

# LAMPREY RIVER MANAGEMENT PLAN





## Definitions

- Anadromous fish - Fish that live part of their lives in the ocean and part in freshwater.
- Conservation easement - Provisions attached to a property deed which permanently limit the types of uses and/or development on the land.
- Density bonus - An increase in the amount of development allowed by a town on a parcel of land in exchange for a developer's modifying the development plans to include public benefits.
- Nonpoint source pollution - Pollution from runoff.
- Point source pollution - Pollution from a pipe.
- Riparian - Relating to shorelands.
- Vernal pool - Temporary, seasonal pool of water critical to the survival of certain species.
- Watershed - The geographic area that drains into a river, either directly or via tributaries.

## Programs and Abbreviations






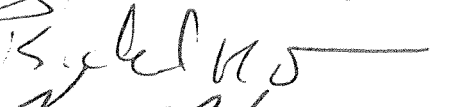



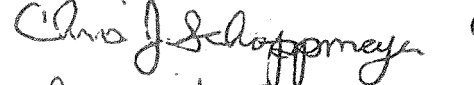

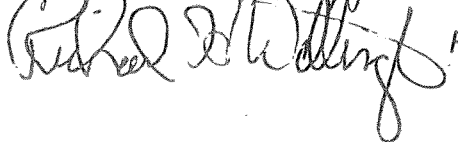
- BMP (w/ e.g.s) - Best Management Practices for controlling pollution from runoff, e.g., swales planted with grass to filter out pollutants, regular pumping out of septic systems, and fertilization timed to coincide with maximum plant uptake of nutrients.
- EPA - US Environmental Protection Agency.
- FERC - Federal Energy Regulatory Commission.
- GIS - Geographic Information System, a computer-support system for mapping and mapping-related data.
- LRAC - Lamprey River Advisory Committee (created under the NH Rivers Management and Protection Program).
- LRWA - Lamprey River Watershed Association (private, nonprofit membership organization).
- NHDES - NH Department of Environmental Services.
- NPS - National Park Service.
- Plan, the Plan - This Lamprey River Management Plan.
- RMPP - NH Rivers Management and Protection Program.
- Wild and Scenic Rivers System - National system of outstanding rivers into which individual rivers are designated by US Congressional action.

Cover: Fall Along the Lamprey, by John W. Hatch. Cover donated by John Hatch.



**Lamprey River Management Plan  
for the towns of Durham, Epping, Lee, and Newmarket**

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Members of the LRAC are residents of Durham, Lee, Epping, and Newmarket. The LRAC is a permanent citizens' committee created through the NH Rivers Management and Protection Program for the State-protected segment of the Lamprey River in Lee and Durham. Lee and Durham each have five members who are appointed for three-year terms. Representatives from Newmarket and Epping are serving as volunteers for a federal Wild and Scenic study of the Lamprey River in the four towns.

Preparation of this Plan was supported by funding and staff from the National Park Service and the NH Department of Environmental Services.

*This revised Management Plan was adopted by vote of the Lamprey River Advisory Committee on January 10, 1995, and printed with updated appendices and letters of support in June 1995.*



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# Lamprey River Management Plan

## I. Introduction

**Purpose** This Management Plan was developed to create a framework for successful long-term use and protection of the Lamprey River -- a complex natural resource. It attempts to define a future for the river which respects the legitimate interests of property owners while recognizing that the river is an important community resource with fish and wildlife habitats of statewide significance. The content of this Plan is based upon public input, technical research, practical realities, and the best judgment of the Lamprey River Advisory Committee (LRAC) who prepared it.

**Organization** This Plan addresses five aspects of the river's ecology and use: water quality, instream flow, ecological integrity, historical and archaeological resources, and public enjoyment. Each discussion includes background information, goals, a definition of the issues, and recommended actions. The order in which actions are listed is not meant to imply any order of importance, since this is a long-term plan, and priorities will shift depending on the perceived immediacy of the need, the availability of funding to address particular problems, and community interest. The Plan also addresses the impact of potential national Wild and Scenic designation.

Additional background information is contained in the Resource Assessment, a companion document to this Plan. The LRAC also relied on findings from its riverfront landowners' survey and documents prepared by field researchers hired by The Nature Conservancy under the auspices of the National Park Service/NH Department of Environmental Services/LRAC to inventory selected natural assets in the river corridor.

**Background** During the past 15 years, the Lamprey River has increasingly drawn the attention of local, state, and even federal groups who have come to recognize its value. In 1979, the Strafford Regional Planning Commission mapped the entire river and discovered an impressive number of significant resources: historical and archaeological sites, recreational opportunities, great stretches of scenic, undisturbed river, and a fisheries resource of considerable value. (The NH Fish & Game Commission cited the Lamprey as the State's most significant river for all anadromous fish.) The Lamprey River Watershed Association (LRWA) was founded as a result of that study, to carry out cooperative intertown advocacy for the river.

During this same period, the National Park Service was compiling an inventory of rivers

across the country believed to qualify for Wild and Scenic designation. The Park Service awarded the Lamprey a place on this inventory in 1982.

In 1988, New Hampshire enacted the State Rivers Management and Protection Program (RMPP) to protect its most important rivers, including the Lamprey by name. In 1990 the LRWA and citizens of Lee and Durham petitioned the State to include in the state program the segment of the Lamprey flowing through those two towns. The state legislature approved designation of the Lamprey as a rural river in the RMPP. The RMPP calls for the development of a management plan. This document serves that requirement.

The granting of a license for development of a hydroelectric plant at Durham's Wiswall Dam brought the need for better protection of the river to the forefront. While State and local authorities have some jurisdiction over the watercourse, both can be overruled by certain federal agencies, such as the Federal Energy Regulatory Commission (FERC) and the Army Corps of Engineers. Only the Wild and Scenic Rivers Program affords towns protection from federal actions potentially damaging to the river, including the licensing of hydroelectric facilities. For this reason the towns of Lee and Durham to request that Congress enact a Wild and Scenic study for the Lamprey, which it did in 1991. The study resulted in a stay of FERC licensing activities on the study segment of the Lamprey pending outcome of the study.






The Wild and Scenic study includes two components: an inventory of the river's various resources and attributes and a locally developed plan for addressing present and future challenges and opportunities on the river. This Plan and the supplementary Resource Assessment fulfill those requirements.

The Plan's success depends on the willingness of local, state, and federal parties to work cooperatively. The Resource Assessment documents the river's natural and cultural attributes. This Management Plan is the Lamprey River Advisory Committee's attempt to develop strategies for protecting and optimizing the river's resources.

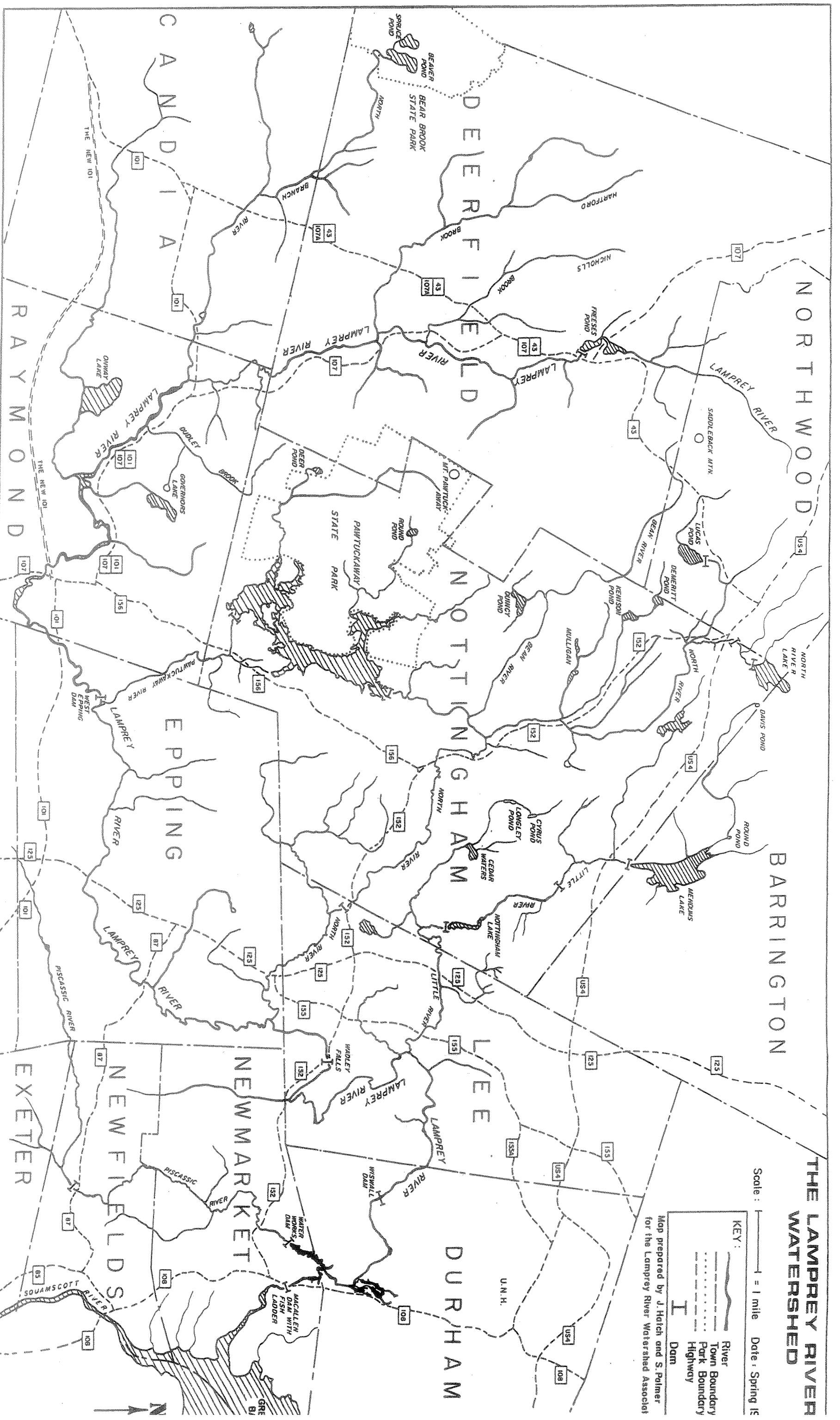
# THE LAMPREY RIVER WATERSHED

Scale : 1 = 1 mile Date : Spring 15

**KEY :**

-  River
-  Town Boundary
-  Park Boundary
-  Highway
-  Dam

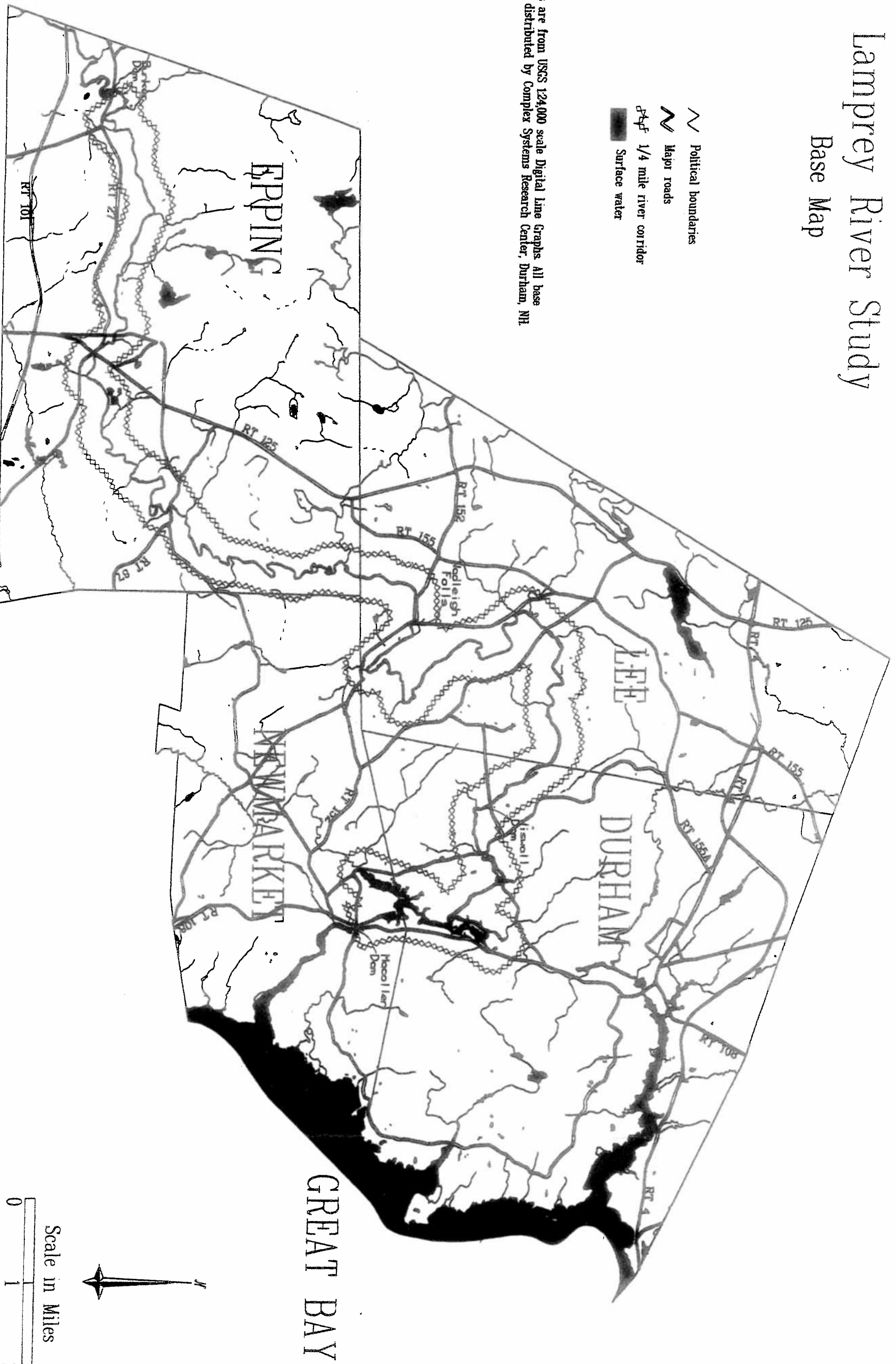
Map prepared by J. Hatch and S. Palmer for the Lamprey River Watershed Associat



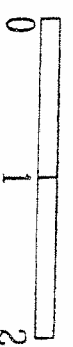
# Lamprey River Study Base Map

- ∨ Political boundaries
- ≡ Major roads
- ▬ 1/4 mile river corridor
- Surface water

All base features are from USGS 1:24,000 scale Digital Line Graphs. All base information was distributed by Complex Systems Research Center, Durham, NH.



