APDVD
Ashuelot Pond Dam
Village District

Ashuelot Pond Dam Village District
PO Box 105
Washington, NH 03280-0105

May 31, 2026

VIA EMAIL

InstreamFlow@des.gov
Wayne Ives
Watershed Management Bureau
New Hampshire Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095 and Instream Flow Team

Dear Mr. Ives and Team,

The Ashuelot Pond Dam Village District (APDVD) appreciates the opportunity to comment on the New Hampshire Department of Environmental Services (NH DES) Instream Flow Study presented in public meetings on March 24th and April 9th.

The Ashuelot Pond Dam is a 150-year-old municipal-owned dam which impounds a 368-acre waterbody in Washington, NH. The dam impounds the pond for residential recreational purposes and is supported by property taxes levied on over 470 taxpaying households and landowners around the pond. In addition to the regulatory framework underlying the Instream Flow Program, APDVD is subject to RSA Chapter 482 and associated NH DES Water Resources (Dam Bureau) regulations (Env-Wr 100–900).

We commend NH DES and the Instream Flow team for their commitment to preserving the long-term ecological health and vitality of our watershed. We support the overarching goal of balancing environmental protection with sustainable water resource management.

At the same time, we respectfully raise several concerns regarding the scope, methodology, and potential implications of the Study—particularly as they relate to lake systems and impoundments such as Ashuelot Pond.

Our concerns and the recommended follow-up on each:

- **The study's scope is narrow, almost exclusively biological impacts and with minimal focus on the lakes in the watershed, and put minimal focus on watershed user feedback.**

The report is overwhelmingly focused on riverine environmental ecosystems, with only 6 pages out of 274 (2%) devoted to other user impacts, those were recreational considerations and limited to on-river activity rather than on-lake activity[1].

The Study made seven references to the use of one-dimensional hydrological analysis, which is generally appropriate for river systems, but none for two-dimensional hydrology, which is generally more appropriate to capture the dynamics of lakes and their complex bathymetry.

It was stated in the March 2026 public meeting that the team scanned Ashuelot Pond, the largest lake in the watershed, for users to interview in October 2021 and found none. This is because October is when the pond's annual drawdown starts and is active, which makes it one of the worst times of year to find interviewees on the lake. No watershed homeowner feedback was considered.

Incorporation of lake impacts and user feedback is a *hard requirement* in the Study process. Instream Flow Rule 1904.02(c) requires the Study to consider the findings of the December 2015 "Report of the Instream Flow Pilot Program", which acknowledges the importance of lake stakeholder involvement upfront, indicating that the initial draft dam management plans

> "…were revised to address shorefront property interests and lake habitat [and] the Instream Flow Program applied limits to the maximum lake level change that could result from management…In developing the final management plans, a balance was sought between river and lake interests that would not compromise either's habitat or uses."

Also, the 2023 NH DES Environmental Fact Sheet "Instream Flow Management: Implications for Lakes" states that

> "each lake will be assessed for whether it can provide water to the river without significant negative impacts to the lake".

Greater consideration of lake user impacts belongs in the formal, upfront study which should be a comprehensive set of inputs to the plan development stage.

- **Concern about overreliance on dam action plans vs. water usage restrictions and also targeting dams at just the largest waterbodies.**

The Study and a review of the already active Instream Flow plans for other watersheds seems to rely heavily on dam actions rather than on water usage restrictions. The data on the river's registered large water users was not included in the original draft of the Study and certain data not considered because it was "restricted" by the state. More concerning, the Study considers a rather high amount of water consumption – 15% of river flows – by registered large water users as *de minimis* in the hydrology.

The currently implemented Instream Flow plans seem to favor dam action by just one or a few select impoundments. While this may be expedient, it does put those lakes at risk. This risk has

[1] Our use of the term "lakes" here and in the remainder of this document is intended to include ponds.

already manifested elsewhere in the U.S., where the reliance on just a few reservoirs to restore river flows seems to have taken a huge, possibly irreversible toll on such reservoirs[2]. Ashuelot Pond receives a substantial portion of its inflows from upstream lakes within the Ashuelot River watershed, including May Pond, Millen Lake, Long Pond, and Sand Pond. If the Ashuelot Pond Dam is mandated to have an action plan requiring relief pulses, it is appropriate that dams in its feeder lakes directly upstream should also receive mandates to ensure proportionate flows are also released by them.

Water usage restrictions, especially by large, registered consumers, need to be given real consideration. Dam owner action plans should not apply to just the largest impoundments.

- **Impact of pulsed releases on a shallow waterbody**

  While the surface area of our pond is the largest on the Ashuelot River, the average depth is only 8 feet. Moreover, a review of the Ashuelot Pond bathymetry map[3] indicates that the vast majority of the lake is less than 5 feet deep.

  Even modest active reduction in pond depth can accelerate summertime lake warming and heat-related water loss (with adverse cyclical effect). Last summer's drought conditions did have a significant effect on water levels around the pond, with reports circulating of boats scraping lake bottom and residents struggling to use community boat launches and private docks. Dam village residents are very aware of and sensitive to dam releases: the prospect of externally mandated dam releases, especially when flows are at their lowest, is particularly concerning.

  More study of these effects is needed and restrictions on lake level reductions will be critical.

- **Communication and cooperation**

  After assisting the Instream Flow team with hydrology tests with gate operations in 2025, APDVD asked the DES testing lead via email in late October 2025 to keep us informed about the project. In fact, Instream Flow Rule 1904.04(d)(2) requires that direct notice be sent to dam owners of the public meetings.

  However, no direct communication was made to APDVD about the public meeting and the APDVD Commission learned about the meeting with just 24 hours' notice from a community member.

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[2] From the Wall Street Journal, May 15, 2026 "The Colorado River Is on the Brink of Disaster". The article states "to make up for shortfalls, states pull water from the reservoirs, which serve as storage banks for the system. Drawing down reserves has taken a toll…the [two] biggest reservoirs in the basin have fallen about 75% from peak volumes."

[3] Available at https://nhfg.maps.arcgis.com/sharing/rest/content/items/9811cf44d21a4b36904c1f6bb7108183/data

Given the many impacts and given how much study has apparently been left for the Plan Development stage, it's critical that more and better communication occur regarding planning and eventually, post-plan actions.

The DES watershed teams must commit to ongoing communication and cooperation with key community stakeholder groups[4]. We welcome more information from the Instream Flow team on how the Plan process typically unfolds after the Study is deemed finalized.

- **Planning and implementation timing relative to dam work**

  APDVD has been working with engineers and the DES dam bureau on plans for dam construction and repair work in the coming years. Just as with Instream Flow planning ten years ago on the Lamprey River watershed, as a key impoundment for so-called "relief pulses", we note that this construction work may affect the dam's availability for these actions.

  APDVD will be in regular communication with the Dam Bureau about its work. The Instream Flow team can coordinate Plan efforts and construction conflicts with APDVD and the Dam Bureau.

We reiterate our appreciation for your efforts to ensure the continued beauty and viability of our environment and look forward to understanding more about how we can work together to develop a robust plan.

Sincerely,

Mike Collins
Gary Carney
Gary Mahaffy
APDVD Commissioners

[4] Including affected dam owners and lake associations and the other 18 categories of stakeholders in Instream Flow Rule 1904.04(d).