designated rivers for Protected Instream Flow Studies.

The fifth set of comments are from the City of Rochester, NH, which depends on an NHDES-permitted surface water diversion from a non-designated tributary to the Isinglass River, the Berry River. The City of Rochester's comments indicate the need for exceeding transparency in the performance of the Protected Instream Flow Study and the development of protected instream flow criteria and the eventual Water Management Plan for the designated Isinglass River. Such transparency is intrinsic to Administrative Rule Env-Wq 1900 and every effort will be made to include all interested parties in the study process.

Final Determination on the Order of Priority of the Rivers on the Priority List (Env-Wq 1903.02(g))

With four commentors in favor of the Proposal and none opposed, the Instream Flow Program has determined to add the Isinglass and Pemigewasset River to the Instream Flow Program's Priority List of designated rivers for Protected Instream Flow Studies.



2022 Prioritization Process for Protected Instream Flow Studies



Priority	Designated River/Reach	Rationale for Selection
1	Isinglass River	1 - Highly-ranked, stakeholders have requested PISF Management, needs to precede Cochecho
2	Pemigewasset River	2 - Highest-ranked for upper segment, other segments highly-ranked, first in North Country
Highly-Ranked	Contoocook River	Gage period of record relatively poorer than others
Highly-Ranked	Exeter River	Gage positions poorer than others
Highly-Ranked	Oyster River	Gage period of record relatively short
Moderately-Ranked	Ammonoosuc River	Poor stream flow data quality
Moderately-Ranked	Cochecho River	Poor stream flow data quality
Moderately-Ranked	Upper Lamprey River & Tributaries	Gage period of record relatively short
Moderately-Ranked	Mascoma River	Poor stream flow data quality
Moderately-Ranked	Piscataquog River	Gage positions poorer than others
Moderately-Ranked	Saco River	Gages inadequate
Moderately-Ranked	Swift River	Gage period of record relatively short
Low-Ranked	Upper Merrimack River	Many upstream tributaries must be completed in advance
Low-Ranked	Lower Merrimack River	Many upstream tributaries must be completed in advance, target fish community not established
Low-Ranked	Connecticut River	Many upstream tributaries must be completed in advance, half of watershed in Vermont
Previously-Ranked	Upper Ashuelot River (under Study)	Study began in 2021; completion date to be determined
Previously-Ranked	Cold River (under Study)	Study in progress, expected complete in 2021
Previously-Ranked	Lower Lamprey River (completed 2013)	Completed 2013; Water Management Plan in place
Previously-Ranked	Souhegan River (completed 2013)	Completed 2013; Water Management Plan in place
Previously-Ranked	Warner River (under Study)	Study in progress, expected complete in 2022