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

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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 PL. 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.
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<th>Segment</th>
<th>Recommendation</th>
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<tr>
<td>Bunker Pond Dam to Southern Lee Line</td>
<td>Not recommended for designation at this time</td>
</tr>
<tr>
<td>Southern Lee Line to Piscassic River</td>
<td>Recommended for designation as a recreational river</td>
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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 (R.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:

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 removejointed cobs from the riverbank at Epping as a part of the river cleanup sponsored by the Town and National Park Service.
A chronology of major events leading directly to the passage of study legislation is as follows:


1983: 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 file motion to intervene in SNEHDC’s license application.

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


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.


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


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 Macallan Dam in Newmarket and the Bunker Pond Dam in West Epping. The revised study area comprised 24.4 miles of the Lamprey.

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, complement 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, DWS, and LRAC developed a study strategy and work plan, the progression of which can be diagrammed as follows:

- (Draft) Resource Assessment Report
- (Draft) Eligibility & Classification Findings
- Distribution of Survey Results & Public Forums
  - (Draft) River Management Plan
  - Distribution & Review
  - Hearings Before Town Boards
  - Revised Management Plan
  - Town Boards & Governing Bodies Vote on Plan
  - Proposed Wild and Scenic River Designation
- Preparation of Study Report

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 DWS 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 (Fpping & 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.

Community Resources

The Towns

Rpping, 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 tracts 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 located 0.6 miles from the Lamprey River. The town has an active conservation commission and has protected more than 100 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

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 and shape marks its importance to Great Bay. Its good water quality and intact riparian habitats 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.

Aerial views of the Lamprey River study area in winter.
area known as the Most, 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 Winnisquam 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 Walhalla-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 concentrations 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 36 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. Upstream reaches receive 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 N.H. 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 COMMUNITY USE OR NEGOTIATED, GENERALLY BY SNOWMOBILE CLUBS, WITH LANDOWNERS.

NEW HAMPSHIRE FISHING MAPS CHARACTERIZED 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. UNDERDEVELOPED ALONG ITS ENTIRE LENGTH, EXCEPT AT NEWTANKER, 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 STREAM" THAT "TWISTS THROUGH OLD PASTURES AND WOODS." FOR A QUIET RETREAT INTO THE WOODS, THE FIRST MILES [FROM WADDELL FALLS EAST] ARE SUPERB... QUIET PADDLING PAST DENSELY FORESTED BANKS OF HEMLOCK AND SPRUCE.

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 ATTACH TO MARINE INCURSIONS. TODAY, THE RIVER IS LINKED TO THE OCEAN THROUGH A SERIES OF BAYS.

LOWLIERWY, THE LAMPREY RIVER NOT INFREQUENTLY FLOODS NOORTHIY IN DURHAM INTO THE OYSTERS RIVER WATERSHED AND EASTERNLY IN LEE AND NEWTANKER INTO THE PISCATAQUIS RIVER WATERSHED. DESPITE REGIONAL DEVELOPMENT PRESSURES, THE RIVER AND NATURAL DYNAMICS OF THE RIVER HAVE REMAINED REMARKABLY INTEGRAL. 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 ALOSIUS), AMERICAN SHAD, AND ATLANTIC SALMON ARE THE PRINCIPAL ANADROMOUS SPECIES FOUND IN THE LAMPREY. SEA LAMREY, A PARASITE OF OTHER FISH, ALSO OCCURS UPSTREAM. ANADROMOUS FISH WERE THE REASON FOR LISTING THE LAMPREY ON THE NATIONAL RIVERS INVENTORY, PUBLISHED BY THE NATIONAL PARK SERVICE IN 1982. COMMON WARMWATER FISH INCLUDE MEMBERS OF THE SUNFISH, CATFISH, AND PIKE FAMILIES.


ONE OF THE WILD AND SCENIC STUDY FIELD ASSESSMENTS FOUCUSED 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 SPECIES 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 ECOLOGICAL CHANGE, INCLUDING AN newArray, CHANGES IN DRAINAGE, HABITAT DEGRADATION, AND OTHER IMPACTS OF CHANGING LAND USE AND HUMAN PRESSURE.

THE VARIOUS HABITATS IN THE CORRIDOR SUPPORT A WIDE DIVERSITY OF MAMMALS, INCLUDING BEAVERS, MINK, RIVER OTTER, BLACK BEAR, FISH, GRAY FOX, RED FOX, AND OPOSSUM.

PLANTS

BOTANICAL STUDIES DOCUMENTED 329 SPECIES OF VEGETATION PLANTS, OF WHICH 252 ARE RESTRICTED TO WETLANDS AND FLOODPLAIN COMMUNITIES (A STUDY EMPHASIS). THE PLANTS GROW IN AN ARRAY OF HABITATS, INCLUDING RIVER CHANNELS AND RIVERBANKS TO MARSHY RIVER MARGINS, RIVER RAPIDS, FLOODPLAIN FORESTS AND OXBOVES, TO STREAMLETERS AND ASSOCIATED MARSHES AND SWAMPS, AND UPLAND FORESTS. ESPECIALLY SIGNIFICANT COMMUNITIES ASSESSED DURING 1994 INCLUDE THE RIVER RAPIDS, FLOODPLAIN ECOSYSTEMS, A LARGE SWAMP, WHITE RAC SWAMP, AND THE MOUNTAIN ISLAND AREA IN DURHAM. SEVERAL RARE PLANTS ALSO OCCUR IN THE STUDY AREA.

