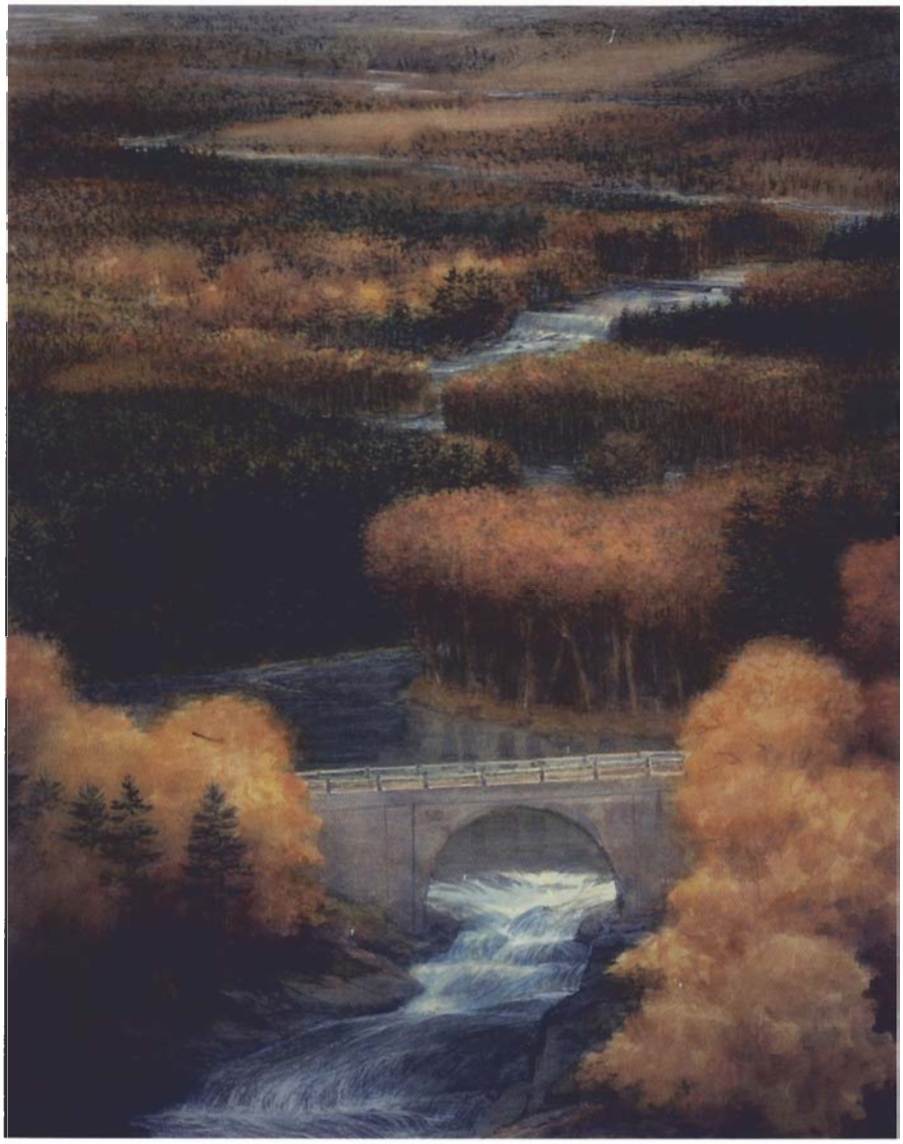

LAMPREY WILD AND SCENIC RIVER STUDY

DRAFT REPORT

JUNE 1995

Wood Turtle (Clemmys insculpta)

Prepared by:

Division of Rivers and Special Studies

New England System Support Office

National Park Service

U.S. Department of the Interior

Printed on recycled paper

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SUMMARY

SUMMARY OF FINDINGS

Eligibility

The Wild and Scenic River Study for the Lamprey River found that 23.5 miles of the River are eligible for inclusion in the National Wild and Scenic Rivers System based on free-flowing character and the presence of outstanding ecological, anadromous fish, and historical resources. The eligible portion includes 23.5 miles out of 24.4 miles considered in the study, and extends from the Bunker Pond Dam in West Epping to the confluence of the Lamprey and Piscassic rivers in the vicinity of the Newmarket - Durham town line.

Classification

The Wild and Scenic Rivers Act provides for three possible classifications of eligible river segments: wild; scenic; and recreational. The criteria distinguishing these classifications are based on the degree of human modification of the river and its adjacent shorelands. Based on overall context, the most appropriate classification for the entire eligible Lamprey River area is recreational.

Suitability

The 11.5 mile segment of the Lamprey from the southern Lee Town line to the confluence of the Lamprey and Piscassic rivers is found to be suitable for designation as a component of the National Wild and Scenic Rivers System. This segment includes all of the segment authorized for study by P.L. 102-214, plus an additional 1.5 miles studied at the request of the local communities. The additional 12 mile segment of River within the Town of Epping found to be eligible for designation currently meets all of the criteria of suitability except that broad-based local support for the designation has not been expressed.

Principal factors considered in determining suitability for designation are discussed in Chapter IV of this report and relate to an analysis of a segment's potential to be managed and protected effectively as a component of the national river system. These include: adequacy of existing and proposed protection measures; adequacy of existing and proposed management framework; the presence or absence of local support; and the effects of designation.

Support for Designation

There is strong local support for Wild and Scenic River designation of the Lamprey within the towns of Newmarket, Durham, and Lee, New Hampshire. This corresponds to 11.5 miles of river stretching from the southern Lee town line to the confluence of the Lamprey and Piscassic rivers in the vicinity of the Durham - Newmarket town line.

The town of Epping has chosen to defer formal consideration of Wild and Scenic River designation for the 12 eligible river miles within its boundaries. This segment of river was studied at the request of the town of Epping as an informal addition to the congressionally authorized study segment.

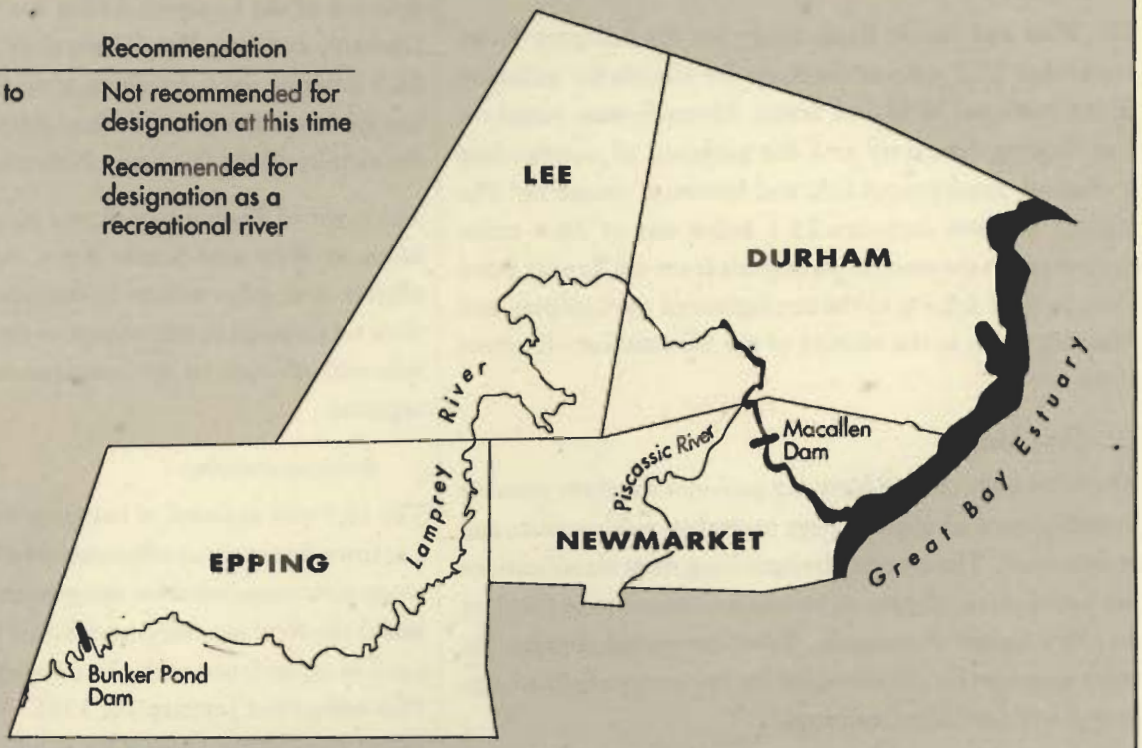
Recommendation

The 11.5 mile segment of Lamprey River from the southern Lee town line to the confluence of the Lamprey and Piscassic rivers is recommended for designation as a recreational river under the National Wild and Scenic Rivers Act to be managed in accordance with the Lamprey River Management Plan completed January 10, 1995. This segment has been found to meet the criteria for eligibility and suitability for such a designation, and the abutting communities have expressed strong support for the designation.

The additional 12 mile segment within the town of Epping has been found to meet the criteria for eligibility for Wild and Scenic River designation, and should be considered for such a designation if and when broad based local support is expressed through town meeting vote.

SUMMARY OF RECOMMENDED ACTION

Segment	Recommendation
Bunker Pond Dam to Southern Lee line	Not recommended for designation at this time
Southern Lee line to Piscassic River	Recommended for designation as a recreational river



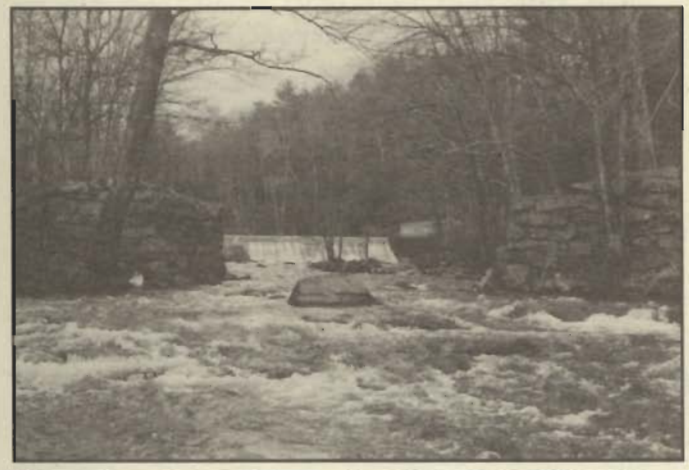
CHAPTER 1

BACKGROUND

This chapter provides an introduction to the Wild and Scenic Rivers Act and the Lamprey River Study. It includes a review of the project's history, the study strategy and process, the principal participants, and the major study products and accomplishments.

1.A BACKGROUND ON THE WILD AND SCENIC RIVERS PROGRAM

Enacted in 1968, the National Wild and Scenic Rivers Act (P.L. 90-542, as amended) was created to balance long-standing federal policies promoting construction of dams, levees, and other river development projects with one that would permanently preserve selected rivers, or river segments, in their free-flowing condition. Section 1(b) of the Act states:



Upstream boundary of study area - Bunker Pond Dam in West Epping.

> 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.

The original Act designated eight rivers into the National Wild and Scenic Rivers System, and specified processes by which other rivers could be added to the system.

As of December, 1994, one hundred fifty rivers or river segments totalling 10,734 miles had been included in the national system. Of the designated segments, only four are located in New England: the Farmington in Connecticut; the Allagash in Maine; the Wildcat in New Hampshire; and the Westfield in Massachusetts.

Each river designated into the national system receives permanent protection from federally licensed or assisted dams, diversions, channelizations and other water projects that would have a direct and adverse effect on its free-flowing condition and special resources. The Wild and Scenic Rivers Act explicitly prohibits any new dam or other project licensed by the Federal Energy Regulatory Commission (FERC) on or directly affecting a designated river segment, and requires that all other proposed federally assisted water projects in the area be evaluated for their potential impacts on the river's special features. Any project that would result in adverse effects to the designated segment is precluded under the Act.

This same protection is provided on a temporary basis for rivers that are under formal, legislatively authorized study for potential addition to the national system. The interim protection remains in place from the date of study authorization until Congress makes a decision on whether or not to designate the river into the national system, or until three years after a final study report is transmitted to Congress by the President, whichever comes first.

1.B LAMPREY RIVER STUDY BACKGROUND

History

The recent history of local interest in protecting the Lamprey River can be traced to the late 1970's when the Strafford Regional Planning Commission convened an

Members of the New Hampshire National Guard remove junked cars from the riverbank in Epping as a part of the river cleanup sponsored by the Town and National Park Service.

advisory group to study the river and prepare a master plan for its conservation. The interest of the advisory group in protecting the river crystallized in the formation in 1980 of an independent advocacy organization based around the river — the Lamprey River Watershed Association. One of the items recommended in the Plan, and inherited by this group, was to investigate a possible Wild and Scenic River designation.

Formal efforts to pursue a wild and scenic river study began in 1987 in response to heightened awareness of river values and growing frustration with local and state officials' inability to have their concerns recognized by the Federal Energy Regulatory Commission regarding proposed hydroelectric development at an existing low dam in Durham. On December 11, 1991, Congress passed Public Law 102-214 authorizing a 3 year study of a segment of the Lamprey River for potential inclusion in the National Wild and Scenic Rivers System.

A chronology of major events leading directly to the passage of study legislation is as follows:

May, 1982: License application filed for construction of Wiswall Dam hydroelectric facility by Southern New England Hydroelectric Development Corporation (SNEHDC).

1985: Town of Durham files competing application in an effort to prevent private development of site.

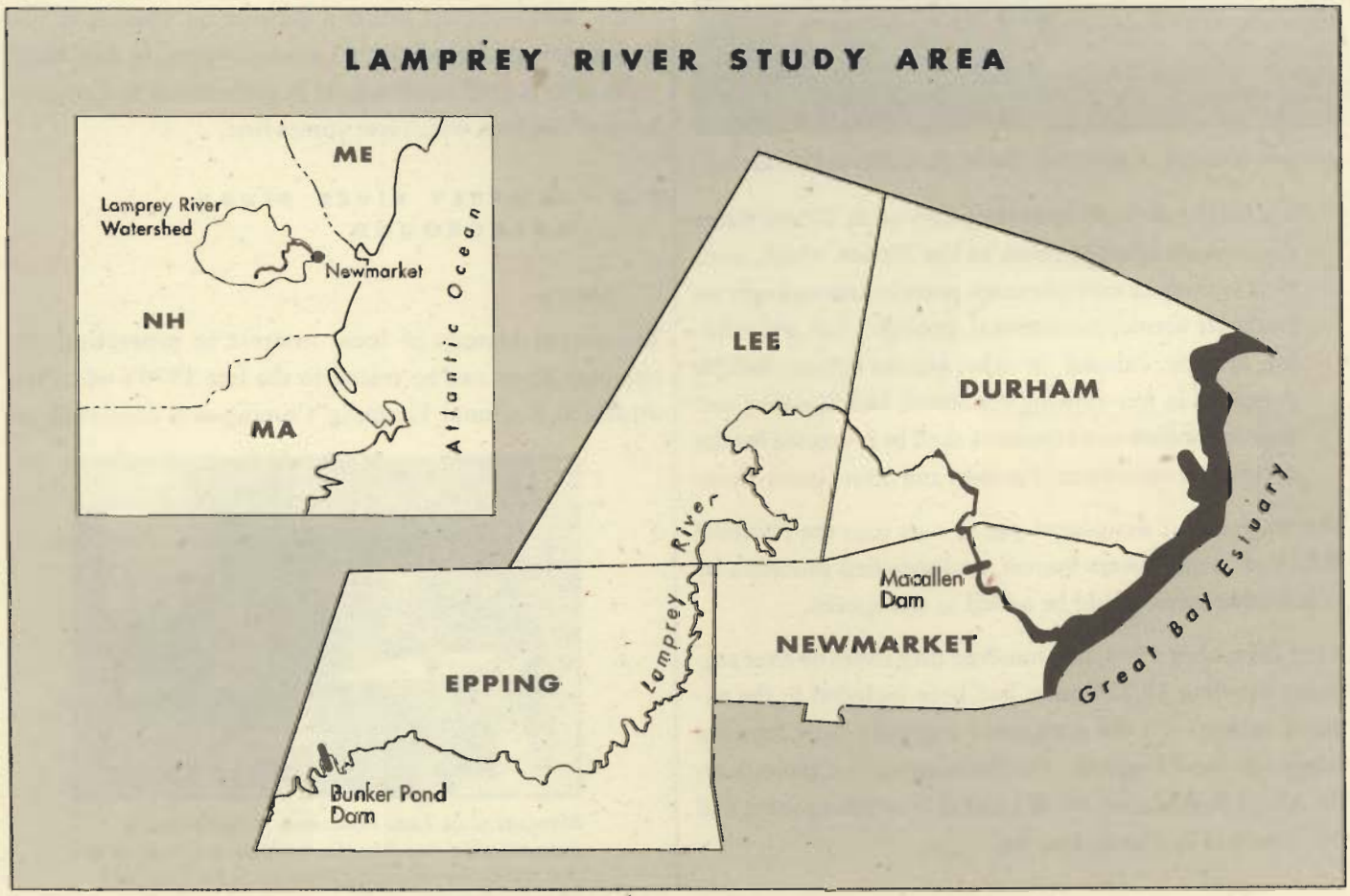
Aug., 1986: FERC rejects Durham's competing application for failure to provide requested information.

Nov., 1986: Abutter Carl Spang files motion to intervene in SNEHDC's license application.

June, 1989: FERC issues order granting license for the development of Wiswall site to SNEHDC.

July, 1989: Appeals of FERC order filed by towns of Durham and Lee, abutters, and NH Attorney General's Office.

Sept., 1989: Towns of Lee and Durham pass resolutions in support of a wild and scenic river study for the Lamprey River.



June, 1990: FERC issues order denying appeals of license issuance.

July, 1990: Appellants file requests for rehearing concerning order dismissing appeals.

Feb. 21, 1991: H.R. 1099 introduced by Representative William Zeliff.

S. 461 introduced by Senators Robert Smith and Warren Rudman.

Dec. 11, 1991: President Bush signs the "Lamprey River Study Act of 1991."

Feb. 18, 1992: FERC orders stay of license for construction of Wiswall hydroelectric facility pending outcome of wild and scenic river study.

Study Area

The Study Act directed the National Park Service to study a 10 mile segment of the Lamprey, including all of the river in the town of Lee (approximately 8 miles) and that portion of the river in the town of Durham above the Woodman's Brook confluence (approximately 2 miles). National Park Service testimony and congressional report language accompanying the authorizing legislation encouraged the study of additional segments if local support warranted it. With the support of the Lamprey River Advisory Committee and pursuant to votes of the Newmarket Town Council and Epping Board of Selectmen the study area was broadened to include all of the river between the Macallen Dam in Newmarket and the Bunker Pond Dam in West Epping. The revised study area comprised 24.4 miles of the Lamprey.

Members of the Lamprey River Advisory Committee review water quality sampling techniques with personnel from the New Hampshire Department of Environmental Services.

Partnership Study Approach

The Wild and Scenic River Study of the Lamprey River was conducted in formal partnership with the Lamprey River Advisory Committee, the NH Department of Environmental Services, and the Strafford Regional Planning Commission. Informal, though important, partnerships were also maintained with numerous other local interests including town boards, the Lamprey River Watershed Association, and NH Fish & Game Department (which provided meeting and office spaces in its Durham, NH offices).

The roles of the NH Department of Environmental Services (DES) and Strafford Regional Planning Commission (RPC) were defined through Cooperative Agreements. Through these agreements the DES provided substantial staff assistance for the study, and the RPC provided GIS mapping services for the storage, analysis, and visual presentation of collected study data and planning products. The Lamprey River Advisory Committee (LRAC) served as the central coordinating body for the study, and guided all major study activities.

The integral involvement of the LRAC and DES was fundamental to the study approach and success since the Lamprey River in Lee and Durham is a component of the NH Rivers Management and Protection Program. This program, which is discussed further in a later chapter of this report, is a state-level river protection program administered by the DES, and creates a local citizen oversight committee (the LRAC) with statutory responsibilities regarding management of the river.

