

MAY 16 2011

TO: THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES
RE: PUBLIC COMMENT ON LAMPREY DESIGNATED RIVER WATER
MANAGEMENT PLAN

RECEIVED

I have been a year-round resident of Pawtuckaway Lake for eleven years. I read the Study and the Report of the Lamprey Designated River Water Management Plan and I attended the public hearing in Durham on May 11, 2011. The following are the comments that were solicited from interested persons in accordance with the law mandating the Study and Plan:

It is clear that much time and effort have been devoted to studying Lamprey River instream flows and devising a plan to manage them, but it strikes me that the attitude of the Plan toward its impact on Pawtuckaway Lake is cavalier at best, ignorant at worst. I understand that the mandate, and thus the scope, of the Study and resulting Plan was to develop a strategy for protection of instream flows. Targeting Pawtuckaway as a water "impoundment" was an easy choice and concluding that releasing its water would be effective to manage instream flows is probably valid. But in using the word "ignorant" I mean "without knowledge or information," in the sense that the Plan *assumes* that the only impact of water releases on Pawtuckaway will be a "minimal" drop in lake water level. The Report states that this "should not have a significant effect on shoreline properties or on recreational opportunities on the Lake." Based on what evidence? And what about other considerations like the overall ecosystem of the lake? There is no reference to studies or facts on which *these* conclusions are based, because in point of fact, *there are none*.

I accept that this study was not supposed to focus on these areas but DES cannot simply ignore them when rolling out this "comprehensive" Plan. Government action must take into consideration the relative costs and benefits to *all* interested stakeholders, and in this case lake dwellers and users have had little voice in the process. Moreover, they have absolutely *no* means of providing feedback by way of actual data about the impact the Plan will have on the lake when it is implemented. If there are any adverse effects, it will be too late to do anything about it. Most of us understand the benefit of being proactive rather than reactive. It's a more cost effective and intelligent way to proceed. Hence we have seatbelts, smoke detectors, and other protective measures we all recognize as preferable to injuries, fire damage, and other preventable harms. Some things are irreparable, and maybe damage to Pawtuckaway will be one of them.

Further, the decision to lessen the fall drawdown of the lake appears to have somewhat arbitrary or at least ambiguous origins. Is it really necessary to the Plan or does it just seem like a good idea? The Report itself concedes that "(i)t is not clear what will be the effects of reducing the fall drawdown", but concludes that people who were polled didn't object. Really? No lake residents of my acquaintance were polled. And without knowing what the effects would be, how can *anyone* validly or responsibly make a judgment like that? Do we administer medication to patients without knowing what side effects or long-term damage might result merely because they consent to take it? Obviously not! I submit that in this case, deciding *on the basis of no evidence*


whatsoever that a lesser fall drawdown will be acceptable is extremely irresponsible and downright dangerous. As a small example, there are docks and other shoreline improvements (for which property owners pay handsomely through enhanced real estate tax assessments, by the way) that will be jeopardized by a smaller fall drawdown resulting in lake ice at higher levels, hence closer to shore where it can damage structures that project into the lake. The State Park does not have such concerns, so its opinion on this issue is immaterial.

What disappoints me most is that when it comes to evaluating the health of instream flows and figuring out what solutions will work, this Study and Plan leave no stone unturned and rely on exhaustive data and scientific evidence in reaching conclusions, yet when possible effects on Pawtuckaway and its residents and ecosystem are mentioned in passing, *opinions, guesswork, and assumptions* are relied upon, with a figurative shrug and little apparent concern for whether there are any underlying facts to support them.

Accordingly, in order to remedy this glaring defect in the Plan and its implementation, I propose the following:

- **That advance notice be provided to Pawtuckaway Lake residents or their representative organization before any drawdown or water release is performed.**
- **That the first 24 months be considered a trial period (or pilot project) during which careful assessment of the impact of all aspects of the Plan affecting Pawtuckaway be conducted.**
- **That a strategy be devised to monitor the ecosystems of Pawtuckaway Lake to determine whether changes or damage have been caused by reason of any part of the Plan's implementation.**
- **That this strategy include studies of weed and algae growth and drift, loon habitat, water quality, and fish populations.**
- **That anecdotal feedback from lake dwellers or users be solicited and collected to establish a pool of data or measurements from which conclusions may be drawn about the impact of implementation of any part of the Plan on property use, recreation, and safety.**
- **That the above information be analyzed and used to weigh the cost to Pawtuckaway Lake of implementing the Plan and that revisions to the Plan be considered accordingly.**

Respectfully submitted,


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5/12/11
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