CULTURAL RESOURCES

ACCORDING TO THE STATE ARCHITECTURAL HISTORIAN, THE LAKEFRAY IS ONE OF NEW HAMPSHIRE'S MOST HISTORIC STREAMS. ARCHAEOLOGICAL REMAINS FROM ONE OF THE TEN MOST SIGNIFICANT SITES IN THE STATE, AT WADDELL FALLS IN LEE, DATE BACK SOME 8,000 YEARS. BECAUSE THE RIPARIAN ZONE HAS REMAINED RELATIVELY UNDERDEVELOPED, IT IS LIKELY THAT ARCHAEOLOGICAL SITES HAVE BEEN WELL Preserved. THE RIVER'S DEEP INLAND PERSPECTIVE ADDS TO ITS ARCHAEOLOGICAL SIGNIFICANCE BY OFFERING THE POTENTIAL TO REVEAL DISTRIBUTION AND TEMPORAL 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 Winwall 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
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.

3.1 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.

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 judgment 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 values. 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 riversine 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.

3.6 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 visibility 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 floodplains, shorelines 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 stream 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.

<table>
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<th>RIVERS FLOWING DIRECTLY INTO GREAT BAY</th>
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<td>Rivers</td>
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<td>------------</td>
</tr>
<tr>
<td>Lamprey</td>
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<tr>
<td>Squamscott</td>
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<td>Winnicut</td>
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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 renew 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.
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 (Lampsilis diversicolor) 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
LAMPEY RIVER STUDY

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

Anadromous Fish

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

The Lampey 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 RESOURCES: ANADROMOUS FISH

The Lampey 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 Lampey 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 RESOURCES: ARCHAEOLOGY

The Lampey's Woolwich Falls site is recognized as one of the tens of most important in the state. The national significance of the Woolwich 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 Lampey River at Woolwich Falls in Lee and Wiswall Falls in Durham.

The Woolwich 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 Woolwich 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.

<table>
<thead>
<tr>
<th>FREE-FLOWING DETERMINATION</th>
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<tbody>
<tr>
<td>Segment</td>
</tr>
<tr>
<td>Lee and Durham to</td>
</tr>
<tr>
<td>Woodman’s Brook</td>
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<tr>
<td>West Epping to Lee line</td>
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<tr>
<td>Woodman’s Brook to</td>
</tr>
<tr>
<td>Pisgah River</td>
</tr>
<tr>
<td>Pisgah River to</td>
</tr>
<tr>
<td>Malcolm Dam</td>
</tr>
</tbody>
</table>

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 be classified as “recreational” if the riverine remains generally natural and riverine in appearance.

Additional Segment - Upstream

The entire segment from Epping to 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 2.4 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 Pisgah 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 it is judged best to be excluded.

3.0 PROPOSED CLASSIFICATIONS

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

<table>
<thead>
<tr>
<th>PROPOSED CLASSIFICATIONS</th>
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<tbody>
<tr>
<td>Segment</td>
</tr>
<tr>
<td>Bunker Pond Dam to Lee line</td>
</tr>
<tr>
<td>Southern Lee town line to Pisgah River</td>
</tr>
</tbody>
</table>

Southern Lee Town Line to Pisgah 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.”
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.
CHAPTER 4

SUITABILITY FINDINGS
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 protections 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 sedimentation 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
50 year floods). 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 state. The next subsection of this chapter (Management Framework) returns to the LRAC and its functions.

Wetland and Streambed 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 120’ 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 544-A (RSA 430:46);
- enforcement of legislatd water quality classifications (RSA 485-A:32);
- terrain alteration requirements for 50,000 and 100,000 sq. ft. (RSA 485-A:17);
- septic setbacks (RSA 485-A:39, A:32, Envr.-Wf 1008.03, and RSA 483-B:9 Vb);
- 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