Scale in Miles



## II. Statement of Management Philosophy

The philosophy behind this Management Plan is based on two realizations: first, that the Lamprey will be facing increasing pressure from development and recreational use as population grows; and, second, that management of the river must strike a balance among desires to protect the river as an ecosystem, maintain the river for legitimate community use, and protect the interests and property rights of those who own its shorelands.

In making the recommendations in this Plan, we are looking to the future while attempting to resolve problems of the present. It is our firm belief that individual actions are the key to river protection. This belief has been distilled into our unifying theme, "TREAD LIGHTLY."

The theme relates to many aspects of river management. We hope that by "treading lightly" and leaving little evidence of their presence, people will create a future for the river that is dominated by appropriate recreational activities, a natural appearance, clean water, an abundance of fish and wildlife species, and protected historical and archaeological sites. We believe that the Lamprey can be simultaneously protected and utilized if landowners, town boards, recreationists, and the state and federal governments are well informed about its unique attributes and work to safeguard them.

Notwithstanding the protection afforded by the NH Rivers Program, state and federal regulatory programs, and the federal Wild and Scenic Rivers Program (presently under study), the Lamprey's future as a community asset rests most squarely on the willingness of individuals and the towns along it to act responsibly towards the river.

TREAD LIGHTLY is a philosophy of human interaction with the river in which our behavior is guided by ecological awareness and the desire to minimize our impact on the environment.

### III. Overview of Key Management Plan Elements

This section summarizes the principal components and recommendations of the Lamprey River Management Plan.

Wild and Scenic River Designation The LRAC unanimously recommends designation of the Lamprey River as a component of the national Wild and Scenic Rivers System. Designation would accomplish the following:

- 1) protect the critical interests of the Town of Durham at the Wiswall Dam by preventing the conveyance of the dam and its water rights from the Town to a private hydroelectric developer;
- 2) protect the interests of riverfront landowners and the aspects of the river's ecology that could be jeopardized by hydroelectric development;
- 3) require all federal agencies to respect both existing state policies and local priorities, as outlined in this Management Plan;
- 4) establish a permanent partnership with the National Park Service to assist local communities and the Committee in implementing this Plan and in meeting the future needs of the river;
- 5) increase the likelihood of federal funding for desired projects, as well as increase the ability to compete for non-governmental grants for those projects.

"TREAD LIGHTLY" Throughout this Plan the LRAC has promoted an approach to river protection that emphasizes the importance of individual actions. Each of us who visits, lives by, or uses the Lamprey can minimize human impacts on the river and its corridor while continuing to enjoy them by acting thoughtfully and responsibly.

Water Quality Its relatively small size, low elevation, shallow depths, and extremely low summer flows combine to make the Lamprey particularly susceptible to water pollution threats.

The LRAC believes that the State/EPA coastal watershed initiative to control polluted runoff offers an important tool for protecting the Lamprey. The LRAC will work to secure the support of landowners, towns and the State for implementing this program effectively. The river's special protected status under both existing state and recommended federal river protection programs should help to leverage funding and focus attention on program implementation.

Water Conservation Growing awareness of the long-term potential for water shortages in this state and of the severe impact that low flows cause to water quality and river

ecosystems has generated new public policy discussions of water allocation and conservation. The LRAC will work with towns, the University of New Hampshire, and other large water users to make water conservation a priority in their planning processes. Support will come from the NHDES instream flow rules under the RMPP. When enacted, the rules will likely provide for notification to the general public and water users for voluntary water conservation when low flows occur and will require reductions in water use during critical low flow periods.

Floodplains, River Wetlands, and Sensitive Habitats Several sections of this Plan discuss the importance of the wetlands and floodplains along the river for improved water quality, flood control, wildlife habitat, and scenic beauty. The LRAC will promote protection of these and other ecologically sensitive areas through landowner education and through review and comment on relevant permit applications before town and state boards.

Voluntary Land Protection Many landowners along the Lamprey are unaware of the extent to which they hold the key to protection of the river's beauty and health. The LRAC will encourage riverfront landowners to maintain their shorelands, floodplains, wildlife habitats, and river-related wetlands in a natural condition, or to manage them sensitively. In 1993, the LRAC initiated a voluntary land protection program, in cooperation with the Society for the Protection of NH Forests, the National Park Service, the Lamprey River Watershed Association, and local conservation commissions to assist landowners interested in permanently protecting land through conservation easements.

Anadromous Fish Restoration The Lamprey is recognized as NH's most important anadromous fisheries resource. A fish passage facility at the Wiswall Dam would provide access to many miles of the river and several tributaries for migrating fish, thereby creating new habitat, improving the food chain, and establishing a new recreational fishery. If Wild and Scenic designation occurs, the LRAC will work with the Town of Durham and the National Park Service to plan and develop a fish ladder at Wiswall Dam. Wild and Scenic designation would support fish passage at this site without requiring funds from the Town.

Ecological Research and Monitoring Under the Wild and Scenic study, the National Park Service has funded two years of field research which has contributed significantly to knowledge about the river's wildlife, aquatic ecology, and shoreland plant communities, from Epping to Newmarket. Additional inventory work needs to be done to build upon existing knowledge of the river system and to monitor changes in habitat. The LRAC will seek funding through both the Wild and Scenic Program (if the river is designated) and private organizations.

Enforcement of Existing Regulations Important regulations to protect the Lamprey exist at local, state, and federal levels. Well-informed and timely enforcement of these regulations is critical for protecting water quality, floodplains, wetlands, and scenic quality of the river. The LRAC will exercise its advisory responsibilities under the NH Rivers Management and Protection Program to review and comment on local, state, and federal

proceedings as a means of encouraging sensible enforcement.

Historical and Archaeological Awareness The Lamprey has a rich history preserved in structures, in documents, and in historical and precolonial archaeological remains. It is important that this history be respected and important sites protected. The LRAC will seek funding to develop and publish a comprehensive history of the river, and will promote professional research on and protection of specific sites. The LRAC will draw upon the expertise and resources of local and state historians and archaeologists and the National Park Service to further these purposes.

Recreation Management Recreational use of the Lamprey has been generally self-limiting due to the relatively few access points, limited facilities, and low summer flows. To date, the low numbers of recreationists have made it unnecessary to manage use. However, site-specific problems do exist, and an overall recreation plan needs to be developed. The LRAC intends to address recreation-related problems by working with landowners, town officials, and other appropriate parties.

Public and Landowner Education The "TREAD LIGHTLY" philosophy proposed by the LRAC requires on-going community education. The LRAC in cooperation with appropriate organizations and local, regional, state, and federal agencies will develop educational materials and programs to promote the management philosophy embodied in this Plan.



## IV. Management and Protection of Water Resources

### A. Water Quality

**Background** Landowners along the Lamprey responding to the LRAC's landowners' survey identified water quality as the single most important attribute to protect on the river. Because of its clean water, the river now supports a healthy diversity of aquatic life, provides public drinking water (after treatment), and supports swimming, fishing, boating, and other water-based recreation.

The Lamprey is legislatively classified as a Class B (swimmable, fishable) river, and is thus managed by the State under the federal Clean Water Act to maintain "fishable and swimmable" conditions. Water quality in the LRAC study area is generally high. During the summer, however, because it is warm, slow moving, characterized by low flows, and has several ponded areas, the river is vulnerable to pollution. Water quality occasionally suffers from excessive algae growth from nutrients entering the water, and dissolved oxygen and bacteria levels occasionally fall short of standards for a Class B river. During periods of extreme low flow, copper and zinc concentrations also occasionally have reached levels considered harmful to aquatic life. (For a summary of water quality data see the Resource Assessment and *Lamprey River Water Quality Report for the Nonpoint Source Program, 1994*, prepared by the NH Department of Environmental Services.)

Pollution problems are categorized in general terms as either originating from "point" sources or "nonpoint" sources. Point sources are discharges from pipes, such as pipes leading from sewage treatment plants, industrial plants, and stormwater culverts. A nonpoint source is any site from which polluted runoff can occur, such as a construction site, a pasture, or a heavily fertilized lawn. Difficult to locate and correct, nonpoint pollution currently is recognized as the greatest problem in maintaining high water quality nationally and locally.

The NH Department of Environmental Services (NHDES) maintains a limited water quality monitoring program at sampling sites along the river and its tributaries. Samples are taken once every three years during the summer, providing a snapshot in time of the river's water quality. The State does not currently conduct continuous water quality monitoring, which would detect changes in water quality during nonsampling years.

Additional studies are undertaken periodically. Examples include studies of particular sites or special projects, such as the above-referenced NHDES nonpoint source study .

Within the next two years, the NHDES and Office of State Planning must submit to Congress a strategy for implementing Best Management Practices (BMPs) to control nonpoint source pollution in coastal waters, including the Lamprey. The strategies devised under the program (mandated in the Coastal Zone Act Reauthorization Amendments of 1990, Section 6217, "Protecting Coastal Waters") will be available for public review by the

end of 1996. (See Appendix G on Best Management Practices.)

Town ordinances that require setbacks of septic systems from the riverbank and retention of shoreland vegetation are effective in preventing pollution from leachate and runoff. Existing vegetation management regulations vary widely among the four towns, from no requirements to maximum cut levels within a 150' zone. There is similar disparity among septic regulations. Only Durham requires the LRAC's recommended 150' septic setback. Other towns' setbacks are as follows: Lee, 100', Newmarket, 75', and Epping, 100'. No town provides for additional setbacks due to steep slopes.

#### Goals:

- > Work to identify and minimize present pollution problems.
- > Prevent future degradation of water quality from both point source and nonpoint source pollution.

#### Issues:

**Point Source Discharges** Existing and potential new discharges need to be carefully managed to protect the Lamprey's water quality.

**Nonpoint Pollution** The Clean Water Act of 1972 focused on the clean-up of point source pollution. Its initial success revealed the importance of addressing the additional impacts of nonpoint source pollution on rivers and lakes. Today, pollution prevention must also focus on appropriate stormwater, septic system, and land management practices by public and private landowners. Maintaining buffer areas of natural vegetation along the river may be the most single important means of preventing nonpoint source pollution from reaching the river. Both enforcement of local and state regulations and the cooperation of informed landowners are needed to deal effectively with this issue.