Study Goals and Strategy

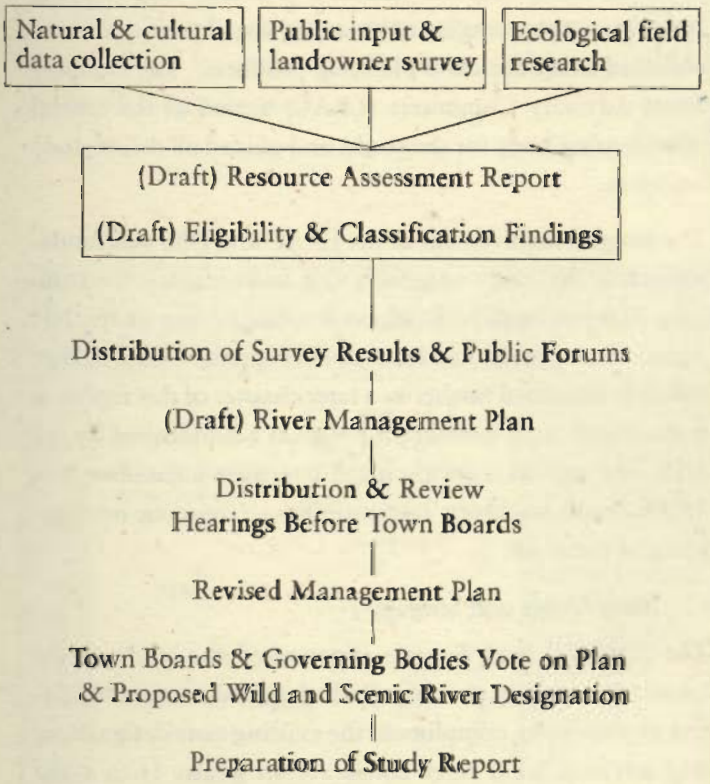
The National Park Service approached the study of the Lamprey with two primary goals designed to meet legislative expectations, compliment the existing state designation, and advance local river conservation goals: 1) to assist local communities in preparing and implementing a river conservation plan that addresses how best to protect the river's special qualities; and, 2) to determine whether the study segment of the Lamprey River should be added to the National Wild and Scenic River System.

Two additional points were established at the outset in recognition of local desires and expectations, expectations of congressional sponsors, and established NPS policy:

1) that the river management plan would emphasize private, local and state conservation measures as alternatives to federal land acquisition and management;

2) that federal designation of the study segment would only be recommended if there were strong local support expressed by vote of town meeting or town council.

From this starting point the NPS, DES, and LRAC developed a study strategy and work plan, the progression of which can be diagrammed as follows:



Several of the components outlined above are discussed in more detail in the brief paragraphs below and in subsequent chapters of this report. Substantial additional detail can be found in the companion documents to this report — the Lamprey River Resource Assessment and Lamprey River Management Plan.

Ecological Field Research

The NPS entered into a Cooperative Agreement with The Nature Conservancy's Eastern Regional Office to support two years of field research on selected indicator wildlife species and significant river-related plants and plant communities. The Nature Conservancy in turn was assisted by the New Hampshire Natural Heritage Inventory, and completed essential field research, the results of which are fully described in the Lamprey River Resource Assessment.

Public Involvement

One of the most important elements of the study strategy was to involve the interested public to the greatest extent possible. The LRAC, whose members are nominated by the towns to represent diverse interests, was the focal point for public involvement. One of the first tasks of the LRAC working with staff from the NPS and DES was to develop a public involvement plan as an integral part of the study process. Some highlights of public involvement opportunities occurring throughout the study are listed below.

- Monthly meetings of the LRAC open to the public
- A survey of all riverfront landowners regarding river management and protection issues
- Town-by-town public forums held at the study's midpoint to discuss the draft Resource Assessment and riverfront landowner survey results, and to gather input to the early stages of management plan development
- Wide distribution of draft Lamprey River Management Plan, including the mailing of summaries to all riverfront landowners and notifications of availability in local papers
- Draft Plan review by town planning boards and conservation commissions through regular publicly noticed meetings
- Plan review by town councils (Newmarket & Durham) and Boards of Selectmen (Epping & Lee) through regular publicly noticed meetings

Booths at town fairs, articles in local and regional publications, numerous talks with citizens' groups, and similar outreach efforts supplemented the above activities.

CHAPTER 2

REGIONAL SETTING AND RESOURCE ASSESSMENT SUMMARY

This chapter provides a basic summary of information contained in the Lamprey River Resource Assessment. At over 100 pages, the Resource Assessment provided a thorough foundation for the development of the Management Plan, and will likewise serve as a continuing resource for sound river management in years to come.

Aerial views of the Lamprey River study area in winter.

Regional Setting

The Lamprey River is situated in coastal New Hampshire and includes portions of Strafford and Rockingham counties. It is the largest of the rivers that discharge into Great Bay, a designated National Estuarine Research Reserve consisting of 4,500 acres of tidal waters and wetlands and 800 acres of upland. Both in physical dynamics and biological productivity, the Great Bay estuary contributes immeasurable economic value to the Northeast and clearly constitutes one of New Hampshire's prime natural areas. The Lamprey's size alone marks its importance to Great Bay. Its good water quality and intact riparian habitat throughout much of the watershed create an important link between the estuary and inland areas. The study area represents the lower reaches of this 212 square mile watershed. From its headwaters the river drops vertically 600 feet. Within the study area the river drops 150 feet.

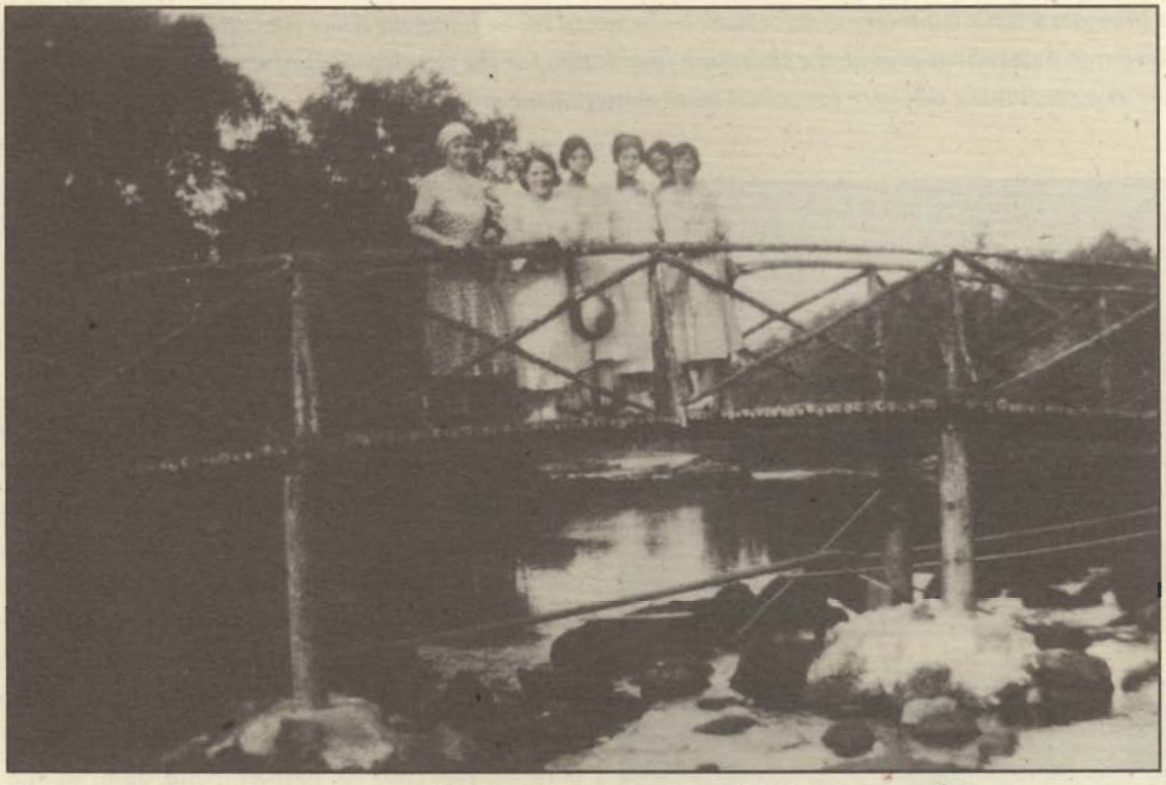
Community Resources

The Towns

Epping, 1990 population of 5,162, is situated farthest upstream in the study area. The Town Hall sits on the river, which flows through the downtown area and historically has played significant roles as a friend to commerce and an enemy to flood-prone buildings. Today the river is appreciated for its scenic and recreational value and only traces of old mill sites remain. Even in the downtown area, the Lamprey is lined with trees. The town sponsors an annual canoe race down the river and maintains one developed ball park on the river at Bunker Pond dam, at the western terminus of the study area. Additional town owned land consists of two small holdings in downtown Epping and two forested tracts of 11 and 12 acres maintained as natural areas.

Lee is the smallest and most rural of the four study area towns. It has a population of less than 4,000 and a small village center consisting of a general store, town offices, library, and police department and located 0.6 miles from the Lamprey River. The town has an active conservation commission and has protected more than 300 acres of land, including one conservation area in a residential subdivision that separates houses from the river. Several large farms including one owned by the University of New Hampshire have frontage on the river in Lee. The zoning ordinance limits nonfarm commercial activity to an area far from the river.

Durham, home of the University of New Hampshire, is the largest of the four study area towns, with a 1990 population of 11,818. Most of the development and focus of community life centers around the University in the town center. The Lamprey River corridor is characterized by dispersed residential dwellings and forested land, with several large agricultural fields concentrated near the Newmarket town line. The town owns a significant 80-acre natural



An historic photograph taken at the Highland House in Durham. Now owned by the University of New Hampshire, Highland House was once a summer destination for vacationers from cities throughout the Northeast.

area known as the Moat consisting of an island, riverine marshland, and forested uplands on the Lamprey River. The town also owns land at Packers Falls, one of the most challenging white water rapids on the Coast and a scenic area at all times of the year, and at Wiswall dam, which is listed on the National Register of Historic Places.

Newmarket is an old mill town still dominated by remarkably beautiful granite mill buildings on the banks of the Lamprey which operated continuously as textile mills for more than a century. The downtown commercial and industrial mill district, consisting of 140 sites, is listed on the National Register of Historic Places as "[a] unique example of a New England mill town developed as a Waltham-type cotton textile manufacturing community." There have been mills on the river here since the mid-1600s. The dam in place at the "first falls" today separates fresh and salt water portions of the Lamprey River. It is the eastern terminus of the study area and is equipped with a fish ladder that the NH Fish and Game Department operates. Newmarket has a population of 7,157, and the river corridor reflects urban settlement, with condominiums on one side and residential dwellings on the other. The town owns a small park on the Lamprey providing public access, picnic tables, and walking trails.

Landownership Patterns

Except for the University holdings in Lee and the nine town-owned parcels on the river, the land on the Lamprey is privately owned by some 268 individuals. One-quarter (65) of all private landowners own 56 percent of the frontage. Of the public entities with frontage on the river, the University owns the most, with 1.7 miles.

Recreational Use

The river and access to it define what recreational activities occur. In upstream reaches people most often use the river recreationally for fishing, canoeing, kayaking, and swimming in the summer and for cross country skiing, skating, and snowmobiling in the winter. In lower reaches of Durham and in Newmarket the river is deep enough for motor boats. The river's scenic quality and natural appearance are clearly a major attraction. The NH Fish and Game Department stocks brook, brown, and rainbow trout in Lee and Durham and maintains shad and herring restoration programs on the Lamprey.

Except on town owned land in Durham and Epping, there are no formal, designated public trails along the river. Informal hiking, snowmobile, ski, and horseback riding trails have been created by common use or negotiated, generally by snowmobile clubs, with landowners.

New Hampshire Fishing Maps characterizes the Lamprey as "a truly exceptional river offering a vast variety of fishing. It contains every type of stream and river fish you could expect to find in New England. Undeveloped along its entire length, except at Newmarket, it is a pretty river to be on and to fish." The Appalachian Mountain Club guide characterizes lower portions of Epping and upper reaches of Lee as "a long, smooth stretch" that "twists through old pastures and woods .. For a quiet retreat into the woods, the first 4 miles [from Wadleigh Falls east] are superb .. quiet paddling past densely forested banks of hemlocks and hardwoods."

Natural Resources

A coastal river, the Lamprey valley was subject to both glacial ice and oceanic influences during the Pleistocene. Extensive clay, sand, and gravel deposits attest to marine incursions. Today, the river is linked to the ocean through Great Bay.

Lowlying, the Lamprey River not infrequently floods northerly in Durham into the Oyster River watershed and easterly in Lee and Newmarket into the Piscassic River watershed. Despite regional development pressures, the corridor and natural dynamics of the river have remained remarkably intact. The riparian ecosystems reflect this relative naturalness and give the river a significance beyond that of its individual components.

Fish and Wildlife

The Lamprey is considered New Hampshire's most significant river for all species of anadromous fish. River herring (largely alewives), American shad, and Atlantic salmon are the principal anadromous species found in the Lamprey. Sea lamprey, a parasite on other fish, also come upriver to spawn. Anadromous fish were the reason for listing the Lamprey on the Nationwide Rivers Inventory, published by the National Park Service in 1982. Common warmwater fish include members of the sunfish, catfish, and pike families.

Field work during the Wild and Scenic study included mussels, with an emphasis on rare species. Six of the State's nine known freshwater mussel species were documented during 1993-94, including one State listed endangered species, the brook floater (Alasmidonta varicosa), which is also a candidate for federal listing. Its presence is a strong indicator of good water quality.

One of the Wild and Scenic Study field assessments focused on bird use of the river and its immediate environs. The diversity of bird species documented in this assessment reflects the variety of habitats in the river and river corridor. Birds characteristic of open fields, wetlands, interior forests, and open water occur in the study area. In total 159 species were documented during 1993-94 observations.

All six turtles known to occur in New Hampshire, including three relatively rare species have been documented in the study area. These species will serve future monitoring efforts since they are sensitive to recreational use, changes in flow, habitat fragmentation, and other impacts of changing land use and human pressure.

The varied habitats in the corridor support a wide diversity of mammals as well, including beaver, mink, river otter, black bear, fisher, gray fox, red fox, and opossum.

Plants

Botanical studies documented 329 species of vascular plants, of which 252 are restricted to wetlands and floodplain communities (a study emphasis). The plants grow in an array of habitats, from river channel and riverbanks to marshy river margins, river rapids, floodplain forests and oxbows, to streamlets and associated marshes and swamps, and upland forests. Especially significant communities assessed during 1994 include the river rapids, floodplain ecosystems, a large swamp white oak swamp, and the Moat Island area in Durham. Several rare plants also occur in the study area.

Cultural Resources

According to the State Architectural Historian, the Lamprey is one of New Hampshire's most historic streams. Archaeological remains from one of the ten most significant sites in the state, at Wadleigh Falls in Lee, date back some 8,000 years. Because the riparian zone has remained relatively undeveloped, it is likely that archaeological sites have been well preserved. The river's deep inland penetration adds to its archaeological significance by offering the potential to reveal distribution and dispersal patterns of native American people.

Mill site remains and written histories tell the river's more recent settlement story. Virtually all the rapids at one time supported mills where progressively more refined products were produced. One National Register site, at Wiswall Dam in Durham, began as a sawmill, followed by a grist and flour mill, then various other manufacturing pursuits, including textiles, shoe knives, hoes and pitch forks, nuts and bolts, bobbins, carriages and sleighs, chairs, matches, and wallpaper.

Other notable historic resources in the corridor are the 280-acre Camp Hedding property on the Lamprey in Epping established as a Methodist meeting camp in 1863 and Highland House, at Packers Falls in Durham, a 19th century farm turned early 20th century destination resort hotel, now in University of New Hampshire hands.

Canoeing is a popular early summer activity on the Lamprey.

CHAPTER 3

ELIGIBILITY AND CLASSIFICATION FINDINGS

The purpose of this chapter is to document National Park Service findings relative to: 1) the "outstandingly remarkable" natural and cultural resource values associated with the Lamprey River study segments; 2) the "free-flowing character" of study segments; and 3) proposed "classifications" under which eligible river segments could be included in the National Wild and Scenic Rivers System.

These findings are based on the information contained in the Lamprey River Resource Assessment.

3.A ELIGIBILITY AND CLASSIFICATION CRITERIA

The subsections below describe the relevant eligibility and classification criteria as set forth in the Wild and Scenic Rivers Act and in the USDA/USDI Interagency Guidelines for Eligibility, Classification, and Management of River Areas as published in the Federal Register on September 7, 1982.

The lower reaches of the study area.

Outstandingly Remarkable Values

To be considered eligible for inclusion in the National Wild and Scenic Rivers System a river segment, together with its adjacent lands, must support one or more "outstandingly remarkable" natural, cultural, or recreational resource values. Such resource values must be directly related to, or dependent upon, the river. The "outstandingly remarkable" threshold within the Act is designed to be interpreted through the professional judgement of the study team.

The descriptions below provide examples to help interpret this "outstandingly remarkable" eligibility requirement.

Nationally Significant Resource Values

Resource values which are nationally significant clearly meet the "outstandingly remarkable" threshold. A nationally significant resource would be rare or exemplary at a national scale. For example, a recreational boating experience which draws visitors from all over the nation would qualify as a nationally significant recreational resource.

Regionally Significant Resource Values

Based upon the desirability of protecting a regional diversity of rivers through the national system, a river segment may qualify based on regionally rare or exemplary resource values. For example, a river segment which supports wildlife populations rare or endangered within a given region (New England or New Hampshire in this case) can qualify even if that population may not have clear "national" significance.

Resource Values Significant in Aggregate

A river may qualify for a given resource value based upon an aggregate of important values, no one of which would confer eligibility standing alone. For example, a series of unusual and distinctive river-related geologic features may together qualify a segment as exhibiting an "outstandingly remarkable geologic resource value" even though no one element meets the criteria alone.

Free-flowing

The Wild and Scenic Rivers System is designed to protect only "free-flowing" rivers and streams that support qualifying resource value(s). The Act's definition of "free-flowing" varies somewhat depending upon the potential classification of the river area under consideration. Potential "Wild" and "Scenic" river segments must exhibit essentially natural stream channels and may not be dammed

or impounded. "Recreational" river segments may be more impacted by channel alterations and may include "some existing impoundments, diversions, and other modifications of the waterway," as long as the river remains "generally natural and riverine in appearance."

Classification Criteria

The Wild and Scenic Rivers Act requires that all eligible or designated river segments be classified as Wild, Scenic, or Recreational. These classifications are based solely on the amount of human impact present at the time of classification. The Act defines them as follows.

Wild river areas - Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic river areas - Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational river areas - Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

3.B OUTSTANDINGLY REMARKABLE RESOURCES

This subsection describes the outstanding natural and cultural values supported by the Lamprey River through the study area. Not all river reaches in the study area support all noted outstanding values, but there is no stretch of river which does not contribute to the viability of the whole.

OUTSTANDING RESOURCE: ECOLOGY

The Lamprey River is the most important tributary to the Great Bay National Estuarine Research Reserve. Its undeveloped and natural floodplain, shoreline and wetlands provide an outstanding diversity of wildlife habitats. In addition, the study segment supports regionally significant populations of freshwater mussel species, including the endangered brook floater.

Ecological Value

Ecology is the science of the relationships between organisms and their environment. The value of an ecological system can be seen through factors of ecological integrity and biological significance. The significance of the Lamprey's ecological value is characterized by its hydrology, its riparian and upland habitats, and the terrestrial and aquatic wildlife they support.

Focus on Hydrology

The Lamprey River is the most important freshwater tributary to the Great Bay National Estuarine Research Reserve. The Great Bay Estuary derives its freshwater from seven major rivers. The Lamprey, Squamscott and Winnicut rivers flow directly into Great Bay. The Bellamy and the Oyster rivers flow into Little Bay, while the Salmon Falls and Cocheco rivers combine to form the Piscataqua River which flows to the open coast. The Lamprey River has the largest drainage area and the highest mean discharge of any of these rivers, and, of the three rivers flowing directly into Great Bay, it is more than fifty percent larger than the other two combined.

RIVERS FLOWING DIRECTLY INTO GREAT BAY

Rivers	Drainage Area (km2)	MeanDischarge (m3/sec)
Lamprey	543	7.9
Squamscott	331	4.6
Winnicut	19	—

The Lamprey's hydrological system is also remarkable for the magnitude and duration of the droughts and floods which characterize its seasonal cycles. The historical range of recorded flows varies from a high of more than 7,500 cfs to a low of 1 cfs. Similar extremes are reached on a regular seasonal basis, with high and low flow periods extending over weeks or even months.

The Lamprey is unusual in that no attempt has been made to control the river's frequent and significant flooding. Regular flooding renews and maintains the river's often extensive floodplain through scouring and sediment transport/deposition. Floodwaters also create backwater habitats and refugia for numerous dependent wildlife species.

Each year thousands of river herring return to the Lamprey to spawn.

Likewise, the extreme late summer drought conditions are a natural aspect of the river's hydrology and ecology. Plant and animal species associated with and dependent upon the river have adapted to these conditions and make maximum use of natural pools, beaver impoundments, backwaters, and wetland areas during such periods of stress.