<table>
<thead>
<tr>
<th>Newmarket</th>
<th>Durham</th>
<th>Lee</th>
<th>Epping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning: all basic restrictions affected by overlay district. Only contains several zones; vpd soils and water bodies may not be used to fulfill lot size; &lt;25% pd soils.</td>
<td>Rural: 2.76 ac. &lt;30% lot size by ridge: &lt; 25% pd soils; no vpd soils; minimum slope of 12%. Frontage - 200’.</td>
<td>Residential: 2 ac., 64,000 ft² must be ‘developable’: &lt; 25% impervious lot coverage.</td>
<td>Largely residential; 40,000 ft² &lt; 30% lot coverage by vpd soils, vpd soils excluded from lot site determination; &gt; 1’ of elevation.</td>
</tr>
<tr>
<td>Shoreland: YES - 125’ setback for permanent structures; 75’ erotic setback; no cutting of trees &gt; 10” in diameter. Marinas in mill &amp; village district exempt.</td>
<td>YES - 125’ setback for structures; 160’ erotic setback; restricts chemical usage, filling w/in 75’; limits vegetation cut w/in 150’ of river; 75’ of perennial streams. No clear cutting.</td>
<td>YES - 100’ setback for needs, structures, erotic; limits vegetation cut. No clear cut.</td>
<td>YES - 100’ setback for permanent structures unless water-related.</td>
</tr>
<tr>
<td>River Access: 1 per lot, up to 20% of lot. Frontage.</td>
<td>1 per lot, up to 10% of lot. Frontage.</td>
<td>Not addressed.</td>
<td>1 per lot up to 20% for commercial enterprises. Limited as to residential.</td>
</tr>
<tr>
<td>Floodplain: Code enforcement officer reviews projects proposed for flood hazard area; no increase in flood levels.</td>
<td>Flood inspector reviews applications; no activity in regulatory floodway may cause any increase in flood levels; reg. Floodplain mapped to Wiswell Dam. 100-year floodplain mapped.</td>
<td>Development in regulatory floodway may not increase base flood discharge - but flood hazard zone and floodplain are defined as undevelopable lot size determination. 100-year floodplain mapped.</td>
<td>Bid to inspect must lease permit for building in flood hazard area; no increase in flood levels. From activity in regulatory floodway; 100, 600, 1000 floodplain, f.d. Floodplain mapped.</td>
</tr>
<tr>
<td>Wetlands: YES - pd, vdp soils, bogs, marshes, ponds, major streams. No structures; no change of condition; no dredge or fill in vdp soils.</td>
<td>YES - pd, vdp soils, surface waters (in strong flow); 50’-75’ setback for structures; 75’ erotic setback. PB may grant conditional uses, but limited by buffer zone provisions.</td>
<td>YES - pd, vdp soils, marshes, bogs, swamps. No structures, no change of natural surface configuration. SE for activities within 75’; 125’ hazard setback; no structures within 75’. Towed as open space, undevelopable.</td>
<td>All wetlands as defined in RSA 485-A. No alteration w/in Site Plan Review or variance; hazard A soils may not be used to fulfill lot size requirements in subdivisions.</td>
</tr>
<tr>
<td>Aquifer: YES - 0.64 ac; mig for water supply protection &lt;30% impervious surface, same use as overlaying district w/ prohibitions.</td>
<td>YES - &lt;25% impervious surface. PB and Council review runoff plans; all uses conditional; minimum size 10,000 sq ft. Hydrology study required for projects w/ &gt; 10 bars; sewer hookups required.</td>
<td>YES - &lt;10% impervious, Lowest density residential. Certain prohibitions re. septic underground tanks.</td>
<td>YES - 3 ac. lots, &lt;10% impervious coverage, no real salt. Excavation by SE.</td>
</tr>
<tr>
<td>Agriculture: Permitted in R1 zone only. Permitted in R; HC zones. Prohibited in R, limited in RA. No till w/in 75’ of river.</td>
<td>Permitted in all zones. Per standards set by SE.</td>
<td>Permitted in all zones.</td>
<td>Permitted in R, RA; limited to a maximum of 50% of acreage. Limited to storage and by SE in R-C.</td>
</tr>
<tr>
<td>NEWMARKET</td>
<td>DURHAM</td>
<td>LEE</td>
<td>EPPING</td>
</tr>
<tr>
<td>-----------</td>
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</tr>
<tr>
<td>Chaser</td>
<td>YES &gt; 20 to 100 acres, in residential zones only. Formula for determining density incl. reduction for limited souls &amp; no new increase in # of lots; performance and/or open space ≥ 25%.</td>
<td>YES &gt; 20 ac. ≥ 25% in open space, residential only, nonresidential. Provides for greater density w/formula for calculating net acreage; Council approved.</td>
<td>YES &gt; 10 ac. residential only, no community impact, ≥ 50% of area in open space, excluding slopes &gt; 15% and 75% of upland soils. No increase in overall density allowed.</td>
</tr>
<tr>
<td>Excavation</td>
<td>Town establishes ordinance, per RSA 156:6; annual site plan review</td>
<td>Requires conditional use permit in resid. and official research zones; not permitted in rural zones</td>
<td>Permitted in R and RR zones per RSA 156:6 for epping falls.</td>
</tr>
<tr>
<td>Slopes</td>
<td>Zoning and subdivision allow. BPI allows steeper slope for development.</td>
<td>Steep slopes identified as criterion for conditional use ordinance; slopes ≥ 25% considered in PUD open space and lot size.</td>
<td>Slopes ≥ 18% defined as undevelopable for lot size and open space calc in cluster development. Subdiv. range, 1-4 lots/acre. Moderate slopes &gt; 25%. Min lot size 1 acre. Slopes ≥ 18% must be &lt; 25%.</td>
</tr>
</tbody>
</table>

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

### 4.8.2 Physical Limitations to Development

Wetlands, floodplains, steep slopes, and soil conditions (depth to bedrock, surficial stone cover, permeability, and shrill-shown 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 32% 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 settlement development of the floodplain.
4.8.3 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.

4.8.4 Additional Supporting Programs

Since the installation of a fish ladder at the MacDuff 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 shut 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 at brood stock. The Department strongly supports installation of a fish ladder at the Weiswall 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-up, 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 RMP. 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.