Key Actions to Achieve the Goals  
 A. Point Source

Key Actions	Implementation
<p>Implement present state and federal programs and policies under the Clean Water Act to avoid water quality degradation from point source discharges, including water quality permitting, monitoring, and enforcement programs.</p>	<p>NH Department of Environmental Services, federal Environmental Protection Agency take the lead.</p> <p>LRAC and LRWA help facilitate prompt responses to water quality complaints.</p> <p>Code enforcement officers and conservation commissions integrate local knowledge of discharge points with State discharge data to ensure that point sources are appropriately regulated.</p>
<p>Support the present State policy of requiring pollutant loading studies to determine whether the river can assimilate a new or increased discharge (as undertaken by the Town of Epping) because the Lamprey River is vulnerable to algae blooms and low dissolved oxygen levels and serves as a back-up drinking water supply for Durham and Newmarket.</p>	<p>LRAC and the NH Rivers Program work with NHDES Water Supply and Pollution Control Division to continue the requirement for pollutant loading studies.</p>
<p>Minimize impacts of point-source discharges into the Lamprey through improved (advanced) treatment of municipal wastewater.</p>	<p>The State, towns, LRAC, and other relevant parties use the importance of the Lamprey as a State-protected river (and potentially a federally protected river) to support funding requests for advanced treatment. (The National Park Service has supported efforts on behalf of the Town of Epping to obtain funds for such improvements.)</p>

## B. Nonpoint Source

Key Actions	Implementation
<p>Maintain vegetative buffers along the length of the river to filter out pollutants, to help moderate water temperatures, and to otherwise support existing river levels, wildlife, and aquatic organisms.</p>	<p>Newmarket, Lee, and Durham enforce their existing shoreland vegetative buffer ordinances. Epping is subject to the State's new shoreland buffer requirement, but is encouraged to amend its shoreland ordinance to include vegetative buffers rather than rely on the state law and state enforcement.</p> <p>Code enforcement officers and conservation commissions continue to monitor compliance.</p> <p>In its review of applications for development of the shoreline, the LRAC promotes enforcement of existing ordinances.</p> <p>LRAC works with conservation commissions and the Lamprey River Watershed Association to inform riverfront landowners about the importance of vegetative buffers.</p>
<p>Maintain the Lamprey River floodplain and associated wetlands in an undisturbed condition. Floodplains and wetlands serve a variety of ecological functions, including water quality protection.</p>	<p>The LRAC works with planning boards and conservation commissions to protect the integrity of the floodplain and wetlands along the river.</p>

Key Actions	Implementation
<p>Standardize recommended septic setbacks of 150' from the river in all study area towns, and greater where receiving soils are limited for effluent assimilation or slopes are severe. These septic setbacks are recommended because the river is particularly vulnerable to pollution (relatively small, slow in flow) and supports pollution sensitive species (for example, trout, salmon, brook floater mussels, and shad).</p>	<p>The LRAC recommends that each town update its zoning ordinance to achieve the recommended setback.</p>
<p>Develop educational programs to increase public awareness of nonpoint source issues and initiate implementation of Best Management Practices (BMPs).</p>	<p>LRAC encourages and cooperates with the LRWA, Cooperative Extension, Strafford and Rockingham Co. Conservation Districts, Soil Conservation Service, NHDES, Strafford and Rockingham regional planning commissions, and others to promote public education.</p> <p>State develops BMP implementation plan by 7/95; implementation by 1/99.</p> <p>LRAC works with NHDES, watershed communities, and code enforcement officers to inform landowners, realtors, and development professionals about impacts of human activities on water quality.</p> <p>Code enforcement officers and conservation commissions address septic system complaints.</p>

Key Actions	Implementation
<p>Increase water quality monitoring to supplement the limited monitoring activities conducted by the State.</p>	<p>The LRAC urges the State and EPA to continue both periodic and special physical/chemical/bacteria monitoring programs, and undertake biomonitoring (monitoring by examining aquatic invertebrates).</p> <p>LRAC encourages local people (conservation commissions, citizen groups, school classes, etc.) to assist the State in providing an improved long-term monitoring program. The State or local high school labs assist local water quality monitoring efforts by processing samples.</p> <p>Town health officers investigate suspected bacteria problems at swimming areas.</p> <p>LRAC seeks state, federal, and local financial support for increased monitoring.</p>
<p>Prevent nonpoint source pollution from highway and bridge maintenance activities.</p>	<p>The LRAC encourages local highway departments to implement BMPs when storing road salt, controlling highway runoff, etc.</p>

## IV. Management and Protection of Water Resources

### B. Instream Flow

**Background** The water that ultimately makes its way into the Lamprey comes from precipitation. About half of the 20 inches/year of runoff available on average for instream flow through overland and groundwater flow occurs during March, April, and May. The watershed contains relatively few aquifers in direct contact with the river which might otherwise increase low summer and fall flows. Both low and high flows are exacerbated by soil compaction, paving, building of structures, and other activities in the watershed that reduce infiltration of water into the soil.

The most extreme low flow on record is 1 cfs, recorded at the Packer's Falls gauging station in October, 1935. The highest flow on record is 7,570 cfs, which occurred during the flood of April 1987. (Source: U.S. Geological Survey annual water year reports as summarized in the Lamprey River Resource Assessment.)

The Lamprey's spring floods have always been a well known characteristic of this river. It is a remarkable feature of the river that no flood control structures have ever been constructed to alter this natural cycle -- a fact largely responsible for the undeveloped nature of the river's often broad floodplain and undisturbed riparian ecology.

The Lamprey River serves as a backup drinking water supply for both the towns of Durham and Newmarket. The Town of Epping holds the only permit to discharge into the river in the four-town study area, from its wastewater treatment plant.

The NH Rivers Management and Protection Program reinforces state water quality criteria and sets standards for flows on its designated rivers or river segments, which include the Lamprey as it flows through Lee and Durham.

In August, 1994 the NH Department of Environmental Services released its draft Instream Flow Rules, which, when amended and adopted following public review, will guide the management of stream flows on the Lamprey in the designated segment. Flow standards are intended both to protect instream resources like water quality and fisheries and to allow for public benefits, including recreation and public water supplies.

The proposed NHDES rules have two basic components: a phased notification system to alert water users and the public as water approaches critical low flows; and a corresponding set of water conservation/use reduction measures which progress from voluntary to mandatory as flows decrease. The rules will apply to users of 20,000 gallons or more per day registered under RSA 482:3 III who withdraw from State-designated rivers. They contain special provisions for withdrawals for fire suppression and drinking water. At present the Durham/UNH withdrawal is the only registered water use on the State-designated portion of the Lamprey.

One desired outcome of the rules is that the public notification system and required reductions in consumption on the State-protected segment of the Lamprey will encourage water conservation by other water users throughout the watershed.

Goals:

- > Ensure river flows adequate to safeguard the ecological and recreational resources of the river, including the Great Bay estuarine system, while protecting the legitimate water needs of adjacent communities.
- > Promote water conservation to reduce demand for river water.
- > Promote long-range plans for the development of alternative water sources to reduce reliance on the Lamprey.
- > Protect natural flow patterns by preserving wetlands and floodplains and preventing alterations of flow by hydroelectric facilities and other water projects.

Issues:

**Public Demand For Water During Low Flow Periods** exacerbates the natural stress on the Lamprey at such times. The water withdrawal needs of communities and riverfront landowners predictably peak during summer low flow periods. The State's proposed instream flow rules attempt to address this issue; however, there is little documentation of the effects of low flows on the Lamprey. Whatever the determinations for instream requirements on the Lamprey, voluntary water conservation will play a key role in protecting flow. Currently there are no plans in place for systematically conserving water in Lamprey towns.

**The Proposed Hydroelectric Development at Wiswall Dam** would alter existing flows, likely undermining bank stability, flooding land, and jeopardizing anadromous fish restoration efforts of the NH Fish and Game Department. It also would threaten the water rights and supplemental drinking water supply of Durham. This project was licensed by the Federal Energy Regulatory Commission (FERC) in June, 1989. The license grants a private developer the right to take by condemnation the dam and water rights to the Lamprey, which are presently owned by the Town of Durham, and the right to flood land upstream of the dam to Hook Island in Lee. It was issued over objections of property owners, the Town of Durham, and the State, but has been temporarily stayed during the National Park Service's Wild and Scenic study. Wild and Scenic designation provides the only guaranteed means of stopping this project.



## Key Actions to Achieve Goals

Key Actions	Implementation
<p>Support adoption and implementation of instream flow rules under the NH Rivers Management and Protection Act to protect ecological, recreational, and water supply uses.</p>	<p>The NHDES has ongoing responsibility for developing and implementing the instream flow rules for the designated segment of the Lamprey. The LRAC will review the rules with the NHDES, town boards, relevant agencies, and user groups.</p> <p>The proposed NHDES rules encourage the development of water conservation plans. The LRAC, with other citizens groups like the LRWA, will seek ways to promote water conservation, in cooperation with the Town of Durham, UNH, and other major water users.</p>
<p>Research instream flow requirements of fish and other aquatic life in order to better establish the protected instream flow.</p>	<p>The LRAC and NPS seek funds for aquatic/ecological flow studies.</p>
<p>Maintain floodplains and wetlands in an undeveloped condition to absorb floodwaters and allow for flushing flows.</p>	<p>The LRAC works with the State, Corps of Engineers, and local communities to discourage development within floodplains.</p>
<p>Oppose construction of a hydroelectric facility at Wiswall dam.</p>	<p>It is the position of the LRAC that the construction and operation of a hydroelectric facility at the Wiswall dam is contrary to preservation of the river's resources and the Town of Durham's interests in public water supply.</p>

Key Actions	Implementation
<p>Seek designation under the Wild and Scenic Rivers Act to permanently protect this segment of the river from new hydroelectric development. This action will also protect the riparian rights of the four towns, ecological resources of the river, and upstream properties from additional flooding.</p>	<p>The LRAC recommends that the towns of Durham and Lee take the lead in petitioning the US Congress to enact Wild and Scenic designation. The LRAC will work with the four participating towns, the National Park Service, and the NH Congressional delegation in this regard.</p>

Other Considerations and Opportunities:

**Flow Augmentation** There are a number of headwater reservoirs on the Lamprey and its tributaries which could offer opportunities for flow augmentation during low-flow periods on the river. The feasibility and desirability of such augmentation warrants more study.

**Extend the State Rivers Management and Protection Program** Only the segments of the river in Durham and Lee are included in the RMPP. A river system requires consistent policies throughout the watershed. Nowhere is this more evident than with water quality and flow. All towns on the Lamprey, in addition to the four towns included in this Plan, should work toward inclusion of the entire river in the NH Rivers Management and Protection Program.

**Regional Population Pressures** Population pressures in the southeastern portion of New Hampshire are collectively placing more and more stress on the region's river resources, particularly in the area of municipal withdrawals and waste water discharges. The LRAC believes that ultimately river capacities to serve both purposes will be exceeded, and long-range planning at the regional and state levels must address this issue.

## **V. Effects on Water Resources Management from Designation under the National Wild and Scenic Rivers Act**

This section outlines the responsibilities of the National Park Service (as the representative of the federal government under the Wild and Scenic Rivers Act) should the Lamprey River be designated into the Wild and Scenic Rivers System.

### Water Quality:

**Standards and Permits** Present water quality standards for the Lamprey would be unaffected by designation of the Lamprey into the Wild and Scenic Rivers System, and there would be no additional permits required as a result of Wild and Scenic designation.

The NH Department of Environmental Services would continue to have primary responsibility, as delegated by the US Environmental Protection Agency, for achieving and maintaining water quality standards.

The State and federal EPA would continue to administer grants and permits under the Clean Water Act. The National Park Service would review such activities to ensure that such permits and grants reflect the intent of this Management Plan. The National Park Service would continue to seek ways for the Town of Epping to upgrade its treatment facility, including support of requests for financial assistance.

**Enhancing Water Quality** The National Park Service would seek the cooperation of federal agencies, especially the EPA, to alleviate water quality problems. Emphasis would be placed on bolstering implementation of nonpoint source pollution programs in the watershed, resolving known water quality problems, and sponsoring research related to water quality issues.

### Instream Flow:

**Responsibilities** The State of New Hampshire would continue to have primary responsibility for establishing and maintaining protective instream flow conditions as articulated in the NH Rivers Management and Protection Act. The National Park Service has no authority to supercede or otherwise overrule the State's jurisdiction in this regard.

The Park Service would review and comment on all water resource development projects on or affecting the designated segment that require federal funds or federal permits to ensure their compatibility with the maintenance of flows adequate to support the outstanding resources of the Lamprey. Such review would include permits issued by the Army Corps of Engineers for dredge and fill permitted under Section 404 of the Clean Water Act.

**Wiswall Dam** The responsibility for operation of the Wiswall Dam to maintain flow

conditions would remain with the Town of Durham. Since it is an existing facility, the National Park Service would have no review authority over the operation of the Town's water system or intake structure. Further, the National Park Service would recognize the municipal withdrawals from the Lamprey, together with the continued maintenance and operation of the dam and appurtenant facilities in their present capacities, size, and location, as compatible with designation into the Wild and Scenic Rivers System. It is the responsibility of the State and Town to make sure that the operation of the dam maintains adequate flows downstream of the dam.

As recommended in this Plan, the NPS in cooperation with State and private partners, would seek funding for a fish ladder at the dam as a river enhancement initiative associated with designation. Any such initiative would require the Town of Durham's cooperation, and the Town would be under no financial obligation. The National Park Service and its partners would assume responsibility for funding a fish ladder initiated as a result of designation.

#### Federal Water Resource Development Projects:

Any water resource development project funded, permitted, undertaken, or otherwise assisted by a federal agency would be subject to review by the National Park Service to ensure no direct and adverse effect on the designated segment of the Lamprey River or its outstanding natural and cultural values. The establishment of such a long-term water resources policy for all federal agencies is central to the purposes of the Wild and Scenic Rivers Act.

The NPS review of such projects would be conducted in consultation with affected communities, the State, and the Lamprey River Advisory Committee.

#### Hydroelectric Development:

**On the Designated Segment** Hydroelectric development projects on the designated river segment, including the pending project at the Wiswall Dam in Durham, would be prohibited under the terms of the federal Wild and Scenic Rivers Act. This prohibition would serve to protect the Town of Durham's water rights at the Wiswall Dam.

**Above or Below the Designated Segment** New hydroelectric projects above or below the segment would need to comply with the general provisions for federally assisted water resource development projects, namely, that they create no direct and adverse effect on the designated segment or its outstanding natural and cultural features.

## VI. Ecological Integrity

**Background** The Lamprey River is the longest of New Hampshire's coastal rivers, draining a 212 sq. mi. watershed dominated by undeveloped land, and the largest tributary to Great Bay, a National Estuarine Research Reserve. Within the towns of Epping, Lee, and Durham, most of the land in the river corridor is forested, with substantial areas of forested wetlands in the often broad floodplain. Occasional openings created by agricultural fields, beaver flowages, and scrub-shrub wetlands create further habitat diversity.

