



**INSTREAM FLOW PILOT
STATUS REPORT
November 1, 2007**

NH Rivers Management and Protection Program
New Hampshire Department of Environmental Services
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The NH Instream Flow Program consists of the two pilot studies on the Souhegan and Lamprey Designated Rivers and other activities that protect instream flows. The Rivers Management and Protection Act requires flow protection for Designated Rivers. There are currently 15 Designated Rivers under this program following the August 2007 designation of the Ammonoosuc River.

A. PROGRAM-WIDE ACTIVITIES

1. Funding Extended

The NOAA grant, which awarded \$545,000 to the NH Instream Flow Program in October 2004, was extended to September 30, 2008. The grant provides funds for the consulting work on the Lamprey Pilot Project's Protected Instream Flows Study and Water Management Plan, and also for DES's administration of the pilot program covering both the Lamprey and Souhegan Rivers. DES originally applied for a four-year grant duration, but was limited by federal processes to a two-year grant.

2. Stream Gage Capital Budget

In 2007, the New Hampshire legislature approved a capital budget fund of \$120,000 for additional stream gages. The funding will provide at least eight additional gages in designated river watersheds. Emergency Management Grant Program through the Department of Safety will be supporting additional gages. The priorities for gage location were developed in 2006 by the Stream Gage Task Force, a multi-stakeholder group who prioritized gage needs for New Hampshire. (The task force report can be found at www.des.nh.gov/rivers/rmac/NH_SGTF.htm.) DES is developing a cooperative agreement with US Geological Survey, who will be matching the state's funding with equipment and with funding for operation and maintenance of the gages until October 2009. Long-term funding for operation and maintenance of these gages will be needed after October 2009.

3. Legislation to extend the duration of the Pilot Program

Legislation has been requested (2008-H-2086-R – Rep. Mike Kappler) to extend the duration of the pilot program for an additional two years (See schedule in Section D.) Both rivers in the pilot program need additional time for completion. The Souhegan pilot has spent considerable time in the public review process and the resulting revisions. The first draft of the Proposed Protected Instream Flow Report was presented to the Souhegan Technical Review Committee in March 2006 and approved in January 2007 for public hearing. The revisions resulting from comments following the March 21, public hearing were completed October 1, 2007. The Lamprey Pilot began a year later than the Souhegan Pilot and was further delayed in starting because of contractual issues such that field work was started the following season. In addition, the Lamprey project included several new tasks that had been added to test methods for scaling assessment procedures up to larger watersheds like the Connecticut and the Merrimack.

4. Meetings and training

Wayne Ives, Instream Flow Specialist, participated in a meeting of New England Instream Flow coordinators on December 13, 2006. The meeting updated the attendees on the state of practice of instream programs in the northeast.

Ives also attended three training sessions in field and computer methods for conducting protected flow assessments using the MesoHABSIM habitat simulation model (March 13-14, March 27-28, and June 7-8) put on by Rushing River Institute at the US Fish and Wildlife offices in Amherst, Mass.

5. Instream Flow Presentations

The major presentation of the year was the public hearing for the Souhegan Proposed Protected Instream Flow report held March 21, 2007. This hearing was held jointly by DES; the New Hampshire Senate Energy, Environment and Economic Development Committee; the Senate Wildlife, Fish and Game Committee (successors to the Environment Committee); and the New Hampshire House Resources, Recreation and Development Committee at the Milford Town Auditorium. This hearing fulfilled a requirement for establishing and adopting the Souhegan Protected Instream Flows.

Wayne Ives gave presentations on New Hampshire's Instream Flow Program process and status at the 2006 Business and Industry Association in Concord, N.H. on November 16, 2006; to the Souhegan Watershed Association in Milford, N.H. on January 8, 2007; and to the 63rd Annual New England Fish and Wildlife Conference on April 24, 2007 in Groton, Conn.

The Rivers Management Advisory Committee was given updates of the status of the Instream Flow Program at their meetings March 27, April 17, and September 25, 2007.

B. SOUHEGAN RIVER PILOT PROJECT

1. Instream Flow Committees

Separate reports are available for the activities of the Souhegan Technical Review Committee and the Souhegan Water Management Planning Area Committee. The Technical Review Committee has fulfilled its specific duty under Laws of 2002, Chapter 278, but will provide technical support when needed in developing the Water Management Plan. The WMPAAC supported the public hearing held on March 21, 2007 and met in October 2007 to begin the Water Management Plan. Meeting information for these Souhegan committees is available at www.des.nh.gov/rivers/instream/souhegan.htm.

2. Souhegan Protected Instream Flow Study and Water Management Plan

UNH is responsible for conducting the Protected Instream Flow Study and developing the Water Management Plan. UNH's proposal for the Protected Instream Flow Study and Water Management Plan can be read at www.des.nh.gov/rivers/instream/souhegan/documents/April1504CoopAgree.pdf.

An extension of DES's Souhegan cooperative agreement with UNH was approved by Governor and Executive Council September 5, 2007. The deadline for contract completion was extended to March 31, 2009.