4.9 Management Framework

The NH Rivers Management and Protection Program and the Lamprey River Advisory Committee (LRAC), 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 RMP. 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 RMP. A State Rivers Coordinator from within the DIS staffs the RMP, 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
agencies and between the local advisory committees and
the state agencies. A state Rivers Management Advisory
Committee composed of many river interests—business, con-
servation, recreation, municipal government, history, fish-
eries, public water supply, hydroelectric development—ad-
vises 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 manage-
ment 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 frame-
work for successful long-term use and protection of the
Lamprey River—a complex natural resource. It at-
tempts to define a future for the river which respects
the legitimate interests of property owners while recog-
nizing 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 judg-
ment of the Lamprey River Advisory Committee (LRAC)
who prepared it.

The LRAC has also articulated a “Statement of Manage-
ment 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 fac-
ing increasing pressure from development and recre-
ational 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 prob-
lems 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.”
Chapter 4: Suitability Findings

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, historical and archeological 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.

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

**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.

The Lamprey River Watershed Association's "anything goes" sign on the Lamprey.
Incorporate water quality monitoring to supplement the limited monitoring activities conducted by the State.

- The LRC urges the State and EPA to continue both periodic and special physical/chemical/bacteriological monitoring programs, and undertake bacteriological monitoring (by examining aquatic invertebrates).
- LRC encourages local people (conservation commissions, citizen groups, school classes, etc.) to assist the State in providing an improved long-term monitoring program. The State at local high school level assists local water quality monitoring efforts by processing samples.
- Town health officers investigate suspected bacteria problems at swimming areas.
- LRC seeks state, federal, and local financial support for increased monitoring.

Prevent nonpoint source pollution from highway and bridge maintenance activities.

- The LRC encourages highway departments to implement BMPs when paving road beds, controlling highway runoff, etc.

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

- The NHDES has ongoing responsibility for developing and implementing the interstate flow rules for the designated segment of the Lamprey. The LRC 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 LRC, with other citizen groups like the LRA, 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 LRC 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 LRC works with the State, Corps of Engineers, and local communities to discourage development within floodplains.
Oppose construction of a hydroelectric facility at Weiswall dam.

- It is the position of the LRAC that the construction and operation of a hydroelectric facility at the Weiswall 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 investigation, and recreational use is timed to avoid adverse impacts on sensitive habitats and species.

- The LRAC works with town boards, govenors, 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 systems 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 NHI 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 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 falls 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 interim 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 conservation organizations such as the LRWA, Society for the Protection of NH Forests, Stafford River 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 for simple acquisition. (See Appendix F)

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

Provide for fish passage at Winwall Dam.

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

Promote retention of State current use programs.

• 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 Lamplry Iron Works and the route of the oxenway road from the MacAlley Dam in Newmarket to Wadligh Falls in Lee. Additional research on known archaeological sites at Winwall and Wadligh Falls is also needed.

• The LRAC identifies and evaluates additional sites, including those above Wadligh 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 ownerc/landowner contact program, and creation of historic districts. Specific locations may remain undisturbed 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 experts, works with historians to promote follow-up investigations 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 Lamplry 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 (diagrams, slide shows, etc.).

• Schools are encouraged to use the Lamplry 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.
CHAPTER 4: SUITABILITY FINDINGS

4.0 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 1955 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 overwhelmingly in support of the Management Plan and federal designation. The 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%).

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 at 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 promotes 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 outreaching 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 (hands-free only) for motorboats on the Lamprey.
Regional

The Strafford Regional Planning Commission voted at its February 16, 1993 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 NFS 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.

4.4. 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 [cooperatives'] ability to compete for non-governmental 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, 1993, 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 Protection 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.

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.
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 condemnation 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 this 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.
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 to 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 Winnisquam 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 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 establish 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.

Warbirds and backwater along the Lamprey provide excellent wildlife habitat.
The Lamprey River Advisory Committee:
Richard Dewing, Durham (1994-present)
Joe Ford, Lee (1991-present)
David Funk, Durham (1994-present)
Brian Giles, Lee (1991-present)
John Hatch, Durham (1991-present)
Richard Lord, Durham (1991-present)
Kevin Martin, Epping (1992-present)
Sharon Meeker, Lee (1991-present)
Eileen Miller, Lee (1991-present)
Chris Schoppmeyer, Newmarket (1992-present)
Judith Spang, Durham (1991-present)
Richard Wellington, Lee (1991-present)

Project Staff:
Jamie Fosburgh, Division of Rivers and Special Studies, National Park Service
Margaret Watkins, Rivers Program, NH Department of Environmental Services

Eugene Boudette, State Geologist, New Hampshire Department of Environmental Services
Dee Bricker-Wood, Land Protection Specialist, Society for the Protection of New Hampshire Forests
David Carroll, Herpetologist
Durham Historic Association
James Garvin, State Architectural Historian, New Hampshire Division of Historical Resources
Sylvia Fitts Getchell, Newmarket Historical
Geel Hentze, Editor
Lamprey River Watershed Association
New Hampshire Fish and Game Department
New Hampshire Natural Heritage Inventory
Drew Parkin, National Park Service
Richard B. Sanborn, Epping Historian
Stafford Regional Planning Commission
The Nature Conservancy, Eastern Regional Office
Maggie Wittner, Ornithologist

Cover: John W. Hatch, Fall Along the Lamprey, 1994, watercolor.
Drawings on inside front and back covers by David M. Carroll.