The rich bottomland soils support a variety of fruit and nut-bearing trees and shrubs which provide both food and shelter for wildlife. The undeveloped river corridor also creates a thoroughfare for wildlife movement and an important resting and feeding area during migration. Aquatic food sources, perch and nesting sites, extensive floodplain and wetland habitats, backwaters, seasonal pools, and variations in the substrate all contribute to make the Lamprey River area one of special ecological significance.

The presence of and potential for additional runs of river herring, American shad, and Atlantic salmon make this the state's most significant river for all species of anadromous fish. Sunfish, catfish, perch, largemouth and smallmouth bass, and pickerel are common warmwater resident species, and coldwater residents include brown and brook trout.

During the Wild & Scenic Study, several special natural resource inventories were conducted with National Park Service financial support and are summarized in the Resource Assessment. A mussel study documented six of the nine riverine mussels known to occur in New Hampshire, including one state-listed Endangered Species. These findings indicate a healthy riverine system, and rank the Lamprey as a resource of statewide significance for freshwater mussels.

A bird study documented 159 species of birds in and along the river, including all species that are typically associated with riparian habitats and regularly breed in New Hampshire. Spring and fall migrants use the river extensively for feeding and resting. Many songbirds nest in the corridor, attracted by the river's lush vegetation and abundant insects. Numerous waterfowl and water dependent species are also supported by the river.

All six of the turtles species native to New Hampshire are found along the Lamprey, including the rare Blanding's, Spotted, and Wood turtles. Each of the six species requires specific habitats ranging from deep water channels to backwater swamps to extensive undeveloped upland habitat for travel, breeding, and resting. The Lamprey is a stronghold in southeastern New Hampshire for these sensitive residents.

Botanists documented 252 wetland and aquatic plant species in and along the river and several excellent examples of floodplain, riverine, and wetland plant communities.

All four municipalities have local regulations that provide some protection of the Lamprey River shoreland, wetlands, and floodplain. Many landowners have helped protect critical wildlife habitat by minimizing or eliminating riverfront cuttings.

### Goals:

- > Protect the Lamprey's wildlife and aquatic habitats and plant communities from degradation.
- > Protect "pristine" areas, important habitats and plant communities, and the diversity of habitats.
- > Safeguard flow levels and water quality to protect life in and along the river.
- > Promote the restoration of shad and river herring runs to upper reaches of the river system. Promote the preservation of resident fish species such as bass and pickerel.

### Issues:

Whether or not the Lamprey continues to enjoy special significance for fish and wildlife depends largely on the impacts of human activity, which often harms the environment without the individual actors realizing it. Management decisions affecting the river and adjacent land need to incorporate habitat considerations if the river's existing high quality habitat and species diversity is to be maintained.

**Recreational Use** may threaten plant communities and wildlife in certain areas of the river and during certain times of year.

**Encroaching Development** and land clearing along the river corridor can degrade habitats by: fragmentation and destruction by road construction and other development; water pollution, including impacts from erosion and chemical applications; introduction of new levels of human activity; introduction of invasive plants, such as purple loosestrife, phragmites, and autumn olive; and other such activities.

**Loss of Shoreland Vegetation** may jeopardize important river attributes, including critical habitat, food, shade for the river, a filtering mechanism for pollutants in runoff, travel ways for wildlife, and bank stabilization. This includes the disruption or destruction of important floodplain plant communities.

## Key Actions to Achieve the Goals

Key Actions	Implementation
<p>Protect sensitive ecological areas from human activity as part of the "TREAD LIGHTLY" program.</p>	<p>The sensitivity to human disturbance of wildlife species and natural plant communities along the river warrants investigation, and recreational use is sited to avoid adverse impacts on sensitive habitats and species.</p> <p>LRAC works with town boards, govt. agencies, and others to ensure that public policies regarding the Lamprey incorporate ecological concerns.</p> <p>The LRAC and LRWA work with landowners who allow public access and with user groups to ensure that adverse impacts on plant communities and habitats are avoided (e.g, motorboat wake, disturbance to nesting areas).</p>

Key Actions	Implementation
<p>Educate citizens about the impacts of their actions on the river system as part of the "TREAD LIGHTLY" program.</p>	<p>Education on:</p> <ul style="list-style-type: none"> <li>&gt;Vegetative buffers along the river</li> <li>natural plantings</li> <li>&gt;Wildlife and habitat requirements</li> <li>&gt;Importance of floodplain and riparian plant communities</li> <li>&gt;Nonpoint source pollution prevention, including septic system operation and maintenance</li> <li>&gt;Vernal pools</li> <li>&gt;Avoidance of introduction of invasive plants</li> <li>&gt;Information on needs of species particularly vulnerable to human disturbance</li> <li>&gt;River dynamics</li> </ul> <p>Appropriate agencies to provide such information include the LRWA, LRAC, conservation commissions, NHDES, Coop. Ext., NH Fish &amp; Game, schools, etc.</p>
<p>Establish a long-term plant and animal research and monitoring program to supplement field studies conducted during 1993-94.</p>	<p>LRAC works with NH Natural Heritage Inventory, NH Nongame Program, UNH, other organizations, and landowners to develop a mechanism to meet ongoing research needs.</p>



Key Actions	Implementation
<p>Promote local ordinances that preserve and protect the river's ecology.</p>	<p>LRAC encourages communities to adopt or amend ordinances that protect habitat, such as shorelines, wetlands, etc., and disseminates model ordinances from other communities as examples.</p>
<p>Provide for vegetative buffers that both protect the ecosystem and water quality and are enforceable.</p>	<p>Towns should develop and/or enforce shoreline vegetation buffer ordinances.</p>
<p>Protect wetlands and floodplain, including adjacent upland buffers, from nonessential dredging, filling, and other permanent alteration.</p>	<p>LRAC encourages communities to amend, as necessary, and enforce relevant ordinances.</p> <p>The LRAC fulfills its responsibilities under the state RMPP to review and comment on all applications that have an impact on the river system. Conservation commissions in the four towns are encouraged to do the same.</p>
<p>Maintain protected seasonal flows.</p>	<p>NHDES, through the RMPP instream flow rules.</p>
<p>Ensure that riverfront development that occurs does so in a manner which protects the river and adjacent sensitive areas and minimizes habitat fragmentation.</p>	<p>The LRAC encourages communities to adopt ordinances protecting important plant communities and habitat, including consideration of density bonuses and other incentives.</p> <p>The LRAC includes habitat in its review of proposed projects under the State RMPP.</p>

Key Actions	Implementation
<p>Encourage permanent protection of important habitats and travel corridors. Large, contiguous, undisturbed areas are essential for certain wildlife species.</p>	<p>The LRAC works with/encourages conservation organizations such as the LRWA, Society for the Protection of NH Forests, Strafford Rivers Conservancy, Rockingham Land Trust, Great Bay Trust, and conservation commissions to work with landowners to protect important habitats on a voluntary basis by sale or gift of a conservation easement or fee simple acquisition. (See Appendix F.)</p> <p>LRAC works with landowners of important properties to encourage land management practices compatible with resource protection.</p>
<p>Provide for fish passage at Wiswall Dam.</p>	<p>NPS, NH Fish &amp; Game Dept, and others seek funding for fish passage subject to approval by the Town of Durham. (See discussion under Instream Flow.)</p>
<p>Promote retention of State current use program.</p>	<p>The LRAC and LRWA, in cooperation with other concerned organizations, notify towns and landowners when legislative actions threaten the State program.</p>
<p>Encourage preservation of agricultural open space adjacent to the river.</p>	<p>Support funding to purchase conservation easements on agricultural lands, e.g., funding initiatives of the NPS.</p> <p>Promote sustainable agriculture to help protect healthy habitat diversity.</p> <p>Promote an understanding of the costs of development to communities.</p>

## VII. Historical and Archaeological Resources

Background Our knowledge of human history along the Lamprey River begins more than 8,000 years ago. At this time people occupied what appear to have been seasonal sites on the river, from which they hunted, fished, and ventured forth along the river as their highway. Artifacts suggest exchange with early peoples in Massachusetts and a common cultural tradition with people occupying known sites in Manchester, NH.

The earliest European settlers were drawn to the river as an energy source. There have been mills at the "lower falls" in Newmarket (Macallen Dam) since at least 1652, when Valentine Hill built a dam at this favored site. Mills later were built at virtually all the other falls on the river. Grist, flour, and sawmills were typical as people first settled the area. More elaborate manufacturing operations followed, including the production of woolens at three mills in Epping (Blake Road, Folsom mill, and Epping Village), cloth, agricultural tools made of iron, nuts and bolts, wooden manufactured goods, paper, and wallpaper at Wiswall and Packers falls in Durham, plaster and shoes at the Folsom mill, and leatherboard at Wadleigh Falls in Lee during the early 1900s.

Two sites on the river are listed on the National Register of Historic Places: the Wiswall Dam area and a commercial district in downtown Newmarket containing 41 buildings. Both reflect the river's important contribution to nineteenth and early twentieth century industry. Historic districts in Newmarket and Epping include portions of the riverfront in those communities. Highland House, near Packers Falls in Durham, was a destination hotel for recreationists from Massachusetts, New York, New Jersey, and California that reached its peak in the 1930s. Hedding Camp in Epping, today a small summer resort village of more than 100 buildings, was acquired in 1862 to house the Methodist Camp Meeting. Many residences in the corridor speak to these earlier times.

### Goals:

- > Continue professional research on the Lamprey's history and archaeology.
- > Protect important historical and archaeological sites on the river.
- > Educate people about how others have related to the river from the Stone Age to the present.

### Issues:

Gaps in Our Historical Knowledge of the river exist, and there is no written history solely about the river. Additional research on historical structures (including significant bridges), events, and lifestyles, archaeological field work and evaluation, and a publication on the

Key Actions	Implementation
<p>Promote management policies that better distribute recreational use and minimize recreational impacts.</p>	<p>The LRAC works with NH Fish &amp; Game, snowmobile clubs, town recreation committees, and NH Dept. of Safety to promote "TREAD LIGHTLY" policies.</p> <p>Explore variations in fish stocking practices to distribute fishing opportunities more widely along the Lamprey and minimize competition with resident warmwater species.</p> <p>Seek increased enforcement of existing state speed laws (headway only) for motorboats on the Lamprey.</p>

## **IX. Effects on Ecological, Historic, and Recreational Resources Management from Designation under the Wild and Scenic Rivers Act**

This section outlines the support available from the National Park Service (as the representative of the federal government under the Wild and Scenic Rivers Act) if designation of the Lamprey River into the Wild and Scenic Rivers System occurs.

### General:

The National Park Service would seek to utilize the national designation to ensure that federal agency actions related to the river were consistent with the goals and objectives of this Plan.

The technical planning resources and financial assistance of the National Park Service would be available for conservation and enhancement projects related to the natural, cultural, and recreational resources highlighted in this Plan, subject to Congressional appropriations and other budgetary constraints. The National Park Service would consider requests for such assistance in coordination with the Lamprey River Advisory Committee.

### Ecological Integrity:

The objective of the LRAC is to protect and enhance the ecological integrity of the Lamprey River by promoting research, education, and voluntary land protection to complement enforcement of existing regulations. The National Park Service supports this approach, and would cooperate with all relevant parties in its promotion.

The NPS would support the LRAC's voluntary land protection program as an integral aspect of conserving the Lamprey's special ecological values.

The NPS, in conjunction with the LRAC, the NH Natural Heritage Inventory, and The Nature Conservancy, would explore avenues for continuing ecological research and monitoring conducted through the Wild and Scenic River study.

### Historical and Archaeological Resources:

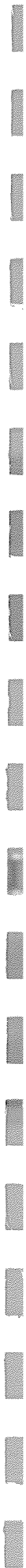
The National Park Service would support the efforts of the LRAC to research, protect, and interpret the historical and archaeological aspects of the Lamprey River. The NPS has substantial expertise and experience in such areas, and would consider requests for technical and other assistance.



### Public Enjoyment:

The National Park Service supports the LRAC's goals for recreational use and development as articulated in this Plan. The NPS would not promote recreational use of the Lamprey which exceeds the scope of this Plan, and would work to ensure that uses are compatible with and sensitive to the river's outstanding natural and cultural resources and to the river's inherent limitations for recreational use.

All recreational uses of the river area, including hunting, fishing, trapping, snowmobiling, boating, and other such uses would be unaffected by national designation, and would continue to be managed according to existing state and local authorities.





## **X. State and National River Programs**

### **A. New Hampshire Rivers Management and Protection Program (RMPP)**

**Background** The State Rivers Management and Protection Program (RMPP) was enacted in 1988 to protect the State's most significant rivers or river segments. That part of the Lamprey River which flows through Lee and Durham was among the first rivers nominated into the RMPP, in 1990, by a local citizen initiative. The RMPP establishes that a local advisory committee be created on each designated river to implement river management and protection policies at the local level.

**LRAC Responsibilities** The LRAC serves as the local advisory committee on the Lamprey. The LRAC's responsibilities are to: advise the DES and municipalities on matters pertaining to the river; develop and assist in the implementation of a river management plan (this Plan); review and comment on any development projects or state, federal, or local permits affecting the river; report annually to the State Rivers Management Advisory Committee and the Commissioner of the Department of Environmental Services.

