

Project Review and Comment



The subcommittee reviews plans. Photo by S. Petersen.

Background

According to NH RSA 483:8-a iii b, (<http://www.gencourt.state.nh.us/rsa/html/L/483/483-8-a.htm>), local river advisory committees shall have the opportunity and responsibility to consider and comment on any federal, state, or local governmental plans to approve, license, fund, or construct facilities that would alter the resources and characteristics for which the river or segment is designated in the NH Rivers Management and Protection Program. This jurisdiction covers the quarter mile corridor on both sides of a designated river. The Lamprey Rivers Advisory Committee (LRAC) is responsible for reviewing projects along the Lamprey, Little, North, North Branch, Pawtuckaway, and Piscassic rivers. Similarly, the Wild and Scenic Subcommittee is advisory to the National Park Service relative to the National Wild and Scenic River designation, with a goal of protecting and enhancing the designated segment river (covering the main-stem Lamprey River from West Epping to the confluence of the Piscassic River in Newmarket) where federal permits or projects are concerned. The Committee is “the local voice of the river” in these processes, with state and federal legislative charters to back that voice and ensure that it is heard. Comments generated by LRAC are advisory and are considered by the New Hampshire Dept. of Environmental Services (NHDES); however, LRAC does not have the authority to grant or deny permits.

In addition to review of proposed projects, NH RSA 483 also directs the Committee to advise the NHDES commissioner on matters that pertain to the management of the designated rivers. In this capacity, the Committee makes

advisory comments to NHDES and others concerning proposed changes to legislation (e.g., land protection funding by towns and town conservation commissions, shoreland protection, and change-of-use tax revenue) or issues of concern that might impact the rivers.

In order to perform this important advisory duty, the project review subcommittee is comprised of members who have a variety of backgrounds and skills. When possible, a representative from the town in which the project is proposed contributes to the review. The members look at local and state regulations and best management practices that pertain to riverside buffers, stormwater management, construction practices, and post-construction maintenance plans. Special attention is given to the presence of rare or threatened wildlife species or habitats, steep slopes, public access, public water supply areas, changes to infiltration into the soil, and cultural/historic features. (See Appendix C for the Project Review Process Worksheet.)

Goal

Ensure that river protection goals are adequately considered during project review at local, state, and federal levels.

Accomplishments

The Committee began reviewing and commenting on projects in 1990 when Durham and Lee were first nominated into the NH Rivers Management and Protection Program. Later, Newmarket and Epping projects were added through Wild and Scenic Rivers designation. In 2011, the rest of the main-stem Lamprey River and five tributaries (Little, North, North Branch, Pawtuckaway, and Piscassic) were added. The following are some of the projects that the committee has reviewed:

- a major golf course proposed for 2.5 miles of riverfront in Durham (Comments focused on protection of a riparian buffer, minimizing wetland and floodplain degradation, and water quality monitoring. Proposal was withdrawn.)
- a potential hydroelectric facility in Newmarket (Proposal was withdrawn.)
- improvements to Packer's Falls Bridge. (Wild and Scenic LRAC contributed \$15,000 towards the bridge reconstruction which replaced massive concrete railings with metal railings that allow views of the river and increase safety.)
- Wiswall Dam fish passage (Comments helped to prevent turtles from becoming entrapped in the fish ladder.)
- improvements to the Newmarket boat launch
- the Lamprey River water transmission main line (Resulted in a Clean Water Act, Section 401 permit to allow the Town of Durham increased municipal water usage while protecting Lamprey River habitat and flows.)

- a system for monitoring and controlling power boat speeds on the lower Lamprey River
- reconstruction of Route 87 bridge in Epping. (Comments resulted in NH DOT's hiring a soil bioengineering firm to design state-of-the-art stream bank stabilization, a wildlife underpass, and access improvements. The site was also put under a floodplain conservation easement.)
- commercial development at routes 101 and 125 in Epping
- Durham's proposed shoreland and wetland ordinances
- a large Epping subdivision (LRAC and the National Park Service brought local, state and federal reviewers together to re-design the project in an "open space" design. Led to adoption of Epping's Open Space Subdivision ordinance.)
- expansion of parking lot at the Walmart Distribution Center in Raymond (Comments focused on situating additional pavement away from wetlands.)
- replacement of a bridge over the North River in Nottingham
- conversion of a small riverfront business to a complex of businesses and condominiums in Newmarket
- revisions to the New Hampshire Shoreland Water Quality Protection Act
- various house lot projects along the river

Key Future Actions

- Review and comment on local, state, and federal permits and projects within LRAC's jurisdiction that have the potential to affect the quality and quantity of water, stream flow, ecology, and other river resources. (See LRAC Project Review Subcommittee Process Worksheet in Appendix B.)
- Continue to improve the communications process among the towns, state, federal agencies, and LRAC to provide for timely notification of permit applications for local projects.
 - Send annual reminders to town managers and zoning boards that permits for the quarter mile corridors are required to be reviewed by LRAC.
 - Track how comments were used by applicants, towns, and NHDES.
- Participate when possible in preliminary project design meetings, studies, and similar processes that could help streamline and optimize planning for beneficial actions, projects, or permits related to the river and its resources. Communicating about projects early in the planning process can help to reduce conflict later in the process.
- Expand review responsibilities of the subcommittee to include proposed legislation affecting the rivers or create a separate subcommittee to perform this function.