GIS maps reproduced for this report were prepared by the Stafford Regional Planning Commission, Dover, New Hampshire.

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.

Coyle, Kevin J.

Giffen, R. Alice, and Drew O. Parkin

Forest Service, U.S. Department of Agriculture

Lamprey River Advisory Committee

National Park Service, U.S. Department of the Interior


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 Survey of Strafford and Rockingham counties, published by the Soil Conservation Service.

Scale in Miles
0 1 2

June 1994
Lamprey River Study
100 Year Floodplain

- Floodplain
- Political boundaries
- Major roads
- 1/4 mile river corridor

All base features are from U.S.G.S. 1:24,000 scale Digital Line Graph. 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 Hesch, of Durham, NH, from maps prepared by the Federal Emergency Management Agency. The information was digitized by SRPC.

Scale in Miles

Stratford 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 Graphics. All base information was distributed by Complere 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 Soil Potential for Development, 1997. 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.

Stratford Regional Planning Commission

Scale in Miles
0 1 2

June 1997
Lamprey River Study
Developed Areas within the River Corridor

Legend:
- Developed
- Private campground
- Political boundaries
- Major roads
- ¼ 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 Landford and Rockingham Regional Planning Commission from 1987 AGES aerial photography and verified by the various communities.

Scale in Miles
0 1 2

June 1994
Lamprey River Study
Generalized Zoning Map

- Residential/Recreational (RRR/REC)
- Commercial/Light Industry (C/LI)
- Mixed urban (MU)
- Political boundaries
- Major roads
- 1/4 mile river corridor

Base features are from USGS 1:24,000 scale Digital Line Graph. All base information was digitized 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 ordnances 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 uses each community has overlay districts to protect important community resources, including the Lamprey River shoreline.

June 1984
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 306 of the Wild and Scenic Rivers Act (16 U.S.C. 1278a) is amended by adding at the end thereof the following new paragraph:

"7. ) LAMPEH, 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 306 of the Wild and Scenic Rivers Act (16 U.S.C. 1278a) 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

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

483-1 Definitions. In this chapter:
1. "Advisory committee" means the river management advisory committee established in RSA 483-6.
1. "Agreement" means any appropriate agreement entered into between the Department of Environmental Services and another state agency.
2. "Base flow" means the amount of flow which occurs in a river when the river is not98.19 doing any other activity that contributes to a decrease in base flow.
1. "Boat database" means any database which contains information about vessels, including but not limited to: name, year built, make, engine type, horsepower, length, weight, and any other information deemed necessary by the Department of Environmental Services.
2. "Boat database" means any database which contains information about vessels, including but not limited to: name, year built, make, engine type, horsepower, length, weight, and any other information deemed necessary by the Department of Environmental Services.
1. "Central waterway" means the body of water known as the central waterway which is located between two parallel banks of a river and is used for navigation, recreation, and other purposes.
2. "Central waterway" means the body of water known as the central waterway which is located between two parallel banks of a river and is used for navigation, recreation, and other purposes.
1. "Creek" means any small body of water which is not part of a river system.
2. "Creek" means any small body of water which is not part of a river system.
1. "Department" means the Department of Environmental Services.
2. "Department" means the Department of Environmental Services.
1. "District" means any area of land which is designated as a district by the Department of Environmental Services.
2. "District" means any area of land which is designated as a district by the Department of Environmental Services.
1. "Flow" means the rate of water movement in a river or stream.
2. "Flow" means the rate of water movement in a river or stream.
1. "Flowing water" means any water which is flowing in a natural state and is not impounded, diverted, or otherwise regulated.
2. "Flowing water" means any water which is flowing in a natural state and is not impounded, diverted, or otherwise regulated.
1. "Greenway" means any area of land which is designated as a greenway by the Department of Environmental Services.
2. "Greenway" means any area of land which is designated as a greenway by the Department of Environmental Services.
1. "Intramural water" means any water which is located entirely within a single boundary line, such as a river or stream.
2. "Intramural water" means any water which is located entirely within a single boundary line, such as a river or stream.
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483.4 Coordination With Federal Agencies. For the purpose of section 483.25A(6) of the Federal Power Act, these 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 Utility Regulatory Policies Act, sections 206, 212, 16 U.S.C. sections 832u-30, 832u-36.

483.5 Nomination: 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, riparian and hydrologic features, vegetation, wildlife, historical and archaeological features, open space and recreational features and potential, water quality and quantity, dams, buildings, and other man-made structures; natural features, including flowage rights known by the nominating individual or group, and other pertinent information and overhead information. The nominating party shall hold at least one public meeting on the information prior to final submission 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.

2. The commissioner shall assist and cooperate with the nominating or nominating organization and shall, within 120 days of receipt of this nomination, review the nomination and provide a recommendation for review by the commissioner under the criteria established in paragraph V and adopted by rules under RSA 483-11.7.

3. The rivers coordinator, in coordination 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 of the advisory committee, the criteria and the criteria and its values and characteristics are contained in the substantive board rules, and the criteria and the criteria and its values and characteristics shall be contained in the substantive board rules shall be adopted under RSA 483-11.7. The public hearing comments shall be considered as the nominating party and the advisory committee when preparing a recommendation for review by the commissioner.