**State Responsibilities** The State, for its part, assumes responsibility for assisting the local advisory committee and provides the following protections for the Lamprey:

- > State policies against the construction of new dams or the transfer of water from the Lamprey out of the seacoast watershed;
- > A State policy to protect water quality and maintain adequate year-round flows in the river which support a full range of natural resource needs and human uses. (Draft rules to implement this directive have been released by the NHDES for review and comment; see Background discussion under Instream Flow);
- > Mandatory setbacks for new solid and hazardous waste facilities.

The State program does not regulate land use (other than the restrictions on dams and waste facilities), and local zoning authorities are unaffected. The locally developed Management Plan may make recommendations for zoning or other local regulatory changes, but these can only be implemented through standard local procedures. The RMPP does not authorize any State funding for the local committee or for protection and management of the river. The State program may influence federal agencies but does not give the State veto power over them.

## **B. Designation under the National Wild and Scenic Rivers Act**

**Purposes** The broad purposes of national designation on the Lamprey are to 1) establish federal policies for the watercourse which ensure that federal actions are consistent with the river protection goals of this Plan and 2) provide for financial and technical assistance of the National Park Service in implementing this Lamprey River Management Plan.

**Administrative Structure** The existing structure established through State designation of the Lamprey River under the RMPP satisfies the requirements of the national program for administering the designated river segment. The National Park Service would coordinate its responsibility to ensure federal agency consistency with the Lamprey River Advisory Committee. The LRAC would be the focal point for communication and coordination among local communities, the State, and the National Park Service, effectively continuing the cooperative approach established over the past several years.

**Designation Process** The Congressional designation process requires enactment of a designation bill specific to each new river segment. This bill is an amendment to the broader Wild and Scenic Rivers Act and contains provisions tailored to the river segment in question. For the Lamprey, the bill would identify this Plan as the management plan for the river and would establish the LRAC as the official advisory body to the NPS.

In the event that local communities express a desire to move forward with a national designation based on the principles laid out in this Management Plan, the National Park Service will work with the LRAC, community officials, and the NH Congressional delegation to draft an amendment to the Wild and Scenic Rivers Act designating the Lamprey. No designation will proceed without the express approval of town officials for the provisions of the designation bill and Management Plan.

**National Park Service Role** The National Park Service would have two distinct roles under the federal designation: 1) to review "federally assisted water resources projects on or directly affecting" the designated river segment to ensure their compatibility with this Management Plan and 2) to provide technical planning and financial assistance for implementation of the Plan and its recommendations.

National Park Service authority for the review of federally assisted water resource projects derives from Section 7 of the Wild and Scenic Rivers Act, which states:

no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary [of the Interior] charged with its administration.

Section 7 is the only Section which confers "regulatory" oversight to the National Park Service, which serves as the representative of the Secretary of the Interior under this Act.

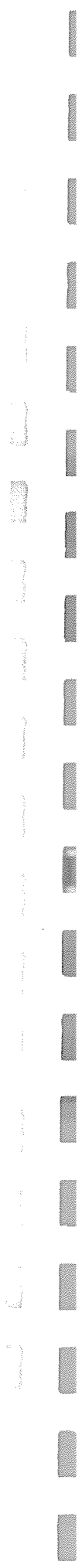
Limitations of National Designation:

**Land Use Management** The Wild and Scenic Rivers Act confers no authority to the National Park Service to manage, regulate, zone, or otherwise restrict the use of nonfederal lands. Management and use of lands adjacent to the river would continue to be the responsibility of landowners subject to existing state and local regulations.

**Land Acquisition** The National Park Service would not own or manage any lands along the river and would not support condemnation of land along the river. Federal funds could be made available to land trusts and local communities through designation for the purchase of lands or conservation easements that advance the purposes for which the river was designated (particularly ecological, archaeological, fisheries protection). The NPS would consider providing funds subject to the following conditions:

- > the acquisition be from willing sellers only;
- > local municipal authorities approve the acquisition; and
- > an appropriate local, state, or nonprofit entity and not the National Park Service holds title and management responsibility for any purchased lands or easements.

**Permits** No new state or federal permits would be required as a result of national designation. Local permitting processes would be unaffected.





TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

February 7, 1995

Ms. Sharon Meeker  
Chair, Lamprey River Advisory Committee  
203 Wadleigh Falls Road  
Lee, NH 03824

Dear Sharon:

I am pleased to inform you that at their meeting last evening, the Durham Town Council unanimously approved supporting the designation of the Lamprey River as "Wild and Scenic" under the National Park Service's "Wild and Scenic Act". The Council also unanimously approved the Lamprey River Management Plan.

The Town Council and I want to thank you and all of the Lamprey River Advisory Committee members for the extensive time and energy you have devoted to this project to ensure the successful long-term use and protection of the Lamprey River. The Management Plan was a very concise and informative report, and it was evident that much research, consideration and effort went into its preparation.

Again, thank you Sharon for devoting so much to this project to ensure its success. Please convey our sincere appreciation to the other committee members for a job well done!

Sincerely,

Larry R. Wood  
Town Administrator

c: LRAC Members  
Calvin Hosmer  
David Funk  
Jamie Fosburgh  
Margaret Watkins  
Anne Whittenbury

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DEPARTMENT OF PLANNING & ZONING  
TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, N.H. 03824-2898  
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## MEMORANDUM

DATE: January 31, 1995

MEMO TO: Larry Wood, Town Administrator

FROM: Rob Houseman, Director

RE: Planning Board Activities Concerning the Lamprey River and the "Wild and Scenic" Designation

The Lamprey River Advisory Committee has requested Town support in their quest to have the Lamprey River designated as Wild and Scenic under the National Park Service's "Wild and Scenic Act". To date, the Committee has:

- ♦ worked since 1986 on protecting the Lamprey River from development of the Wiswall Dam into a hydroelectric power station;
- ♦ worked with Congressmen Bill Zeliff and Bob Smith to protect the river and the Town's water rights;
- ♦ published a draft version of the "Lamprey River Management Plan";
- ♦ gained unanimous support for the Plan and the Wild and Scenic designation of the Lamprey River from the Conservation Commission;
- ♦ made a presentation to the Planning Board at the Jan. 4, 1995 meeting, along with a State DES representative and a representative from the National Park Service and
- ♦ received a favorable recommendation from the Planning Board for both the Management Plan and the Wild and Scenic distinction (a copy of the January 4, 1995 minutes, with a summary of the meeting, the motion and the recorded vote, is attached).

The Planning Board had a lengthy presentation of facts and discussion with the Lamprey River Advisory Committee, the State DES representative, Margaret Watkins, and the National Park Service representative, Jamie Fossburgh. Much of their concern was centered around the following: that a license to operate the Wiswall Dam as a hydroelectric power station had been granted to a developer. The license was currently stayed because of the study to decide whether the Lamprey River should be designated as "Wild and Scenic".

Page 2

RE: Lamprey River/Planning Board Action

The Committee was concerned, in part, with the effect such a change of use would have:

- ♦ on the depth of the river and impact on the adjacent properties along the river;
- ♦ on the existing marine life and the function of a fish ladder upstream;
- ♦ on the Town's right to take water from the River when necessary; and
- ♦ with the loss of the Wiswall Dam as a Town resource.

The Committee demonstrated the importance of using the National Park Service, a federal agency, as a protection tool for the Town and the Town's right to the Lamprey River--the Park Service could 1) help stop the licensing of the Wiswall Dam as a hydroelectric power station and 2) aid in stopping future development of the river by other federal agencies which might endanger the river and the environment.

The Committee felt strongly that a recommendation to the Town Council by the Planning Board was important because the Planning Board, in their capacity as a land use Board, has also been involved in the Town's Capital Improvement Program, traffic and road concerns, and in the development of all land in Durham. As such, their recommendation to the Town Council was essential.

The vote of the Planning Board was four (4) in favor, one (1) against in support of the designation. The motion was as follows: P. Smith moved that the Planning Board recommend to the Town Council that it endorse the Lamprey River Management Plan as set forth and vote to seek Wild and Scenic designation for the Lamprey River.

If I can be of further assistance, please call.

Attachment

cc: Planning Board



TOWN OF LEE, NEW HAMPSHIRE

7 Mast Road  
Lee, New Hampshire 03824

OFFICE OF THE  
SELECTMEN

TELEPHONE  
603-659-5414

May 30, 1995

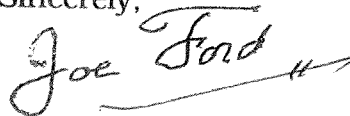
**Mr. Jamie Fosburgh**  
**National Park Service**  
**Department of the Interior**

**Dear Jamie:**

As requested, I am enclosing a copy of page seven of the official minutes of the March 15, 1995 annual Lee Town Meeting, which records the approval of Article 11 of the town meeting warrant (*"To see if the town will accept the river Management Plan drafted by the Lamprey River Advisory committee and its recommendation that that portion of the Lamprey River flowing through Lee be designated a Wild and Scenic River"*).

It is important to note that the vote in favor of Article 11 was overwhelming. Of the 270 residents present at the meeting (a much larger turnout than previous years), I would estimate that 80 percent voted in favor of Wild and Scenic designation (it was a hand vote).

Sincerely,

A handwritten signature in cursive script that reads "Joe Ford" with a horizontal line underneath and a small flourish at the end.

Joseph P. Ford  
Chairman, Lee Board  
of Selectmen

Charles McClain moved to amend article 10 to read: To see if the town will vote to raise and appropriate the sum of one hundred and forty-five thousand dollars(\$145,000) to purchase property Tax Map 0011-0007-0000 owned by Dr. Michael S Bales for the purpose of recreation, conservation and other uses as decided by vote at Town Meeting and authorize the withdrawal of: \$23,204 from the Capital Reserve Fund created for that purpose (Land Acquisition Trust Fund) and \$100,597 from the Capital Reserve Fund created for that purpose ( Land Use Change Tax Fund) and \$21,199 is to come from taxation. Seconded by Linda Schier.

**MOTION TO AMEND DEFEATED.**

Selectmen Grumbling made a motion to amend Article 10 to add the wording of owned by Dr. Michael S. Bales to Dr. Michael S. Bales\ Michael S. Bales Revocable Trust/ Tax Map # 0011-0007-0000. Seconded by Selectmen Barney.

**MOTION TO AMEND ADOPTED.**

**ARTICLE 10 AS AMENDED WAS ADOPTED FOR \$ 145,000.**

**11. To see if the town will accept the River Management Plan drafted by the Lamprey River Advisory Committee and its recommendation that that portion of the Lamprey River flowing through Lee be designated a Wild and Scenic River.**

Article 11 was moved by Sharon Meeker, seconded by Richard Wellington.

Mrs. Meeker gave a history on the Lamprey River Advisory Committee

Brian Giles gave an explanation on what Wild and Scenic meant.

Selectmen Grumbling moved to amend Article 11 into two parts:

11a. To see if the town will accept the River Management Plan drafted by the Lamprey River Advisory Committee.

11b. To see if the Town will accept the recommendation of the Lamprey River Advisory Committee that that portion of the Lamprey River flowing through Lee be designated a Wild and Scenic River. Seconded by Ben Gooch.

**MOTION TO AMEND DEFEATED**

**ARTICLE 11 ADOPTED**

**12. To see if the town will vote to raise and appropriate a sum not to exceed one hundred and fifteen thousand dollars (\$115,000) to cover the costs associated with the construction of an addition of approximately 1,820 square feet to the existing**



December 28, 1994

Mr. Brian Giles  
Lamprey River Advisory Committee  
22 Lamprey Lane  
Lee, NH 03824

Dear Mr. Giles:

The Lee Conservation Commission has reviewed the Lamprey River Management Plan and voted to present this letter to the Advisory Committee. We heartily approve the plan and would like to support your Committee in any way that we can.

Sincerely,

*David Allan* (7/28)

David N. Allan  
Chair, Lee Conservation  
Commission

cc: Lee Selectmen

OFFICE OF THE  
TOWN COUNCIL



INCORPORATED  
DECEMBER 15, 1727  
CHARTER JANUARY 1, 1991

**RESOLUTION 95-1**

A Resolution relative to the Town of Newmarket, New Hampshire, involvement in the Lamprey River Advisory Committee and position on the Wild & Scenic Designation of the Newmarket, New Hampshire, portion of the Lamprey River.

In the Year of Our Lord, One Thousand Nine Hundred and Ninety Five.

**WHEREAS**, the Town of Newmarket has been a member of the Lamprey River Advisory committee, endorses the findings of the Management Plan and will continue as a member town in the Lamprey River Advisory Committee; and

**WHEREAS**, the Newmarket Town Council endorses the designation of the Lamprey River under the Wild & Scenic Rivers Act down to the confluence with the Piscassic River. As indicated in the 1994 Master Plan Survey, the residents value their riverine resources and about half the population make use of the Lamprey River and Great Bay; and

**WHEREAS**, the Newmarket Town Council will continue to recognize the importance of the water quality in the Lamprey River, as the surface waters serve as an alternate drinking water supply; and

**WHEREAS**, the Newmarket Town Council will defer any decision about whether or not to seek formal designation of the freshwater portion of the Lamprey River in Newmarket into the New Hampshire Rivers Management & Protection Program until after the New Hampshire Department of Environmental Services has completed its rulemaking process regarding instream flow protection on designated segments.