Task 5, to assess protected flow needs and develop a Proposed Protected Instream Flow Report describing the method and results of the Protected Instream Flow Study, was completed. The report was reviewed and approved to go before the public by the Technical Review Committee at their January 3, 2007 meeting.

Task 6, to conduct a public hearing to present the results of the Proposed Protected Instream Flow report and invite comments, was completed. On March 21, 2007, after a 30-day review period, the public hearing was held in Milford at the City Auditorium. The hearing included an overview of the report and a question and answer period. The comment period was open for 30 days closing April 20, 2007. The questions and comments submitted were used to make revisions and clarifications to the report. Comments and comment responses are Appendix 18 of the Final Souhegan Protected Instream Flow Report.

Task 7, to prepare the final Souhegan Protected Instream Flow Report, was completed October 1, 2007. The final report is on the website at www.des.nh.gov/Rivers/instream/souhegan/study.html. The decision whether to adopt the protected instream flows rests with the commissioner of Environmental Services as stipulated by [Laws of 2002, Chapter 278:3, III \(b\)](#).

ESTIMATED TIMELINE

For Souhegan River Instream Flow Protection Pilot Project

November 07	DES establishes the Protected Instream Flow for the Souhegan
December 07	Task 8 – Assessment of Water Use with the Established PISF
March 08	Task 9 – Development of WMP Sub-Plans
Late Summer 08	Task 10 – Proposed WMP
Fall 08	Task 11 – WMP Public Hearing (joint)
January 09	Task 12 – WMP Report for the Souhegan
	DES adopts Water Management Plan for Souhegan

C. LAMPREY RIVER PILOT PROJECT

1. Instream Flow Committees

Separate reports are available for the activities of the Lamprey Technical Review Committee and the Lamprey Water Management Planning Area Committee. The Lamprey Technical Review Committee will meet next to begin reviewing the information in the draft Proposed Protected Instream Flow report. Lamprey Water Management Planning Area Committee members will be invited to that meeting. Committee meeting information is available at www.des.nh.gov/rivers/instream/lamprey.asp.

2. Lamprey Protected Instream Flow Study and Water Management Plan

Normandeau Associates (NAI) is the lead firm responsible for conducting the Protected Instream Flow Study and developing the Water Management Plan. The proposal for the Lamprey Protected Instream Flow Study and Water Management Plan can be read at www.des.nh.gov/rivers/instream/lamprey/documents/UNH-UMASS-NAI.pdf. The contract with NAI was extended to September 30, 2008. The actual completion date of the contract activities is January 31, 2009, but the contract is limited to the duration of the funding grant from NOAA. A request to extend the contract will be required.

Task 5, protected instream flow study assessments began in the late fall of 2005 with most of the field work done in 2006, but an additional river survey was conducted in August 2007. The additional survey was added because stream flows dropped to levels below any that occurred during the earlier surveys (over the past two years.) The flow needs assessments under Task 5 using this data have been under way this year and should be completed by next January. The assessments include testing airphoto-based survey methods with comparisons of the results of this method against the traditional field-based methods. These methods are being tested to replace much of the labor-intensive field work of the transect survey method currently used. The Lamprey Technical Review Committee will review these results.

ANTICIPATED TIMELINE

For Lamprey River Instream Flow Protection Pilot Project

February 08	Task 5 – PISF Assessments and Proposed PISF Report
April 08	Task 6 – PISF Public Hearing (jointly with legislature)
June 08	Task 7 – PISF Report for the Lamprey River
	DES establishes the Protected Instream Flow for the Lamprey
June 08	Task 8 – Assessment of Water Use with the Established PISF
Summer 08	Task 9 – Development of WMP Sub-Plans
Fall 08	Task 10 – Proposed WMP

by Dec 08	Task 11 – WMP Public Hearing (jointly with legislature)
January 09	Task 12 –WMP Report for the Lamprey
	DES adopts Water Management Plan for Lamprey

D. ADDITIONAL TASKS FOLLOWING ADOPTION OF THE LAMPREY AND SOUHEGAN WATER MANAGEMENT PLANS

The Pilot Program will be completed by the establishment of Protected Instream Flows and adoption of Water Management Plans on the Lamprey and Souhegan Rivers. One year following the WMP adoptions, the DES will hold a public hearing followed by a comment period. At the end of this period the DES and the SB330 committee will present their final reports to the governor and the legislature.

PILOT COMPLETION DEADLINES (From Laws of 2002, Chapter 278 as revised by Laws of 2003, Chapter 319 (HB4 – State Budget))

By April 1, 2007	DES report to legislature (PISF and WMPs)
By June 1, 2007	DES/legislative committees hold public hearing(s) jointly
By October 1, 2007	Lamprey and Souhegan PISFs and WMPs adopted
By October 1, 2008 or one year following WMPs adoption	DES public hearing and 30-day comment period
By December 1, 2008	DES final report to legislature
By December 1, 2008	SB 330 report to governor and legislature