The Lamprey offers an exciting opportunity to study the relationship between such extreme, natural hydrological conditions and the living organisms that have adapted to them.

Focus on Wildlife and Habitat Diversity

The entire Lamprey River corridor from West Epping to Great Bay is both remarkably undeveloped and remarkably undisturbed, offering a variety of outstanding wildlife habitats. Of particular importance are the river's intact riparian vegetation, natural floodplains, and associated wetlands. Twenty-five percent of the 1/4 mile study corridor is classified as wetland, most of it forested.

Wildlife and habitat inventories conducted during the study period reveal aquatic and terrestrial species' compositions indicative of a healthy and undisturbed ecosystem. Existing natural habitat conditions are critical to a wide variety of upland and riparian resident species, as well as to numerous migrant species. These conditions are all the more remarkable and valuable given the Lamprey's location in the most densely populated and fastest growing region of the state.

Below is a brief discussion of wildlife species studied for their value as indicators of ecological and wildlife conditions in the study corridor.

Mussels

Portions of the Lamprey surveyed during the 1993-94 field seasons revealed freshwater mussel resources of statewide significance. Healthy populations of six freshwater mussel species were found; only one river in the state is known to support a greater diversity. A viable population of the brook floater mussel (Alasmidonta varicosa) was among those found. This is significant since the brook floater is a state listed endangered species and a candidate for federal listing.

Turtles

All six extant turtle species occurring in the State of New Hampshire were documented in the Lamprey corridor, including the Spotted Turtle, Blanding's Turtle, Snapping Turtle, Wood Turtle, Painted Turtle, and Musk Turtle. Populations of Blandings, Spotted, and Wood turtles are in decline throughout New England and the rest of their range, the result of habitat loss, degradation, and fragmentation. New Hampshire's Blanding's population is recognized as globally significant, and is concentrated in southeastern New Hampshire where threats to its viability are serious and accelerating.

Each of the six turtle species is dependent upon different instream, riparian, wetland, and upland habitats, and the presence of all six on the Lamprey is a strong indicator of healthy and diverse riparian ecological conditions.

Birds

One hundred fifty-nine woodland, riparian, and waterfowl species were documented in and along the Lamprey during the 1993 and 1994 field seasons. Species composition and diversity were remarkable and largely devoid of species which favor disturbed and developed areas.

- State-endangered species: pied-billed grebe, bald eagle, peregrine falcon, sedge wren
- State-threatened species: northern harrier, osprey, common nighthawk
- Declining (state): black duck, least flycatcher, American redstart, wood thrush

- Declining (national): bobolink, meadowlark
- Species of concern (state): red-shouldered hawk, whippoorwill

Shad wait at the Macallen Dam in Newmarket where New Hampshire Fish and Game personnel count the fish and collect other data.

Anadromous Fish

The Anadromous Fish Conservation Act of 1965 makes restoration of anadromous fish a national priority.

The Lamprey River has been identified as the most important anadromous fish resource in New Hampshire by both the NH Fish and Game Commission and the state legislature.

OUTSTANDING RESOURCE: ANADROMOUS FISH

The Lamprey River is recognized as the state's most important anadromous fishery because of its species diversity and habitat quality.

The following anadromous fish species are found in the Lamprey River:

- Atlantic Salmon
- Alewife
- American Shad
- Blueback Herring
- Sea Lamprey

It is presently the largest contributor of anadromous species to the Great Bay watershed. Installation of fish passage at the Wiswall dam would increase the available upstream habitat by 43 miles, opening up many times the existing freshwater spawning and rearing habitat. See the map entitled "Anadromous Fish Habitat."

OUTSTANDING RESOURCE: ARCHAEOLOGY

The Lamprey's Wadleigh Falls site is recognized as one of the earliest and most important in the state. The national significance of the Wiswall Falls site is documented through its listing on the National Register of Historic Places.

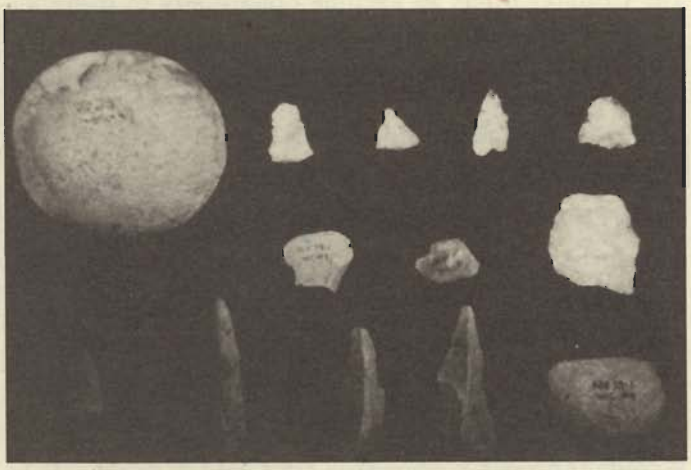
Archaeology

There are two well-studied and highly significant archaeological sites along the Lamprey River at Wadleigh Falls in Lee and Wiswall Falls in Durham.

The Wadleigh Falls site is among the ten most significant sites in New Hampshire. It is cited as "rich in prehistoric cultural remains found in an undisturbed context." The site was first occupied 8,630 ± 150 years ago, placing it among the earliest dated sites in the state.

The Wiswall Falls mill site is listed on the National Register of Historic Places. It contains the remains of nine separate structures and represents the town's most important example of nineteenth century manufacturing.

The archaeological potential of the whole corridor is extremely high, based on the quality of the known sites, the concentration of pre-Colonial activity along this river, and the undeveloped shoreline.



Native American artifacts found at Wadleigh Falls, one of the most significant archaeological sites in New Hampshire.

3.C FREE-FLOWING DETERMINATION

This subsection describes the free-flowing character of both the congressional study segment and the additional upstream and downstream reaches under consideration.

FREE-FLOWING DETERMINATION

Segment	Character
Lee and Durham to Woodman's Brook	Free-Flowing
West Epping to Lee line	Free-Flowing
Woodman's Brook to Piscassic River	Free-Flowing
Piscassic River to Macallen Dam	Not Free-Flowing

Congressional Study Segment

The entire 10 mile segment from the southern Lee town line to Woodman's Brook in Durham was found to meet the free-flowing criteria of the Wild and Scenic Rivers Act.

The only active impoundment in this area is the National-Register-listed Wiswall dam. This small run-off-the-river structure does not alter the riverine appearance of the upstream river area, and therefore meets the "generally riverine in appearance" standard for segments eligible for "recreational" classification under the Act.

This standard is elaborated upon in the 1982 Guidelines from the departments of Agriculture and Interior as follows:

> There may be some existing impoundments, diversions and other modifications of the waterway having an impact on the river area. Existing low dams, diversion works, riprap and other minor structures will not bar recreational classification, provided the waterway remains generally natural and riverine in appearance.

Additional Segment - Upstream

The entire segment in Epping from the Bunker Pond Dam to the Lee town line was found to be free-flowing. This 11.5 mile segment contains no active impoundments and few other alterations to the natural stream channel.

Additional Segments - Downstream

The remaining 2+ river miles between Woodman's Brook and the Macallen Dam in Newmarket are influenced to some degree by that dam's impoundment. The 1.5 mile segment between Woodman's Brook and the confluence of the Piscassic River at the Durham/Newmarket town line meets the Act's requirement of "generally riverine in appearance," and therefore meets the free-flowing criteria for eligibility.

The remainder of the Lamprey in Newmarket above the dam is impounded to a significant degree. The question of whether this segment could qualify for "recreational" classification under the Act is not clear cut, but is judged best to be excluded.

3.D PROPOSED CLASSIFICATIONS

This subsection defines the proposed classifications for portions of the river found eligible for designation.

PROPOSED CLASSIFICATIONS

Segment	Classification
Bunker Pond Dam to Lee line	Recreational
Southern Lee town line to Piscassic River	Recreational

Southern Lee Town Line to Piscassic River

The overall feel of this segment is of a scenic and pastoral landscape with substantial portions remarkably undisturbed and natural. This portion of river is classified under the NH Rivers Management and Protection Program as "rural," a nomenclature which better fits the segment's character than either the "scenic" or "recreational" categories of the federal Act.

The segment contains extremely secluded areas that would meet the "scenic" criteria as well as areas of parallel roads, residential development, and riverfront camps that would more appropriately be classified as "recreational." There are four bridge crossings and two utility crossings in this 11.5 mile segment. This segment also contains the Wiswall Dam and its small backwater.

The relatively short nature of this segment argues for one classification for the entire reach. In the absence of a "rural" option under the federal program, the recommended classification is "recreational."

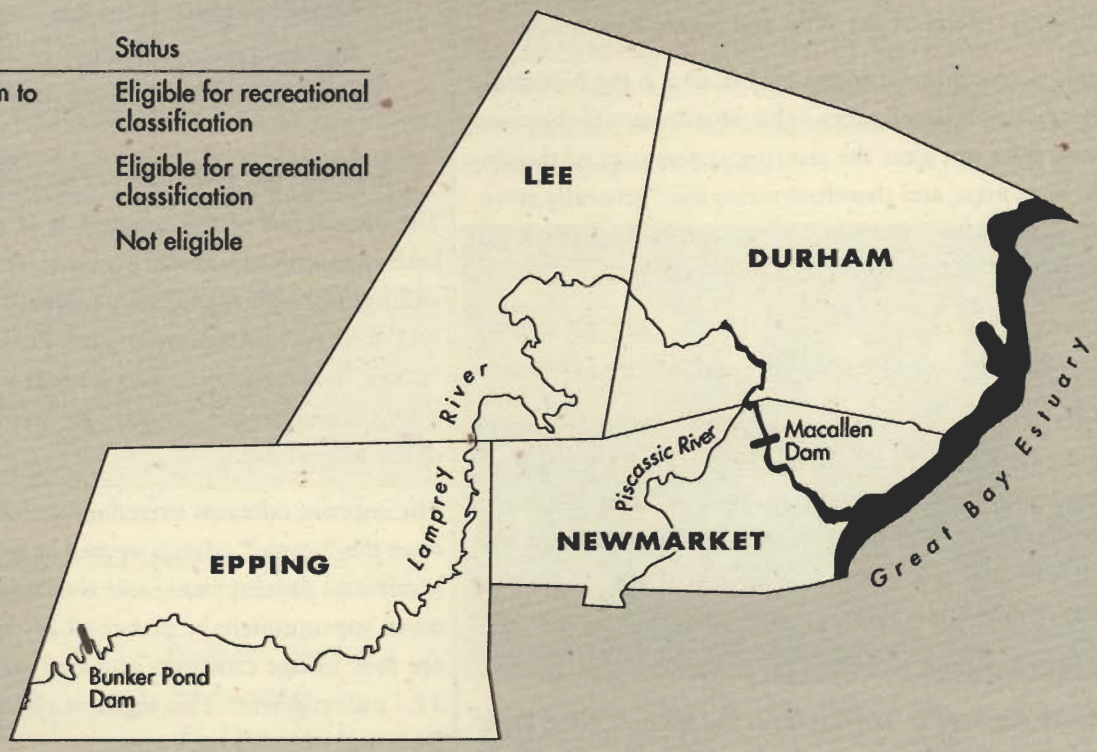
Additional Segment - Upstream

The majority of the river in Epping is very secluded and undeveloped. There are four bridge crossings in this 12 mile segment, two of which are in the Epping town center. Parallel roads are present on one or both sides of the river, but are rarely visible from the water, and are generally not in close proximity. There are no significant channel alterations or impoundments in this section. Few structures are apparent from the river beyond the town center and a short stretch in West Epping.

On balance, the most appropriate and straightforward classification for this segment is "recreational," with a recognition that the state's "rural" category is more appropriately descriptive.

SUMMARY OF ELIGIBILITY AND CLASSIFICATION FINDINGS

Segment	Status
Bunker Pond Dam to Southern Lee line	Eligible for recreational classification
Southern Lee line to Piscassic River	Eligible for recreational classification
Piscassic River to Macallen Dam	Not eligible



CHAPTER 4

SUITABILITY FINDINGS

This chapter states the study's findings relative to Section 4(a) of the Wild and Scenic Rivers Act that requires the study report to detail the river's suitability or non-suitability for national designation.

4.A PRINCIPAL FACTORS OF SUITABILITY

For rivers such as the Lamprey that flow through predominantly private lands the National Park Service has identified several factors upon which the suitability decision should be made:

(1) the adequacy of existing protection measures to conserve the river's outstanding resources without the need for federal land acquisition or federal land management;

(2) whether there is an existing or proposed management framework that will bring the key river interests together to work toward the ongoing protection of the river;

(3) the strength of local support for river protection and national designation; and

(4) the effects of designation on uses of the land, water base, and resources associated with the river, the neighboring communities, etc.

4.B EXISTING PROTECTION

4.B.1 REGULATORY PROTECTIONS

New Hampshire Rivers Management and Protection Program

In 1991 that portion of the Lamprey River flowing through the towns of Lee and Durham was designated by act of the state legislature as a protected river under the New Hampshire Rivers Management and Protection Program (RMPP). The RMPP was established in 1988 to address the problems of conflicting demands on significant river resources. River segments are designated into the RMPP upon completion of a locally driven nomination process.

The RMPP is administered by the NH Department of Environmental Services, and the protection it provides complements and reinforces existing state and federal water quality laws, establishes a protected flow for each river in the program, and creates state recognition for local river management advisory committees established under the act to review and comment on any federal, state, or local government proceedings affecting state-designated rivers. Both the NH DES through a State Rivers Coordinator and the local advisory committees have heightened standing before state agencies such as the State Wetlands Board to ensure that the special values of designated rivers receive adequate consideration in weighing the merits of proposed development activities.

NH Rivers Management and Protection Program

protects:
- flow
- water quality

limits or prohibits:
- changes to banks, dams
- interbasin transfers

creates:
- a local advisory committee

Designation also provides additional instream protection measures based on a river's classification. The Lamprey River is classified a "rural" river, which establishes a state policy against the construction of new dams and the reconstruction of breached dams after six years. Interbasin transfers also are precluded, which, for the Lamprey, precludes diversion of Lamprey waters beyond the NH seacoast watershed (Coastal Basin). No channel alterations that would interfere with or alter the river's natural flow characteristics are permitted on a rural river except under special conditions. By definition, rural rivers,

> shall be maintained and protected from significant discharges, unless the petitioner can prove to the Division [of Water Supply and Pollution Control], in accordance with the state's antidegradation implementation policy, that allowing limited water quality degradation is necessary to accommodate important economic and social development in the area in which the receiving water is located. In allowing limited degradation or lower water quality, the applicant shall provide adequate scientifically valid documentation to the Division that existing uses and water quality standards shall be fully protected.

The RMPP contains limited provisions regarding adjacent land uses, specifically precluding new landfills within the

500 year floodplain, new hazardous waste facilities within 1/4 mile of the river, and other new solid waste facilities within 250 feet of the river. The only fertilizers permitted within 250 feet of the shore are manure, lime, and wood ash. The law does not otherwise interfere with local zoning, the rights of riparian landowners or otherwise preempt local authority.

An important part of the RMPP's protection is locally supplied through the creation of a citizens advisory committee. The Lamprey River Advisory Committee (LRAC), which served as a primary partner in the conduct of the Wild and Scenic River Study, is that citizens committee for the Lamprey. Under state law the LRAC guides river management through development of a coordinated river management plan, and through review and comment on development, permitting, and other issues affecting the river. The next subsection of this chapter (Management Framework) returns to the LRAC and its functions.

The river at Lee Hook Falls.

Wetland and Streambank Protection

Dredge or fill activity in wetlands is subject to review by the State Wetlands Board and must be authorized before work proceeds. Permits are generally conditioned upon adherence to Best Management Practices, and environmental impacts must be minimized. Under the RMPP both the LRAC and the State Rivers Coordinator are authorized, and expected to comment on projects affecting the designated segment. The Federal 404 program complements State wetlands law.

Larger rivers in the state and all lakes and ponds of 10 acres or more are governed by the NH Shoreland Protection Act, RSA 483-B, which became effective in July 1994. The law establishes minimum standards for timber harvesting, clearing, and development of land within 250 feet of the water's edge aimed at preventing water pollution, protecting buildings and lands from flooding and accelerated erosion, and other public purposes. It applies to the Lamprey River in Epping and Newmarket but presently exempts rivers in the RMPP pending completion of local management plans and legislative review for consistency of local ordinances with the minimum standards of the Act.

Additional State Programs

Other state laws directly relevant to river protection include:

- water protection planning assistance (RSA 4-C:19-23);
- excavation requirements, specifically the prohibition against excavation within 75' of any navigable river or great pond and 25' of any perennial stream (RSA 155-E:4 II-a);
- timber harvesting law, specifically limiting basal area cut within 150' of a river to <50% unless for development and prohibiting slash (RSA 224:44);
- pesticide application requirements, specifically the regulation of pesticides near any stream or other surface waters per rules adopted under RSA 541-A (RSA 430:46);
- enforcement of legislated water quality classifications (RSA 485-A:12);
- terrain alteration requirements for 50,000 and 100,000 sq. ft. (RSA 485-A:17);
- septic setbacks (RSA 485-A:29, A:32, Env.-Ws 1008.03, and RSA 483-B:9 V(b));
- dredge and fill laws, specifically no activity in a river or riverbank without a permit (RSA 482-A:3);
- motor boat operating restrictions, particularly, speeds no greater than headway speed within 150' of the shoreline (RSA 489 and RSA 270:12); and
- endangered wildlife and plant protection (RSA 212-A and RSA 217-A, respectively).

Local Regulations

All four municipalities have established zoning ordinances which serve as the primary tool for regulating land uses of upland areas adjacent to the Lamprey. The vast majority of

SUMMARY OF LOCAL LAND USE REGULATIONS, AS OF 6/93

	NEWMARKET	DURHAM	LEE	EPPING
Zoning (all basic restrictions 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 ft² must be "developable," ≤25% impervious lot coverage	Lgely Residential: 40,000 ft², ≤30% lot coverage by bldgs, vpd soils excluded from lot size determination where > 1 dwelling
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 determin-ation. 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

SUMMARY OF LOCAL LAND USE REGULATIONS, AS OF 6/93 (CONTINUED)

	NEWMARKET	DURHAM	LEE	EPPING
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 ≥25%	YES - ≥20 ac, 20% in open space, residential and nonresidential. Provides for greater density w/ formula for calculating net acreage; Council approves	YES - ≥20 ac, ≥25% open space, residential only, community water. No increase in overall density allowed.	YES - ≥10 ac, residential only, no community septic. ≥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 ≥25% considered in PUD open space and lot calc.	Slopes ≥15% defined as undevelopable for lot size determinations	Slopes ≥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

the Lamprey River corridor is zoned for low intensity "rural" or "rural residential" development. See "Generalized Zoning Map." Each town has building setbacks from the river of at least 100 feet, and three of the four (Durham, Lee, and Newmarket) have cutting limitations which govern retention of riparian vegetation. Durham and Lee require the retention of a well-distributed stand along the river, while Newmarket defines its cutting restrictions by size (no cutting of trees >10 inches in diameter). Epping is now subject to the state Shoreland Protection Act buffer requirements. All four towns have adopted FEMA-driven floodplain protection ordinances, and all have restrictions and prohibitions on activity in wetlands. Both Lee and Durham have additional buffer zone provisions limiting activity in upland areas around wetlands. All have aquifer protection ordinances and ordinances governing development on steep slopes.

4.B.2 PHYSICAL LIMITATIONS TO DEVELOPMENT

Wetlands, floodplains, steep slopes, and soil conditions (depth to bedrock, surficial stone cover, permeability, and shrink-swell potential) substantially limit the potential for development of the riparian zone and much of the river corridor. See maps entitled "Wetland Soils," "100 Year Floodplain" and "Soils Potential for Development." Wetlands alone make up 22% of the land area within 1/4 mile of the Lamprey in the four-town study area.

The most significant physical limitation to development, however, is provided by the river's substantial floodplain areas. This is the case since the Lamprey is noted for its frequent and heavy spring floods. Unlike many similar rivers with a long history of adjacent community settlement and use, the Lamprey's high spring flows are not subject to man made flood control structures, a fact which has proven effective in discouraging structural development of the floodplain.

4.B.3 CONSERVATION OWNERSHIP

Except for the handful of relatively small parcels in town ownership and 310 acres held by the University of New Hampshire, very little land in the corridor is permanently protected. The vast majority of riverfront land is owned by individual owners whose stewardship of the land and river has stood the test of time.