**THEREFORE, BE IT RESOLVED** that the Newmarket Town Council endorses the four (4) point resolution presented above.

Approved: \_\_\_\_\_

*Priscilla Shaw*  
Priscilla Shaw, Chair  
Newmarket Town Council

Passed: \_\_\_\_\_

*Judith M. Harvey*  
Judith M. Harvey  
Newmarket Town Clerk/Tax Collector

Date: \_\_\_\_\_

*Feb 14, 1995*

A True Copy Attest



OFFICE OF

Conservation Comm.

NEWMARKET,  
NEW HAMPSHIRE 03857

Position Of The Newmarket, N.H. Conservation Commission  
Concerning The Towns Continued Involvement With The  
Lamprey River Advisory Committee And Wild & Scenic  
Designation Of The Freshwater Portion Of The Lamprey River

The Town Of Newmarket, N.H. Conservation Commission Endorses:

- (1) The findings of the Management Plan and continuation of the Town Of Newmarket, N.H. as a member of the Lamprey River Advisory Committee.
- (2) The designation of the Lamprey River under The Wild & Scenic Rivers Act down to the confluence with the Piscassic River. As indicated in the 1994 Master Plan Survey, residents value their riverine resources and about half the population make use of the Lamprey River and Great Bay.
- (3) Continued recognition of the importance of water quality in the Lamprey River, as the surface waters serve as an alternate drinking water supply for the town.
- (4) Deferring any decision about whether or not to seek formal designation of the freshwater portion of the Lamprey River in Newmarket, N.H. into the N.H. River's Management & Protection Program until after the N.H. Department Of Environmental Services has completed its rulemaking process regarding instream flow protection on designated sections.

Chris J. Schoppa Conservation Commission, Chairman

Cindy Wabrow Conservation Commissioner

Richard A. Bean Conservation Commissioner

Richard C. Shelton Conservation Commissioner

Staci Casanovi Conservation Commissioner

Ramon D. Allen Conservation Commissioner (Alter)

6 In Favor Of Endorsement      0 Against Endorsement

Judith M. Harvey  
Judith Harvey, Town Clerk

Date: 1/13/95

" A True Copy Attest "



OFFICE OF  
Planning Board

NEWMARKET,  
NEW HAMPSHIRE 03857

Position Of The Newmarket, N.H. Planning Board Concerning The  
Towns Continued Involvement With The Lamprey River Advisory  
Committee And Wild & Scenic Designation For The Freshwater  
Portion Of The Lamprey River

The Town Of Newmarket, N.H. Planning Board Endorses:

- (1) The findings of the Management Plan and continuation of the Town Of Newmarket, N.H. as a member of the Lamprey River Advisory Committee.
- (2) The designation of the Lamprey River under The Wild & Scenic Rivers Act down to the confluence with the Piscassic River. As indicated in the 1994 Master Plan Survey, residents value their riverine resources and about half the population make use of the Lamprey River and Great Bay.
- (3) Continued recognition of the importance of water quality in the Lamprey River, as the surface waters serve as an alternate drinking water supply for the town.
- (4) Deferring any decision about whether or not to seek formal designation of the freshwater portion of the Lamprey River in Newmarket, N.H. into the N.H. River's Management & Protection Program until after the N.H. Department Of Environmental Services has completed its rulemaking process regarding instream flow protection on designated sections.

Absent Planning Board, Chairman

Vickie Bloom Planning Board, Member

[Signature] Planning Board, Member

[Signature] Planning Board, Member

[Signature] Planning Board, Member

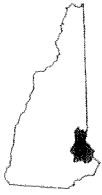
[Signature] Planning Board, Member

5 In Favor Of Endorsement      1 Against Endorsement

Judith M. Harvey  
Judith Harvey, Town Clerk

Date: 11/13/95

" A True Copy Attest "



## **Strafford Regional Planning Commission**

**SRPC**

259 County Farm Road, Unit 1  
Dover, New Hampshire 03820-6019

(603) 742-2523  
FAX (603) 743-3667

February 21, 1995

Lamprey River Advisory Committee  
c/o Brian Giles  
Lamprey Lane  
Lee, New Hampshire 03824

Dear Brian,

I am writing on behalf of the Strafford Regional Planning Commission to confirm the Commission's support for the Lamprey River Management Plan and its recommendation to seek Wild and Scenic designation. This position was taken by formal vote of the Commissioners at their meeting on February 16, 1995.

I also want to take this opportunity to thank you and Margaret for your presentation. It was timely, informative and enjoyable. Thanks again.

Sincerely,

Stephen H. Burns  
Executive Director

WILLIAM H. ZELIFF, JR.  
1ST DISTRICT, NEW HAMPSHIRE  
1210 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515-2901  
(202) 225-5456

DISTRICT OFFICES:  
340 COMMERCIAL STREET  
MANCHESTER, NH 03101  
(603) 669-6330

601 SPAULDING TURNPIKE  
SUITE 28  
PORTSMOUTH, NH 03801  
(603) 433-1601

TOLL FREE IN NEW HAMPSHIRE  
1-800-649-7290



**Congress of the United States  
House of Representatives  
Washington, DC 20515-2901**

March 27, 1995

DEPUTY MAJORITY WHIP  
CHAIRMAN  
SMALL BUSINESS SURVIVAL CAUCUS  
COMMITTEE ON  
GOVERNMENT REFORM AND OVERSIGHT  
CHAIRMAN  
NATIONAL SECURITY, INTERNATIONAL  
AFFAIRS, AND CRIMINAL  
JUSTICE SUBCOMMITTEE  
COMMITTEE ON  
TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEES:  
WATER RESOURCES AND THE ENVIRONMENT  
SURFACE TRANSPORTATION  
AVIATION

Lamprey River Advisory Committee Members:

I want to take the opportunity to recognize your efforts to garner local support for including the portions of the Lamprey River in Lee, Durham, and Newmarket in the National Wild and Scenic Rivers program. All of you have worked very hard since I introduced the initial legislation authorizing the study of a segment of the river, and based on the overwhelming local voter support for including the Lamprey in the program, it is clear your effort was not in vain.

My staff recently met with representatives of the Advisory Committee, the Park Service, as well as with representatives from Senator Smith's and Senator Gregg's staff, to discuss the "next step." I have asked the Park Service, in conjunction with the Committee, to develop language which can be used to amend the Wild & Scenic Rivers Act to incorporate the studied section of the Lamprey in Lee, Durham and Newmarket. This will ensure that the Committee has the opportunity to review everything before it is submitted to the House of Representatives. I am very interested in your continued input as this process moves along.

It is difficult to say when the House will have the opportunity to consider this language, as the business schedule at this point is very heavy. I would hope that we will have activity on the amendment soon after it is submitted.

Again, congratulations on the success of the education effort you have undertaken. The wide local support for Lamprey designation is a result of your hard work and I look forward to your continued input on this project. If you have any questions or concerns, please feel free to contact me or my Projects Assistant Dave Scott in my Portsmouth, New Hampshire, office.

Sincerely,

Bill Zeff  
Member of Congress



JUDD GREGG  
NEW HAMPSHIRE

CHIEF DEPUTY WHIP

COMMITTEES:

BUDGET

APPROPRIATIONS

LABOR AND HUMAN RESOURCES

## United States Senate

WASHINGTON, DC 20510-2904  
(202) 224-3324

OFFICES:

125 N. MAIN STREET  
CONCORD, NH 03301  
(603) 225-7115

28 WEBSTER STREET  
MANCHESTER, NH 03104  
(603) 622-7979

136 PLEASANT STREET  
BERLIN, NH 03570  
(603) 752-2604

99 PEASE BOULEVARD  
PORTSMOUTH, NH 03801  
(603) 431-2171

March 31, 1995

Mr. John Hatch  
28 Mill Road  
Durham, New Hampshire 03824

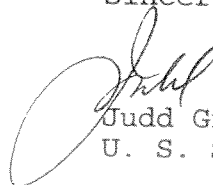
Dear Mr. Hatch:

I am writing in regard to the Lamprey River Wild and Scenic River Study and to offer my assistance in submitting designating language in Congress to include the Lamprey in the National Wild and Scenic Rivers System.

Now that the six year river planning effort has been successfully completed and the Towns of Durham, Newmarket and Lee have voted in favor of the Lamprey River Management Plan, as developed by the Lamprey River Advisory Committee, it is now the responsibility of the New Hampshire Congressional Delegation to submit designating legislation in Congress. I look forward to working with the Lee Board of Selectmen, the Newmarket and Durham Town Councils, the Lamprey River Watershed Association and other members of the New Hampshire Congressional Delegation in that regard.

Wild and Scenic River designation of the Lamprey is an important and exciting river conservation event in New Hampshire. I salute all those involved in the local planning process and look forward to working with local communities on the culmination of the Lamprey River Wild and Scenic River Designation Project.

Sincerely,

  
Judd Gregg  
U. S. Senator

JG:jsc

BOB SMITH  
NEW HAMPSHIRE  
IN NEW HAMPSHIRE  
1-800-922-2230

United States Senate  
WASHINGTON, DC 20510-2903

COMMITTEES  
ARMED SERVICES  
ENVIRONMENT AND  
PUBLIC WORKS  
SELECT COMMITTEE ON  
ETHICS  
COMMISSION ON SECURITY  
AND COOPERATION  
IN EUROPE

April 11, 1995

Dear Lamprey River Advisory Committee:

I would like to take this opportunity to congratulate you on the work you have done on the Lamprey Wild and Scenic River study and management plan. On February 21, 1991, I introduced S. 461 to amend the Wild and Scenic Rivers Act of 1968 to study the segment of the Lamprey for potential designation as a National Wild and Scenic River. Since that time, you have all worked diligently to produce a comprehensive plan and program which is based on popular support.

As I am sure you are aware, I am awaiting the report which will outline the specific needs of the communities of Lee, Durham and Newmarket. At that time, the process will begin by which language will be developed to amend the Wild and Scenic Rivers Act to include the studied section of the Lamprey. The study was locally driven and the designation process will continue to require substantial community involvement.

Again, congratulations on the efforts of the Lamprey River Advisory Committee to gather local support for the process. I look forward to working with you during the amendment process. In the meantime, please feel free to call me with any questions or suggestions you may have.

With warm regards,

  
Bob Smith, USS

RCS:dmg

# ENVIRONMENTAL Fact Sheet



NHDES Technical Bulletin

NHDES-CO-1994-4

## The New Hampshire Rivers Management and Protection Program

### NEW HAMPSHIRE'S RIVERS

From the long, wide Connecticut River which forms the western boundary of our state, to the short, steep Wildcat Brook, New Hampshire's rivers and streams are widely recognized for their outstanding values and diversity. Throughout the years, these rivers have provided a home for a variety of plants and animals, turned the turbines which powered our mills and factories, served as vital transportation routes and recreation areas, and graced our state with their scenic beauty.

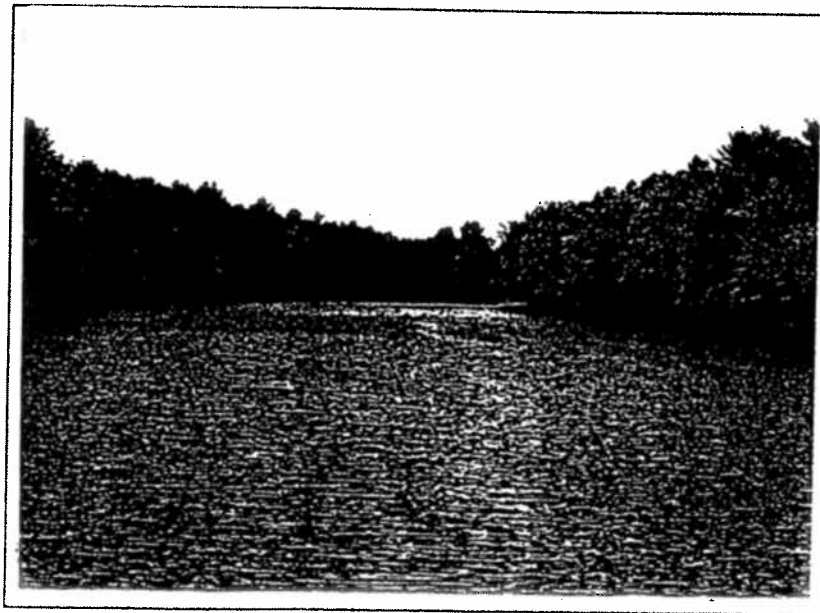
Today our rivers are in even higher demand. Rivers are dammed and diverted to provide public drinking water, flood protection, and hydroelectric power. Growing populations have led to increasing riverfront development and use of our rivers for waste assimilation. Free-flowing rivers are valued for fishing, boating, and nature study.

In 1988, the state legislature responded to the increasing and competing uses of our rivers by

creating the New Hampshire Rivers Management and Protection Program. The purpose of the program is to protect our state's significant river resources for the benefit of present and future generations through a unique combination of state and local resource management and protection.

### THE PROGRAM

The Rivers Management and Protection Act of 1988 (RSA 483) established a statewide rivers program based on a two-tier approach to river management and protection: state designation of significant rivers and protection of instream values and local development and adoption of river corridor management plans to protect shorelines and adjacent



lands. The Rivers Management and Protection Program is administered by the N.H. Department of Environmental Services (DES) and is staffed by a Rivers Coordinator. The Act also established the

statewide Rivers Management Advisory Committee. The committee's members represent a wide range of river interests and work closely with the Department in an advisory capacity.