4. 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 or least example of one or more of the following:
(1) Scenic or recreational resource.
(2) Fish and wildlife resource.
(3) Fisheries, wildlife, vegetation, and rare species or habitat.
(4) Cultural, historical, or archaeological resource.
(5) Hydrological or geological resource.
(6) Mineral deposit.
(7) Scientific resource.
(8) Community resource.

RIVERS MANAGEMENT AND PROTECTION

483.7-L 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.

2. 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 designation.
(c) The classification of the proposed designation pursuant to RSA 483-7.5.

RIVERS CLASSIFICATION-Criteria: Management.
1. These 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 their high quality of natural and aquatic resources. River systems are in primarily natural vegetation and river corridors are generally undisturbed. Development, if any, is limited to forest management and scattered housing.

Rivers and streams, the following ecosystem and management objectives shall apply:
(1) The minimum length of any segment shall be 3 miles.
(2) Existing water quality shall be at least within 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 general road open to the public for motor vehicle use shall be 250 feet, except where a vegetative or other similar barrier exists which effectively screens the sight and sound of motor vehicles for a majority of the length of the river or segment.

Management of natural rivers and segments shall preserve 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, agriculture, public water supply, and other purposes which are compatible with the natural public uses of the river and the management and protection of the resources for which the river or segment is designated.

Rural roads 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 interest streams may exist, including low uses, diversion works and other minor small waterways. The following criteria and management objectives shall apply to rural roads.
examinined as a whole, and the classifications of such river or segment shall be based on the overall values and characteristics of such river or segment.

483.6 River Management Advisory Committee: Establishment. There is established a river management advisory committee appointed by the governor and council, and the committee members shall represent the North Country and all members shall be New Hampshire residents. 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 official nominated by the New Hampshire Municipal Association.
(c) A number of the first and great communities.
(d) A representative of the business and industry Association chosen from a list of 3 nominees.
(e) A representative of the County Farm Improvement 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 Foundations.
(g) A representative of the conservation community chosen from a list of 3 nominees submitted by the New Hampshire Native Forest Association.
(h) A representative of the conservation community chosen from a list of 3 nominees submitted by the New Hampshire River Campers and the Appalachian Mountain Club.
(i) A representative of environmental interests chosen from a list of 3 nominees submitted by the New Hampshire Historical Society.
(j) The director of the office of river planning, the executive director of the Fish and Game department, the commissioner of recreation and resource development, and the commissioner of the department of agriculture or their designees that serve as nominating members of the committee.
(k) The terms of state agency members shall be the same as their terms in office. The terms shall serve 3-year terms, except that the terms or the state agency members appointed under subparagraph (a), (b), (c), and (g) shall be one year, and those appointed under subparagraph (d), (e), (f), and (h) shall be 2 years. The commission shall convene the first meeting no later than September 15, 1988. The commission shall elect a chairman and vice chairman. Subsequent meetings shall be held as the call of the chair, or at the request of 2 or more committee members. The commission or subcommittee under RSA 483.3 shall serve as secretary and staff to the commission.
V. The advisory committee shall advise the commissioner and river management coordinator to 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.

483.6-A Local River Management Advisory Committee: Establishment: Delegation. The commissioner shall appoint a local river management advisory committee for each designated river or segment. The committee 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 committee shall appoint at least one person from each municipality to which the river or segment

Compiled by OCR: June 1993

Complied by OCR: June 1993

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RIVERS MANAGEMENT AND PROTECTION

§ 483-9

6. New sources of pollution shall not be permitted in the vicinity of a designated natural river or segment. New sources of pollution include those sources of pollution which, upon introduction directly into a natural water, are reasonably certain to render it injurious to human health or dangerous to the welfare of fish and wildlife. Any person who shall maintain in a state of activity any deletion or obliteration of the preliminary permit or the final permit shall be guilty for each violation of a Class I, II, or III violation of the preceding sections, as set forth in this chapter, a penalty of not less than $500 nor more than $1,000. In the event of a violation of the provisions of this chapter, any person who shall maintain in a state of activity any deletion or obliteration of the preliminary permit or the final permit shall be guilty for each violation of a Class I, II, or III violation of the preceding sections, as set forth in this chapter, a penalty of not less than $500 nor more than $1,000.

8. Any person who shall cause, permit, or consent to the pollution of a natural water in violation of the provisions of this chapter shall be guilty for each violation of a Class I, II, or III violation of the preceding sections, as set forth in this chapter, a penalty of not less than $500 nor more than $1,000.

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Page 7
III. No interference transfers of water from a designated reach of river or segment shall be permitted.

IV. The operational model of any proposed facility shall be fixed to prevent off-channel storage and to allow the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. Moreover, the commission may approve such channel alterations in order to maintain the natural flow characteristics of the river or segment. See appendix A for the Class 3 level. Significant adverse impacts on water quality or other water resource users shall not be permitted. The department shall review and consider the proposal for water resource management plans prior to issuing any permit under RSA 485-A:11, RSA 485-A:17, or RSA 485-A:24.