During the course of the study, the LRAC in cooperation with the Society for the Protection of New Hampshire Forests, the Lamprey River Watershed Association, the National Park Service, a local land trust, and local conservation commissions were inspired by new data concerning the ecological value of the river to initiate a voluntary land protection program to assist private landowners desiring to permanently protect sensitive riparian habitats. This program, together with educational initiatives of the LRAC and LRWA should help augment what is already one of the Lamprey's strongest assets, its concerned landowners.

4.B.4 ADDITIONAL SUPPORTING PROGRAMS

Since the installation of a fish ladder at the Macallen Dam in Newmarket in 1971, hundreds of thousands of river herring have passed up the ladder to spawn. The New Hampshire Fish and Game Department initiated a shad restoration program on the Lamprey River in 1972. Today shad are no longer stocked, but their returns are monitored. The salmon program also was initiated in the 1970s. The Department, with help from more than 100 volunteers, continues to stock the river and its tributaries with Atlantic salmon fry and captures returning adults as brood stock. The Department strongly supports installation of a fish ladder at the Wiswall Dam and prevention of hydroelectric development there.

Founded in 1980, the Lamprey River Watershed Association is committed to protecting the Lamprey River. Its members include riverfront landowners, members of town boards, river recreationists, and conservation-minded area residents. The LRWA's activities range from river clean ups, tube racing, and river guide production to landowner workshops and lobbying. The LRWA spearheaded nomination of the Lee/Durham portions of the Lamprey into the RMPP. It was instrumental in garnering the necessary local and federal support for the Wild and Scenic River Study. The LRAC's Management Plan acknowledges the Association's local credibility and identifies it as a key player in future river protection efforts.

The University of New Hampshire's archaeology department has participated in two archaeological digs on the Lamprey in the study area as well as cursory assessments of archaeological sites in the corridor. It maintains a strong interest in additional research and is represented on the LRWA's board of directors.

The State Department of Environmental Services completed a study of nonpoint pollution sources in the watershed during 1993-94 and remains committed to eliminating known sources of contamination and clarifying problems from as yet unknown sources.

4.C MANAGEMENT FRAMEWORK

The NH Rivers Management and Protection Program and the Lamprey River Advisory Committee created through its auspices provide the nucleus of a strong management framework which can be expanded easily for the purposes of national designation. The study, including its principal products, the Lamprey River Resource Assessment and Lamprey River Management Plan, were specifically designed in partnership by the NPS, NH DES, and LRAC to ensure this compatibility. The proposed national designation would perpetuate the partnership established for study and planning purposes.

Lamprey River Advisory Committee

The LRAC is established as a permanent advisory body by the RMPP. Its members are nominated by the local communities and appointed by the Commissioner of the NH DES. In keeping with the state program's original intent of balancing competing claims on a river, the LRAC represents a variety of interests, including riparian ownership, business, conservation, recreation, agriculture, and local government. Members serve three year terms, and are eligible for reappointment.

Department of Environmental Services

The NH DES is responsible for administrative oversight of the RMPP. A State Rivers Coordinator from within the DES staffs the RMPP, providing among other duties modest technical support to each of the local river advisory committees. The Rivers Coordinator also serves as the focal point for ensuring proper communication among state

Wadleigh Falls in Lee was once a small, but thriving manufacturing center.

agencies and between the local advisory committees and the state agencies. A state Rivers Management Advisory Committee composed of many river interests (business, conservation, recreation, municipal government, history, fisheries, public water supply, hydroelectric development) advises the NH DES on program implementation.

The Lamprey River Management Plan

The Lamprey River Management Plan was developed as an integral part of the study process, and has been approved by the towns of Newmarket, Durham, and Lee. The Plan was developed through consensus by the LRAC with staff support from the DES and NPS. It serves as the management plan for the state designation, and was designed to serve as the comprehensive management plan for the federal designation as well.

The LRAC has articulated the purpose of the Plan as follows:

> 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.

The LRAC has also articulated a "Statement of Management Philosophy" found on page three of the Plan:

> 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."

> 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.

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.

The Plan contains separate chapters addressing water quality, flow, ecological integrity, historic and archaeological resources, and public enjoyment of the River. For each section the Plan defines goals, issues, key actions, and implementation strategies. It also specifically defines the authorities, responsibilities, and expectations related to both the state and federal river protection programs.

The Lamprey River Watershed Association's "anything goes" tube race on the Lamprey.

Below is a list of the Plan's Key Actions followed by specific implementation strategies.

EXCERPTS FROM THE LAMPREY RIVER MANAGEMENT PLAN

Water Quality

A. Point Source

Key Action

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.

Implementation

- NH Department of Environmental Services, federal Environmental Protection Agency take the lead.
- LRAC and LRWA help facilitate prompt responses to water quality complaints.
- Code enforcement officers and conservation commissions integrate local knowledge of discharge points with State discharge data to ensure that point sources are appropriately regulated.

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 backup drinking water supply for Durham and Newmarket.

- LRAC and the NH Rivers Program work with NHDES Water Supply and Pollution Control Division to continue the requirement for pollutant loading studies.

Minimize impacts of point-source discharges into the Lamprey through improved (advanced) treatment of municipal wastewater.

- 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.)

B. Nonpoint Source

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.

- 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.
- Code enforcement officers and conservation commissions continue to monitor compliance.
- In its review of applications for development of the shoreline, the LRAC promotes enforcement of existing ordinances.
- LRAC works with conservation commissions and the Lamprey River Watershed Association to inform riverfront landowners about the importance of vegetative buffers.

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.

- The LRAC works with planning boards and conservation commissions to protect the integrity of the floodplain and wetlands along the river.

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).

- The LRAC recommends that each town update its zoning ordinance to achieve the recommended setback.

Develop educational programs to increase public awareness of nonpoint source issues and initiate implementation of Best Management Practices (BMPs).

- 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.
- State develops BMP implementation plan by 7/95; implementation by 1/99.
- 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.
- Code enforcement officers and conservation commissions address septic system complaints.

Increase water quality monitoring to supplement the limited monitoring activities conducted by the State.

- 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).
- 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.
- Town health officers investigate suspected bacteria problems at swimming areas.
- LRAC seeks state, federal, and local financial support for increased monitoring.

Prevent nonpoint source pollution from highway and bridge maintenance activities.

- The LRAC encourages local highway departments to implement BMPs when storing road salt, controlling highway runoff, etc.

Flow

Support adoption and implementation of instream flow rules under the NH Rivers Management and Protection Act to protect ecological, recreational, and water supply uses.

- 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.
- 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.

Research instream flow requirements of fish and other aquatic life in order to better establish the protected instream flow.

- The LRAC and NPS seek funds for aquatic/ecological flow studies.

Maintain floodplains and wetlands in an undeveloped condition to absorb floodwaters and allow for flushing flows.

- The LRAC works with the State, Corps of Engineers, and local communities to discourage development within floodplains.

Oppose construction of a hydroelectric facility at Wiswall dam.

- 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.

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.

- 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.

Ecological Integrity

Protect sensitive ecological areas from human activity as part of the "TREAD LIGHTLY" program.

- The sensitivity to human disturbance of wildlife species and natural plant communities along the river warrants investigated, and recreational use is sited to avoid adverse impacts on sensitive habitats and species.
- LRAC works with town boards, govt. agencies, and others to ensure that public policies regarding the Lamprey incorporate ecological concerns.
- 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).

Educate citizens about the impacts of their actions on the river system as part of the "TREAD LIGHTLY" program.

- Education on: • Vegetative buffers along the river natural plantings • Wildlife and habitat requirements • Importance of floodplain and riparian plant communities • Nonpoint source pollution prevention, including septic system operation and maintenance • Vernal pools • Avoidance of introduction of invasive plants • Information on needs of species particularly vulnerable to human disturbance • River dynamics
- Appropriate agencies to provide such information include the LRWA, LRAC, conservation commissions, NHDES, Coop. Ext., NH Fish & Game, schools, etc.

Establish a long-term plant and animal research and monitoring program to supplement field studies conducted during 1993-94.

- LRAC works with NH Natural Heritage Inventory, NH Nongame Program, UNH, other organizations, and landowners to develop a mechanism to meet ongoing research needs.

Promote local ordinances that preserve and protect the river's ecology.

- 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.

Provide for vegetative buffers that both protect the ecosystem and water quality and are enforceable.

- Towns should develop and/or enforce shoreline vegetation buffer ordinances.

Protect wetlands and floodplain, including adjacent upland buffers, from nonessential dredging, filling, and other permanent alteration.

- LRAC encourages communities to amend, as necessary, and enforce relevant ordinances.
- 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.

Maintain protected seasonal flows.

- NHDES, through the RMPP instream flow rules.

Ensure that riverfront development that occurs does so in a manner which protects the river and adjacent sensitive areas and minimizes habitat fragmentation.

- The LRAC encourages communities to adopt ordinances protecting important plant communities and habitat, including consideration of density bonuses and other incentives.
- The LRAC includes habitat in its review of proposed projects under the State RMPP.

Encourage permanent protection of important habitats and travel corridors. Large, contiguous, undisturbed areas are essential for certain wildlife species.

- 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.)
- LRAC works with landowners of important properties to encourage land management practices compatible with resource protection.

Provide for fish passage at Wiswall Dam.

- NPS, NH Fish & Game Dept., and others seek funding for fish passage subject to approval by the Town of Durham. (See discussion under Instream Flow.)

Promote retention of State current use program.

- The LRAC and LRWA, in cooperation with other concerned organizations, notify towns and landowners when legislative actions threaten the State program.

Encourage preservation of agricultural open space adjacent to the river.

- Support funding to purchase conservation easements on agricultural lands, e.g., funding initiatives of the NPS.
- Promote sustainable agriculture to help protect healthy habitat diversity.
- Promote an understanding of the costs of development to communities.

History and Archaeology

Identify priority sites for research.

- The LRAC has identified two new issues for research: locating the Lamprey Iron Works and the route of the oxway road from the Macallen Dam in Newmarket to Wadleigh Falls in Lee. Additional research on known archaeological sites at Wiswall and Wadleigh falls is also needed.
- The LRAC identifies and evaluates additional sites, including those above Wadleigh Falls.
- Any publicly owned land with high historical or archaeological potential slated for development or private land with high historic or archaeological potential undergoing subdivision should be evaluated for the possibility of yielding archaeological information.

Conduct field investigations and related research.

- The LRAC works with the National Park Service, NH Division of Historical Resources, the University of NH, and other interested parties to secure funding and personnel for additional research.

Identify and implement appropriate protection measures on a site-specific basis, ranging from acquisition to protection from human traffic.

- Different approaches should be considered for protecting key sites, including full title purchase, conservation easements, a voluntary registry/landowner contact program, and creation of historic districts. Specific locations may remain undisclosed at sensitive sites or the landowner's directive.
- The LRAC uses its permit review responsibilities to encourage protection of known or suspected sites.
- The LRAC, in cooperation with the LRWA, UNH, or other entities, works with landowners to promote follow-up investigation of artifacts and historical remains discovered by property owners and in other ways promotes stewardship of historical features.

Determine the historical significance of public areas prior to activities that might disturb historical or archaeological features.

- As part of its review process the LRAC works with town agencies to make sure that an area is researched for archaeological artifacts under professional supervision before any earth moving activity occurs on public lands along the Lamprey River.

Develop materials and programs that communicate the river's historical and archaeological significance.

- The LRAC writes a grant request to support preparation of an interpretive guide to the river's history, a list of historical markers, and other creative ways to bring history to life (dioramas, slide shows, etc.).
- Schools are encouraged to use the Lamprey as a way to expose students to NH history.

Interpret individual sites.

- The LRAC works with town agencies, highway departments, and town historical societies to install informational signs on public lands and roads. The LRAC should explore the possibility of informational signs on private lands with the landowners.

Provide for permanent protection of irreplaceable historical documents pertaining to the river.

- The LRAC endorses retention of historical information in the local communities, with provisions for particularly valuable historical materials to be copied for local use and then archived at the State Library or other appropriate repository.

Public Enjoyment

Actively promote a "TREAD LIGHTLY" theme for the river corridor.

- The LRAC develops "TREAD LIGHTLY" policies, such as staying on trails, carrying out litter, and leaving natural objects and artifacts in place (see Appendix E), which should be promoted and visibly displayed at all public accesses and recreation sites.

Develop a river recreation education program.

- The LRAC develops an educational program to promote an increased appreciation of the river environment and advance the "TREAD LIGHTLY" theme, with assistance from the NPS and other appropriate sources. These educational materials will be developed for both adults and school-aged children.

Upgrade public access and recreational sites as appropriate.

- The LRAC works with the towns, the NH Department of Transportation, NH Fish and Game, and other organizations to upgrade sites as appropriate (e.g., canoe launch, portage) and provide informational signs (e.g., highlighting historical and natural features or promoting the "TREAD LIGHTLY" theme).

Develop a multi-town recreation management plan for the river.

- The LRAC encourages town recreation commissions to view the Lamprey as a community resource, to include river activities in their programs, and to work with the LRAC to develop a multi-town recreation management plan for the river.
- Such a plan should promote public enjoyment of the river, emphasize public education, and distribute recreational activities in a way that preserves environmentally and culturally sensitive features.

Provide for passive use enjoyment at points of visual significance.

- The LRAC encourages communities to develop scenic vistas from locations along the river for passive enjoyment (off-road temporary parking, educational signs, etc.). These sites might also be made accessible to the handicapped.

Offer assistance to landowners who allow public access.

- LRAC and LRWA work with landowners on a site-specific basis to assist with clean up, maintenance, signs, etc.

Research development of additional recreation sites for swimming to ease the demand at other locations, e.g., Wiswall Dam.

- The LRAC will work with the four communities to identify additional swimming sites that are accessible, publicly owned, and safe.

Promote management policies that better distribute recreational use and minimize recreational impacts.

- The LRAC works with NH Fish & Game, snowmobile clubs, town recreation committees, and NH Dept. of Safety to promote "TREAD LIGHTLY" policies.
- Explore variations in fish stocking practices to distribute fishing opportunities more widely along the Lamprey and minimize competition with resident warmwater species.
- Seek increased enforcement of existing state speed laws (headway only) for motorboats on the Lamprey.

4.D SUPPORT FOR RIVER PROTECTION AND NATIONAL DESIGNATION

Evidence of Support

Local

Newmarket and Durham have town council forms of government. Lee and Epping have town meeting forms of government. All towns have planning boards and conservation commissions. In February and March 1995 the governing bodies in Newmarket, Durham, and Lee voted overwhelmingly to support the Lamprey River Management Plan and designation of the river into the Wild and Scenic Rivers System (see Appendix D). The planning boards and conservation commissions in the three towns also voted overwhelming support for the Management Plan and federal designation. The Epping selectmen, on the Conservation Commission's recommendation, deferred action on the Plan and designation.

Local support for resource protection more generally is also evidenced by surveys and master plans. The LRAC's survey of riverfront landowners indicates a strong 87% support for existing (42%) or more stringent (45%) zoning. Riverfront landowners support conservation easements (74%), regulations of shoreland development (73%), and information on how to protect the river (96%).

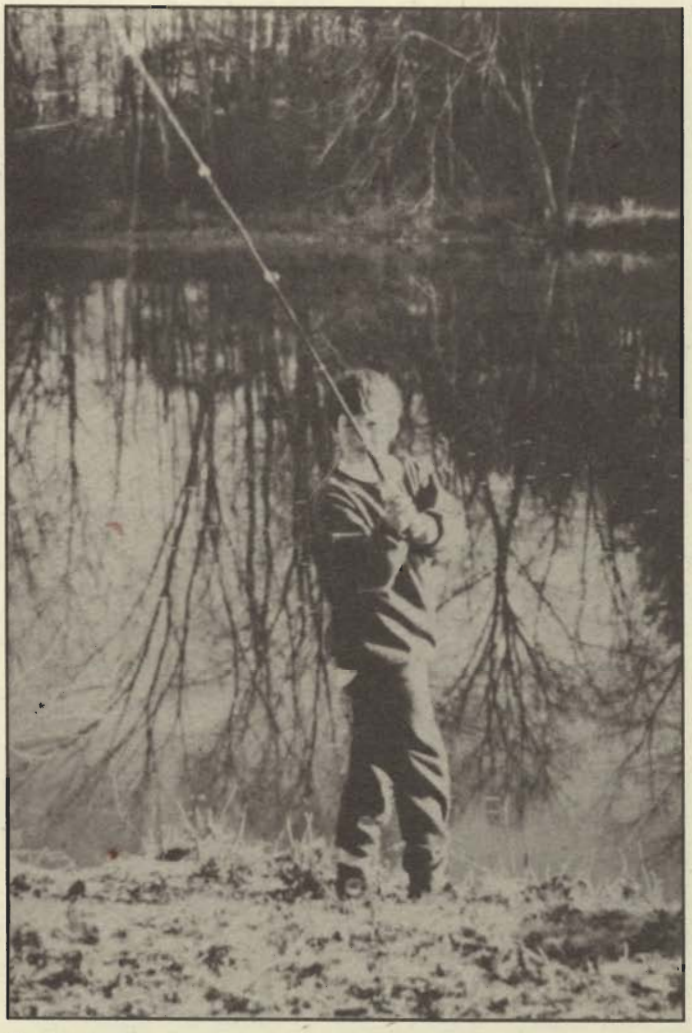
Durham's Master Plan designates land immediately adjacent to the river for wildlife and conservation corridors. Ninety percent of the Lamprey riverfront landowners supported the federal Wild and Scenic Study of the Lamprey when the Town Council took up the issue in September 1989. Lee's Master Plan acknowledges the importance and irreplaceability of unique natural resources and recommends an inventory of land and natural resources to guide future development. Newmarket's Master Plan calls for protecting water quality and flows in the Lamprey and recommends the creation of an Historic District Commission and an historic landmarks plaques program. Epping's Master Plan identifies riverbanks and water quality as two critical resources to be protected. Local residents feel strongly about protecting water resources (96%), historic buildings (89%), forests (88%), wetlands (84%), and open space (80%).

Regional

The Strafford Regional Planning Commission voted at its February 16, 1995 meeting to endorse the Management Plan and its recommendation for federal designation.

State

The NH Department of Environmental Services has participated fully in the Lamprey River study process. Under a cooperative agreement with the NPS the State has contributed staff time and resources to the project and has provided financial support for a portion of the field work. The Rivers Coordinator also has contributed time and expertise. The Wild and Scenic Rivers program is seen as both beneficial and complementary to the RMPP.



People of all ages enjoy the river.

4.E EFFECTS OF DESIGNATION

The Lamprey River Management Plan summarizes the goals of the LRAC in recommending national designation as follows:

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 [cooperators'] ability to compete for nongovernmental grants for these projects.

Hydroelectric Development

One of the motivations behind local efforts to seek designation for the Lamprey as a component of the Wild and Scenic Rivers System is to protect the river and its resources from hydroelectric development. Two sites have received the most attention in this regard: the Wiswall Dam site in Durham and the Wadleigh Falls site in Lee. Both of these sites have been actively pursued as hydroelectric development sites in the recent past, and an active proposal for development of a minor facility at the Wiswall site is currently pending before the Federal Energy Regulatory Commission. As of May 24, 1995, the FERC issued notice in the Federal Register that the applicant for the Wiswall project has filed an "application for surrender of license," which will most likely result in the termination of this proposal.

The Wiswall Dam site is owned by the Town of Durham which has actively opposed the private hydroelectric development as an intervenor before the FERC, in part to protect the Town's critical interests at the site as an emergency source of drinking water. The State of New Hampshire and

abutters have also intervened in opposition to the project and its design.

National designation of the Lamprey would achieve local objectives of ensuring no future hydroelectric development of these or other potential sites on the designated segment. The resultant loss of hydroelectric energy production would be small, given the Lamprey's small size and shallow gradient which do not favor hydroelectric energy production.

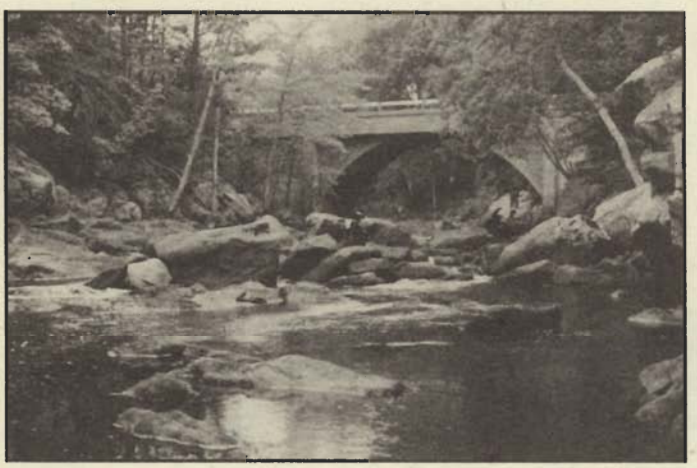
Federal Consistency with the NH Rivers Management and Protecion Program

The RMPP establishes strong state standards for the management and protection of the Lamprey River watercourse from potentially harmful water resource development projects. National designation would establish a corresponding federal policy for the designated segment pursuant to Section 7 of the Wild and Scenic Rivers Act. This consistency in the review of proposed water resources development projects is one of the benefits sought by abutting communities and the LRAC, as specifically stated in the Lamprey River Management Plan.

