

## PROJECT REVIEW



*Plans being reviewed by committee representatives Jen Rowden, Sharon Meeker, Dick Snow, Preston Samuel, and Todd Piskovitz Photo by S. Petersen.*

### Background

According to [NH RSA 483:8-a iii b](#), 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 state-designated river. The 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 NPS relative to the National Wild and Scenic River designation, with a goal of protecting and enhancing the designated river segment (covering the main stem Lamprey River from the site of the former Bunker Pond Dam in West Epping to the confluence of the Piscassic River in Newmarket) where federal permits or projects are concerned. The LRAC 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 the LRAC are advisory and are considered by the New Hampshire Department of Environmental Services (NHDES) and the NPS; however, the 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 state-designated rivers. In this capacity, the LRAC 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 Workgroup 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 operation and maintenance plans. Special attention is given to 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.

## **Goals**

Ensure that river protection goals are adequately considered during project review at local, state, and federal levels. The Workgroup strives to review development projects of all sorts with an eye toward making each project a compromise among interests: local government, business, conservation, recreation, agriculture, and riparian landowners.

## **Accomplishments**

The LRAC began reviewing and commenting on projects in 1990 when Durham and Lee were first designated into the NH Rivers Management and Protection Program. Later, Newmarket and Epping projects were added when the Wild and Scenic Rivers designation occurred. 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.)
- 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 boat speeds on the lower Lamprey River

- reconstruction of the Route 87 bridge in Epping (Comments resulted in NH Department of Transportation’s hiring of 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.)
- Durham’s proposed shoreland and wetland ordinances
- a large Epping subdivision (LRAC and the NPS 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.)
- revisions to the New Hampshire Shoreland Water Quality Protection Act
- upgrades to electric transmission lines
- Lamprey River Instream Flow Management Plan
- Northern Pass Electric Transmission Project (Line running from Quebec to NH-Massachusetts border, comments focused on requiring the proponent to install gates to prevent ATVs from accessing wetland areas along the entire corridor.)
- commercial subdivision in Epping (Comments focused on not degrading exceptional turtle breeding area.)

## **River Profiles**

Beginning in 1823, a large complex of textile mills was constructed at the "first falls" of the Lamprey River in Newmarket. The Newmarket Manufacturing Company soon outgrew the river's natural ability to power the mills through the summer's dry months, so several dams, including the Mendum's Pond Dam, were constructed at various locations in the drainage basin to store spring runoff. Water was later released to keep the flow at the first falls at a steady rate throughout the year.

In the summer of 2015, the New Hampshire Department of Environmental Services, which now owns the Mendum's Pond Dam, determined a need to upgrade it to meet current safety standards. Under state law, our Projects Review Workgroup had the responsibility "to consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated." Under this authority, we were able to advise the engineering team of impacts to natural resources as well as the historical significance of the dam. Our recommendations, which were accepted by the designers, included

- 1) photo-documenting the original features of the dam and filing the photographs at the New Hampshire Historical Museum in Concord,
- 2) modifying the design of a proposed downstream earthen buttress to leave the very top of the original dam's stone containment wall exposed, and
- 3) placing a historic marker describing the significance of the dam and Mendum's Pond in the greater story of the Newmarket Manufacturing Company.

submitted by Preston Samuel, Project Review Workgroup chair

## 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.
- 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.
  - o Send annual reminders to town managers and zoning boards that permits for the quarter mile corridors are required to be reviewed by LRAC.
  - o 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 workgroup to include proposed legislation affecting the rivers or create a separate workgroup to perform this function.

## By the Numbers: Project Review

Item Description	Count
major projects reviewed	10
average number of projects reviewed per year	16