

February 21, 2013

**NH Rivers Management Advisory Committee  
NH Lakes Management Advisory Committee**

Thomas Burack, Commissioner  
NH Department of Environmental Services  
P.O. Box 95, 29 Hazen Drive  
Concord, NH 03301-0095

Dear Commissioner Thomas Burack,

The NH Rivers Management Advisory Committee (RMAC) and NH Lakes Management Advisory Committee (LMAC) jointly submit to the NH Department of Environmental Services (NH DES) for consideration and adoption as policy the following attached document titled *“Joint Lakes and Rivers Instream Flow Committee Recommendations to the NH Department of Environmental Services for COMPREHENSIVE SURFACE WATER RESOURCE MANAGEMENT.”* As background, both of our Committees recognized that managing and protecting instream flow needs and lake level management can result in conflict, as became apparent in the Lamprey River instream flow pilot project. Historically in New Hampshire, the review and setting of lake level and instream flow needs has been Balkanized. A constructive pathway using a more holistic and watershed level approach is needed.

Our two committees formed a joint subcommittee to address this challenge, with excellent assistance and input from NH DES staff. After 4 meetings and one year of effort including the review of different approaches, the subcommittee presented a final document to our respective full Committees in January 2013, who then voted to forward the document to you for Department consideration. The recommendations in the report were based on input from the broad set of constituencies that constitute our respective Committees, are based on existing policies, regulations and legislation, and utilize the experiences gained from the NH DES’s Lamprey and Souhegan Rivers’ instream flow pilot studies. Each committee approved the seven principles and recommended that they be forwarded to you for consideration and adoption as NH DES policy when developing lake level and instream flow management objectives.

Our Committees understand that:

- 1) There are significant scientific and social issues inherent in river water flow management when lakes are involved;
- 2) The two instream flow pilot studies are an ongoing process and will be evaluated on completion, which may provide an opportunity for refinement of these recommendations;
- 3) The two instream flow pilot studies should be completed efficiently, but the current legislative requested extension should be the last extension request. This process has now been ongoing for many years.

- 4) The New Hampshire Water Sustainability Commission recently acknowledged that flexible and coordinated water management programs and practices should be designed and implemented to ensure that we have an adequate quantity and quality of water to support ecological and human health and economic activity. These recommendations we are submitting implement that guidance; they are not rigid nor do they attempt to make one size fit all circumstances.
- 5) Adopting these recommendations as policy is appropriate since the recommendations are based on existing regulations and legislation and they are intended to provide direction when there are perceived contradictions or conflicts between lake and river management objectives.

The RMAC and LMAC look forward to hearing from you and your staff on how the NH DES will use and adopt these recommendations before our next joint scheduled meeting in November or December of this year (date TBD). Thank you for your consideration.

If you have any questions please feel free to contact us.

Sincerely,

Kenneth D Kimball, e-signature

Wendell Berry, e-signature

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Enclosure

cc:

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