The present efforts to re-license the waste water treatment plant in the town of Epping would be unaffected since the designation and Lamprey River Management Plan do not alter the relevant criteria for such licensing currently in effect through the Clean Water Act and relevant New Hampshire statutes.

Effects on Outstanding Resources

National designation would enhance the protection of identified outstanding natural and cultural resources associated with the studied portion of the Lamprey River. The prohibition against hydroelectric development on the segment is an important aspect of continuing the successes of the anadromous fish restoration programs on the Lamprey. Designation will substantially further the goals and implementation of the Lamprey River Management Plan related to public awareness of the outstanding resources of the Lamprey, and will bolster efforts of local and state partners to garner support for their protection. The continued partnership and support of the National Park Service is deemed to be of critical importance in these efforts by the LRAC and other local partners.



Low water at Packers Falls.

Upstream and Downstream Impacts

The study segment is located near the bottom of the Lamprey River watershed. The Lamprey River Management Plan recognizes this reality and includes many recommended programs and initiatives geared toward the improved management and conservation of the entire watershed. Many opportunities exist in this regard through established federal, state, regional and local programs. National designation of the proposed segment can serve as a model and example throughout the watershed, and may assist the Lamprey River Advisory Committee, Lamprey River Watershed Association and others in their resource protection efforts.

There do not appear to be any proposed or planned water resources development projects located either upstream or downstream that would be precluded by the designation.

Costs

Land Acquisition

There are no anticipated land acquisition costs associated with the proposed designation. The Lamprey River Management Plan leaves open the possibility of federal funding for land or easement acquisition at a future time subject to the following conditions:

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

Administration

The costs of administering the proposed designation will be minimal, and can be shared by the Sate of New Hampshire, the National Park Service, and local partners, including the Lamprey River Watershed Association. The federal share of administrative costs is not expected to exceed $20,000 annually.

Technical Assistance and Cooperative Agreements

The Lamprey River Management Plan anticipates the availability of technical assistance and small amounts of seed money and matching funds for Cooperative Agreements through the National Park Service. Such limited technical and financial assistance would be matched by other state and local cooperators as a cost-effective means of attaining Management Plan goals. The federal share of these costs is estimated at not more than $30,000 annually, and likely less as the designation becomes established.

Ice skating on the lower river.

4.F CONCLUSIONS

Based upon the foregoing analysis of the principal factors of suitability, the National Park Service finds that the segment of the Lamprey River from the southern Lee town line to the confluence with the Piscassic River is suitable for addition to the National Wild and Scenic Rivers System. An additional 12 mile segment within the town of Epping meets all of the criteria for suitability except that there has been no demonstration of broad based support for the designation from the citizens of Epping.

Additional conclusions include the following:

Existing local and state regulatory protections, combined with physical limitations to development, provide substantial protection to the river and its adjacent lands. These protections meet the standards of Section 6(c) of the Wild and Scenic Rivers Act, and thereby trigger the provisions of that Section which prohibit federal condemenation of lands. This prohibition is included as an aspect of the Lamprey River Management Plan.

The NH Rivers Management and Protection Program and the Lamprey River Advisory Committee it has established provide an appropriate and effective management framework for the long-term management and protection of the Lamprey River. If designated as a component of the national system, administration of that designation should be closely coordinated with the existing local-state structure.

The Lamprey River Management Plan has been developed to meet the needs of local communities and both state and federal river protection programs. It has been endorsed as the management plan for the river by the communities of Durham, Lee, and Newmarket. It should be utilized as the "comprehensive management plan" called for by Section 3(d) of the Wild and Scenic Rivers Act, if the River is designated as a component of the national system.

CHAPTER 5

CONSIDERATION OF ALTERNATIVES

This chapter considers several possible alternative actions resulting from the findings of the Lamprey Wild and Scenic River Study, and selects a recommended alternative.

ALTERNATIVE A. NO ACTION

This alternative would maintain existing state and local controls for resource protection on the Lamprey without additional NPS involvement or support for local river protection efforts.

ALTERNATIVE B

Designation of the 11.5 mile segment from the southern Lee Town Line to the confluence with the Piscassic

This alternative would designate that portion of the Lamprey River found through this report to meet both eligibility and suitability criteria, including the entire segment authorized for study by the Lamprey River Study Act of 1991. The remaining 12 miles of river within the Town of Epping found to meet the eligibility criteria would not be designated at this time, but would be suitable for designation at a future time should the Town choose to seek such a designation.

ALTERNATIVE C

Designation of the 23.5 mile segment from the Bunker Pond Dam in Epping to the confluence with the Piscassic River

This alternative would designate all of the river found to meet eligibility criteria.

EVALUATION OF ALTERNATIVES

Alternative C

Alternative C is rejected because it proposes to designate 12 miles of river within the Town of Epping which fail to meet the criteria for suitability discussed in Chapter 4. This alternative would also violate one of the fundamental study parameters agreed to by congressional study sponsors, the NPS, and local study partners at the outset of the Wild and Scenic River Study, which clearly stated that the NPS would not recommend designation of any segment without broad-based local support from the abutting community(s).

Alternative A

Alternative A is rejected because it fails to meet the river protection goals established for the Lamprey by abutting communities, the State of New Hampshire, and local river interests, and fails to provide adequate protection for identified outstanding river values. Specific shortcomings of this alternative include the following:

It fails to provide protection for the Lamprey from current or future hydroelectric development proposals;

It fails to permanently protect the Wiswall Dam site, and the interests of the Town of Durham at that site;

It fails to respond to the will of abutting communities that have voted to endorse the Lamprey River Management Plan and to seek national designation for the River;

It fails to provide federal consistency with the State of New Hampshire's River Management and Protection Program of which the Lamprey is a component;

It fails to enhance the protection of the outstanding natural and cultural resources associated with the Lamprey.

Alternative B

Alternative B is selected as the recommended alternative since it is the only alternative which achieves desired river conservation goals, and satisfies all eligibility and suitability criteria.

Discussion of Recommended Action

The National Park Service recommends designation of the 11.5 mile segment of the Lamprey from the southern Lee town line to the confluence with the Piscassic River near the Durham-Newmarket town line as a component of the national Wild and Scenic River System. In accordance with the findings of Chapter 3, the segment is recommended for recreational classification.

The National Park Service recommends that the segment be managed in accordance with the Lamprey River Management Plan dated January 10, 1995. The Secretary of the Interior, represented by the National Park Service, would administer the designation in accordance with the Lamprey

River Management Plan, and in cooperation with the State of New Hampshire, the Lamprey River Advisory Committee, and the towns of Durham, Lee, and Newmarket.

In accordance with the findings of Chapter IV (suitability) that the existing protections afforded the River through applicable state and local regulatory programs, and through physical constraints to development, are adequate to preserve the existing character of the segment's shorelands, federal condemnation of lands as a protective measure associated with this designation shall be prohibited. This prohibition is incorporated into the Lamprey River Management Plan as adopted, and the National Park Service shall not seek condemnation authority through the legislative process.

The National Park Service recommends that the Lamprey River Advisory Committee established under applicable state law serve as the local river management committee for both the state and federal programs.

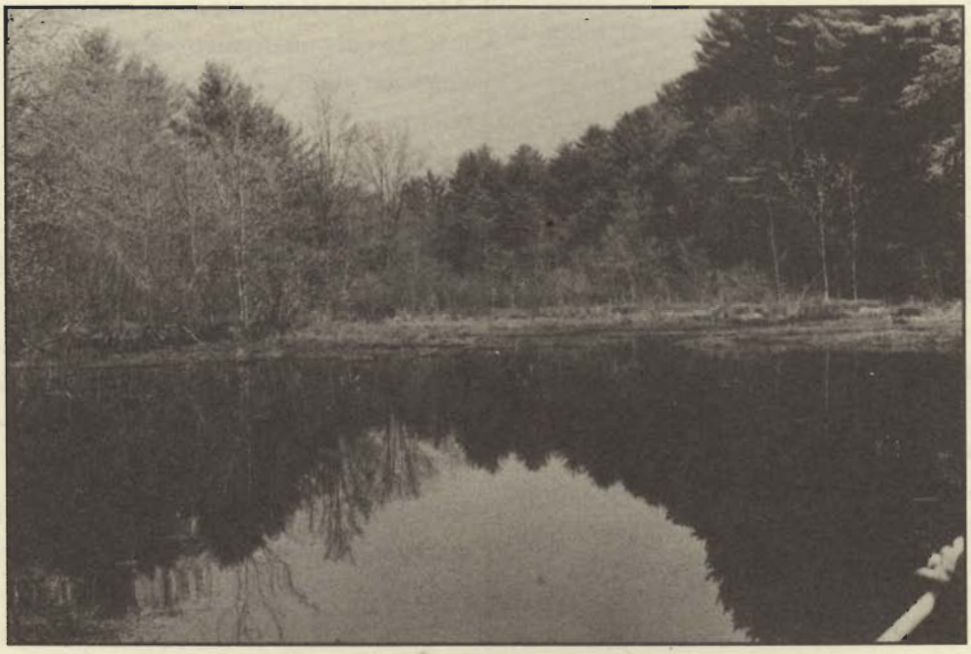
The 12 mile eligible river segment within the Town of Epping is not recommended for designation at this time. The Town would be encouraged to maintain their participation through the LRAC and Lamprey River Management Plan, and the NPS would offer assistance as appropriate. The designation of this segment could be reconsidered at a future time subject to local interest and the retention of river values.

Benefits of the Recommended Action

The designation would achieve the principal river conservation goals articulated by the LRAC and local communities, including:

- prohibition of hydroelectric development projects at the most critical locations, including the Wiswall and Wadleigh Falls sites;
- federal consistency with State and local policies in the review of proposed water resource development projects;
- NPS support for efforts of the LRAC to implement the Lamprey River Management Plan, including support for the voluntary land protection program, continued ecological research and monitoring, and historical/archaeological research, interpretation, and protection.

Designation according to the recommended action would also respond positively to the expressed desires of local communities which have voted to pursue national designation. In addition, the recommended action would serve to establish a federal-state-local partnership that would be highly effective in meeting the challenge of long-term river conservation, and that would be highly cost-effective by involving stakeholders at all levels in the conservation, management, and administration of the designation.



Wetlands and backwaters along the Lamprey provide excellent wildlife habitat.

STUDY PARTICIPANTS

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Warren Daniel, Durham (1991-1993)

Richard Dewing, Durham (1994-present)

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CREDITS

Cover: John W. Hatch, *Fall Along the Lamprey,* 1994, watercolor.

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Photograph on page 36: W.H. Titcomb, *View near Lee, Wadleigh's, New Hampshire*, c.1860, oil on canvas mounted on panel, 20 1/4 x 30 1/4 in., 1942.41 © Addison Gallery of American Art, Phillips Academy, Andover, Massachusetts. All Rights Reserved.

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Report designed by Victoria Bass, National Park Service.

REFERENCES

The following list identifies sources that have been used specifically in the preparation of this final report. The companion documents referenced throughout this report (The Lamprey River Management Plan and Lamprey River Resource Assessment) include separate citations and bibliographies to identify sources used in their preparation. Those sources are not repeated here.

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Lamprey River Advisory Committee

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Lamprey River Study

Wetland Soils

Wetland soils (Poorly & Very Poorly Drained Soils)

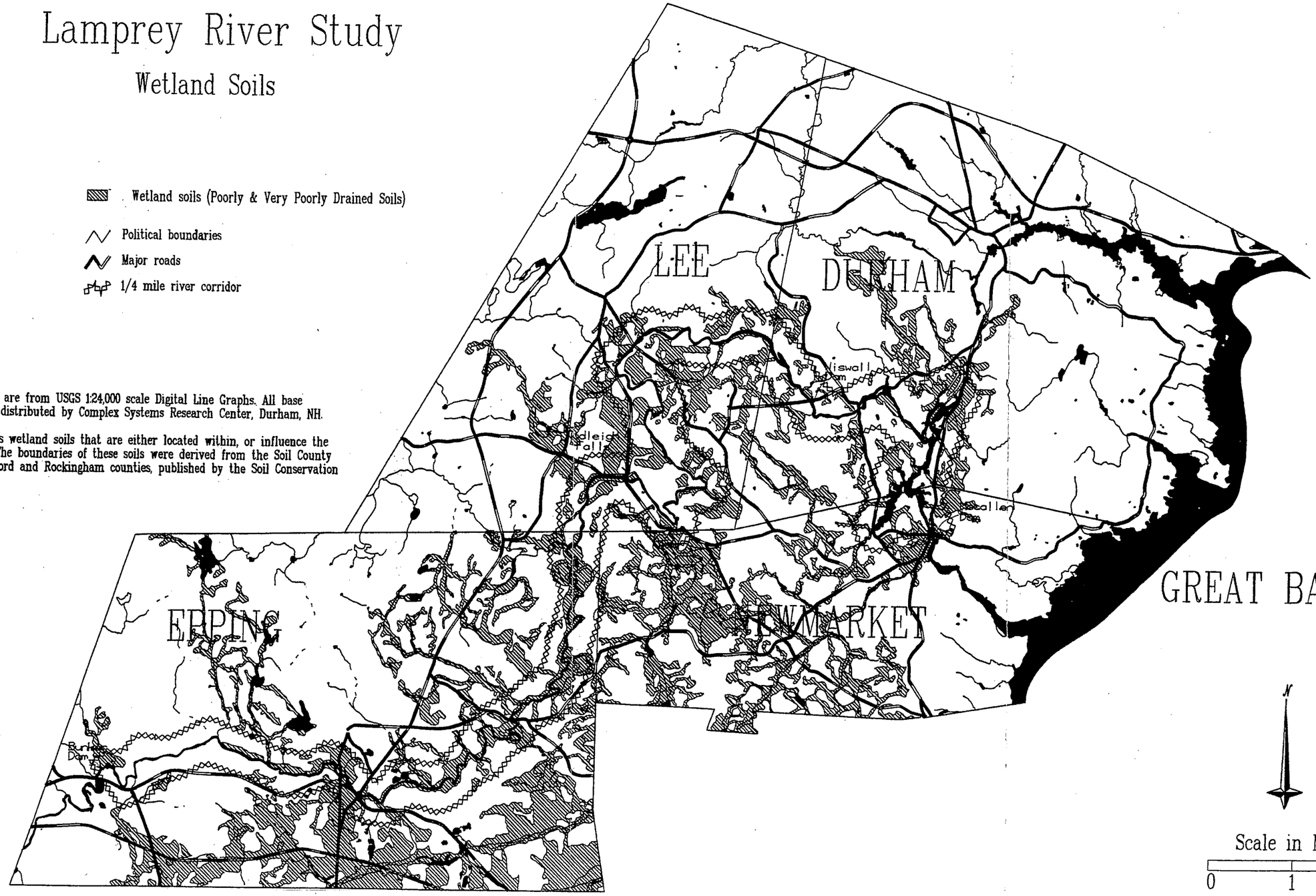
Political boundaries

Major roads

1/4 mile river corridor

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.

This map displays wetland soils that are either located within, or influence the river corridor. The boundaries of these soils were derived from the Soil County Surveys of Strafford and Rockingham counties, published by the Soil Conservation Service.



Strafford Regional Planning Commission

June 1994

Lamprey River Study

100 Year Floodplain

Floodplain

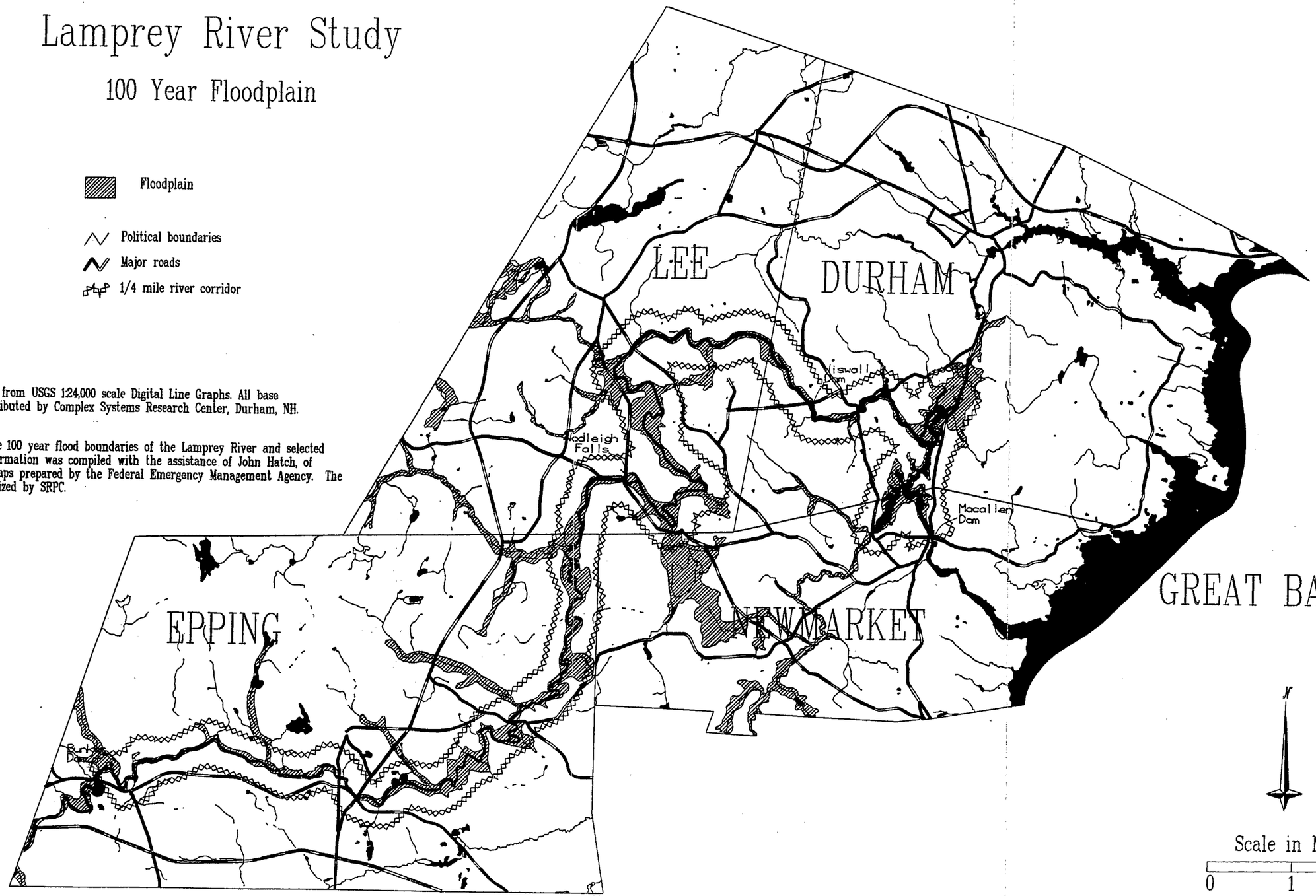
Political boundaries

Major roads

1/4 mile river corridor

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.

This map displays the 100 year flood boundaries of the Lamprey River and selected tributaries. This information was compiled with the assistance of John Hatch, of Durham, NH., from maps prepared by the Federal Emergency Management Agency. The information was digitized by SRPC.



