



June 21, 2011

Northwood  
Barrington  
Deerfield  
Candia  
Raymond  
Freemont  
Epping  
Brentwood  
Exeter  
Nottingham  
Lee  
Newfields  
Durham  
Newmarket

C. Wayne Ives  
NH Department of Environmental Services  
PO Box 95  
29 Hazen Drive  
Concord, NH 03302-0095

Dear Mr. Ives:

The Lamprey River Watershed Association is honored to have the Lamprey River be one of two rivers selected to study the management of flow in the river to prevent catastrophic situations occurring during times of low flow. We have reviewed the proposed Lamprey River Water Management Plan dated April 11, 2011 and are providing the following comments so that the final report will be more widely understood and accepted.

Pertaining To The Release Of This Proposed Plan And The Review Process

While the Lamprey River “designated” in only the towns of Lee and Durham at the time of the in-stream flow study, affected water users and the lakes to implement the water management plan are in other towns of the watershed. This plan should have been widely distributed within all of the Lamprey River watershed towns. In addition, although the RSA required only one public hearing, additional hearings and/or listening sessions, or other means of public outreach would have been valuable to the residents of all of the towns. For example, Nottingham selectmen thought it only pertained to downstream and just recently realized that this included levels on Pawtuckaway Lake, a valuable water resource to the town. Mendums Pond is one of the two lakes proposed to be used for augmenting flow yet the lake association and also the University of New Hampshire were not notified for comment on the plan.

Other general comments are that the entire watershed’s ecosystem does not appear to have been addressed as the management plan becomes implemented. What connection is there to the lake shore protection act? Was the effect on lakes and lake edges taken into consideration as the management plan was developed?

Was there an internal review within the Department of Environmental Services and the other state agencies outside the Department that have roles in natural resources?

Executive Summary

Please revise this to reach a lay audience and set the context for which this management plan is written. Those not familiar with the entire project may not know that this is being developed as a result of an RSA or that phase 1 has already been completed. The RSA should be referenced and quoted from such as the definition of protected instream flow in 483.4.16 "Protected instream flow" means a constant minimum stream flow level established to maintain water for present and future instream public uses. That definition, simplistic as it

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is in view of all the years this study has been in process, is critical.

Who is plan intended for? The Executive Summary should also spell out that this is a DES plan intended for the *state* to use as a management tool to protect the “designated” section of the river, assist with water quality standards, and to maintain the biological and physical integrity of the river.

An effective executive summary can make or break acceptance of a study. We recommend that you also draw from the plan's summary (page 58) and expand the executive summary. Include that this plan is subject to change after review and testing in situ.

A glossary with this term and all the other terms and abbreviations used in this report is an absolute necessity and should be included.

### Introduction

Be consistent when referring to the three subparts of this plan by listing in order each time: Conservation Plans, Water Use Plans and Dam Management Plan.

In part A of the Introduction, do not depend upon readers to reference RSA 483; give them some specific language and expand the first paragraph on page 2.

Paragraph 5 (page 2) sounds like Public water supplies have been dismissed entirely and the two sentences appear to contradict; this is not your intention. It is important to be aware that concern over public water supplies and how they will be affected is primary in the mind of most readers. Expand this paragraph with more information from the body of the plan. (See page 4 where Public water Supply is last; consider moving up to come first.)

The final paragraph in part A (top of page 3) needs reorganization for clarity.

B Natural Flow Paradigm (page3): This is really quite a simple concept but the opening paragraph meanders! If you can make this section clearer, you will help the integrity of the science. Some will find Poff, et al ,easy to understand, and you might want to draw a little more from that rather than assuming that readers are familiar with the article and the concept of "natural flow regime" (*natural flow* makes sense; *regime* will muddy the water for most readers.) (For more experienced readers, you might want to include the Poff article in the appendix in its entirety if you can get permission, or at least give the www. location.)

Also with regard to the integrity of the science, the first mention of the 30-year stream flow record occurs on page 27. Something about this should go into the executive summary and introduction.

Please define *de minimis flow* the first time you mention it (as you do on page 30) and place this term in the yet to be developed glossary. Also, *7Q10* is not clearly defined (and redefined) and the reader will have to hunt to figure out that line, so get it up front and include with the explanation of the 90% issue. As was mentioned at the meeting, if you have a chart, define the abbreviations; even though everyone knows GRAF, it does not hurt to bow to the lay reader and define it in the footnotes of the chart more than once.

One possible error is on page 59: The sense of the sentence in the last paragraph would be: The state regulations do NOT clearly delineate what data set is used to define the 7Q10, not how and when the value is updated.

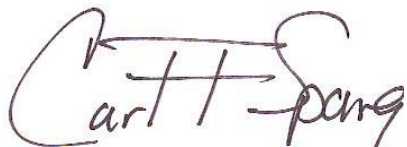
Misspelled words, typos and grammatical corrections were overlooked in order to comment on the more important substance issues. We recommend using a good editor before the final report is issued.

#### General Issues

What is the process for implementing the plan, conservation plans and initiating the release of pulses? While the document includes each affected water user's Conservation Plan and Dam Management Plans, either in the body of the report or as an appendix the steps involved by DES in order to release water to mitigate low flow should be widely known (who, what, when, where) in order to have confidence that the process is working. Postings to a DES website on the status of flow and actions taken would ease concerns during drought conditions.

We continue to be concerned that when low flow is occurring in the river and water conservation plans must be underway that the UNH/Durham system is allowed an additional 10 days before implementing a Stage 4 Alert. Just as the water levels are most dire, UNH/Durham is allowed to continue on as if there is not a serious problem. Each affected water user should be held to the same standard throughout the watershed. Further, there appears to be no difference in action between the UNH/Durham Stage 3 Alert and the Stage 4 Alert. Is something missing?

Thank you for your effort to be available and provide answers to our questions throughout this process. We understand that this is a pilot and has yet to be tested in the field. The Lamprey River Watershed Association is fully supportive of a proactive approach to maintaining the integrity of the river and we look forward to working with the Department of Environmental Services as this pilot goes forward to ensure that the plan is effective.

A handwritten signature in black ink that reads "Carl F. Spang". The signature is written in a cursive style with a large, looped "C" at the beginning and a long, sweeping "S" at the end.

Carl F. Spang  
President