

Souhegan PISF Public Hearing

Welcome to the Souhegan Designated River Protected Instream Flow public hearing at the Milford Town Hall Auditorium March 21, 2007. My name is Wayne Ives. I am the Instream Flow Specialist for the Department of Environmental Services. The Department is holding this meeting jointly with the House Resources, Recreation & Development, the Senate Energy, Environment and Economic Development, and Senate Wildlife, Fish and Game Committees as required in statute.

Instream Flow requirements were first defined in NH statute under the Rivers Management and Protection Act in 1990. The state legislature had determined that certain rivers deserve protected status because of their outstanding natural and cultural resources. The legislature then described requirements for protection of water quantity to conserve and protect these resources. Categories of instream public uses, outstanding characteristics and resources were identified in statute. DES was given the responsibility for developing and applying flow protection rules to these entities. Since 1990, the General Court identified fourteen rivers or river segments as Designated Rivers.

A number of years later there was still no agreement on how to devise these flow protections. The Instream Flow Pilot Program was created by Laws of 2002, Chapter 278, in which the legislature revised the original Rivers Management and Protection Act. These revisions required DES to create rules for developing instream flows on only the Lamprey and Souhegan Designated Rivers. DES developed the Instream Flow rules and they were adopted in May 2003. In the rules is a two-step process where first a scientific evaluation of the flow needs of the river's protected entities is completed, and then a water management plan is created that describes the actions to be taken to meet those needs.

In addition to requiring instream flow rules, Chapter 278 required that each pilot river would have two review committees: a Technical Review Committee and a Water Management Planning Area Advisory Committee or WMPAAC. The WMPAAC is made up of people representing the knowledge and interests within the watershed. There are twenty positions filled by representatives of local interests. Their role is to advise and assist DES regarding public concerns and river conditions focusing mainly on the Water Management Plan. The Technical Review Committee is made up of

fourteen watershed management professionals from business, conservation, and government agencies. The members provide DES with technical feedback and direction toward developing the Protected Instream Flow.

Committee members have reviewed the Instream Flow Study contractors' products at intervals during the project. The Technical Review Committee has met 11 times beginning February 2004 both to learn the processes used and to evaluate the results. The WMPAAC met 5 times in that period: Their role increases during the next stage of the project—developing the water management plan. Both committees' meetings are open to the public. Meeting notices are emailed to a notification list and the agendas for scheduled meetings are posted on the website. The notification list includes hundreds of people interested or affected by this process. The products reviewed include the listing of protected entities present in the Souhegan watershed, documentation of the methods for assessing their flow needs, and the current report describing the resulting protected flows.

These interim products and this report were developed by DES's contractors. UNH is the primary contractor with collaboration from Normandeau Associates and the Rushing Rivers Institute. The contractors were selected from five applicant groups by a selection committee made up of two members each from the Souhegan Technical Review Committee, the WMPAAC, and DES. The selection committee ranked the contractors based on their experience, technical approach, and project personnel.

The list of protected entities was divided between those outstanding characteristics that are dependent on stream flow and those that are independent of stream flow. Only those that were evaluated as dependent on stream flow had protected flow assessments conducted. Various assessment methods were applied depending on the flow-dependent entity. The results are a description of the flows that must be protected using the timing of the year, the magnitude of the flow, frequency of certain flow events, and the durations under which certain flows can be sustained.

However, evaluation of these protected flow components is only the first step. The next step is to implement these flows using water management alternatives. The contractors have been surveying water users and dam owners to understand their water needs. Once the protected flows are established, the contractors in consultation with water users and dam owners will develop water management alternatives. From these

alternatives the water management plans will be selected based on their effectiveness in maintaining the protected flows and their cost. The water management plans will incorporate three management types: water conservation, operation of dams for storage and release of water, and water use changes such as timing of pumping and storage changes.

Tonight's report is the first part of the instream flow process—identifying the flow needs of the Souhegan Designated River's outstanding characteristics and resources.

Tonight we will present the results of the instream flow study conducted on the Souhegan River and open the floor to questions and comments. This meeting is being recorded to accurately collect your comments and the discussion voiced here. The comment period will be open for a minimum of 30 days. The Department will be accepting comments until the end of the day April 20, 2007. The address to send comments is available on half sheets at the door.

Copies of the Souhegan Report are available for review. Compact discs containing the report in Adobe format are available from DES on request. The report may also be downloaded from the DES website. Paper copies are available for review at DES offices in Concord; Wadleigh Memorial Library in Milford; Merrimack Public Library, and Wilton Public Library.

Following the comment period, this report will be revised based on review of the comments submitted. Then the final document will be delivered to the Commissioner of DES for his decision to establish these protected flows as water quality standards for the Souhegan Designated River.