Strafford Regional Planning Commission

June 1994

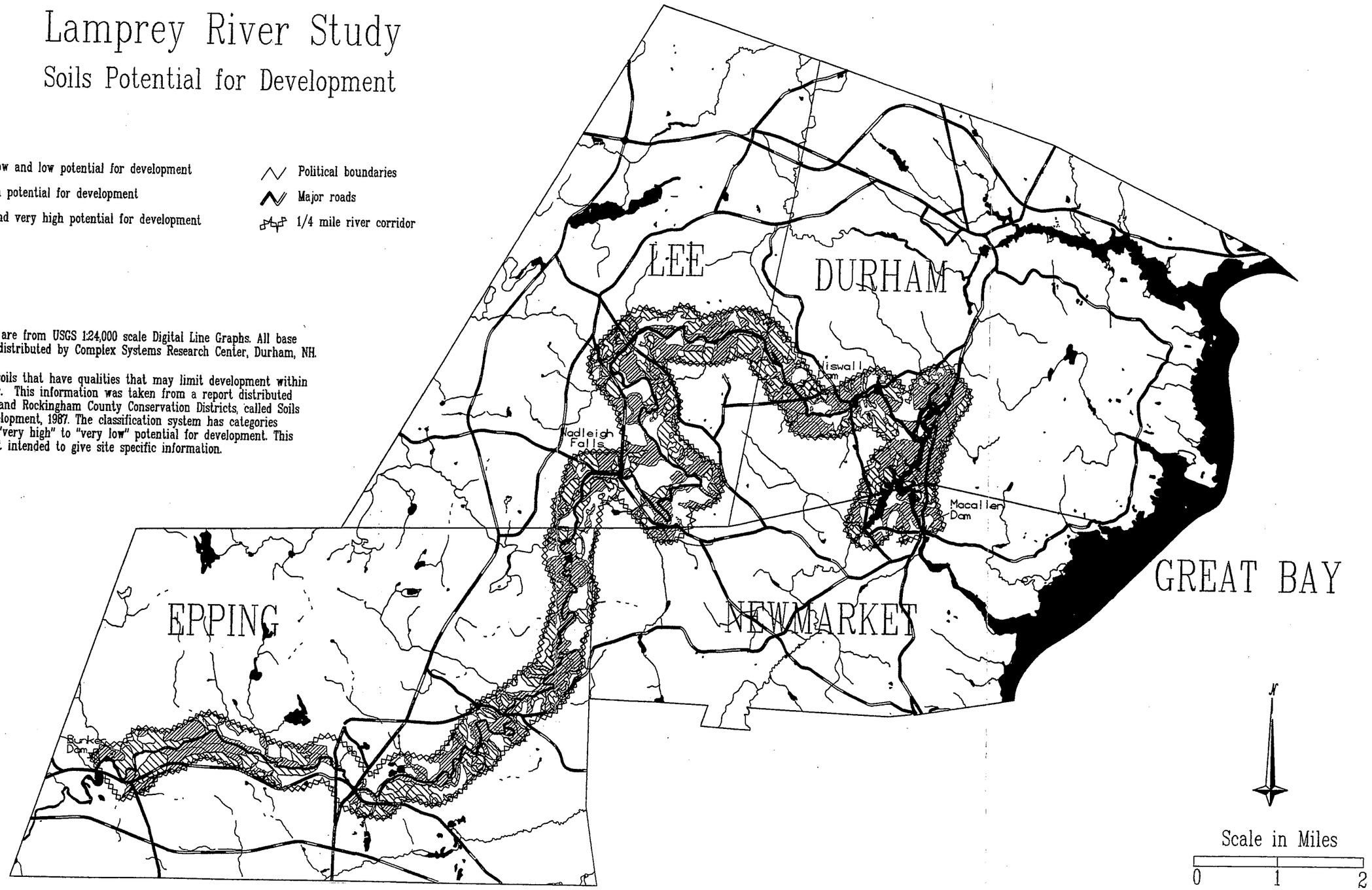
Lamprey River Study

Soils Potential for Development

- Very low and low potential for development
- Medium potential for development
- High and very high potential for development
- Political boundaries
- Major roads
- 1/4 mile river corridor

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.

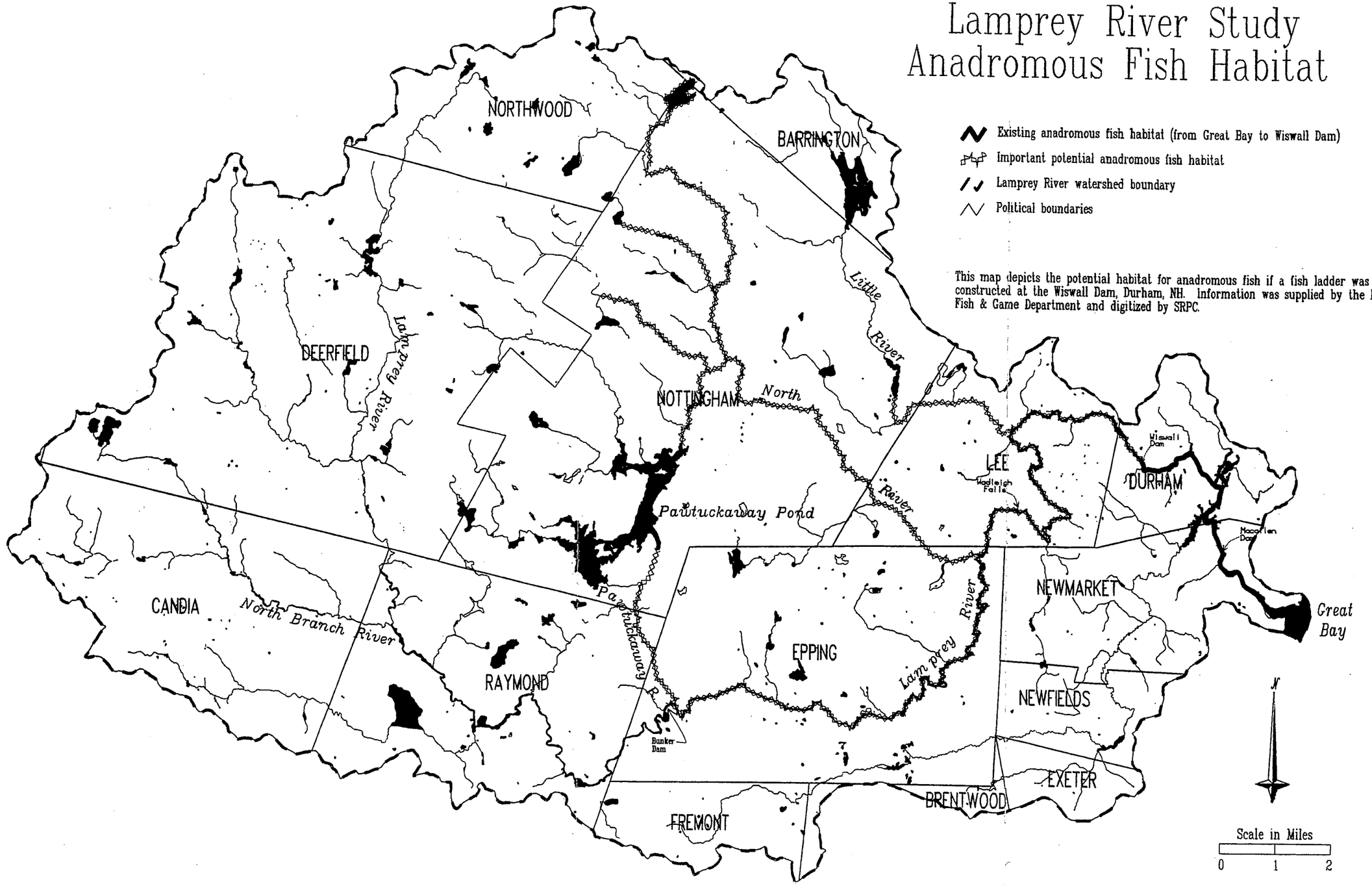
This map shows soils that have qualities that may limit development within the river corridor. This information was taken from a report distributed by the Strafford and Rockingham County Conservation Districts, called Soils Potential for Development, 1987. The classification system has categories that range from "very high" to "very low" potential for development. This information is not intended to give site specific information.



Strafford Regional Planning Commission

June 1994

Lamprey River Study
Anadromous Fish Habitat



Existing anadromous fish habitat (from Great Bay to Wiswall Dam)

Important potential anadromous fish habitat

Lamprey River watershed boundary

Political boundaries

This map depicts the potential habitat for anadromous fish if a fish ladder was constructed at the Wiswall Dam, Durham, NH. Information was supplied by the NH Fish & Game Department and digitized by SRPC.

Strafford Regional Planning Commission

June 1994

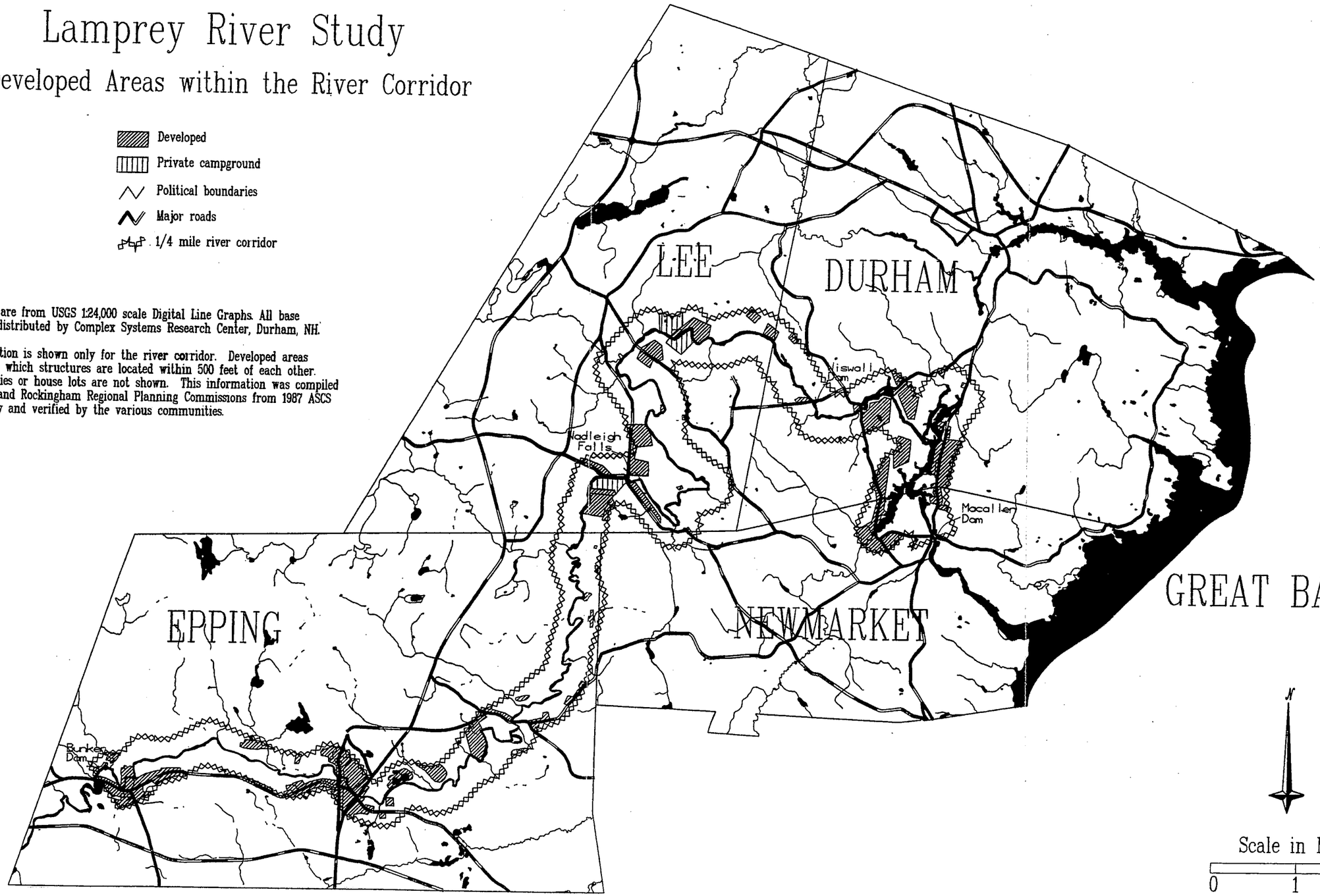
Lamprey River Study

Developed Areas within the River Corridor

- Developed
- Private campground
- Political boundaries
- Major roads
- 1/4 mile river corridor

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.

Land use information is shown only for the river corridor. Developed areas represent land on which structures are located within 500 feet of each other. Individual properties or house lots are not shown. This information was compiled by the Strafford and Rockingham Regional Planning Commissions from 1987 ASCS aerial photography and verified by the various communities.



Strafford Regional Planning Commission

June 1994

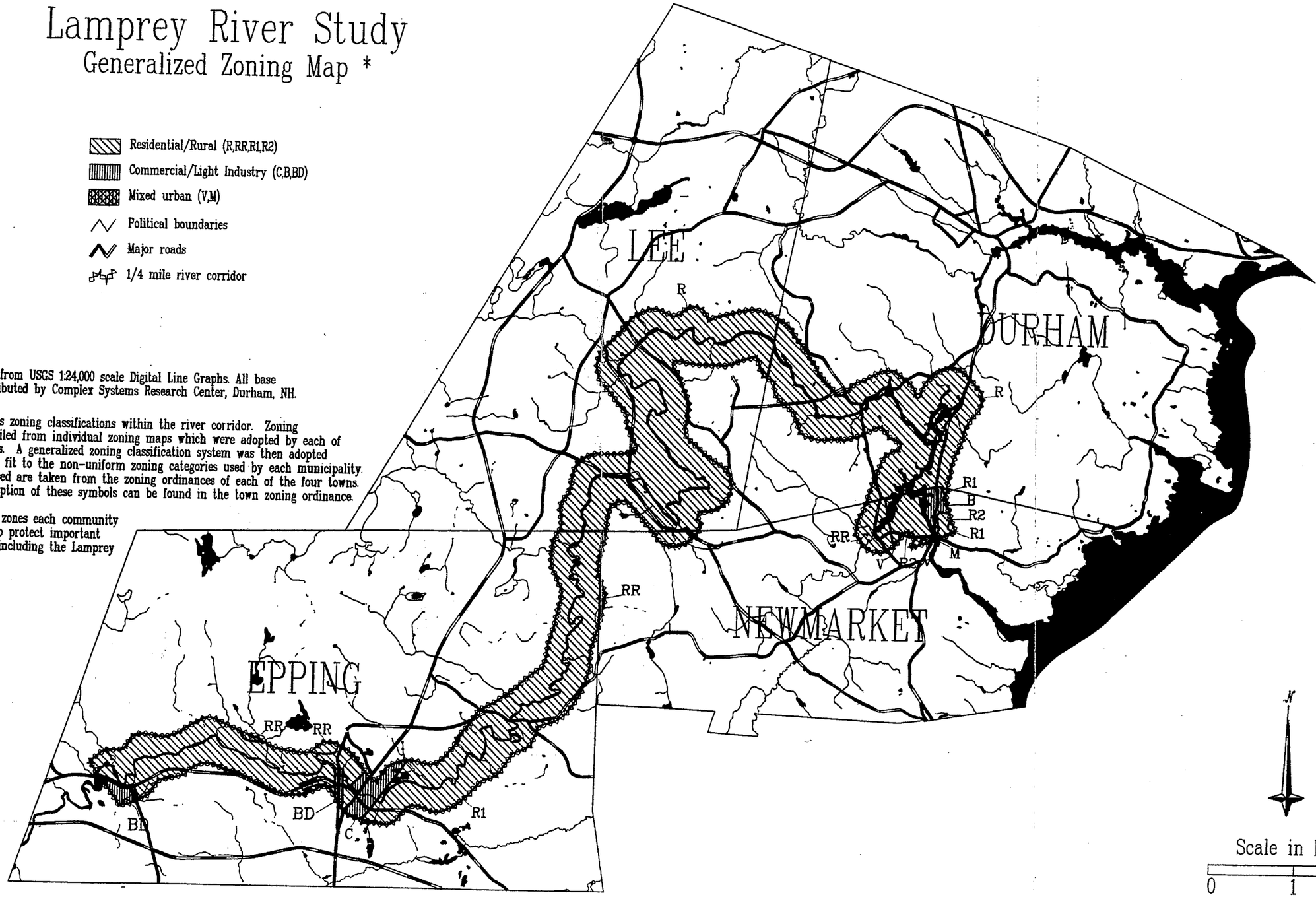
Lamprey River Study
Generalized Zoning Map *

- Residential/Rural (R,RR,R1,R2)
- Commercial/Light Industry (C,B,BD)
- Mixed urban (V,M)
- Political boundaries
- Major roads
- 1/4 mile river corridor

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.

This map only displays zoning classifications within the river corridor. Zoning information was compiled from individual zoning maps which were adopted by each of the four municipalities. A generalized zoning classification system was then adopted that represents a best fit to the non-uniform zoning categories used by each municipality. The zoning symbols used are taken from the zoning ordinances of each of the four towns. A more detailed description of these symbols can be found in the town zoning ordinance.

* In addition to these zones each community has overlay districts to protect important community resources, including the Lamprey River shoreline.



Strafford Regional Planning Commission

June 1994

APPENDICES

H. R. 1099

One Hundred Second Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Thursday, the third day of January, one thousand nine hundred and ninety-one

An Act

To amend the Wild and Scenic Rivers Act by designating segments of the Lamprey River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lamprey River Study Act of 1991".

SEC. 2. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following new paragraph:

"( ) LAMPREY, NEW HAMPSHIRE.—The segment from the southern Lee town line downstream to the confluence with Woodman's Brook at the base of Sullivan Falls in Durham."

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end thereof the following new paragraph:

"(11) The study of the Lamprey River, New Hampshire, shall be completed by the Secretary of the Interior and the report thereon submitted not later than 3 years after the date of enactment of this paragraph.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

Chapter 483
New Hampshire Rivers Management and Protection Program

(Compiled by the NH Department of Environmental Services - June 1995)

483:1 Statement of Policy
483:2 Program Established; Intent.
483:3 Rivers Coordinator.
483:4 Definitions.
483:5 Coordination With Federal Statutes.
483:6 Nominations; Criteria.
483:7 Legislative Designation.
483:7-a River Classification Criteria; Management.
483:8 Rivers Management Advisory Committee; Establishment.
483:8-a Local River Management Advisory Committees; Establishment; Duties.
483:9 Natural Rivers Protection.
483:9-a Rural River Protection.
483:9-aa Rural-Community Rivers Protection.
483:9-b Community Rivers Protection.
483:9-c Establishment of Protected Instream Flows.
483:10 Rivers Corridor Management Plans.
483:10-a Long-Range River Management Plans.
483:10-b Withholding of Section 401 Certification.
483:11 Rulemaking.
483:12 Consistency of State Action.
483:12-a State Action; Notification of Rivers Coordinator; Petition for Review.
483:12-b Subject to Other Laws; Existing Hydroelectric Facilities.
483:13 Acceptance and Expenditure of Funds.
483:14 Disposition of State Property.
483:15 Rivers Designated for Protection.

483:1 Statement of Policy. New Hampshire's rivers and streams comprise one of its most important natural resources, historically vital to New Hampshire's commerce, industry, tourism, and the quality of life of New Hampshire people. It is the policy of the state to ensure the continued viability of New Hampshire rivers as valued economic and social assets for the benefit of present and future generations. The state shall encourage and assist in the development of river corridor management plans and regulate the quantity and quality of instream flow along certain protected rivers or segments of rivers to conserve and protect outstanding characteristics including recreational, fisheries, wildlife, environmental, cultural, historical, archaeological, scientific, ecological, aesthetic, community significance, agricultural, and public water supply so that these valued characteristics shall endure as part of the river uses to be enjoyed by New Hampshire people.

483:2 Program Established; Intent. There is established within the department of environmental services the New Hampshire rivers management and protection program. It is the intent of the legislature that the New Hampshire rivers management and protection program shall complement and reinforce existing state and federal water quality laws, and that instream flows are maintained along protected rivers, or segments thereof, in a manner that will enhance or not diminish the enjoyment of outstanding river characteristics pursuant to RSA 483:1. It is also the intent of the legislature that, through said program, the scenic beauty and recreational potential of such rivers shall be restored and maintained, that riparian interests shall be respected, and that nothing in this chapter shall be interpreted to preempt any land and zoning authority granted to municipal bodies under RSA title LXIV.

483:3 Rivers Coordinator. There is established in the office of planning, department of environmental services, a state rivers coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the New Hampshire rivers management and protection program.

483:4 Definitions. In this chapter:

I. "Advisory committee" means the rivers management advisory committee established in RSA 483:8.

II. "Agriculture" means agriculture as defined in RSA 21:34-a.

III. "Breached dam" means any dam which impounds water at less than 80 percent of its original design level at seasonal high flows and for which the original configuration of the dam can still be determined.

IV. "Channel alteration" means any human activity which changes the character of a river or stream channel including, but not limited to, filling, dredging, relocating, excavating, cleaning, deepening, widening, straightening or riprapping.