## STATE DESIGNATION

**Nomination:** A river or river segment may be nominated for state designation by any citizen or organization in the state. Sponsors must submit a description of the river's values and characteristics to the Commissioner of DES. Each river nomination is then evaluated to identify significant resource values, suggest management and protection measures, and recommend legislation for designation.

**Legislative Action:** The final step in the designation process is the state legislature's consideration of a bill, which when passed and signed by the Governor, formally designates the river into the program. The designated river is protected and managed to maintain and enhance instream river values such as water quality and instream flows.

**Local Implementation:** An important and unique feature of the Rivers Management and Protection Program is the opportunity for municipalities to participate, through local river advisory committees, in multitown river corridor planning and implementation efforts. The local river advisory committee is comprised of representatives from each riverfront municipality and is responsible for developing a local river corridor management plan and commenting on activities affecting the river that require state or federal permits. Representatives come from a broad range of interests, including but not limited to local government, business, conservation, recreation, agriculture, and riparian landowners. This diversity helps bring a variety of perspectives to bear on resource protection and development issues.

While state designation provides instream protection, the local plan addresses the management and protection of the shoreline and adjacent lands that make up the river corridor. Because the plan is locally developed, adopted and implemented, it reflects the specific needs, interests and concerns of local citizens. The Department of Environmental Services provides technical assistance to the local river advisory committee and other interested local and regional groups and officials on corridor management planning and other issues.

**Protected Rivers:** As of 1994, there are eleven rivers or river segments included in the Rivers Management and Protection Program, with one new nomination in progress and three more under consideration.

### Designated Rivers

Ashuelot River  
Connecticut River  
Contoocook River  
Lamprey River  
Lower Merrimack River  
North Branch River

Pemigewasset River  
Piscataquog River  
Saco River  
Swift River  
Upper Merrimack River

Nomination In Progress  
Exeter River

Under Consideration  
Middle Merrimack River  
Soucook River  
Souhegan River

## THE NEW HAMPSHIRE RIVERS MANAGEMENT AND PROTECTION PROGRAM

### Questions and Answers

#### How did the Rivers Management and Protection Program get started?

In 1988, the State Legislature created the Rivers Management and Protection Program in response to the increasing and competing demands that we place on our rivers. The purpose of the program is to protect our state's significant river resources through the joint efforts of state and local governments. State designation of outstanding rivers and river segments will protect significant instream river resources, such as fisheries and water quality. Local river corridor management plans will address the use and conservation of the shoreline and adjacent lands which make up the river corridor.

The program is administered by the Department of Environmental Services (DES) and is staffed by a State Rivers Coordinator and a River Corridor Planner. A State Rivers Management Advisory Committee (RMAC) composed of many river interests has been established to advise the department on the implementation of the program.

#### How does the state designation process work?

A river can be nominated by any New Hampshire citizen or organization. A nomination must include a complete inventory of the river's resources and be submitted to the DES Commissioner. After an evaluation by the State Rivers Coordinator and RMAC, and a public hearing in a community along the river, the Commissioner will forward approved nominations to the State Legislature. Before a river can be protected and managed under the program, the Legislature must adopt a bill that designates the river into the program.

#### How does designation protect a river?

In April 1990, the State Legislature adopted instream protection measures for designated rivers and a river classification system to match general river characteristics with the specific instream protection measures. The classification system is made up of natural, rural, rural-community and community rivers. For each river classification, state law establishes protection measures related to dams, hydroelectric energy facilities, channel alterations, water quality, protected instream flows, interbasin water transfers, siting of solid and hazardous waste facilities, and recreational use of the river. (see chart on the back)

#### Will designation affect local land use control in the river corridor?

No. The Rivers Management and Protection Program Act (RSA Chapter 483) specifically states that "nothing in this chapter shall be interpreted to preempt any land and zoning authority granted to municipal bodies..." What is a local decision before designation of a river will remain a local decision following a designation.

#### Other than protection for instream river resources, what does designation provide?

A river designation will increase public awareness of the river and may provide an incentive for communities along the river to adopt local river corridor management plans to insure that future development is consistent with the designation of the river. After a river is designated a local advisory committee is appointed. One of the charges of the committee is to develop a river corridor management plan. The completed plan is then brought before each community for consideration. The DES will offer technical assistance to communities that wish to pursue the adoption of a corridor plan, with priority given to communities along designated rivers.

**River Classifications and State Regulated Protection  
Measures As They Apply To Each Classification**

	<u>NATURAL RIVERS</u>	<u>RURAL RIVERS</u>	<u>RURAL- COMMUNITY RIVERS</u>	<u>COMMUNITY RIVERS</u>
<b><u>Dams and Encroachments</u></b>				
Construction of New Dams	No	No	No	Yes
Reconstruction of Breached Dams	No	No	No	Yes
Channel Alterations	No (exc. repair)	Yes ( - )	Yes with conditions	Yes ( - )
<b><u>Water Quality/Water Quantity</u></b>				
Water Quality	Class A or B	Class B	Class B	Class B
Interbasin Transfers	No	No	No	No
Establish Protected Instream Flow	Yes	Yes	Yes	Yes
<b><u>Waste Disposal</u></b>				
New Landfills	No (within 1/4 mile)	No ( within the 500 year floodplain )	No	No
New Hazardous Waste Facilities	No (within 1/4 mile)	-	-	-
Other New Solid Waste Facilities	No ( - )	No within 250 feet	No	No ( - )
<b><u>Recreation Use</u></b>				
Motorized Watercraft	No	Yes	Yes	Yes

## WILD AND SCENIC RIVER CONSIDERATIONS

Excerpted from the Upper Farmington River Management Plan

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### LEGISLATIVE GUIDANCE

The Wild and Scenic Rivers Act (P.L. 90-542, as amended) provides the legal foundation and overall guidance for the National Wild and Scenic Rivers System. The fundamental concepts that underlie this Act, and the elements of paramount importance for designation of the Farmington River, are described below.

Section 1(b) summarizes the intent of the Act:

*It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.*

Section 10(a) specifies how designated rivers should be managed:

*Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetics, scenic, historic, archaeological, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.*

Section 7(a) describes the specific protections provided to designated rivers:

*The Federal Power Commission [Federal Energy Regulatory Commission] shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act .... on or directly affecting any river which is designated .... and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established .... No department or*

*agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established ....*



## LAMPREY WILD AND SCENIC RIVER DESIGNATION

### Common Questions and Answers

1. What is the purpose of the Wild and Scenic River's Act?

The Wild and Scenic Rivers Act was passed in 1968 to balance a long-standing federal policy of river development with one that would permanently protect the country's most outstanding free-flowing rivers. To accomplish this, the Act prohibits federal licensing, assistance or construction of water resource development projects that would alter the free flowing character of designated rivers or diminish their outstanding resource values.

2. What are the benefits of the study?

The wild and scenic study provides the study communities and state with staff assistance and financial resources in planning for the river's future, designing and implementing specific conservation actions, and in conducting public outreach.

3. What protection can wild and scenic designation provide that local and state regulations can't?

State and local regulations that reflect a desire to protect important river values are not binding on federal agencies and federal actions. The only way to ensure federal agency consistency is through the Wild and Scenic Rivers Act.

Wild and Scenic River status is a privilege reserved for special rivers whose adjacent communities recognize, and are committed to, the long-term protection of identified river values.

4. Are there different classifications given to rivers in the Wild and Scenic Rivers System?

Yes, "wild," "scenic", and "recreational." The different classifications are based solely on the existing amount of development on the land adjacent to the river at the time of designation. Wild rivers are those with little or no adjacent development or evidence of human activity; scenic rivers may have more development, including some structures and road crossings; and recreational rivers may include parallel roads, communities and other development, and may even flow through urban areas.

5. What factors are involved in determining whether the river is appropriate for federal designation?

1) Eligibility

To be eligible, the river segment must be free flowing and possess one or more "outstandingly remarkable" resource values (e.g. fisheries, recreation, wildlife, historic, etc.).

2) Suitability

To be suitable, there must be long-term protection provided for the river's outstanding resources and strong public support for designation. Due to the lack of federal lands along the Lamprey, and a presumed desire to keep it this way, there will need to be a strong local commitment toward protection of the river and its special values.

6. Who will decide if federal designation is appropriate?

Ultimately, the National Park Service is responsible for submitting a report to Congress which will detail a river conservation plan and make a recommendation on federal designation. The National Park Service will not recommend federal designation of the river segment unless there is strong public support for designation. This support will be based upon the recommendation of each community along the river segment and the Local Advisory Committee.

7. Would all new development be banned if the river is designated?

No. The intent of the wild and scenic rivers Act is to promote the wise management of growth that is sensitive to the river's values. Designation itself would only effect federally licensed or assisted water resource projects that would impact the river's outstanding values. Other types of development would continue to be regulated by local and state land use laws.

8. Would designation allow the federal government to zone my land?

No. the federal government has no power to zone private land. Land use controls on private land are solely a matter of state and local jurisdiction. Any changes to local or state zoning regulations associated with the designation would only occur through existing procedures at the town or state levels.

9. Would the federal government be able to look over my shoulder at what I do on my private land?

No. Wild and scenic designation does not give the federal government any authority to infringe on an individual's privacy or property rights. Rumors often spread during a study that designation will result in the federal government telling people such things as what color to paint their house or whether they can repave their driveway. These rumors are unfounded. Designation would have no effect on a property owner's ability to sell or subdivide property.

10. Would I have to provide public access across my property?

No. Landowners are under no obligation to provide access on their property, even if they have decided to grant a conservation easement. The river corridor plan can be used to help reduce the frequency of trespassing by ensuring that public access to the river is maximized on town and state lands, and by promoting improved management of river recreation.

11. If designated, how would the river be managed?

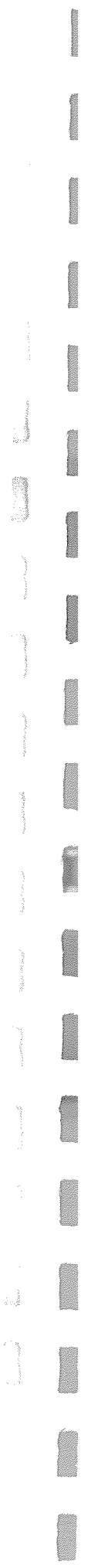
The river segment would continue to be managed by local and state authorities in conjunction with the Local Advisory Committee established under the New Hampshire Rivers Management and Protection Program. The National Park Service role would be to assist this effort as requested, and to make sure that federal agency actions are compatible with the conservation of the river as outlined in the Lamprey River Management Plan.

12. Will the federal government contribute money to the management of Lamprey if designated?

Yes, subject to the availability of funds and to the priorities established by the Local Advisory Committee.

13. Does designation mean the Lamprey River would become overrun by outsiders?

No, unless towns along a river choose to promote the designated river to attract tourism. There are no requirements in the Wild and Scenic Rivers Act for publicizing or promoting a newly designated river. Wildcat Brook in Jackson, New Hampshire, provides an excellent example. The town of Jackson has chosen not to publicize the Wildcat since its inclusion in the national system in 1988, and the visitor use is no different than it was before designation.



## Appendix C

### Existing Local Regulations Governing Activity in and along the River as of 6/94

	Newmarket	Durham	Lee	Epping
Zoning (all basic re-strictions affected by overlay districts)	Contains several zones; vpd soils and water-bodies may not be used to fulfill lot size; <25% pd soils	Rural: 2.75 ac.; <20% lot cover by bldgs; <25% pd soils; no vpd soils; minimum shore frontage - 200'	Residential: 2 ac., 64,000 ft <sup>2</sup> must be "developable," <25% impervious lot coverage	Lgely Residential: 40,000 ft <sup>2</sup> , <30% lot coverage by bldgs, vpd soils excluded from lot size determination where > 1 dwelling unit/lot; Rural Resid:
Shoreland	YES - 125' setback for permanent structures; 75' septic setback; no cutting of trees >10" in diameter. Marinas in mill & village district exempt	YES - 125' setback for structures; 150' septic setback; restricts chemical use, tilling w/in 75'; limits vegetation cuts w/in 150' of river, 75' of perennial streams. No clear cuts	YES - 100' setback for roads, structures, septic; limits vegetation cuts. No clear cuts	YES - 100' setback for permanent structures unless water-related
River Access	1 per lot, up to 20% lot frontage	1 per lot, up to 10% lot frontage	Not addressed	1 per lot up to 20% for commercial enterprises. Silent as to residential.
Floodplain	Code enforcement officer reviews projects proposed for flood hazard areas; no increase in flood levels from activity in regulatory floodway. Base flood elev. determined-100-year floodplain mapped	Bldg inspector reviews applications; no activity in regulatory floodway may cause any increase in flood levels; reg. floodway mapped to Wiswall Dam. 100-year floodplain mapped	Development in regulatory floodway may not increase base flood discharge - but flood hazard zone and floodplain are defined as undevelopable for lot size determination. 100-year floodplain mapped	Bldg inspector must issue permit for building in flood hazard area; no increase in flood levels from activity in regulatory floodway; 100, 500 year floodplain, reg. floodway mapped.
Wetlands	YES - p, vpd soils, bogs, marshes, ponds, major streams. No structures, no change of configuration; No dredge or fill in vpd soils	YES - p, vpd soils, surface waters (incl. rivers); 50'-75' setback for structures; 75' septic setback. PB may grant conditional uses, but limited by buffer zone provisions	YES - p, vpd soils, marshes, bogs, swamps. No structures, no change of natural surface configuration. SE for activities w/in 75'; 125' leachfield setback; no structures w/in 75'. Taxed as open space, undevelopable	All wetlands as defined in RSA 483-A. No alteration w/out Site Plan Review or variance; hydric A soils may not be used to fulfill lot size requirements in subdivisions.
Aquifer	YES - .64 sq mi; for water supply protection <20% impervious surface, same use as overlying district w/ prohibitions	YES - <25% impervious surface. PB and Council review runoff plans; all uses conditional; minimize road salt. Hydrology study required for projects w/ > 10 lots; sewer hookups required	YES - <10% impervious. Low density residential. Certain prohibitions re. salt, underground tanks	YES - 3 ac. lots, <10% impervious coverage; no road salt. Excavation by SE
Agriculture	Permitted in RR zone only	Permitted in R, RC zones. Prohibited in RA, limited in RB. No till w/in 75' rivers	Permitted in all zones, per standards or by SE	Permitted in R, RR; limited to nurseries, garden supplies in HC; limited as above and by SE in R-C