V. Any new solid waste storage or treatment facility, as defined in RSA 146:1, VI shall be set back a minimum of 250 feet from the normal high water mark of a designated reach of river or segment and any new solid waste landfill be located within the corridor of a designated reach of river or segment shall be set back a minimum of 100 feet from the landscape feature of the 500-year floodplain and assessed from the river with a vegetative or other natural barrier to minimize visual impact. All solid waste storage or treatment facility, as defined in RSA 146:11, VI shall be set back a minimum of 100 feet from the normal high water mark of a designated reach of river or segment and any new solid waste landfill located within the corridor of a designated reach of river or segment shall be set back a minimum of 100 feet from the landscape feature of the 500-year floodplain and assessed from the river with a vegetative or other natural barrier to minimize visual impact. The department may require that any proposal for water resource management plans prior to issuing any permit under RSA 485-A:11, RSA 485-A:17, or RSA 485-A:24.

VII. Any new solid waste storage or treatment facility, as defined in RSA 146:1, VI shall be set back a minimum of 250 feet from the normal high water mark of a designated reach of river or segment and any new solid waste landfill located within the corridor of a designated reach of river or segment shall be set back a minimum of 100 feet from the landscape feature of the 500-year floodplain and assessed from the river with a vegetative or other natural barrier to minimize visual impact.

VIII. Any new solid waste storage or treatment facility, as defined in RSA 146:1, VI shall be set back a minimum of 250 feet from the normal high water mark of a designated reach of river or segment and any new solid waste landfill located within the corridor of a designated reach of river or segment shall be set back a minimum of 100 feet from the landscape feature of the 500-year floodplain and assessed from the river with a vegetative or other natural barrier to minimize visual impact.

IX. Any existing water storage or treatment facility, as defined in RSA 146:1, VI shall be set back a minimum of 250 feet from the normal high water mark of a designated reach of river or segment and any new solid waste landfill located within the corridor of a designated reach of river or segment shall be set back a minimum of 100 feet from the landscape feature of the 500-year floodplain and assessed from the river with a vegetative or other natural barrier to minimize visual impact.

X. Any existing water storage or treatment facility, as defined in RSA 146:1, VI shall be set back a minimum of 250 feet from the normal high water mark of a designated reach of river or segment and any new solid waste landfill located within the corridor of a designated reach of river or segment shall be set back a minimum of 250 feet from the normal high water mark of a designated reach of river or segment.
RIVER MANAGEMENT AND PROTECTION

483:11-a. 

483:11-b. State Agencies; Notification of Rivers Coordinator; Permit for Review.

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 current copies of all notices of public hearing, 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 segment. Under RSA 483:9-a, RSA 483:9-b, RSA 189:14-b, RSA 189:17-a, and RSA 189:17-b, each agency shall notify the rivers coordinator of such actions. In addition, the Rivers Coordinator shall be notified of any request by an affected state agency or local river management advisory committee to have an action reviewed by the Rivers Coordinator. Any action subject to review shall be referred to the Rivers Coordinator for review. 

483:11-c. Rivers Coordinator's Functions; Condition of River or Segment.

When the Rivers Coordinator determines that any proposed action is inconsistent with the adequate and appropriate protection of the river or segment, he shall notify the issuing authority that a permit is not issued. In the event of an appeal to the Rivers Coordinator, the Rivers Coordinator shall consult with the appropriate state agencies, local river management advisory committee, or local river management committee to determine the appropriate action to be taken. The Rivers Coordinator shall notify the affected state agency or local river management advisory committee of his determination regarding the adequacy of the proposed action. 

483:11-d. Discharge of Water or Other Substances from a Point Source. 

When a discharge of water or other substances from a point source is proposed, the Rivers Coordinator shall consult with the appropriate state agencies, local river management advisory committee, or local river management committee to determine the appropriate action to be taken. The Rivers Coordinator shall notify the affected state agency or local river management advisory committee of his determination regarding the adequacy of the proposed action. 

483:11-e. Rivers Coordinator's Functions; Condition of River or Segment.

When the Rivers Coordinator determines that any proposed action is inconsistent with the adequate and appropriate protection of the river or segment, he shall notify the issuing authority that a permit is not issued. In the event of an appeal to the Rivers Coordinator, the Rivers Coordinator shall consult with the appropriate state agencies, local river management advisory committee, or local river management committee to determine the appropriate action to be taken. The Rivers Coordinator shall notify the affected state agency or local river management advisory committee of his determination regarding the adequacy of the proposed action. 

Complied by 1985 - June 1995
(A) from the outlet of Fish Lake in Birdsall to (B) from the outlet of Mount Rushmore in South Dakota.

(B) from the outlet of Fish Lake in Birdsall to (C) from the outlet of Mount Rushmore in South Dakota.

(C) from the outlet of Fish Lake in Birdsall to (D) from the outlet of Mount Rushmore in South Dakota.

(D) from the outlet of Fish Lake in Birdsall to (E) from the outlet of Mount Rushmore in South Dakota.

(E) from the outlet of Fish Lake in Birdsall to (F) from the outlet of Mount Rushmore in South Dakota.

(F) from the outlet of Fish Lake in Birdsall to (G) from the outlet of Mount Rushmore in South Dakota.

(G) from the outlet of Fish Lake in Birdsall to (H) from the outlet of Mount Rushmore in South Dakota.

(H) from the outlet of Fish Lake in Birdsall to (I) from the outlet of Mount Rushmore in South Dakota.