V. "Commissioner" means the commissioner, department of environmental services.

VI. "Dam" means any artificial barrier, including appurtenant works, across a river which impounds or diverts water.

VII. "Department" means the department of environmental services.

VIII. "Designated river" means that portion of a river which has been specifically designated by the general court pursuant to RSA 483:15.

IX. "Existing dam" means any dam which has not deteriorated or been breached or modified to the point where it no longer impounds water at 80 percent or more of its original design level at seasonal high flows.

IX-a. "Flowage right" means an easement to flow water over the land of others.

X. "Free-flowing," as applied to any river or river segment, means existing or flowing in a natural condition without artificial impoundment, diversion, channel alterations, or other modifications and without consideration of upstream flow management.

XI. "Instream public uses" means those uses which comprise the state's interests in surface waters including, but not limited to: navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production.

XII. "Interbasin transfer" means any transfer of water for use from one river drainage basin to another.

XIII. "New dam" means any dam which requires the construction or enlargement of any impoundment or diversion structure.

XIV. "New hydroelectric power facilities" means the construction, operation, or installation of electric generating units at dams where no hydroelectric power generation has occurred for a period of 6 years or more.

XV. "Office" means the office of planning, department of environmental services.

XVI. "Protected instream flow" means a constant minimum stream flow level established to maintain water for present and future instream public uses.

XVII. "River" means a flowing body of water or a segment or tributary of such water body.

XVIII. "River corridor" means the river and the land area located within a distance of 1,320 feet of the normal high water mark or to the landward extent of the 100 year floodplain as designated by the Federal Emergency Management Agency, whichever distance is larger.

XIX. "River drainage basin" means the Androscoggin, Coastal, Connecticut, Merrimack, Piscataqua, and Saco river basins as delineated on a map compiled by the department.

483:5 Coordination With Federal Statutes. For the purposes of section 10(a)(2)(A) of the Federal Power Act, those rivers or segments designated under this chapter and any state or local management plans developed pursuant to this chapter shall constitute one element of the state comprehensive plan for river conservation and development. Designated rivers or segments shall constitute protected waterways under the provisions of the Public Utilities Regulatory Policies Act, section 210(j)(2), 16 U.S.C. section 824a-3(j)(2).

483:6 Nominations: Criteria.

I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before June 1 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, buildings, and other man-made structures; riparian interests, including flowage rights known by the nominating individual or group, and other pertinent instream and riverbank information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The nominating party shall advertise the meeting in cooperation with the rivers coordinator and shall give written notice to the governing body of any municipality where segments of the river are located. The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

II. The rivers coordinator shall assist and cooperate with the nominator or nominating organization and shall, within 120 days of receipt of a nomination, review the nomination and prepare a recommendation for review by the commissioner under the criteria established in paragraph V and adopted by rules under RSA 483:11, II.

III. The rivers coordinator, in cooperation with the advisory committee, shall hold at least one public hearing in a community along the nominated river or segment of such river to receive public comment on the nomination. Public hearing comments on the nomination, comments on the nomination from local boards and commissions, factors listed in RSA 483:6, IV(a) as further defined in rules adopted under RSA 483:11, II, and other public comments on the nomination submitted to the rivers coordinator shall be considered by the rivers coordinator and the advisory committee when preparing a recommendation for review by the commissioner.

IV. The commissioner shall review the nomination within 45 days. The commissioner shall, in reviewing a nomination under this chapter, consider the following factors:

(a) Whether the river, or segment or segments of such river, contain or represent either a significant statewide or local example of one or more of the following:

(1) Scenic or recreational resource.
(2) Open space or natural resource.
(3) Fisheries, wildlife, vegetation, and rare species or habitat.
(4) Cultural, historical, or archaeological resource.
(5) Hydrological or geological resource.
(6) Water quality.
(7) Scientific resource.
(8) Community resource.

(9) Current and projected withdrawals, discharges, or both, by public utilities and commercial or industrial users.

(b) Public hearing comments on the nomination and other public comments submitted to the rivers coordinator.

(c) The recommendation of the rivers coordinator.

(d) The recommendation of the advisory committee.

V. If the commissioner, after reviewing a nomination and considering the factors in RSA 483:6, IV, determines that designation of the river, or segment or segments of such river, would be consistent with the purpose of this chapter, the commissioner shall forward the nomination to the general court for review and legislative approval according to RSA 483:7.

483:7 Legislative Designation.

I. Any nomination approved by the commissioner shall require review and approval by the general court prior to inclusion in the program. Such action shall be filed as a bill in the next legislative session following the nomination.

II. Any nomination which is forwarded to the general court for review and approval shall include:

(a) A map showing the boundaries of the river or segment;

(b) A report which specifies the values and characteristics which qualify the river or segment for designation; and

(c) The classifications of the proposed designation pursuant to RSA 483:7-a.

483:7-a River Classification Criteria; Management.

I. Those rivers or segments designated for inclusion in the program shall be classified as one or more of the following:

(a) Natural rivers are free-flowing rivers or segments characterized by the high quality of natural and scenic resources. River shorelines are in primarily natural vegetation and river corridors are generally undeveloped. Development, if any, is limited to forest management and scattered housing. For natural rivers, the following criteria and management objectives shall apply:

(1) The minimum length of any segment shall be 5 miles.

(2) Existing water quality shall be not lower than Class B level pursuant to the water quality standards established under RSA 485-A:8.

(3) The minimum distance from the river shoreline to a paved road open to the public for motor vehicle use shall be 250 feet, except where a vegetative or other natural barrier exists which effectively screens the sight and sound of motor vehicles for a majority of the length of the river or segment.

(4) Management of natural rivers and segments shall perpetuate their natural condition as defined in this chapter and shall consider, protect, and ensure the rights of riparian owners to use the river for forest management, agricultural, public water supply, and other purposes which are compatible with instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

(b) Rural rivers are those rivers or segments adjacent to lands which are partially or predominantly used for agriculture, forest management and dispersed or clustered residential development. Some instream structures may exist, including low dams, diversion works and other minor modifications. The following criteria and management objectives shall apply to rural rivers:

(1) The minimum length of any segment shall be 3 miles.

(2) Existing water quality shall be at least Class B level pursuant to the water quality standards established under RSA 485-A:8 or have the potential for restoration to that level.

(3) There shall be no minimum distance from the shoreline to an existing road. Roads may parallel the river shoreline with regular bridge crossings and public access sites.

(4) Management of rural rivers and segments shall maintain and enhance the natural, scenic, and recreational values of the river and shall consider, protect and ensure the rights of riparian owners to use the river for agricultural, forest management, public water supply, and other purposes which are compatible with the instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

(c) Rural-community rivers are those rivers or segments which flow through developed or populated areas of the state and which possess existing or potential community resource values such as those defined in official municipal plans or land use controls. Such rivers have mixed land uses in the corridor reflecting some combination of open space, agricultural, residential, commercial and industrial land uses. Such rivers are readily accessible by road or railroad and may include impoundments or diversions. The following criteria and management objectives shall apply to rural-community rivers:

(1) The minimum length of any segment shall be 3 miles.

(2) Existing water quality shall be at least Class B level pursuant to the water quality standards established under RSA 485-A:8, or have the potential for restoration to that level.

(3) Management of rural-community rivers and segments shall maintain and enhance the natural, scenic, recreational and community values of the river and shall consider, protect, and ensure the rights of riparian owners to use the river for such uses as agricultural, forest management, public water supply, residential, recreational, commercial, industrial, flood control, and other community uses which are compatible with the instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

(d) Community rivers are those rivers or segments which flow through developed or populated areas of the state and which possess existing or potential community resource values, such as those identified in official municipal plans or land use controls. Such rivers have mixed land uses in the corridor reflecting some combination of open space, agricultural, residential, commercial and industrial land uses. Such rivers are readily accessible by road or railroad, may include existing impoundments or diversions, or potential sites for new impoundments or diversions for hydropower, flood control or water supply purposes, and may include the urban centers of municipalities. The following criteria and management objectives shall apply to community rivers:

(1) The minimum length of any segment shall be one mile.

(2) Existing water quality shall be at least Class B level pursuant to the water quality standards established under RSA 485-A:8, or have the potential for restoration to that level.

(3) Management of community rivers and segments shall maintain and enhance the natural, scenic, recreational and community values of the river and shall consider, protect, and ensure the rights of riparian owners to use the river for such uses as agricultural, forest management, public water supply, residential, recreational, commercial, industrial, flood control and hydroelectric energy production purposes which are compatible with the instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

II. The existence of limited exceptions to the criteria for a certain classification under this section shall not necessarily exclude a river or segment from that classification. The river or segment shall be

examined as a whole, and the classification of such river or segment shall be based on the overall values and characteristics of such river or segment.

483:8 Rivers Management Advisory Committee; Establishment. There is established a rivers management advisory committee appointed by the governor and council. At least 3 committee members shall represent the North Country and all members shall be New Hampshire residents.

I. The advisory committee shall include:

(a) A representative of public water suppliers who shall be an officer or employee of any municipal or privately owned water works in the state.

(b) An elected municipal officer nominated by the New Hampshire Municipal Association.

(c) A member of the fish and game commission.

(d) A representative of the Business and Industry Association chosen from a list of 3 nominees.

(e) A representative of the Granite State Hydropower Association chosen from a list of 3 nominees.

(f) A conservation commission member chosen from a list of 3 nominees submitted by the New Hampshire Association of Conservation Commissions.

(g) A representative of the conservation community chosen from a list of 3 nominees submitted by the Society for Protection of New Hampshire Forests, Audubon Society, and the New Hampshire Wildlife Federation.

(h) A representative of recreational interests chosen from a list of 3 nominees submitted by the New Hampshire Rivers Campaign and the Appalachian Mountain Club.

(i) A representative of historic/archaeological interests chosen from a list of 3 nominees submitted by the New Hampshire Historical Society.

II. The director of the office of state planning, the executive director of the fish and game department, the commissioner of resources and economic development, and the commissioner of the department of agriculture or their designees shall serve as nonvoting members of the committee.

III. The terms of state agency members shall be the same as their terms in office. The members shall serve 3-year terms, except that the terms of the initial members appointed under subparagraphs I(a), (d), and (g) shall be one year, and those appointed under subparagraphs I(b), (e), and (h) shall be 2 years.

IV. The commissioner shall convene the first meeting no later than September 15, 1988. The committee shall elect a chairman and vice chairman. Subsequent meetings shall be at the call of the chair, or at the request of 5 or more committee members. The rivers coordinator under RSA 483:3 shall serve as secretary and staff to the committee.

V. The advisory committee shall advise the commissioner and rivers coordinator in implementing the purposes of this chapter.

VI. No state-owned property adjacent to or providing access to a river or river segment shall be recommended for disposal by the council on resources and development except upon the review and recommendation of the advisory committee established under this section.

483:8-a Local River Management Advisory Committees; Establishment; Duties.

I. The commissioner shall appoint a local river management advisory committee for each designated river or segment. Committee members shall be chosen from lists of nominees submitted by the local governing bodies of the municipalities through which the designated river or segment flows. The commissioner shall appoint at least one person from each municipality to the local river management

advisory committee. All members of such committees shall be New Hampshire residents.

II. Each committee shall be composed of at least 7 members who represent a broad range of interests in the vicinity of the designated river or segment. These interests shall include, but not be limited to, local government, business, conservation interests, recreation, agriculture, and riparian landowners. If an interest is not represented by the local governing bodies' nominations, the commissioner may appoint a member from the vicinity of the designated river or segment, to the local river management advisory committee who will represent that interest. County commissioners shall be permitted to nominate members to the local river management advisory committee in unincorporated towns or unorganized places. Each member shall serve a term of 3 years.

III. The duties of such committees shall be:

(a) To advise the commissioner, the advisory committee, and the municipalities through which the designated river or segment flows on matters pertaining to the management of the river or segment. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated rivers.

(b) To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.

(c) To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. Such adoption shall be subject to the approval of the municipal legislative body of the affected municipalities.

(d) To report annually to the advisory committee and the commissioner on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river or segment and corridor.

IV. In the case of the Connecticut River, the commissioner shall appoint the New Hampshire Connecticut River Valley resource commission as the local river management advisory committee to work with the Vermont Connecticut River Watershed Advisory Commission as provided in RSA 227-E. A minimum of 5 subcommittees shall be established by the Connecticut River Valley resource commission along the river between Vermont and New Hampshire as provided in RSA 483:8-a, II. Vermont residents may be appointed in an advisory capacity to the local river management advisory committee, except where the Connecticut River is exclusively intrastate.

483:9 Natural Rivers Protection. The following protection measures shall apply to a river or segment designated as a natural river:

I. No dam or other structure or improvement that impedes or significantly alters the free-flowing condition or natural character of the river or segment shall be permitted, certified, constructed, or operated in such river or segment.

II. No interbasin transfers of water from a designated natural river or segment shall be permitted.

III. No channel alteration activities shall be permitted, except that the commissioner may approve temporary channel alterations in conjunction with the repair or maintenance of a bridge, road, or riprap which is in place at the time a river or segment is designated.

IV. A protected instream flow level shall be established by the commissioner for each designated natural river or segment and any upstream impoundment or diversion facility which may affect the free-flowing condition or natural character of the designated river or segment pursuant to RSA 483:9-c.

V. Water quality shall be maintained at, or restored to the Class A level, or maintained at the Class

B level. Each designated natural river or segment shall constitute an outstanding natural resource water pursuant to the standards adopted under RSA 485-A:8. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13 or RSA 485-A:17.

VI. Any new solid waste storage or treatment facility, as defined in RSA 149-M:1, VIII shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the corridor of a designated natural river or segment;

(b) Existing, permitted and secure solid waste landfills shall not be expanded within the 500 year floodplain of a designated natural river or segment and any expansion of such a landfill located within the corridor of a designated natural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;

(c) Any land application of solid waste as defined in RSA\149-M:1, XIX, except manure, lime and wood ash used for fertilizer, and sludge and septage shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment;

(d) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated natural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(e) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated natural river or segment.

VII. No new hazardous waste facilities as defined in RSA\147-A:2 which store hazardous waste for more than 90 days, shall be permitted within the corridor of a designated natural river or segment.

VIII. No motorized watercraft shall be permitted to operate on a designated natural river or segment, except for emergency purposes.

483:9-a Rural River Protection. The following protection measures shall apply to a river or segment designated as a rural river:

I. No new dams shall be permitted, certified, constructed, operated or maintained in such river or segment. The repair of a structural failure of a dam which is in place at the time a river or segment is designated shall not be considered to be a new dam if such dam is repaired or reconstructed at the same location and with the same impoundment level within 6 years of the date of failure.

II. Notwithstanding paragraph I, the department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river above or below the existing dam for a significant distance; and

(c) The height of the impoundment is constant and is not raised above the maximum historic level of impoundment at that site.

III. No interbasin transfers of water from a designated rural river or segment shall be permitted.

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve such channel alterations as may be necessary for the construction, repair, or maintenance of a project, including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated rural rivers.

V. A protected instream flow level shall be established by the commissioner for each designated rural river or segment and any upstream impoundment or diversion facility which may affect the natural flow characteristics or natural character of the designated river or segment pursuant to RSA 483:9-c.

VI. Water quality shall be restored to or maintained at least at the Class B level. Significant adverse impacts on water quality or other instream public uses shall not be permitted. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13, RSA 485-A:17, or RSA 482-A.

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:1, VIII shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the 500 year floodplain of a designated rural river or segment and any new solid waste landfill located within the corridor of a designated rural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;

(b) Any land application of solid waste as defined in RSA\149-M:1, XIX, except manure, lime and wood ash used for fertilizer, and sludge and septage shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment;

(c) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(d) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural river or segment.

VIII. Any motorized watercraft operating within 150 feet of the shoreline of a designated rural river or segment shall travel at the slowest possible speed necessary to maintain steerage way, but at no time shall exceed 6 miles per hour.

483:9-aa Rural-Community Rivers Protection. The following protection measures shall apply to rivers or segments designated as a rural-community river:

I. No new dams shall be permitted, certified, constructed, operated or maintained in such river or segment. The repair of a structural failure of a dam which is in place at the time a river or segment is designated shall not be considered to be a new dam if repaired or reconstructed at the same location and with the same impoundment level within 6 years of the date of failure.

II. Notwithstanding paragraph I, the department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river or segment above or below the existing dam for a significant distance; and

(c) The height of the impoundment is constant and is not raised above the maximum historic level of impoundment at that site.

III. No interbasin transfers of water from a designated rural-community river or segment shall be permitted.

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve such channel alterations as may be necessary for the construction, repair, or maintenance of a project including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated rural-community rivers.

V. A protected instream flow level shall be established by the commissioner for each designated rural-community river or segment and any upstream impoundment or diversion facility which may affect the natural flow characteristics of such river or segment pursuant to RSA 483:9-c.

VI. Water quality shall be restored or maintained at least at the Class B level. Significant adverse impacts on water quality or other instream public uses shall not be permitted. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13, RSA 485-A:17 or RSA 482-A.

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:1, VIII shall be set back a minimum of 250 feet from the normal high water mark of a designated rural-community river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the 500 year floodplain of a designated rural-community river or segment and any new solid waste landfill located within the corridor of a designated rural-community river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;

(b) Any land application of solid waste as defined in RSA\149-M:1, XIX, except manure, lime and wood ash used for fertilizer, and sludge and septage shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated rural-community river or segment;

(c) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural-community river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(d) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural-community river or segment.

VIII. Any motorized watercraft operating within 150 feet of the shoreline of a designated rural-community river or segment shall travel at the slowest possible speed necessary to maintain steerage way, but at no time shall exceed 6 miles per hour.

483:9-b Community Rivers Protection. The following protection measures shall apply to rivers or segments designated as a community river:

I. The department may approve permits for the construction of new dams for public water supply, flood control or hydroelectric energy production purposes if such construction is consistent with management and protection of the resources for which the river or segment is designated.

II. The department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing or breached dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river or segment above or below the existing dam for a significant distance; and

(c) The height of the impoundment is constant and, for existing or breached dams, is not raised above the maximum historic level of impoundment at that site.

III. No interbasin transfers of water from a designated community river or segment shall be permitted.

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve such channel alterations as may be necessary for the construction, repair, or maintenance of a project including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated community rivers.

V. A protected instream flow level shall be established by the commissioner for each designated community river or segment and any upstream impoundment or diversion facility which may affect the natural flow characteristics of such river or segment pursuant to RSA 483-A:9-c.

VI. Water quality shall be restored or maintained at least at the Class B level. Significant adverse impacts on water quality or other instream public uses shall not be permitted. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13, RSA 485-A:17 or RSA 482-A.

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:1, VIII shall be set back a minimum of 250 feet from the normal high water mark of a designated community river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the 500 year floodplain of a designated community river or segment and any new solid waste landfill located within the corridor of a designated community river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;

(b) Any land application of solid waste as defined in RSA\149-M:1, XIX, except manure, lime and wood ash used for fertilizer, and sludge and septage shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated community river or segment;

(c) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated community river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of

designation; and

(d) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated community river or segment.

VIII. Any motorized watercraft operating within 150 feet of the shoreline of a designated community river or segment shall travel at the slowest possible speed necessary to maintain steerage way, but at no time shall exceed 6 miles per hour.

483:9-c Establishment of Protected Instream Flows.

I. The commissioner, in consultation with the advisory committee, shall adopt rules under RSA 541-A specifying the standards, criteria, and procedures by which a protected instream flow shall be established and enforced for each designated river or segment. Each protected instream flow shall be established and enforced to maintain water for instream public uses and to protect the resources for which the river or segment is designated. Instream public uses shall include the state's interests in surface waters, including, but not limited to, navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production.

II. One public hearing shall be held in at least one municipality along the designated river or segment to receive public comment on the establishment of a proposed protected instream flow.

III. The procedure adopted under this section shall include an assessment of the effect of a protected instream flow upon existing hydroelectric power generation, water supply, flood control, and other riparian users. For any portion of a designated river or segment where a protected instream flow would affect the operation of an existing hydroelectric power facility within or upstream from the designated river or segment, the commissioner shall request the assistance of the public utilities commission in order to assess the effect of a protected instream flow upon such facility.

IV. The protected instream flow levels established under this section shall be maintained at all times, except when inflow is less than the protected instream flow level as a result of natural causes or when the commissioner determines that a public water supply emergency exists which affects public health and safety.

V. The maintenance of protected instream flows shall constitute a condition of any permit issued by the department for any project or activity within a designated river or segment and corridor.

VI. Any party who is aggrieved by a determination establishing such protected instream flows may petition the commissioner for a hearing to review such determination within 30 days of the date the determination is issued. The filing of such petition shall stay the implementation of the determination until a final decision has been rendered on the petition or an appeal taken pursuant to RSA 541.