Vpd = very poorly drained (soils); pd = poorly drained (soils); SE = special exception

Cluster	YES - 20 to 100 acres, in residential zones only. Formula for determining density incl. reduction for limited soils & no net increase in # of lots; performance std.; open space $\geq 25\%$	YES - $\geq 20$ ac, 20% in open space, residential and nonresidential. Provides for greater density w/ formula for calculating net acreage; Council approves	YES - $\geq 20$ ac, $\geq 25\%$ open space, residential only, community water. No increase in overall density allowed.	YES - $\geq 10$ ac, residential only, no community septic. $\geq 50\%$ of tract in open space, excluding slopes $> 15\%$ and 75% of vpd soils. No increase in overall density allowed.
Excavation	Town excavation ordinance, per RSA 155-E; annual site plan review	Requires conditional use permit in resid. and office/research zones; not permitted in rural zone	Requires site plan review; allowed only in commercial zone	Permitted in R and RR zones per RSA 155E and Epping Earth Excavation Regulations
Slopes	Zoning and subdivision silent. SPR authorizes PB to determine "steep slopes" unsuitable for development	Steep slope identified as criterion for conditional use decisions; slopes $\geq 25\%$ considered in PUD open space and lot calc.	Slopes $\geq 15\%$ defined as undevelopable for lot size determinations	Slopes $\geq 15\%$ defined as nonbuildable for lot size and open space calcs in cluster development. Subdiv. regs. ( $> 4$ lots?) exclude slopes $> 35\%$ from lot size calcs; leaching area must be on $< 25\%$ slope. Lot size also subject to soil types.

Vpd = very poorly drained (soils); pd = poorly drained (soils); SE = special exception

## Appendix D

### A List of Potential Collaborators Cited in the Plan to Help Implement It

Code Enforcement Officers  
Conservation Commissions  
Cooperative Extension Service  
Fishing Groups  
Great Bay Trust  
Health Officers  
Highway Departments  
Historical Societies  
Lamprey River Watershed Association  
Landowners  
National Park Service  
NH Department of Environmental Services  
    Rivers Program  
    Water Supply and Pollution Control Division  
NH Department of Safety  
NH Department of Transportation  
NH Division of Historical Resources  
NH Fish & Game Department  
NH Natural Heritage Inventory  
Planning Boards  
Recreation Commissions  
Rockingham County Conservation District  
Rockingham Land Trust  
Rockingham Planning Commission  
Selectmen, Councilors  
Snowmobile Clubs  
Society for the Protection of New Hampshire Forests  
Strafford County Conservation District  
Strafford Regional Planning Commission  
Strafford Rivers Conservancy  
Teachers/Students  
The Nature Conservancy  
U.S. Environmental Protection Agency  
U.S. Soil Conservation Service  
University of New Hampshire





Appendix E

"TREAD LIGHTLY"  
Guidelines for the Lamprey River

>Avoid activity within 100' of the river unless there is a well established use there. Wildlife depend on this fragile, green area along the bank of the river for food, water, and cover.

>Concentrate use on established sites. Stay in trails where trails exist; avoid making new trails.

>Leave what you find. Admire natural objects (antlers, bones) and leave them for others to see; don't pick plants -- photograph or draw them instead.

>Be considerate of others. Appreciate the fact that you may be on private property by leaving no trace of your having passed through.

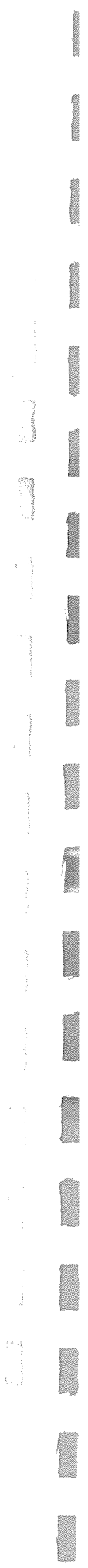
>Operate powerboats with care. Proceed at headway speed, and slower when passing other boats, swimmers, or anglers. Make sure no petroleum product, fuel, or lubricant spills in or along the river.

>Minimize disturbance to wildlife. If you come upon a wild animal, move away from it, and keep moving; don't leave food scraps or feed wild animals; use binoculars to view birds and other wildlife from a distance.

>Carry out all your litter. Trash and garbage have no place on the river.

>Leave artifacts in place, and notify a local historical society of your find.

>Avoid areas that are beginning to show signs of use -- in time they will recover.



# Conservation Easements

## Questions & Answers

A *conservation easement* (sometimes called a *conservation restriction*) is a practical way for private landowners to protect environmentally significant land while retaining their ownership. Easements provide permanent protection from uses of land that could damage or destroy its scenic, recreational, ecological, and natural resource values. Generally, easements are donated to a non-profit conservation organization or public agency, which enforces the restrictions *in perpetuity*. Each easement is tailored to fit the natural characteristics of the land, the personal needs of the owners, and the objectives of the organization or agency.

### Land ownership and conservation easements

As a landowner, you have certain rights to use and modify the land and natural resources of your property. In the past, some of these rights—such as mining and timber cutting—have been used, taxed, or transferred separately from the land itself. A conservation easement is based on this principle of separating land ownership rights.

A conservation easement is a legal agreement between a landowner (the *grantor*) and a conservation organization or agency (the *grantee*). The agreement separates the rights to exercise more intensive uses—such as construction, subdivision, and mining—from other rights of ownership. These “development rights” are then transferred to the grantee through the conservation easement deed. The grantee agrees to hold but not use the development rights and to ensure that they are not used by anyone else. Conservation easements are granted in perpetuity and apply to the land regardless of who may own it in the future.

Land under easement is still privately owned and managed. Typically, it is used for agriculture, forestry, wildlife habitat, scenic views, watershed protection, recreation, and education. Working together, the landowner and the grantee determine the appropriate land uses, which are then detailed in the easement deed.

### What uses are prohibited on easement land?

Most easements prohibit commercial, industrial, and mining uses of the land. These include: changing the topography, such as dredging and filling in wetlands or along shorelines; disturbing the habitat of rare or endangered species of plants or animals; erecting outdoor advertising structures such as billboards; removing topsoil and other surface or sub-surface materials; and constructing residential,

commercial, or industrial buildings. (Some limited development of new homes can be negotiated in certain cases.)

### What uses are permitted?

Agricultural and forestry activities are permitted and encouraged on most easement-protected land. These include: managing the land to improve wildlife habitat; changing the topography for farming or forestry; and building structures such as culverts, bridges, signs, barns, sheds, fences and dams, when necessary for farming and forestry.

### Who accepts and enforces conservation easements?

According to New Hampshire state law (RSA 477:45—47), easements can be accepted and enforced by certain conservation organizations and government agencies. Most often, easements are donated, but they can occasionally be sold for full or partial value. This value is determined through a qualified appraisal.

Private, non-profit groups such as the Society for the Protection of New Hampshire Forests, the Audubon Society, local lands trusts, and many watershed associations, are equipped to receive and enforce conservation easements. Public agencies such as town conservation commissions, county conservation districts, the Department of Fish and Game, and the Division of Parks and Recreation also hold easements.

### Does granting a conservation easement give the general public the right to enter my property?

Not unless you allow it. Most easements let the landowner decide whether or not to allow public

### BMPs for Docks, Moorings, and Marinas

The goal of marina BMP's is to prevent pollutants that are generated from marina and boating activities from entering the water column. To attain this goal the following practices should be instituted:

1. Use only phosphate free detergents and treat wash water prior to discharge into the lake or water body. If possible use a high pressure sprayer with no detergents or wait until the boat is out of the water to clean it.
2. Periodic engine maintenance (eg. changing oil, winterizing etc.) should be performed out of the water. Propylene glycol should be substituted for ethylene glycol antifreeze when winterizing engines. The oxidation of propylene glycol yields pyruvic and acetic acids which are not toxic to aquatic organisms.
3. Scraping, sanding, sandblasting or painting should not be conducted in the open where dust, paint chips or paint spray can be blown into the water. Whenever these types of practices are conducted, appropriate containment devices should be used.
4. All facilities with fueling stations should have proper containment booms and should be inspected weekly and maintained in good condition.
5. Boat launches should have catch basins installed around them to prevent pollutants from entering the lake due to the funnel effect caused by the ramps.
6. Public rest rooms and pumpout facilities should be provided to limit the input of wastewater into waterbodies.

Appendix H

Existing Publicly Owned Areas Along the Lamprey River  
in Newmarket, Durham, Lee, and Epping

Location	Town	River Access	Natural/Cultural Sensitivity	Recreational Activities	Potential Improvements
Water treatment plant Owned by Newmarket Water Dept.	Newmarket	Yes, informal - cances, small boats; vehicular access		Fishing, boating, feeding of ducks; limited parking	
Sliding Rock Recreation and Conservation Area Owned by Town	Newmarket	Yes - all water craft; vehicular access	E Riparian edge	Boating, swimming, fishing, picnicking - # picnic tables. 5 cars	Town is designing and constructing beach and environmental education area accessible to physically challenged people
Doe Farm/Moat Island Owned by Town 80 acres	Durham	Yes - by foot	H/A, E Colonial, possibly precolonial periods; Moat I. is exceptional wildlife area; osprey	2 miles hiking trails, 1 mile Class VI road, no picnic facilities. Swimming (limited), ice skating, x-c skiing, bird watching, snowmobiling; historic significance	Swimming access, with emergency access
Packers Falls Owned by Town 3 acres	Durham	Yes - by foot - boat launching difficult	H/A Mill sites Nearby residences	Swimming, tubing, fishing, kayaking (Cl. III rapids), picnicking, bird watching; historic significance Trash can, 4-5 cars, 1/4 mile trails	Replace trash can w/ carry in-carry out message Kayak launch and portage (for repeat runs of rapids)
Wiswall Falls Access owned by Town 2.5 acres	Durham	Yes - by foot - boat launching difficult	H/A Center of commerce mid 1800s; probable precolonial relics	Fishing (trout stocked), swimming, ice skating, bird watching, ice fishing, snowmobiling, x-c skiing; posted against parking - 9 cars along road. (Mostly private land)	Create a canoe launch and a portage path around the dam. Build parking lot to acc. 4-5 cars. Develop interpretive area for historic sites. Consider trail for the blind/handicapped

Where H stands for Historical, A stands for Archaeological, and E stands for Environmental sensitivities.

Location	Town	River Access	Natural/Cultural Sensitivity	Recreational Activities	Potential Improvements
George Falls Woods Owned by Town 11 acres	Epping	Yes - canoe access w/ portage from Jacobswell Rd	E Riparian edge	Natural area, passive recreation	
Route 125 bridge (private ownership; NH R-O-W = 190' (at rd) to 75' (on riverbank)	Epping	Yes, informal - canoe w/ difficulty		Fishing, canoeing	
Miriam Jackson Park Owned by Town 0.3 acres	Epping	Yes, marginal	A Mills upstr. linked with river by canal, which discharged across from park	Fishing, visual access to river, former canal site	
Town Hall (The Rock) Owned by Town 1.77 acres (total lot)	Epping	Yes - canoe launch possible	E Riparian edge	Fishing, swimming, natural area Good parking 300' from river	
Boy Scout field Owned by town 12 acres	Epping	No	E Riparian edge	Natural area, hiking trails, passive recreation	
Mary Folsom Blair Park Owned by Town 10.5 acres	Epping	Yes - canoes (50' walk from vehicular access)	H/A Former site of grist, saw and plaster mills, shoe and woolen factories	Baseball fields, canoe launch; parking for 50+ vehicles Swimming, fishing, canoeing, ball games, campouts, picnicking	

Where H stands for Historical, A stands for Archaeological, and E stands for Environmental sensitivities.

In addition to what is essentially public access, there are another half dozen or so informal access points to the river across private land, where landowners traditionally have allowed public use. Controlled access through private, communally owned land in subdivisions is maintained for use of residents in the subdivisions (e.g., Riverfields, Riverside Farm Drive, and Lamprey Lane) and via campgrounds on the river.

The LRAC recommends that additional public access be acquired in Lee, where there presently is none. The Committee endorses efforts by the Town of Epping to secure public access at a site traditionally used at the Rte. 87 bridge.

When land with the river frontage is developed, incentives could be offered for providing permanent public access, where appropriate.