(I) from the outlet of Fish Lake in Birdsall to (J) from the outlet of Mount Rushmore in South Dakota.
RIVERS MANAGEMENT AND PROTECTION

483:15

(1) As a community river from the town line of Blackstock down above the town of Gilman to the wood and stone bridge in Gilman.
(2) As a road river from the town line bridge in Gilman to the Court Street bridge in Keene.
(3) As a community river from the Court Street bridge in Keene to the Bridge Street bridge in Keene.
(4) As a road river from the Bridge Street bridge in Keene to the town bridge on the west bank over the intersection of the Windsor Street and route 10 in West Swanzey.
(5) As a community river from the town bridge on the west bank near the intersection of the Windsor Street and route 10 in West Swanzey to the Demorest Thompson Bridge.
(6) As a road river from the Demorest Thompson bridge in West Swanzey to and including the bridges on the west bank before the A.C. Lincoln building in West Swanzey.
(7) As a community river from the bridge on the west bank before the A.C. Lincoln building in West Swanzey to the route 19 bridge.
(8) As a road river from the route 19 bridge in Winsted to the Winsted dam owned by G.E. Robinson and Company in Winsted.
(9) As a community river from the Winsted dam owned by G.E. Robinson and Company in Winsted to the route 110 bridge.
(10) As a road river from the route 110 bridge in Sullivan to the mouth of the Asquam River at the Connecticut River.  

(1) As a community river from the Asquam Dam on the north branch:
   (1) A natural river from the outlet of Flower Lake Dam in Deerfield, 0.25 miles in the high valley in Deerfield.
   (2) As a road river:
      (a) From the outlet of Lake Memphremagog in Westmore, 2 miles to the Asquam Dam on the west bank.
      (b) From the outlet of Deer River Dam in Westmore, 2 miles to the Asquam Dam on the west bank.
   (3) Piscataquog River - middle branches.  As a natural river from the outlet of South Branch of Piscataquog River in Franklin to the mouth of the Asquam River at the Connecticut River, 3 miles to the south bank.
   (4) Piscataquog River - north branches:
      (a) As a natural river from the outlet of Piscataquog River in New Hampshire State 71 in New Hampshire, 6 miles to the Asquam Dam on the north bank.
      (b) As a natural river from the outlet of Piscataquog River in New Hampshire State 11 in New Hampshire, 7 miles to the Asquam Dam on the north bank.
      (c) As a natural river from the outlet of Piscataquog River in New Hampshire State 16 in New Hampshire, 1 mile to the Asquam Dam on the north bank.
      (d) As a natural river from the outlet of Piscataquog River in New Hampshire State 16 in New Hampshire, 1 mile to the Asquam Dam on the north bank.

Compiled by DES - June 1973
TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2806
Tel: 603/868-5571
Fax: 603/868-5572

February 7, 1995

Ms. Sharon Meeker
Chair, Lamprey River Advisory Committee
203 Wulleigh 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
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 370 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,

[Signature]

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 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
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. An 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: Pliscilla Shaw, Chair
Newmarket Town Council

Passed: Judith M. Harvey
Newmarket Town Clerk/Tax Collector

Date: Jul 14, 1995

A True Copy Attest

MAIN STREET, NEWMARKET, NEW HAMPSHIRE 03857
TELEPHONE (603) 659-3073
December 28, 1994

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

Dear Mr. Giles:

The Lee Conservation Commission has reviewed the Lamproy 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,

[Signature]

David N. Allan
Chair, Lee Conservation Commission

CC: Lee Selectmen
DEPARTMENT OF PLANNING & ZONING
TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, N.H. 03824-2698
603/868-3578  603/868-3005
Fax: 603/868-3572

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

(2) The designation of the Lamproy 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 Lamproy River and Great Bay.

(3) Continued recognition of the importance of water quality in the Lamproy 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 Lamproy 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 (Alter)

In Favor Of Endorsement  O  Against Endorsement

Judith Harvey, Town Clerk

"A True Copy Attest"

Date: 1/13/95
Position Of The Newmarket, N.H. Planning Board Concerning The Towns Continued Involvement With The Lamprey River Advisory Committee And Wild & Scenic Designation For The Freshwater Portion Of The Lamprey River

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

(1) The findings of the Management Plan and continuation of the Town Of Newmarket, N.H. as a member of the Lamprey River Advisory Committee.

(2) The designation of the Lamprey River under The Wild & Scenic Rivers Act down to the confluence with the Piscassic River. As indicated in the 1994 Master Plan Survey, residents value their riverine resources and about half the population make use of the Lamprey River and Great Bay.

(3) Continued recognition of the importance of water quality in the Lamprey River, as the surface waters serve as an alternate drinking water supply for the town.

(4) Deferring any decision about whether or not to seek formal designation of the freshwater portion of the Lamprey River in Newmarket, N.H. into the N.H. River’s Management & Protection Program until after the N.H. Department Of Environmental Services has completed its rulemaking process regarding instream flow protection on designated sections.

Absent: Planning Board, Chairman

Planning Board, Member
Planning Board, Member
Planning Board, Member
Planning Board, Member

In Favor Of Endorsement Against Endorsement

Judith Harvey, Town Clerk

Date: 11/18/95

* A True Copy Attest*
February 21, 1995

Lamprey River Advisory Committee

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