483:10 Rivers Corridor Management Plans.

I. The rivers coordinator, with the cooperation and assistance of the office of state planning, shall develop detailed guidelines for river corridor management plans, including but not limited to model shoreline protection ordinances. The rivers coordinator shall hold a public hearing regarding the proposed guidelines and model ordinances. The rivers coordinator shall provide technical assistance to regional planning commissions, municipalities, and river corridor commissions and shall encourage the development and implementation of river corridor management plans.

II. River corridor management plans developed pursuant to paragraph I shall include, but not be

limited to, the following:

(a) Permitted recreational uses and activities.
(b) Permitted non-recreational uses and activities.
(c) Existing land uses.
(d) Protection of flood plains, wetlands, wildlife and fish habitat, and other significant open space and natural areas.
(e) Dams, bridges, and other water structures.
(f) Access by foot and vehicles.
(g) Setbacks and other location requirements.
(h) Dredging, filling, mining, and earth moving.
(i) Prohibited uses.

483:10-a Long-Range River Management Plans. The department shall prepare and adopt a long-range comprehensive plan for each designated river or segment which shall address the management and protection of instream values and state lands within the corridor. State land within the designated river corridor shall be administered and managed in accordance with the plan, and state management of fisheries, streams, waters, wildlife, and boating shall be consistent with the plan. In developing this plan, the department shall cooperate with the department of resources and economic development, the department of fish and game, the office of state planning, the department of agriculture, and the local rivers management advisory committee.

483:10-b Withholding of Section 401 Certification. The general court finds that the development of any dam or channel alteration activities within a natural river or segment or the development of any new dam within a rural or community river or segment, except as provided in RSA 483:9-a, II and RSA 483:9-b, II, will alter the physical and chemical characteristics of that river and will constitute violation of the water quality standards established under RSA 485-A:8. The commissioner shall deny certification of any federally licensed or permitted activity on such designated rivers or segments under section 401 of the Federal Water Pollution Control Act, P.L. 92-500, as amended.

483:11 Rulemaking. The commissioner, with the advice of the advisory committee, shall adopt rules, pursuant to RSA 541-A, relative to the following:

I. Content and submission of nominations under RSA 483:6, I.

II. Criteria for acceptance of nominations by the commissioner, including criteria listed in RSA 483:6, IV(a).

III. Preparation for legislative designation of nominated rivers or segments of such rivers under RSA 483:7.

IV. Development of standards, criteria, and procedures for establishment and enforcement of protected instream flow levels for designated rivers and segments under RSA 483:9-c.

483:12 Consistency of State Action. Upon enactment of this chapter, all state agency actions affecting rivers or segments of such rivers which may be designated for protection under this chapter shall conform to the provisions of this chapter.

483:12-a State Action; Notification of Rivers Coordinator; Petition for Review.

I. Any state agency considering any action affecting any river or segment designated under this chapter shall notify the rivers coordinator prior to taking any such action. Such agency shall forward to the rivers coordinator for review and comment copies of all notices of public hearings, or, where a public hearing is not required, a copy of the application for issuance of a permit, certificate, or license within the designated river or corridor under RSA 485-A, RSA 12-E, RSA 270:12, RSA 482, RSA 482-A, RSA 149-M, or RSA 147-A. If an agency is notified by the rivers coordinator that a proposed activity would violate a protection measure under RSA 483:9, 483:9-a, or 483:9-b, such agency shall deny the application.

I-a. The rivers coordinator shall develop, in conjunction with affected state agencies and local river management advisory committees, the procedure by which the state shall notify the appropriate local river management advisory committee when state action is being considered which affects a designated river.

II. If an application is denied solely because the proposed activity would violate a protection measure under RSA 483:9, 483:9-a, or 483:9-b, the applicant may petition the commissioner for a review. Within 30 days of receiving such a petition, the commissioner, in consultation with the advisory committee and the appropriate local rivers management advisory committee, shall review the application. If the commissioner determines that the proposed activity is consistent with the character of the designated river or segment or that the proposed activity would provide a public benefit sufficient to outweigh the public benefit of a protection measure under this chapter, the commissioner shall submit to the speaker of the house and the president of the senate a recommendation that the proposed activity be allowed to proceed. Such recommendation shall require review and approval by the general court and shall be filed as a bill in the next legislative session following the petition.

483:12-b Subject to Other Laws; Existing Hydroelectric Facilities.

I. Any activities permitted under this chapter shall be subject to all applicable state and federal laws and regulations.

II. Nothing in this chapter shall prohibit the continued operation, repair and maintenance of hydroelectric storage and generation facilities existing on the effective date of this paragraph.

483:13 Acceptance and Expenditure of Funds.

I. The commissioner may apply for and accept, from any source, gifts; donations of money; grants; federal, local, private, and other matching funds and incentives; and interests in land for the purposes of this chapter.

II. The rivers coordinator, with the approval of the commissioner and the advisory committee, may expend any funds received under paragraph I for the purposes of this chapter, and such funds are hereby appropriated.

III. Local river management advisory committees may apply for and accept, from any source, gifts, grants, and donations of money. The committees may, without further authorization, expend any funds so received to carry out their duties pursuant to RSA 483:8-a.

483:14 Disposition of State Property. No state-owned property adjacent to or providing access to a river shall be disposed of by the state except upon the review and recommendation of the advisory committee.

483:15 Rivers Designated for Protection. The following rivers and river segments are designated as protected:

I. Lamprey River - main stem from the Epping-Lee town line to the Durham-Newmarket town line as a "rural river." Notwithstanding any other provisions of this chapter, the division of water resources shall not approve the use of flashboards under RSA 482:29 to increase the height of any existing dam within this segment of the Lamprey River.

II. Merrimack River - main stem from the Bedford-Merrimack town line to the New Hampshire-Massachusetts state line as a "community river." Nothing in this chapter shall be construed to limit complete capacity utilization, not to exceed 30 million gallons per day, or any construction or repairs required to achieve such utilization of the existing intake facilities of Pennichuck Water Works situated on the western bank of the Merrimack River in the vicinity of Chase Brook, so-called. This paragraph shall not affect any private right in the Merrimack River and shall not relieve Pennichuck Water Works, or its successors and assigns, from compliance with other laws or rules under the state's police power.

III. Merrimack River - main stem from the confluence of the Winnipesaukee and Pemigewasset Rivers in the city of Franklin to Garvins Falls in the town of Bow as a "rural river."

IV. Saco River - main stem from the base of Saco Lake dam to the southern boundary of Crawford Notch State Park as a "natural river" and from the southern boundary of Crawford Notch State Park to the New Hampshire-Maine state line as a "rural river." Nothing in this chapter shall prohibit the normal repair or maintenance of the Willey House dam in Crawford Notch State Park.

V. Swift River - main stem from its headwaters to the Albany-Conway town line as a "natural river" and from the Albany-Conway town line to its confluence with the Saco River in Conway as a "rural river."

VI. Pemigewasset River:

(a) As a natural river from the outlet of Profile Lake in Franconia to the southern boundary of Franconia Notch State Park.

(b) As a rural river from the Holderness-Ashland town line to the Franklin Falls flood control dam.

(c) As a rural-community river from the northernmost Thornton town line to the I-93 bridge in Plymouth.

(d) As a community river:

(1) From the I-93 bridge in Plymouth to the Holderness-Ashland town line.

(2) From the Franklin Falls flood control dam to its confluence with the Merrimack River.

VII.(a) Contoocook River - main stem:

(1) As a "rural river":

(A) From the Old Sharon Road bridge in Jaffrey to Noone Falls dam in Peterborough.

(B) From the North Peterborough dam to the monument on the Peterborough-Hancock town line.

(C) From the North Bennington Road bridge in Antrim and Bennington to the confluence of the north branch of the Contoocook River in Hillsborough.

(D) From the Hosiery Mill dam in Hillsborough to the twin iron bridges in West Henniker.

(E) From the Henniker-Hopkinton town line to the Riverhill bridge in Penacook.

(2) As a "community river":

(A) From the outlet of Poole Pond in Rindge to Old Sharon Road bridge in Jaffrey.

(B) From the Noone Falls dam in Peterborough to North Peterborough dam.

(C) From the monument on the Peterborough-Hancock town line to the North Bennington Road bridge in Antrim and Bennington.

(D) From the confluence of the north branch of the Contoocook River in Hillsborough to the Hosiery Mill dam in Hillsborough.

(E) From the twin iron bridges in West Henniker to the Henniker-Hopkinton town line.

(F) From the Riverhill bridge in Penacook to the confluence with the Merrimack River.

(b) Contoocook River - north branch:

(1) As a "rural river," from the outlet of Rye Pond in Stoddard to the outlet of Franklin Pierce Lake.

(2) As a "community river," from the outlet of Franklin Pierce Lake to the confluence of the Contoocook River.

VIII. Connecticut River:

(a) As a rural river from the outlet of the Fourth Connecticut Lake to a point .3 miles above the Second Connecticut Lake Dam.

(b) As a community river from the point above the Second Connecticut Lake Dam to a point .3 miles below the Second Connecticut Lake Dam.

(c) As a rural river from the point below the Second Connecticut Lake Dam to a point .3 miles above the First Connecticut Lake Dam.

(d) As a community river from the point above the First Connecticut Lake Dam to a point .3 miles below the First Connecticut Lake Dam.

(e) As a rural river from the point below the First Connecticut Lake Dam to a point .3 miles above Murphy Dam.

(f) As a community river from the point above the Murphy Dam to a point 2 miles below the Murphy Dam.

(g) As a rural river from the point 2 miles below the Murphy Dam to Bishop Brook in Stewartstown.

(h) As a community river from Bishop Brook to Leach Creek in Canaan, Vermont.

(i) As a rural river from Leach Creek to the confluence with the Mohawk River.

(j) As a rural community river from the confluence with the Mohawk River to the Columbia-Colebrook town line.

(k) As a rural river from the Columbia-Colebrook town line to Wheeler Stream in Brunswick, Vermont.

(l) As a natural river from Wheeler Stream to the Maidstone-Stratford Bridge.

(m) As a rural river from the Maidstone-Stratford Bridge to a point one mile above the breached Wyoming Valley Dam in Northumberland.

(n) As a community river from one mile above the breached Wyoming Valley Dam site to a point one mile below the Wyoming Valley Dam Site.

(o) As a rural river from one mile below the breached Wyoming Valley Dam site to a point .3 miles above the Simpson Paper Company Dam.

(p) As a community river from the point above the Simpson Paper Company Dam to .3 miles below the Simpson Paper Company.

(q) As a rural river from the point below the Simpson Paper Company Dam to .4 miles above

the Moore Dam.

(r) As a community river from the point above the Moore Dam to a point .6 miles below the Moore Dam.

(s) As a rural river from the point below Moore Dam to a point .3 miles above the Comerford Dam.

(t) As a community river from the point above the Comerford Dam to a point .2 miles below McIndoes Falls Dam.

(u) As a rural river from the point below the McIndoes Falls Dam to a point .3 miles above the Ryegate Dam.

(v) As a community river from the point above the Ryegate Dam to a point .2 miles below the Ryegate Dam.

(w) As a rural river from the point below the Ryegate Dam to the Ammonoosuc River in Bath.

(x) As a community river from the Ammonoosuc River to the point where routes 135 and 10 meet in Haverhill.

(y) As a rural river from the intersection of routes 135 and 10 to Storrs Pond Brook in Hanover.

(z) As a rural-community river from Storrs Pond Brook to Dothan Brook outlet in Hartford, Vermont.

(aa) As a community river from the Dothan Brook to .3 miles below the Wilder Dam.

(bb) As a rural-community river from the point below the Wilder Dam to the Lebanon-Plainfield town line.

(cc) As a rural river from the Lebanon-Plainfield town line to the Blow-Me-Down Brook in Cornish.

(dd) As a rural-community river from the Blow-Me-Down Brook to the northern end of Chase Island in Cornish.

(ee) As a rural river from the north end of Chase Island to the southern side of the Williams River in Bellows Falls, Vermont.

(ff) As a community river from the southern side of the Williams River to the Saxtons River in Westminster, Vermont.

(gg) As a rural-community river from the Saxtons River to the bridge between Westminster Station and Walpole.

(hh) As a rural river from the bridge at Westminster Station to the Brattleboro-Dummerston, Vermont town line.

(ii) As a rural-community river from the Brattleboro-Dummerston, Vermont town line to Sprague Brook.

(jj) As a community river from Sprague Brook to a point .3 miles below the Vernon Dam.

(kk) As a rural river from the point below the Vernon Dam to the Massachusetts border.

IX. Ashuelot River:

(a) As a natural river from the dam at Butterfield Pond to and including the falls above Ashuelot Pond.

(b) As a rural river from the falls above Ashuelot Pond to Symondsville Road in Marlow.

(c) As a community river from Symondsville Road in Marlow to the Audio Accessories dam.

(d) As a rural river from below the Audio Accessories dam in Marlow up to the breached Blackstock dam located above the town of Gilsum.

(e) As a community river from the breached Blackstock dam above the town of Gilsum to the stone arch bridge in Gilsum.

(f) As a rural river from the stone arch bridge in Gilsum to the Court Street bridge in Keene.

(g) As a community river from the Court Street bridge in Keene to the Branch River in Keene.

(h) As a rural river from the Branch River in Keene to the unnamed brook entering on the west bank near the intersection of Winchester Street and route 10 in West Swanzey.

(i) As a community river from the unnamed brook on the west bank near the intersection of Winchester Street and route 10 in West Swanzey to the Denman Thompson Bridge.

(j) As a rural river from the Denman Thompson Bridge in West Swanzey to and including the oxbow on the west bank before the A.C. Lawrence building in Winchester.

(k) As a community river from the oxbow on the west bank before the A.C. Lawrence building in Winchester to the route 119 bridge.

(l) As a rural river from the route 119 bridge in Winchester to the Winchester dam owned by G.E. Robertson and Company in Hinsdale.

(m) As a community river from the Winchester dam owned by G.E. Robertson and Company in Hinsdale to the route 63 bridge.

(n) As a rural river from the route 63 bridge in Hinsdale to the mouth of the Ashuelot River at the Connecticut River.

X. (a) Piscataquog River - north branch:

(1) As a natural river from the outlet of Deering Lake Dam in Deering, 6.25 miles to the Abijah bridge in Weare.

(2) As a rural river:

(A) From the outlet of Lake Horace Dam in Weare, 8 miles to the Everett Dam flowage in Weare.

(B) From the outlet of Everett Dam in Weare, 8 miles to the river's convergence point with the south branch.

(b) Piscataquog River - middle branch. As a natural river from the natural outlet of Scobie Pond in Francestown to the inlet of the upper cranberry bog at the New Boston town line, approximately 11.5 miles to its mouth in New Boston.

(c) Piscataquog River - south branch:

(1) As a natural river from the outlet of Pleasant Pond in Francestown, 11.5 miles to New Hampshire Route 13 in New Boston.

(2) As a rural river from New Hampshire Route 13 in New Boston, 7 miles to the confluence with the north branch.

(3) As a rural-community river from the confluence with the north branch, 1.7 miles to New Hampshire Route 114 in Goffstown.

(4) As a community river from New Hampshire Route 114 in Goffstown, 1 mile to the Gregg Dam in Goffstown.

(5) As a rural-community river from the Gregg Dam in Goffstown, 6.9 miles to the river's mouth at Bass Island in Manchester.

XI. Exeter River. As a "rural river" from its headwaters at the route 102 bridge in Chester 29.7 miles to its confluence with Great Brook in Exeter.

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

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,

Joe Ford

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

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

MAIN STREET, NEWMARKET, NEW HAMPSHIRE 03857
TELEPHONE (603) 659-3073

APPENDIX C

LEE CONSERVATION COMMISSION

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

David N. Allan
Chair, Lee Conservation Commission

cc: Lee Selectmen

DEPARTMENT OF PLANNING & ZONING
TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, N.H. 03824-2898
603/868-5578 603/868-5005
Fax: 603/868-5572

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".

APPENDIX C

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.

Conservation Commission, Chairman

Conservation Commissioner

Conservation Commissioner

Conservation Commissioner

Conservation Commissioner

Conservation Commissioner (Alter)

6 In Favor Of Endorsement 0 Against Endorsement

Judith M. Harvey Date: 1/13/95
Judith Harvey, Town Clerk

" A True Copy Attest"

OFFICE OF Planning Board

NEWMARKET,
NEW HAMPSHIRE 03857

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Absent _____ Planning Board, Chairman

Vickie Bloom _____ Planning Board, Member

_____ Planning Board, Member

_____ Planning Board, Member

_____ Planning Board, Member

_____ Planning Board, Member

5 In Favor Of Endorsement 1 Against Endorsement

Judith M Harvey Date: 11/13/95
Judith Harvey, Town Clerk

" 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

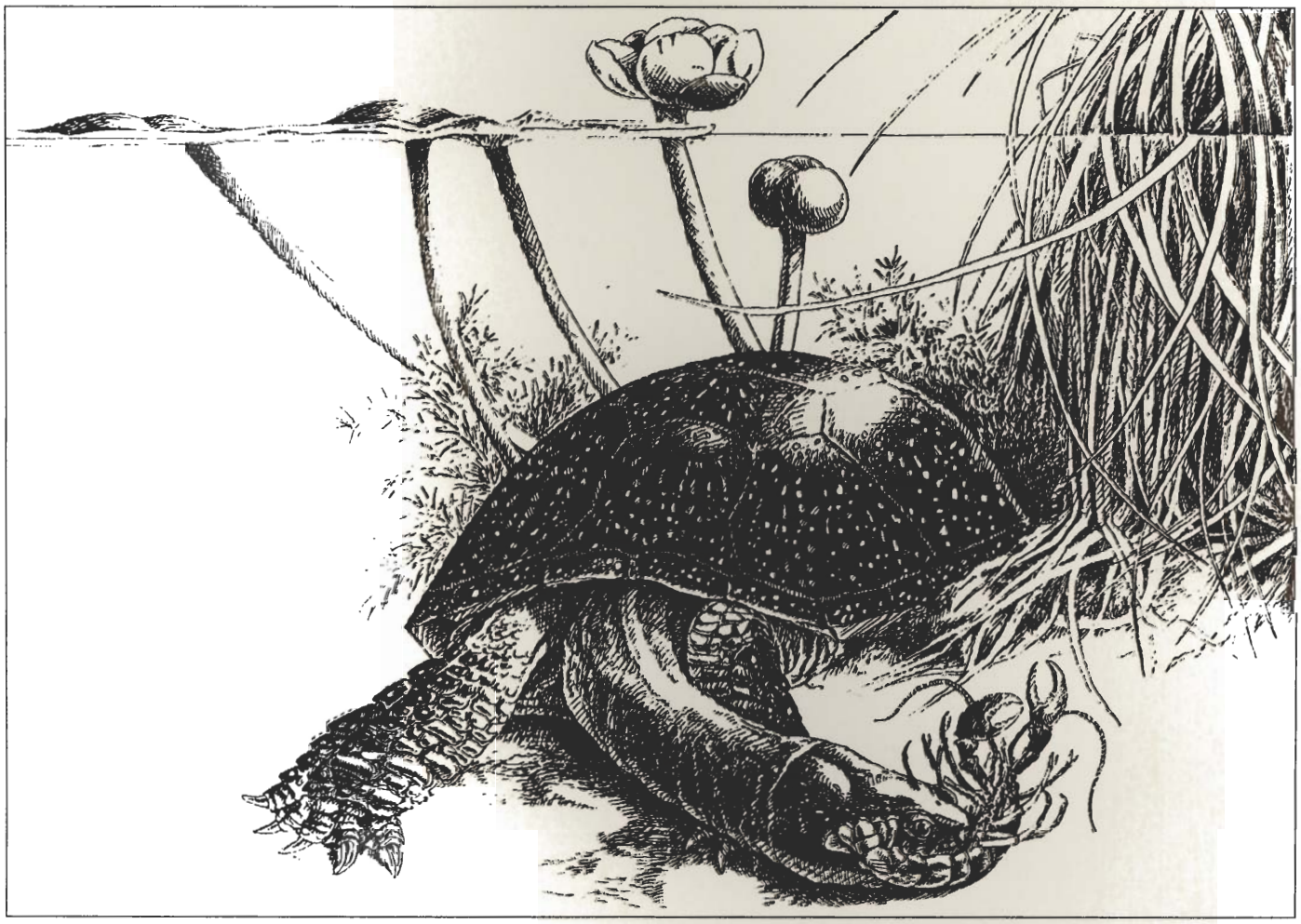
Dear Brian,

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



Blanding's Turtle (Emydoidea blandingii)